

nation by a rite. The Emperor Constantine, who baptized his soldiers en masse in a river, should have taught us a lesson. And a Bible verse a day will not keep immorality away. Indeed, it is precisely such a sugar-coating of religiosity that many young people are rebelling against today.

Secondly, Christians still need to have a clear understanding of what the Supreme Court's ruling said. The fact is that children can still pray in school and they can still read their Bibles. A teacher can read her Bible to the class for educational purposes. What the Supreme Court outlawed was state-controlled religious worship and requiring young people to worship in a way that was contrary to their consciences.

We have heard supposedly intelligent men say that children can no longer pray in school when they wish or that the Bible is outlawed in the classroom. This is not true.

Frankly, we think that Christian young people have even more opportunity to witness today than they did before. When the whole class was forced to bow in prayer, what did it mean for the Christian youngster to join in? Today those who name the name of Christ can have a distinctive witness in the classroom.

Thirdly, concerned Christians still need to approach the problems positively. Rather than condemn the Supreme Court, we need to explore fresh, creative ways of acquainting today's children with the Bible. And there are many ways that this can be done.

We would endorse the book *Religion Goes to School* by James V. Panoch and David L. Barr, which shows how the Bible can be brought into the schools on a legitimate basis.

We would also encourage churches to explore opportunities for released time and after-school programs for public school children in their areas. In many places the doors are wide open for this sort of ministry, but churches refuse (or neglect) to engage in it.

The last chapter in the "prayer and Bible reading in the schools" issue has not yet been written. Many states are grappling with the intricacies of the federal ruling in an

attempt to come up with a responsible alternative. Perhaps, sometime, some place, a solution will be found.

But we should never expect the public school to do the job that parents and churches must do. We've been passing the buck for too long.

COMMISSION ON CHAPLAINS,
NATIONAL ASSOCIATION OF EVANGELICALS,
Washington, D.C. June 4, 1969.

Mr. RUSSELL T. HITT,
Editor, *Eternity*,
Philadelphia, Pa.

DEAR SIR: Do we obey only the laws we like? You say, "Frankly, we don't see much difference between the fine folk in Connellsville (Pa.) and the bearded yuppies in Chicago last August." This should surprise no one who read your editorial in the June issue of *Eternity*, but the reflection is on your vision and understanding, not the "fine folk in Connellsville."

What "law" was violated when the people in Connellsville read their Bible and prayed in the public school? If the opinions of Thomas Jefferson, Abraham Lincoln, the president of the American Bar Association, and a host of other constitutional lawyers are reliable, a Supreme Court decision applies to the case at issue but is by no means the law of the land. Some politicians, misguided clergymen, magazine editors and a few jurists seem to think the Supreme Court can legislate laws, but they find no support for this in the Constitution.

Plessy v. Ferguson (separate but equal doctrine) was decided by the Supreme Court in 1896. The effect of that decision prevailed for many years but a man by the name of Brown out in Kansas refused to accept it as the law of the land. He used the same principle as the "fine folk in Connellsville" are employing and won his point from another Supreme Court in 1954. We hope the "fine folk in Connellsville" will be equally successful with a new Court now in the making.

You ridicule the "rite" of devotional exercises (supported by an overwhelming majority) and opt instead for the James Pan-

och and David Barr approach, whose book, like your editorial, devotes more space to defending the Supreme Court than to their announced subject. Panoch and Barr admit that according to the Supreme Court ruling any use of the Bible in school must have a primary secular purpose and effect unsullied by any religious objective. This deduces the Bible to the lowest common denominator, along with the Communist Manifesto for instances, and the Christian philosophy cannot be given a value any higher than the Marxist doctrine. A teacher who dares to claim superiority for Christianity is apt to be attacked by the vocal minority and compared with "the bearded yuppies in Chicago" for violating the rules.

"Secondly," you say, "Christians still need to have a clear understanding of what the Supreme Court ruling said." Shouldn't this also apply to editors? If children may (as you indicated) pray whenever they wish and the Bible has not been outlawed, then why do you criticize the "fine folk in Connellsville"? They are only reading the Bible and praying whenever they wish.

Were you sincere in your reference to the time "when the whole class was forced to bow in prayer"? If so, you were sincerely wrong. Mr. Justice Douglas said in the *Schempp* decision: "In these cases we have no coercive religious exercise aimed at making the students conform. . . . If it (coercion) be present, it has not been shown." In the New York case he said: "There is no element of compulsion or coercion in New York's regulation. . . ."

You will not find the above facts in *Religion Goes to School*. The questions they answer are the ones they originate, but Panoch and Barr are never guilty of vicious and unwarranted attacks on Christians for doing what "they were convinced was right," which you concede is the proper category for "the fine folk in Connellsville." Yet you do not hesitate to compare these with bearded yuppies willfully violating known laws and openly advocating violence.

Sincerely,

FLOYD ROBERTSON,
Assistant to the General Director.

HOUSE OF REPRESENTATIVES—Wednesday, June 18, 1969

The House met at 12 o'clock noon.

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

Be kindly affectioned one to another with brotherly love; in honor preferring one another.—Romans 12: 10.

Our Heavenly Father, as we enter the gate of another day may it be in the faith that we are working for Thee and with our fellow Representatives on behalf of our beloved country.

May Thy spirit have full sway in our hearts and in the hearts of our people. Let discord and division be removed, all dissension and discrimination be erased. Make us mindful that we are dependent upon each other, that we need each other and that we must learn to live together on these shores. Help us to respect the rights of others and help others to respect our rights.

Above all remind us that we are here only for a little while and one day will lay down our tools and stand before Thee. At that time may we be unafraid and unashamed because we have been faithful in our stewardship.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 123. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

MAYORALTY RACE IN NEW YORK CITY

(Mr. HAYS asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I was delighted to read in the morning press that the Republican voters of New York finally caught up with the mayor of New York City. I could have told them a lot about it, if anybody had asked me, when he was down here in the House. I do not know of any Member in the House in the 21 years that I have been here who did less and got more action in the press than he did. If you can find one single thing he did while he was down here worthy of merit, I would like to have it called to my attention.

THE OUTLOOK WAS NOT BRILLIANT

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

Mr. SYMINGTON. Mr. Speaker, I simply want, as an ambulatory member of the Democratic baseball team this morning, to congratulate the Republicans on their victory last night, and the fine team

they fielded, WILMER "VINEGAR BEND" MIZELL and perhaps eight others.

But, Mr. Speaker, there has been progress. Last year we lost by a score of 17 to 1. This year we lost 7 to 2. We have cut them down to size. Even Mr. MIZELL struck out only five batters, leaving open the question of what might have happened had he faced a sixth. I would like to close with three bits of advice to future Democratic batsmen, inasmuch as through trades and drafts we may lose a few.

First, on the fast ball I suggest that if you hear the ball hit the glove, it is probably fruitless to swing.

Second, in handling the curve, do not be alarmed by the noise. It is the normal sound of the landing gear falling into place.

Finally, if you have been standing there for 60 seconds and you have not noticed anything, perhaps you should walk with dignity back to the dugout. You are out.

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

Mr. SYMINGTON. I am glad to yield to the gentleman from New Jersey.

Mr. JOELSON. I would like to tell the gentleman that tradition changes very slowly here. The Republican congressional delegation continues to win ball games and the Democratic congressional delegation continues to win elections.

Mr. SYMINGTON. It is a consolation.

A WISE USE OF FUNDS

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

Mr. HARVEY. Mr. Speaker, I have never held the position that money is the instant cure for all our social problems. In the complexity and the variety of human situations, money may very well be a hindrance rather than a help. Very often the resources of the human spirit play an infinitely more important role in solving human problems than do the resources of the Federal Treasury.

But there are situations when a given number of dollars can produce a foreseeable result. When we are dealing with problems of organization and restructuring of air transportation facilities, there is no doubt a great role to be played by increased funds wisely used.

The President's message has realized this fundamental truth. The increase to \$250 million a year in the program for construction of airway facilities and equipment is an example of a wise proposal for the use of additional funds. Equally important is the proposal for financing of \$5 billion in new and expanded airport facilities in the next 10 years.

Of profound importance is the proposal that there be established a revised and expanded schedule of taxes, the revenues from which would be placed in a designated account in Treasury to be used only to defray costs incurred in the airport and airway program.

Here, as in so many of the admirable proposals made by the President, we see the wise and beneficial use of adequate

funds for social improvements. I applaud this message for its insight into the problems and solutions of this complex, difficult, and important field.

CODE OF ETHICS NEEDED FOR ALL JUDGES, INCLUDING SUPREME COURT

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

Mr. BENNETT. Mr. Speaker, the Judicial Conference of the United States, the policy and administrative arm of the Federal judiciary, has adopted a code of ethics and standards of conduct.

This code of ethics, banning outside fees and requiring disclosure, covers all Federal judges except U.S. Supreme Court Justices.

I am introducing today a bill providing for a code of standards for all Federal judges, following the recommendations of the Judicial Conference and requiring the inclusion of Supreme Court Justices.

The legislation prohibits a judge accepting compensation of any kind, whether in the form of loans, gifts, gratuities, honorariums or otherwise, for services performed except that provided by law for the performance of his judicial duties. However, the Judicial Conference may, on application from a judge, determine acceptance of compensation for the performance of services other than his judicial duties if those services are in the public interest and will not interfere with his judicial duties. Participation in a Judicial Conference or meeting would be an example of this exception.

Judges would be required to file annual reports of their investments and other assets held as well as a statement of income including gifts and bequests, from any source, identifying the source, and a statement of liabilities. The statements would be kept on file with the Judicial Conference and could be available for public disclosure as determined by the Judicial Conference.

There is a \$1,000 and/or 1-year penalty attached to this bill for violations of the act.

Mr. Speaker, this legislation is patterned after the resolution adopted recently by the Judicial Conference. I believe it should have the force of law and should apply to Supreme Court Justices as well as other Federal judges and that is the purpose of my introduction of the bill today.

DISPOSAL OF LEAD

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1647) to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, how are we coming out on this sale of lead? Are we going

to make any money out of it? What is the story?

Mr. PHILBIN. Mr. Speaker, the Government will make a small profit. We paid approximately 14.4 cents a pound for the lead originally, and the current price is 15 cents per pound so we will probably make approximately \$1 million on the sale.

Mr. GROSS. Mr. Speaker, do I understand lead is still being used to ballast ships?

Mr. PHILBIN. I have not heard that. Lead is urgently needed in industry at this time. There has been an increased consumption and a great demand, and there has been a somewhat reduced supply of lead on the market.

Mr. GROSS. If I read the report correctly, lead is used in some instances to ballast ships. I recall that after World War II, Henry Kaiser, among others, bought surplus freighters and in some instances recovered enough lead that had been used to ballast them to pay for the ships. I hope this lead is not going to be used for that purpose.

Mr. PHILBIN. To be candid with the gentleman from Iowa, according to our evidence, as we have said in our report, lead has been transferred in the past to the Navy for ballast of ships, but to what extent that practice continues I do not know. But we will look into that matter and advise the gentleman about it.

Mr. GROSS. What type Navy vessel is lead used for ballast?

Mr. PHILBIN. I believe that will be with reference to some classified vessels, but I could not discuss it now. That is my feeling about it. I will advise the gentleman fully about it after I make an inquiry and get full information.

Mr. GROSS. I thank the gentleman. Mr. Speaker, I withdraw my reservation of objection.

Mr. PHILBIN. Mr. Speaker, S. 1647 would authorize the disposal of 100,000 short tons of lead from the national stockpile and the supplemental stockpile objective for lead was reduced to zero by the Office of Emergency Preparedness in June 1963; consequently, the uncommitted inventory of 1,171,000 short tons of lead in the national and supplemental stockpiles is in excess of defense and strategic stockpile requirements.

The current market value of the 100,000 short tons of lead is approximately \$30,000,000. The average acquisition cost of the lead in the stockpile was 14.4 cents per pound and the current market price is 15 cents per pound.

The current shortage of lead began in mid-1968. The lead industry was affected by strikes during the second half of calendar year 1967 and early into calendar year 1968. Supply was also affected by the dock strikes at east and gulf ports which lasted until early 1969. Imports of ores for consumption dropped from 144,000 short tons in 1967 to 101,000 short tons in 1968.

The demand for lead increased substantially from 1967 to 1968. In 1967 U.S. consumption of lead totaled 1,260,000 short tons. In 1968 consumption amounted to 1,319,000 short tons. It is apparent that this increased consumption is continuing in 1969. Some of this increased demand was attributed to the re-

cent severe cold winter in the United States with its damaging effect on automobile and storage batteries and the consequent need for replacement batteries. Another factor has been the abnormally large shipment of battery replacements for operation of military vehicles in Vietnam.

Representatives of Government and industry testified they favored enactment of the original Senate bill which required disposal by negotiation or otherwise; however, they opposed the language contained in S. 1647 as referred to the House, which required disposal to the highest responsible bidder.

These representatives indicated that disposal of lead to the highest responsible bidder would be disruptive to the ordinary marketing of this material because it may upset the stable price structure of the material in the market and cause a market decline in price; the highest bid might be less than the market price; it might upset the distribution pattern in the market and cause distribution and price changes, and it eliminates the flexibility General Services Administration would have in its method of sale.

The committee, therefore, in amending the bill, as recommended by the General Services Administration and the Office of Emergency Preparedness, modified the language as contained in the amended bill, to more clearly define the manner in which General Services Administration would dispose of materials authorized for disposal under this bill. General Services Administration prefers to, and does, use competitive bidding procedures; however, there are situations in which the Administrator should have the authority to use other methods of sale if, in his judgment, sales by the public advertising method would not assure the protection of the United States against avoidable loss, or protect producers, processors, and consumers against avoidable disruption of their markets.

The subcommittee and the full committee were convinced that there is a severe shortage of lead in the domestic market and recommended immediate action on this bill, as amended, in order that further hardship may be alleviated.

In view of these urgent needs, I respectfully urge the House to take prompt, favorable action on S. 1647.

Mr. ARENDS. Mr. Speaker, reserving the right to object, I wish to concur in the remarks made by my distinguished colleague, the gentleman from Massachusetts (Mr. PHILBIN), who handled this matter before the Stockpile Subcommittee.

Witnesses who testified before the subcommittee strongly urged that this bill be acted upon as soon as possible in view of the severe shortage of lead in the current domestic market. The reasons for this shortage have been adequately expressed by our distinguished subcommittee chairman.

This bill was unanimously approved by the subcommittee and referred to the full committee. The full committee, in turn, acted favorably upon the subcommittee recommendation that the bill be favorably reported, with amendment.

I strongly urge the House to take favorable action on S. 1647, as amended.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

S. 1647

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, for sale to the highest responsible bidder, approximately one hundred thousand short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). The disposals authorized by this section may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.*

With the following committee amendment:

Strike everything after the enacting clause and substitute the following:

"That the Administrator of General Services is hereby authorized to dispose of approximately 100,000 short tons of lead now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

"Sec. 2(a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

"(b) The material covered by this Act may be disposed of without advertising for bids if—

"(1) The material is to be transferred to an agency of the United States;

"(2) The Administrator determines that methods of disposal other than by advertising are necessary to protect United States against available loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

"(3) Sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies."

The committee amendment was agreed to.

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

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO MEET TOMORROW DURING GENERAL DEBATE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may meet tomorrow afternoon while the House is in session during general debate but not under the 5-minute rule.

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

There was no objection.

CALL OF THE HOUSE

Mr. WYLIE. 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. 83]

Alexander	Gallagher	Olsen
Anderson, Ill.	Gialmo	Ottinger
Anderson,	Gray	Patman
Tenn.	Hansen, Idaho	Pollock
Ashbrook	Hébert	Powell
Ashley	Jacobs	Rallsback
Bates	Jarman	Reid, N.Y.
Brademas	Kirwan	Reuss
Burton, Utah	Kluczynski	Roberts
Carey	Landgrebe	Rosenthal
Celler	McCarthy	Scheuer
Clark	McClure	Stafford
Cramer	Mailliard	Stephens
Daddario	Miller, Calif.	Teague, Calif.
Denney	Miller, Ohio	Teague, Tex.
Dorn	Morse	Thompson, N.J.
Dwyer	Morton	Tunney
Edwards, La.	Nedzi	Udall
Foley	O'Hara	Wolff

The SPEAKER. On this rollcall 376 Members have answered to their names, a quorum.

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

PUBLIC HEALTH CIGARETTE SMOKING ACT OF 1969

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 further consideration of the bill (H.R. 6543) to extend public health protection with respect to cigarette smoking and for other purposes.

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 further consideration of the bill, H.R. 6543, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 1, ending on line 4, page 1 of the bill. If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. Public Law 89-92 (15 U.S.C. 1331-1339) is amended to read as follows:

"DECLARATION OF POLICY

"Sec. 2. It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1) the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

"DEFINITIONS

"Sec. 3. As used in this Act—

"(1) The term 'cigarette' means—

"(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

"(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

"(2) The term 'commerce' means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

"(3) The term 'United States', when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island.

"(4) The term 'package' means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

"(5) The term 'person' means an individual, partnership, corporation, or any other business or legal entity.

"(6) The term 'sale or distribution' includes sampling or any other distribution not for sale.

"LABELING

"Sec. 4. It shall be unlawful for any person to manufacture, import, or package for sale or distribution within the United States any cigarettes the package of which fails to bear the following statement: 'Caution: Cigarette Smoking May Be Hazardous to Your Health.' Such statement shall be located in a conspicuous place on every cigarette package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"PREEMPTION

"Sec. 5. (a) No statement relating to smoking and health, other than the statement required by section 4 of this Act, shall be required on any cigarette package.

"(b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are

labeled in conformity with the provisions of this Act.

"(c) Except as is otherwise provided in subsections (a) and (b), nothing in this Act shall be construed to limit, restrict, expand, or otherwise affect, the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes, not to affirm or deny the Federal Trade Commission's holding that it has the authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement.

"(d) (1) The Secretary of Health, Education, and Welfare shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) current information on the health consequences of smoking and (B) such recommendations for legislation as he may deem appropriate.

"(2) The Federal Trade Commission shall transmit a report to the Congress not later than eighteen months after the effective date of this Act, and annually thereafter, concerning (A) the effectiveness of cigarette labeling, (B) current practices and methods of cigarette advertising and promotion, and (C) such recommendations for legislation as it may deem appropriate.

"CRIMINAL PENALTY

"Sec. 6. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than \$10,000.

"INJUNCTION PROCEEDINGS

"Sec. 7. The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

"CIGARETTES FOR EXPORT

"Sec. 8. Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act, but such exemptions shall not apply to cigarettes manufactured, imported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

"SEPARABILITY

"Sec. 9. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

"Sec. 10. This Act shall take effect on July 1, 1969."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and 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 1, beginning in line 5, of the reported bill, strike out "Public Law 89-92 (15 U.S.C. 1331-1339) is" and insert in lieu thereof "Sections 2 through 10 of Public Law 89-92 (15 U.S.C. 1331-1338) are".

PARLIAMENTARY INQUIRY

Mr. ADAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMS. Mr. Chairman, if the amendments are adopted that are the committee amendments to the bill, then would amendments by Members be in order to those sections that were amended?

The CHAIRMAN. They would be unless they amended the committee amendment.

Mr. ADAMS. Mr. Chairman, that is what I was inquiring about. In other words, an amendment to the committee amendment would not be in order if that committee amendment were adopted.

Therefore, we would be required to offer our amendments which would go to the same section and the same language prior to the adoption of the committee amendment by the Committee of the Whole?

The CHAIRMAN. The amendments should be offered as amendments to the committee amendments when submitted.

Mr. ADAMS. Then, Mr. Chairman, on the first committee amendment, we have an amendment.

The CHAIRMAN. The first committee amendment is on page 1, line 6.

The question is on the committee amendment.

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 4, beginning in line 7, strike out "Caution: Cigarette Smoking May Be Hazardous to Your Health." and insert in lieu thereof the following: "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases."

The CHAIRMAN. Are there any amendments to the committee amendment?

AMENDMENT OFFERED BY MR. ADAMS TO THE COMMITTEE AMENDMENT

Mr. ADAMS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. ADAMS to the committee amendment: On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on the two widest sides of such package."

The CHAIRMAN. The gentleman offers the amendment as an amendment to the second committee amendment?

Mr. ADAMS. Yes, Mr. Chairman. That was the reason why I made the parliamentary inquiry, to be certain that an amendment which was a change in the language of the actual label itself, on the positioning of the label, would not be passed by and be out of order if the committee amendment were adopted.

Mr. WATSON. Mr. Chairman, I make the point of order that the amendment to the committee amendment is not in order, inasmuch as it does not directly

relate to the new language of the committee amendment.

The CHAIRMAN. The Chair will state that this amendment to the committee amendment No. 2 can be offered subsequently, without jeopardy.

Mr. ADAMS. Then, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

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 5, line 4, strike out "not" and insert in lieu thereof "nor".

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, strike out line 23 and insert in lieu thereof the following:

"TERMINATION OF PROVISIONS AFFECTING REGULATION OF ADVERTISING

"Sec. 10. The provisions of this Act which affect the regulation of advertising shall terminate on July 1, 1975, but such termination shall not be construed as limiting, expanding, or otherwise affecting the jurisdiction of authority which the Federal Trade Commission or any other Federal agency had prior to the date of enactment of this Act."

"Sec. 3. The amendment made by this Act shall take effect on July 1, 1969."

AMENDMENT OFFERED BY MR. TIERNAN TO THE COMMITTEE AMENDMENT

Mr. TIERNAN. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN to the committee amendment: On page 7, line 4, strike out "1975" and insert in lieu thereof "1972".

Mr. TIERNAN. Mr. Chairman, my amendment will simply change the period for the enactment of this act from 1975 to 1972.

If Members have taken the time to read the bill, on page 5 we would require the Secretary of Health, Education, and Welfare to report to the Congress not later than 18 months after the effective date of this act.

In that section it requires, first, the current information on health consequences of smoking; and second, such recommendations for legislation as he may deem appropriate be sent to us within 18 months after the effective date of this enactment. Also on page 5 it requires the Federal Trade Commission to transmit a report to the Congress not later than 18 months after the effective date of this act as to the effectiveness of the cigarette labeling; second, the current practices and methods of cigarette advertising and promotion; and third, such recommendations for legislation as it may deem appropriate.

Mr. Chairman, I suggest to the Members that since we have heard quite a

bit of talk with regard to the efforts of those in favor of this act to have further medical research made and further funds appropriated for that purpose, it is incumbent on us, I believe, to change the length of time that this bill will be on the statute books from 1975 to 1972. This will give the Secretary of Health, Education, and Welfare and the Federal Trade Commission an opportunity to study the effects of the current practices of advertising and report back to us and it will put us in a position to enact legislation in accordance with their findings. This I believe is most important because what we are really doing here is tying the hands of Congress if for any reason we should find that there are certain consequences, whether or not the findings are, that, in fact, cigarette smoking is not injurious, as some would propose, or in fact that it is a very grave and serious threat to the health of the people of this country. So I suggest to you that this amendment is one that is most helpful in protecting the prerogatives of the House. It will continue to keep this matter under the scrutiny of our committee and of the House as a whole.

Therefore, Mr. Chairman, I move the adoption of my amendment to the committee amendment.

Mr. DEVINE. Mr. Chairman, I rise in opposition to the amendment.

The committee has already compromised with reality by placing an expiration date in this legislation. The fact of the matter is there should be no expiration date at all. This was the position which this House took when the Cigarette Labeling Act was passed in 1965; and there was good reason for it then, and there is good reason for it now. The other body placed an expiration date in the bill, and the reason that the act expires on July 1 of this year is due to a compromise made in conference between the two bodies in 1965.

My reasons for stating that the bill should extend the law indefinitely are, first, one Congress cannot bind the next; second, that Congress always has the authority to change or otherwise modify a law which it has passed, if new circumstances dictate that it is in the public interest to do so; and, third, that in the absence of new and compelling evidence or a change of circumstances, it is wasted effort and foolish labor for Congress, the committees, the agencies, and all others interested in legislation to go through the arduous and time-consuming legislative process.

Mr. Chairman, it should be obvious to all that whenever scientific research produces findings of sufficient importance, whether for or against cigarette smoking, Congress on its own initiative may repeal, modify, or otherwise amend this legislation.

Also, this bill would continue the requirement for annual reports to the Congress from the Secretary of Health, Education, and Welfare on smoking and health developments, and from the Federal Trade Commission on cigarette labeling and cigarette advertising. In addition, both the Secretary and the Commission are authorized to make recommendations for legislation to Con-

gress; therefore Congress is automatically provided with current information upon which it may base reconsideration of this entire matter. Any automatic expiration date provides, on the one hand, an excuse to delay reconsideration, even though new evidence may dictate the need for it prior to the expiration date. On the other hand, the requirement for Congress to legislate periodically in this area becomes a loaded gun pointed unfairly at Congress, the committees, the agencies, and all those affected by this legislation, placing upon them the heavy burdens of committee hearings and prolonged debate and discussion on the floor.

Surely we have more important matters now, and we will continue to have more important matters to attend to in the future, than to go through the repetitious exercise of extending laws already on the books, where, as the committee in this case has stated, there are no real changes in circumstances.

On this particular point, let me say that we were notified in a public statement by Health, Education, and Welfare Secretary Finch in April that he has commissioned a review of the gaps in smoking and health research information by a distinguished group of research scientists. That work is now in progress. It may well lead to a "blueprint" of work needed in this area. It is impossible to say today that at any certain date in the future a further review of this legislation by the Congress will be timely or in the public interest.

Any effort to lessen the effective period of renewal of the law as recommended by the Commerce Committee should be defeated.

Mr. MOSS. Mr. Chairman, I rise in support of the amendment.

I am now serving my 13th year on the Committee on Interstate and Foreign Commerce. During that time it has become the custom of the Committee on Interstate and Foreign Commerce in all of its legislative enactments to require termination in 3 years in order that the committee shall retain effective jurisdiction and will consciously undertake to review its actions.

To me the only question I can recall at this moment is the act which expires on the 30th of June, the Cigarette Labeling Act which was passed in 1965 by an overwhelming majority.

Now, Mr. Chairman, tradition is involved, a carefully considered tradition is involved which will be violated by the extension of not 3 years but 6 years. Why are we being urged to give to this situation this unusual consideration? Is it because the public interest is being served? I cannot believe that is true.

Is it because of the underlying questions which have not been settled? Obviously, that is not the reason because the committee directs that reports be made to it and that recommendations be made to it by cognizant agencies of the Federal Government. But, it is convenient for the industry. If this is to protect the bill in its present form, it is my carefully studied opinion that this 6-year period is justified. But if it is a bill to serve the public interest, the tradition established

in the committee, one deliberately established, should be respected.

Therefore, Mr. Chairman, the 3-year period should be established through the adoption of the amendment which has been offered by the gentleman from Rhode Island (Mr. TIERNAN).

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

Mr. Speaker, I rise to speak in opposition to the amendment. I shall not take my full 5 minutes. However, I would like to point out that in my opinion it is entirely consistent with tradition in our committee and for this Congress to continually and periodically review ongoing programs every 3 years so we may have some degree of control over their operation and their progress in order to know where we are going.

However, I think the situation is entirely different in this kind of legislation which does not deal with any type of program whatsoever.

I am confident that in a review of the legislation which Congress has enacted in the past similar to this, the record will disclose that this provision is unique indeed.

What we need in this Congress are the facts on smoking and its effect upon health. We do not have those facts as of today.

I am confident in my own mind that this House and this Congress at any time such facts are developed, will insist upon a change in this law and the provisions contained in this bill. In other words, we will come back then and make the changes justified by the facts then existing. I do not believe there is any need for a cutoff date whatsoever. I certainly do not think that by reducing it from 1975 to 1972 is justified at all.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this is one of the committee amendments to this bill and it is one of those on which this Congress will be judged. We have in this bill said that we will now allow any Federal agencies that ordinarily deal with public health matters in the United States to deal with the subject of the advertising of cigarettes for a period of time of 6 years. This gentleman happens to think that we should at least have all advertising try to tell the truth and try to give the public the best information that the health authorities of the United States can give with regard to products that are sold generally.

In this bill, if it is passed, we will prevent them from doing that. To me it is monstrous that we will do this for 6 years. This goes beyond not only this Congress but the next Congress and the Congress beyond that and elected through a national election for President.

What will happen if during this period of time, at the end of 18 months, we received a report and that sets forth in the report additional reasons why there should not be advertising of cigarettes in the manner in which they presently are advertised? If this should happen

we will be faced with the fact that a bill has been passed that prevents us from doing anything, and prevents the FTC and the FCC from doing anything.

The chairman mentioned yesterday a very important factor in this House, which is review of committees, and that we should review what the FCC does, and we should review what the FTC does so that these committees and these agencies do not tend to move out from under us.

In this case, if we pass this bill for 6 years we have effectively removed any communication between Congress and these agencies for that period of time.

That is not review. That is not operating on the problem. It is not operating on the agency. It is not carrying out the dialog that I believe the people of this country expect. Around this country a number of people are watching today to see what Congress will do with this bill that I believe many Members feel is a little bill that involves maybe just an industry, and why are we complaining about it?

Well, there is a great deal more involved than that. The thing that is involved is whether or not the Congress of the United States is going to go to the people and say "We will maintain our function. We will maintain our representative relationship between your health hazards and the various industries within the United States." If we give this away for 6 years, we are in effect saying we really do not believe that we should review things more often than every 6 years, even though we are elected every 2.

The principle that is involved in this amendment goes far beyond the merits of the bill itself. It goes to the very operating procedures of the Congress, and those operating procedures of the Congress are oversight as well as legislation.

What good is it going to do to have the Secretary come in in 18 months and make a report, and then come in in another 18 months and make another report, and have the FTC come up, and have the FCC come up, when the bill has already been passed for a 6-year period? In the history of the Committee on Interstate and Foreign Commerce we never go beyond 3 years on legislation dealing with matters where we review agencies. This is unique. In fact, this bill itself is unique of all the bills that we consider. This is the only bill that I know of where we go to a Federal agency—and in this case we go to four of them, the Federal Communications Commission, the Federal Trade Commission, the Surgeon General, and the Department of Health, Education, and Welfare—and we take them out of the regulatory field so they cannot regulate in the manner in which they ordinarily would, and not only do it for 3 years, but do it for 6 years.

Mr. Chairman, I hope the Members of this House will vote for the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) and reduce the provisions of this bill to 3 years.

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

Mr. Chairman, I had not intended to speak on this amendment, but inasmuch as my friend from Washington has called this a key amendment, I believe it might be helpful if I were to say just a word or two.

On the basis of the few years that I have served on the committee—and I cannot boast of having served on the committee as long as the gentleman from California, who has been on the committee for many years—but the longer I stay on that committee I can tell you quite frankly, the more I appreciate the complexities of this legislation and other measures coming before our committee.

The gentleman from California is correct as to tradition basically and as a policy of the committee generally to stick to a 3-year period, but a 3-year period so far as authorizations are concerned—not 3 years so far as the life of the program.

Now we do not restrict any program to 3 years in our committee. Air pollution and these other programs, the gentleman knows full well that they are continuing programs and they are not restricted to 3 years at all, except as to a review of authorizations. There is no money appropriated in this bill.

But the main thing we should bear in mind is that our hands are not tied by this date of 1972 or 1975 or whatever you make it. This body can repeal or amend this act, should it become law, at any time the state of the knowledge on the subject changes.

Just as certainly as the Secretary of HEW or anyone else comes in with some new evidence in this important area, this committee and this House can move immediately whether it is next month, next year or whether it is 1 year or 2 years or 3 years from now. Our hands are not tied and we cannot tie the hands of another Congress.

Another thing that we hope you will bear in mind is that we had the same arguments advanced at the time that we debated the bill in 1964.

What we are trying to do here now is to give the Secretary of HEW, and incidentally he is calling for surveys to study this in conjunction with the AMA and the Tobacco Institute to try to find out if there is any direct link between smoking, lung cancer, and these other diseases.

Why should we have to plow through this same ground every 2 years or every 3 years? Let us have a little breathing room here. Our committee is a busy committee, as other committees are. We just spent 13 days and had some 1,800 pages of testimony on this particular matter.

Let me reemphasize that your hands are not tied with this 1975 date. We can change it if the state of the art or the state of the knowledge on this matter changes tomorrow or next month or next year. We can come right back here and change this particular legislation.

So as I said initially, you are not tying your hands whether you make the date 1975, 1976, or 1977. Let us leave the date as the committee in its wisdom, after many hours of debate, decided by a vote of 22 to 5 for the date of 1975.

Mr. HICKS. Mr. Chairman, I make

the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety-four 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. 84]

Alexander	Fulton, Tenn.	Morton
Anderson, Ill.	Gallagher	Nedzi
Anderson, Tenn.	Garmatz	O'Hara
Ashbrook	Gray	Olsen
Ashley	Grover	Patman
Bates	Hanna	Pike
Brademas	Hansen, Idaho	Pollock
Burleson, Tex.	Hébert	Powell
Burton, Utah	Heckler, Mass.	Railsback
Bush	Jarman	Rees
Carey	Karth	Reifel
Casey	Kirwan	Reuss
Clark	Kluczynski	Roberts
Clay	Kuykendall	Smith, Calif.
Cramer	McCarthy	Stafford
Denney	McMillan	Stephens
Dorn	Mailliard	Stratton
Dwyer	Miller, Calif.	Thompson, N.J.
Edwards, La.	Monagan	Tunney
Foley	Morgan	Wilson, Bob
		Wolf

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having assumed the chair, Mr. BROOKS, 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. 6543, and finding itself without a quorum, he had directed the roll to be called, when 369 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 question is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) to the committee amendment.

The question was taken, and the Chairman announced that the yeas appeared to have it.

Mr. TIERNAN. Mr. Chairman, I demand tellers.

PARLIAMENTARY INQUIRY

Mr. WATSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WATSON. Mr. Chairman, does the vote occur now on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) to the committee amendment? Is that what we are voting on?

The CHAIRMAN. The Chair will state that the vote is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN) to the committee amendment.

Mr. WATSON. In other words, Mr. Chairman, we are voting on the amendment to the committee amendment?

The CHAIRMAN. The Chair will state that the gentleman is correct.

Tellers were ordered, and the chairman appointed as tellers Mr. TIERNAN and Mr. FRIEDEL.

The Committee divided, and the tellers reported that there were—ayes 87, noes 114.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. MOSS

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

The Clerk read as follows:

Amendment offered by Mr. Moss: On page 2, line 7, immediately before the semicolon insert "and in any cigarette advertisement or promotional material".

Mr. MOSS. Mr. Chairman, the amendment before you now is in every sense the most important which will be offered to this legislation. I point out that the committee has adopted, as did the Congress, a label which makes a finding that the use of cigarettes is dangerous to your health, and that label is proposed to be placed upon the package of cigarettes but upon no other media of advertising or communicating with a user or a prospective user.

If it is a fact—and it appears to be the consensus here—that the use of cigarettes is dangerous to health, then it is my firm conviction that a responsible committee will require that notice be contained in every single advertisement or promotional offering brought to the attention of the American public. There are literally thousands of radio and television commercials every day, and there are many pages of attractive ads in every media of communications in this country every day. They are brought forcefully to the attention of the young men and women of this country who have not yet started to use cigarettes.

I am perfectly willing to write off those who have already become the slave of the smoking habit. But I am most anxious that we do all within our power and all appropriate in the exercise of governmental power to alert succeeding generations to the fact that they should not take that first step, that it is dangerous for them to do so, and this amendment would require that that warning be placed on every advertisement made.

It does not act in prejudice to one media as opposed to the other. It treats all of them alike, and I think that any other body which had the overwhelming evidence of adverse impact upon health would be required to be labeled.

I know all the pleas that are going to be made that this is finally going to injure the small tobacco farmer. You would be surprised the burden the small tobacco farmer has borne in these hearings. You would forget, if you were to be present or to review the testimony, that the small tobacco farmer has not been as visible at any time as the very large and influential and powerful Tobacco Institute.

The Members will be told about the testimony of distinguished members of the medical community before the committee—and every one of them who came and testified contrary to the clear conviction of the majority of organized medicine came there under the sponsorship of the Tobacco Institute.

I said yesterday that we had a basic question to resolve here today: Is this label designed only to protect the industry against liability because of the nature of their product, or is it designed

to inform and protect the American consuming public?

I think the latter is by far the more worthy objective of this Committee today. I hope the Members will adopt this amendment and live up to their responsibilities.

Mr. WATSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is true, as my friend the gentleman from California said, that perhaps this strikes at the very heart of the problem we are wrestling with, namely whether or not we shall require the advertisements to include the same warning as we would have mandatorily placed on the package of cigarettes.

Mr. Chairman, I think there are at least three compelling reasons for us to reject this amendment. First, what other legally manufactured product in the United States is required to advertise that their product is no good and the product might kill a user? That is No. 1. If it is legal to manufacture the product it is legal to advertise it.

If we are really concerned with the life and health of our citizens then what about the thousands upon thousands who die in automobile accidents as a result of people driving under the influence of alcohol? As a matter of fact, testimony before our committee was that in 40 percent of the cases where the condition of the driver was determined, the drivers were found to be driving under the influence of alcohol.

Assuming those who oppose cigarettes—and many of them are in favor of outlawing cigarettes altogether, but supposing everything they contend is true, that it causes lung cancer and it causes emphysema, and it causes fallen arches, and all the rest of it—the individual who does smoke brings harm only to himself. But what about those who drink beer and other alcoholic beverages and then get out on the highway behind the wheel of a car? They not only injure or kill themselves but kill or injure innocent people. Is there any clamor to bar them or to ban advertising as far as the intoxicating beverages are concerned? Let us be fair about the proposition.

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

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

Mr. TEAGUE of California. Mr. Chairman, my doctor tells me I have a cholesterol problem. As a result, I should not consume eggs or milk or ice cream or bacon or dairy products. So I am confirming the point the gentleman is making. Why should not these products have the same label on them as to their danger?

Mr. WATSON. The gentleman from California is correct. Where do we stop? If we begin here, then we open Pandora's box, and we have to treat other problems exactly alike.

The second reason, aside from being unfair and an abridgement of free speech, it is a totally impractical requirement.

Suppose there is only a spot announcement of 15 seconds or so duration. What would you do? Would you have a company say, "I would walk a mile to smoke

a Salem," and then immediately have them say, "The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases"? Is that what you propose the industry do—spend more time degrading its product than trying to sell it?

Let us be practical.

Even the Chairman of the Federal Communications Commission himself stated before the committee that if we pass this amendment for all intents and purposes we are barring the advertising of any cigarettes. What company is going to pay to have an advertisement which would tell the American people, "My product will kill you"?

Finally and most important, in my opinion, this amendment is not necessary. Even Dr. Daniel Horn, the head of the National Clearinghouse for Smoking and Health, Public Health Service, stated both in New York and before our committee that we could shout from the rooftops, "smoking is harmful," and would not be telling anybody anything that they did not know.

If Members are still in doubt, there was a survey taken June 9 by the Public Health Service. They asked people about this very question. The survey revealed that 90 percent of those who responded said they were aware of the fact that smoking perhaps may be hazardous to health.

Yes, my friends, this is the crucial question. Do you want to single out this industry for discriminatory punishment while beer, wine and other producers can continue on their merry way? Treat all alike in the interest of fairness.

Let me plead with you. Reject this amendment. It is absolutely unnecessary.

Mr. ADAMS. Mr. Chairman, I rise in support of the amendment.

This amendment would allow the advertising of cigarettes to be handled as other products are handled. I believe the House should realize that what is done with cigarettes is unique when compared to any other product in America.

The gentleman mentioned eggs, butter, milk, and similar items. They have a redeeming feature to them, in that people have to eat them in order to live.

There is no known redeeming feature to cigarettes, and I do not know of anybody who came before the committee who said one either had to have them to live or that they were good for a person.

I hope that some of the Members will have the opportunity to read the hearings which took place last week. The code authority of the broadcasting industry—and this comes from memoranda, not testimony of the witnesses but memoranda—examined the problem and said this:

Cigarette Advertising Guidelines—SH—

"SH" stands for Mr. Helffrich—

opinioned that the current policy at the subscriber clearance offices was serving to weaken the cause of cigarette advertising self-regulation. Some of the current and proposed American Tobacco commercials were noted (see report of November 21 meeting with American Tobacco) as examples of the erosion there is taking place in terms of

the type of representations being approved by network clearance offices.

The report itself goes on to point out that cigarette advertising in and of itself is directed toward and effective on young people. Its purpose is that. It does not have a purpose to say, "This is a package. There are so many cigarettes in it. This is how much it costs. This is what it looks like. This is where you can get it." Its whole purpose is to promote it in terms of sale: "This is how you can be an adult. This is a hero figure. This is how you can be the romantic figure of your particular desire."

Now, all we are saying in this amendment is that this bill should allow the health authorities to put on the advertising the truth of the matter regarding the product.

The gentleman mentioned other products. The reason that cigarettes are unique is that no other product in their circumstance advertises or even tries to advertise. Liquor does not go on television and it never has because of the very risks of having to be labeled. Prescription drugs do not go on television because of the problems of labeling involved. Other products such as analgesics do not, either. Many of you will remember what they did with Carter's Little Liver Pills, which is far less than they propose to do with cigarettes. They said, "You cannot call them Carter's Little Liver Pills because we do not know whether they do help the liver. You will have to call them Carter's Little Pills." Now, that is the normal regulatory pattern of the Federal Trade Commission, the Food and Drug Administration, and the FCC and all the rest. We have singled out cigarettes and said "Because it has started advertising you must let it continue to advertise and you must let the ads continue and not let the regulatory agencies operate on them."

The amendment offered by the gentleman from California basically says "Treat cigarettes like we do everything else." I hope that the Members of this House will vote for the amendment.

You will notice the type of amendments we are offering. No one has said, "Ban cigarettes," and no one has tried to say that we will go to some kind of prohibition. All we are saying is treat cigarettes as we do other products and, for goodness sake, tell the American people what the truth is as best we know it.

I hope you will support the amendment.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there are many of us who feel that the FCC and the Federal Trade Commission went too far at the outset. We feel that they discriminated against a lawful commodity. This amendment would magnify beyond reason and fairness the discrimination already unwisely being practiced by requiring that any commercials on television or radio be paid for by the advertising concern and carry all the proscriptions and recitations that may be subscribed to by the Surgeon General or by Congress. We are establishing a dangerous precedent which could on the same

lame logic be extended to such products as milk because of its cholesterol content.

No commodity, no legal commodity, in existence in this country has been discriminated against to this extent and it has never been proposed to discriminate against a lawful commodity to this extent. The Federal Communications Commission provides for fair time, but to require anyone to pay for the advertising of somebody else I submit to this Chamber is altogether unfair and discriminatory.

In my opinion this House acted wisely in extending this legislation for 6 years and I will tell you the reason why. We have considerable research going on in all of the tobacco laboratories in this country with the hope that real hard facts and reliable scientific data can be provided upon which we can properly resolve such issues as are presented here today. To attempt to resolve them on the sketchy information available would be reckless and would in fact do serious damage to the millions who are employed in this industry.

In the district I am privileged to serve we have some 18,000 growers and we have many hundreds of thousands of people who are dependent upon this industry. I will say in all fairness, permit the industry, permit the growers, permit the health people the time necessary in which to work out this problem and to ascertain the true facts. But let us not proceed in an impassioned, unreasoned, and discriminatory way to destroy an industry that is presently contributing to the economic well-being of millions of American people. Let us not discriminate to an extent that has never been practiced against any other commodity or industry.

Mr. Chairman, I am hopeful that the Committee will vote down the amendment.

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

Mr. Chairman, I rise in support of the amendment. I shall not use the entire 5 minutes allocated to me but I take this time to pose a question to the author of the amendment, the gentleman from California (Mr. Moss).

I was somewhat persuaded by the gentleman from Kentucky who just spoke about us being fair to tobacco and not treating it differently from any other commodity. However, as I understood this bill, it was to treat tobacco quite differently with respect to the powers which the regulatory agencies have over it; is that correct?

Mr. MOSS. Mr. Chairman, if the gentleman will yield, I can think of no other product which is exempted from the jurisdiction of the Federal Trade Commission in its marketing practices.

Mr. CORMAN. As I understand the phraseology that we are discussing here, it has already been determined by the committee that it must be put on the package; is that correct?

Mr. MOSS. That is correct.

Mr. CORMAN. Then, what you are asking us to do is not only place it on the package but place it in the advertising?

Mr. MOSS. That is correct.

Mr. CORMAN. As I understand it, a

substantial amount of money is spent to tell people about tobacco. It is the purpose of this amendment that this phrase which this Congress thinks ought to be on the package should also be included in the advertisements; is that right?

Mr. MOSS. Over \$300 million a year is spent in advertising cigarettes.

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

Mr. CORMAN. I shall be glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Can the gentleman tell the Members of the Committee any other commodity where either the Congress or any Federal agency has prescribed what must be stated in its advertising?

Mr. ADAMS. Mr. Chairman, will the gentleman yield to me at this point in order to respond to the question which has been posed by the gentleman from Kentucky?

Mr. CORMAN. I am glad to yield to the gentleman from Washington.

Mr. ADAMS. If you wish to go down the list of all drugs that are sold, including analgesics, iodine, and through the entire spectrum, there is required to be a warning on those products and all contain a Federal hazards label. The same is true of products that you wear—if they are dangerous, if they will burn; they are so labeled. The same is true of products that you eat and the same is true of all types of products that have a danger connected with their use.

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

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

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. I just wanted to point out that the Federal drug law only goes to the regulation of counter-irritants which can be listed in each advertisement on various pharmaceuticals, but the advertisements have to be true in every particular, and the substance advertised has to do what is claimed for it. But I am saying that the problem that we have under the Federal labeling system covering products such as fly killer, iodine, and other substances that could in any way jeopardize health, must be labeled as being hazardous and poisonous, and may not be marketed without such a label.

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

Mr. CORMAN. If I may make one comment, and then I will be glad to yield to the gentleman from Kentucky.

Mr. Chairman, I plead my own lack of expertise in this field. I wish we had left the whole matter to the regulatory agencies, but it is a fact that we took it away from them, and because of that I believe we owe an obligation to the public, and that is why I believe it was such a tragedy to treat this one product differently from all others that the consumers use.

Now I will yield to the gentleman from Kentucky.

Mr. PERKINS. I thank the gentleman for yielding, and I concur that the purpose of the regulatory agency is to protect the public interest where the public interest is involved. But here we have—as I am sure the gentleman well knows—

an equal time provision for the FCC, and that provision certainly applies, but the amendment proposes to go far beyond that. But there is no other commodity where we require the advertising agency to pay for any prescription that may be written by the Congress. Am I correct?

Mr. CORMAN. I will say to the gentleman from Kentucky that the gentleman has just hit it right on the head. This is the only product that we in the Congress try to regulate.

Mr. MOSS. If the gentleman will yield, there is not a requirement for equal time in broadcasting. There is a requirement for fair treatment, and it runs at a ratio of about one antismoking advertisement to three pro-smoking advertisements, and it does not go into the printing media at all because there is no equal time required.

Mr. PERKINS. Mr. Chairman, I will accept that correction that the test is "fairness" and not equal time.

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

Mr. CORMAN. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding. I think there should be clarification of the statement made by the gentleman from Washington.

As I understood the question, it was asked what other products are labeled by specific instructions provided by the Congress.

Mr. PERKINS. That is correct.

Mr. COLLIER. A number of products were listed. Would the gentleman tell me where in the Federal statutes this is prescribed on other products or those he listed a moment ago?

Mr. CORMAN. Mr. Chairman, I do not yield any further, because I want to clarify the RECORD, and that is that this is the only product that Congress has taken unto itself the authority to regulate. We do not regulate any of the others. We just do it for tobacco.

This is the only one we have taken over ourselves. The others are done by the regulatory agencies.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I want to say that I do not question the intent of the gentleman who offered this amendment. We have had long discussions in our committee about it, but I opposed the amendment then, and I do now, primarily on the basis that it just simply is not practical; it is too broad to say to the tobacco industry, or the media, that you have to put this label on all advertisements. It is not reasonable. You simply cannot require this on little spot announcements, or on TV spots, or a small one-column ad in the newspapers, or the novelty advertisements, or throughout the entire advertising media. We might later find some wording for an amendment, Mr. Chairman, that would allow the publication of a label in either the printed word or on the TV, or the radio media. I offered an amendment

such as that in committee. This was voted down.

I find it a very difficult matter to come up with wording that would really be fair to both the tobacco industry, the media, and the public as a whole.

But simply to say that this label would be required in all advertising or in all promotional material is just not being practical or reasonable about it.

For these reasons I think, Mr. Chairman, it would be far better that we vote down this particular amendment and perhaps reserve the time later when we might examine an approach to make a different, right, and proper move.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. BROWN of Ohio. I would like to ask a question of the author of the amendment.

As I read the amendment, it says that this statement that the committee has indicated should be on all cigarette packs must be in all promotional material of cigarette or tobacco products.

Would this apply to the promotional effort of the Federal Government to export tobacco abroad?

Mr. MOSS. The gentleman knows it is not. Why, I do not know. We have asked that question and there is a specific exemption in the act for tobacco exported abroad unless it is exported for consumption by American Armed Forces.

Mr. BROWN of Ohio. So I am to understand that the Government wants to discourage consumption of tobacco so far as Americans are concerned, but it wants to promote the export and use of tobacco abroad; is that correct?

Mr. MOSS. The country importing from the United States would be free to impose whatever type of requirement or label or warning its law making body deemed appropriate to protect the interest of its citizens.

Mr. BROWN of Ohio. I ask the gentleman the question only in the interest of consistency. It seems to me it is a little illogical for us to try to limit domestic promotion and advertising of tobacco and, yet, to go ahead and spend \$28 million a year trying to promote foreign exports of tobacco to other countries.

It seems to me Uncle Sam should have to get on one side of the issue or the other.

Mr. PICKLE. The gentleman from Ohio does raise a good question because of the wording, no matter what the gentleman intended, goes or applies to all promotional matter and advertising, including the very point the gentleman from Ohio mentioned. This is just another example of why this is too complex for us to deal with in this way. That is why I am opposed to this amendment.

Mr. ROONEY of New York. Mr. Chairman, I move to strike out the last word and rise in opposition to the pending amendment.

Mr. Chairman, I happen to know something about this subject, and, as they say, I learned about it the hard way. For over 40 years I smoked the same brand of cigarettes, in later years as many as three packs a day. Finally, in April 1966, the fine doctors and surgeons the U.S.

Navy has at the Bethesda Naval Medical Center found that I had a large-sized tumor on the upper lobe of my right lung. They removed the upper lobe of my right lung. I shall always be grateful to them, the nurses including Miss Irene Sullivan, the corpsmen, and all the personnel.

Thank God, the tumor was not malignant.

But I am also grateful to the surgeons for not removing my use of reason. Because I gave up smoking cigarettes, and I have to admit that I have felt good ever since, is no reason why I should help to scuttle an entire important industry and put thousands and thousands of people out of employment. I have had many friends who have had similar lung operations and did not survive them, who never smoked a cigarette in their lives.

So, Mr. Chairman, I am opposed to this pending amendment and I am certainly going to vote against it.

Mr. HORTON. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I rise to say something that a constituent of mine cannot say.

Many of you perhaps have read the condensation of an article that appeared in the Christian Herald by Hugh J. Mooney which was reprinted in the Reader's Digest.

Mr. Chairman, I would like to read this statement by this constituent of mine and then read to you a letter he wrote to me, because I think we should hear from those people who have been afflicted by cancer as a result of smoking.

The article referred to is as follows:

WHAT THE CIGARETTE COMMERCIALS DON'T SHOW: HERE'S THE REALITY OF CANCER COUNTRY—PICTURED BY ONE WHO HAS BEEN THERE

(By Hugh J. Mooney)

In cigarette country, television commercials show two or three handsome, rugged cowboys on beautiful horses. Or there are sports cars, planes or scuba gear. The scene is always one of clean, windswept health. The people have a look of supreme confidence; the lovely girls all smile.

I know another country. It is a land from which few return. In this sad region there are no strong men, no smiling, pretty girls. Executives and store clerks there look very much alike, not only because they wear the same clothes, but because people living on the raw edge of a thin hope somehow get the same haunted expression on their faces.

I am referring to cancer country. I have been there.

I am 44 years old, and have a wife and two small children. By 1963, I had a comfortable salary with an insurance firm, and the future seemed bright. In May of that year, I developed a slight difficulty in swallowing. Our family physician said that if it persisted for another week, he would arrange an appointment for me with a throat specialist. It did persist. The specialist diagnosed it simply as "a case of nerves"—a diagnosis that he was to reaffirm in October. Finally, in January 1964, convinced that it was more than a case of nerves, I entered a hospital. And there the doctor told me, as gently as he could, that I had cancer of the throat.

The first thing that occurred to me was that I would die and Eileen, my wife, would have to give up the house. What a shame that my children would not be able to grow up in that house! We had bought it only two years before.

The doctor suggested that I enter a well-

known Eastern hospital. Two days later, Eileen and I drove there. I was assigned to a four-bed room on the seventh floor of the east wing. This is known as Seven-East.

When I saw the three other patients in my room, I didn't want to believe my eyes. It was supertime and the patients were eating. It wasn't much like the television campfire scene. These men stood by their beds and carefully poured a thin pink liquid into small glass tubes. Then they held the tubes high over their heads. The fluid drained down out of the tubes through a thin, clear plastic hose which disappeared into one nostril.

They had to eat this way because throat, mouth, tongue and esophagus had been cut away in surgery. I could actually see the back wall of their gullets—the entire front of the throat was laid open from just below the jaw down almost to the breastbone. Each of them had a large wad of absorbent bandage under his chin to catch the constant flow of saliva pouring out of his throat.

The sight of these "tube feeders" shocked and depressed me more than anything since the day I learned I had cancer. As soon as I had changed into my pajamas and robe, I rushed back to the solarium where Eileen was waiting. Shaking, I lit a cigarette and stared about me at all the other patients, some of whom would be dead in a week or so.

The doctor assigned to my case found us in the solarium. I made it clear to him that I never wanted to become like those other patients. I said that I would rather die than be cut up that way. He told me not to think about it, that perhaps such drastic surgery would not be necessary in my case.

A heavy snow was falling outside. Eileen had to leave to drive the 60 miles home. I walked with her to the elevator, pretending a lot more optimism than I felt. "Drive carefully," I said, and kissed her good-by. The first few hours after the elevator doors closed behind her were probably the worst of my life.

I fled to the solarium, unwilling to face the surgical horrors in my room. Yet everywhere I looked there were patients whose tongues, pharynxes, jaws, throats, chins or noses had been removed. Many of them were waiting for plastic surgery to reconstruct their faces and necks.

For this, it is necessary to grow extra pieces of flesh. Through some sort of surgical miracle these pieces of flesh—called pedicles—can be made to grow anywhere on the patient that the surgeon decides is best. One patient had flesh growing out of the side of his neck in a tubular U, like the handle of a suitcase. Another man had one growing from between his shoulder blades over his right shoulder to a spot in his throat just below the chin. It must have been 18 inches long.

I was torn between horror and pity. What might I look like soon? I reminded myself that surgery might not be necessary, and kept my eyes on the walls, the floor—anywhere but on the other patients.

The television set was on, and the cigarette commercials droned along, extolling the wonderful taste of the product. But these people who had smoked all their lives could no longer taste cigarettes—or anything else. Their food was poured through plastic tubing. There are no taste buds in plastic tubing.

All the people in the commercials had wonderfully appealing voices, young and vibrant. But the patients around me in the solarium did not have very nice voices. In fact, many had no voice at all; their vocal cords had been cut away.

These voiceless wraiths carried pad and pencil to communicate. Others, whose throat openings had been closed, were able to use an electronic device that looked something like a flashlight. You hold it against your throat, and it picks up vibrations from the section where your vocal cords used to be. It produces a tinny, electronic voice—faint, but understandable.

Next morning, I was taken to the operating room for a bronchoscopic examination. This is very much like sword-swallowing. You tilt your head back as far as you can, and doctors slide a metal tube through your mouth and all the way down into your trachea. You gag, reflexes go crazy trying to eject this tube, and you find that it is completely cutting off your supply of air. All this time two or three doctors are taking turns looking down the pipe.

Occasionally they take a sample for a biopsy—lowering something down the tube that snips off a specimen of flesh here and there. I passed out from lack of air during the examination, and came to back on my bed. I was told not to eat or drink anything and to remain in bed for at least two hours.

In an effort to save my voice, so important in insurance work, it was agreed that radiation treatments would be tried. The treatments were not effective, and in August 1964 the doctors told me I would have to undergo surgery.

The night before the operation, knowing that I would never speak again, I tried to tell Eileen how much I loved her and the children. She was very brave. The next morning, on my way to the operating room, I remember praying and repeating the name "Jesus" over and over. It seemed somehow right that this should be my last spoken word.

Eleven hours later, I was brought back to my room. Except for an hour in the recovery room, I had spent all that time on the operating table. Next day, I learned that the surgeons had removed my larynx, my pharynx, part of my esophagus and a few other random bits and pieces. I was now one of those "surgical freaks" whose appearance had so shocked me some months before. From this time on, I would breathe through a hole at the base of my throat called a stoma.

Knowing how odd my open throat made me appear, I felt completely cut off from humanity—a mere biological specimen. It was a difficult and lonely period of adjustment. Eight subsequent operations were required to reconstruct the front of my neck. Television helped pass the time. All of us there in Seven-East were, I confess, morbidly fascinated by the cigarette commercials. After smoking approximately 19,000 packs of cigarettes, I—we all—had turned out a bit different from those handsome fellows and beautiful young women.

Young people today are great believers in realism. It might be interesting, therefore, if some advertising agency were to do a cigarette commercial featuring a patient who has lost his throat to cancer caused by smoking. They could choose a man growing one of those flesh pedicles. Or the camera might slowly pan around the room, showing all of us still faithfully smoking brand X or brand Y—those of us who still had a complete mouth to put a cigarette into. They might even show the one total addict I met who smoked by holding his cigarette to the hole that led into his windpipe, through which he breathed air into his lungs.

We don't ride horses or helicopters or sports cars in Seven-East. We ride wheeled tables to the operating room, and if we're lucky we ride them back. Seven-East is only a part of cancer country. They treat lungs on the third floor. I thank God that I have not yet had to visit there.

Then he wrote to me this month, on June 9, and said:

Cigarette advertising on radio and television should be carefully controlled by both the federal and state governments. Ordinarily I am opposed to government controls of any kind but in this instance it seems to be a necessity. Cigarette advertising is really aimed at luring millions of young people to the habit of smoking by creating the false impression that it is a step "toward maturity and social grace" (a direct quote from

William Braren former head of the National Association of Broadcasters). I am forty-six years old now but my life has been rather tragically altered by throat cancer. I wrote an article which appeared in Reader's Digest in an attempt to awaken people to the dangers in smoking. I think it was one of the opening guns in the developing campaign to help people to stop smoking.

Please use your vote and your influence to prevent the cigarette companies from further spreading the poisonous fallacy that smoking is a good and necessary step in growing up.

Sincerely yours,

HUGH MOONEY.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Moss).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 4, line 23, strike out the period and insert in lieu thereof the following: "except that the Federal Communications Commission shall by regulation prohibit any holder of a station license under the Communications Act of 1934 from broadcasting any cigarette advertising in connection with such types of programs as the Commission determines would be most likely viewed or heard by a substantial number of individuals under the age of eighteen."

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

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

Mr. DINGELL. Mr. Chairman, it will come as some surprise to some of my colleagues, after having listened to this debate and what the Federal Communications Commission is going to do to the cigarette industry unless this bill is passed, to find that the Federal Communications Commission is not prohibited from the act of barring advertisements by cigarette companies of tobacco and cigarette products on television.

The function of this amendment is very simple. We will find its text reprinted at approximately page 16195 in the CONGRESSIONAL RECORD of yesterday. The function of the amendment is very simple. It is to assure that the Federal Communication Commission shall take such steps as are necessary to assure that advertising will be prohibited on programs which are aimed at children and young persons under the age of 18. Its function is also to assure that television advertising of cigarettes will be prohibited by the FCC during hours when young persons under the age of 18 are most likely to be watching TV.

So we reach by this amendment two circumstances which would appeal most to the young persons: We reach the hours of viewing and we reach programs which are aimed at young persons.

The urgent necessity of this amendment becomes very clear from a confidential memo which appeared in the committee hearings and it appeared in the hearings in extenso, but if Members will refer to page 239 of the hearings of June 10, they will find this language appearing in the confidential memorandum of the National Association of Broadcasters:

Difficulty in cigarette advertising is that commercials which have an impact upon an adult can not be assumed to leave unaffected a young viewer, smoker or otherwise.

The code authority itself, on page 168 and page 169 of the same hearing to which I have alluded, pointed out the difficulty of enforcing its own regulations. Indeed, in the appearance that this agency made before our committee, it was forced to admit that on only two occasions had it been able to take steps or had it taken steps to act against cigarette advertising which might have an undue appeal to young persons. It is admitted by the code authority that the NAB code is ineffective in regulating advertising to protect the young.

If we refer to the same hearings, on page 150, we will have the document of the code authority on September 12, 1967—and let me remind this body that nothing has happened in the interim to change the truth or the impact of this comment—and we find therein a discussion at some length of the implications of cigarette advertising guidelines, and these words appear:

The adult world depicted in cigarette advertising very often is a world to which the adolescent aspires. The cowboy and the steelworker are symbols of a mature masculinity towards which he strives. Popularity, romantic attachment and success are also very desirable attributes. To the young person, smoking may readily seem to be an important step that helps transcend this growth from adolescence to maturity.

The function of this amendment is not to injure the industry. The function of this amendment is perhaps to save the industry from more grievous action at a later time.

It is very plain that when an industry jumps its advertising from \$200 million to \$300 million a year because of the requirements of the FCC with regard to antismoking advertisements which appear on television, it is concerned and it is much concerned about the perpetuation of the market to which it appeals.

It is very plain, I would say to many of my colleagues here, if they but look at the advertisements which appear on television, they will see with clarity that the advertising of the cigarette industry appeals to the young person.

I assure my colleagues I will not offer subsequent amendments, and it is not my purpose to offer an amendment which will destroy the cigarette industry. It is my hope this amendment will carry and that it will serve the public interest by preventing advertising which will lure young people toward the cigarette habit.

Let us discuss for a moment the situation in which we find ourselves. I do not seek to rescue those already smoking from the fruits of their folly. I seek only to see to it that young persons who are particularly vulnerable and subject to the influence of the TV are protected against advertising which would be directed to them.

We have a code which the National Association of Broadcasters has admitted is so ineffective that a number of its high officials have suggested the code authority be abolished and that its functions be transferred to another agency.

We have advertising which is very clearly directed to the young people of this Nation, at times and hours and on programs and through an appealing content which would influence our young people to smoke cigarettes and take up the habit.

I say that one significant stride this House can take today is to adopt an amendment which will protect young people from this kind of advertisement. We have a high duty to assure that the regulatory agencies charged with responsibility of regulating broadcasting take all reasonable and proper steps to protect young people.

Many in this body would seek to protect young people from pornography and that sort of publication. I say that for the health and welfare of the young people advertising which would induce them to smoke is very little different in total effect on the individual from salacious material. One leads to degradation of spirit, the other leads to the most utter health peril.

So I say there is an opportunity before this body today. We can adopt an amendment which will not stop advertising, which will not prevent advertising in any other media, but which will take the significant stride forward of assuring that during hours when young people watch television and on programs which young people watch with particular interest and particular appeal that advertising of cigarettes will not appear, so that the young people of this Nation will be protected from addiction to cigarettes.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I urge that this amendment be rejected. The amendment offered by my friend from Michigan would grant, I believe, to the Federal Communications Commission some very broad and sweeping powers which are unprecedented.

First, I should like to point out that the Chairman of the Federal Communications Commission, in hearings before the Committee on Interstate and Foreign Commerce during his testimony before our committee, expressed his opposition to provisions of this type. He stated at that time that it would be impractical to enforce them. He testified that legislation of this type would be extremely difficult to administer.

It is simply impractical, I believe, in view of the listening and viewing habits of the American public.

Second, Mr. Chairman, I should like to point out, as to the amendment offered by the gentleman from Michigan, how would one determine what a significant audience is, or what is a substantial number of viewers? Would that be 5 percent of the viewing audience? Or 10 percent? Or 75 percent? We certainly should not delegate power of this type to an administrative agency, over such a tremendously important subject as this.

Third, I would point out to the Members that we should not be under any illusion as to the result which would follow if such an amendment were adopted. As a practical matter, it would

lead promptly to the elimination of all cigarette advertising over radio and television.

The Commission has already made its intention clear. It has announced a proposed rule to bar all cigarette advertising from radio and television.

I do not know of any valid basis for prohibiting advertising of a product which may lawfully be manufactured and sold.

Finally, I ask this question: On what rational basis can we limit this grant of jurisdiction to cigarette advertising alone? It has been pointed out in the debate here that there are many other products alleged to be hazardous.

The Commission is now to be given the authority to prohibit the advertising of every product which some group claims to be hazardous. I suggest that this amendment would open a Pandora's box and it should be defeated.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman.

Mr. BOB WILSON. I think the gentleman has made an outstanding statement. I would like to associate myself with his remarks.

Cigarettes aside for the moment, let us examine the impact on advertising in the abstract.

First, a product "X" has been attacked by Government and private groups as a health hazard.

Second, a regulatory agency has decided that, therefore, its "authority to act is really a duty to act."

The pattern is quite simple, even though the problem is complex. A stimulus, in this case government and private charges, is followed by a response, the action of a regulatory agency. Notice that Congress is neatly shortcircuited—and so is the assumption of innocence until proven guilty.

On this simple justification—and despite the FCC disclaimers—other product advertising could go the way of cigarettes. For example:

Butter, margarine, cooking oils, milk and dairy products contain cholesterol; Beer and wine are alcoholic beverages; Soft drinks contain sugar or artificial sweeteners;

Toothpaste and dentifrices contain flourides;

Automobiles have been called unsafe at any speed; and

Air travel has been under attack as a hazard.

On the basis of this kind of reasoning, the Hippies, the Yuppies, and the war resisters have missed a good bet. For they could logically argue that the FCC should ban Armed Forces recruitment commercials from television, because war is hazardous to your health.

You will, of course, understand that I am exaggerating to make a point. However, I do not think I may be exaggerating by very much. Certainly, it is no exaggeration to state that the advertising industry has a great deal to lose by this overreach of the FCC. You would do well to join with the industries which seem to be more threatened at present; for the FCC is making a wave that could soon engulf you.

I can assure you that the proper place to decide this very important matter is in Congress and through the established mechanism of hearings and debate. I can also assure you that it is my intention to see that Congress is not bypassed.

Too much is at stake for the cigarette industry, the broadcasting industry, the advertising industry—and for the American people and our form of government. We cannot duck congressional action on this issue.

Mr. BROYHILL of North Carolina. I thank the gentleman.

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

Mr. BROYHILL of North Carolina. I yield to the gentleman from Texas.

Mr. ECKHARDT. Will the gentleman point out to me any provision in this bill which prohibits the FCC now from restricting advertising?

Mr. BROYHILL of North Carolina. The Chairman of the FCC conceded this point in the hearings. I think the gentleman is aware of that.

Mr. ECKHARDT. Since when do we accept the Chairman of the FCC as our attorney?

Mr. BROYHILL of North Carolina. This was the statement made in quite a bit of conversation in the committee. I think the committee as well as the Commission itself agrees not only the past act but also this bill itself prohibits the FCC from moving into this field. It has been established for quite some time.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. BROYHILL of North Carolina. Yes.

Mr. ECKHARDT. The statement of preemption in section 5(b) says that no statement relating to smoking or health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the act. I do not see anything in that language which prohibits anything but the activity sought to be permitted by the amendment introduced by the gentleman from California (Mr. Moss), certainly not that activity sought to be permitted by the amendment offered by the gentleman from Michigan (Mr. DINGELL).

Mr. BROYHILL of North Carolina. I will be glad to have the gentleman take his own time as a member of the committee to argue whatever point he wants, but it was established, I believe, not only in the hearings, but the Commission has very definitely stated that they were preempted from entering into this field and were going to move into it only after this act expired. It proposed the rules, but they were not going to take any final action until after this act expired.

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

I would like to take my time on the proposition raised by this amendment, not that I either favor or oppose the amendment, because I think the amendment simply purports to carve out an area of authority in the FCC which the FCC already has. It also has additional authority to ban advertising altogether. It is quite clear, I believe, that the provisions in the bill contained in section 5(b) specifically state the only preemp-

tion with respect to advertising which is contained in this law. The preemption contained therein simply says that no statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act. Thus the preemption section only preempts the field of labeling and the field of control of internal content of advertising. The amendment of the gentleman from California (Mr. Moss) was necessary if those provisions were to be changed, because the gentleman's amendment said that the Commission should be permitted to regulate the internal content of advertising. However, the amendment offered here purports to go into a field which the Commission has not presently preempted. That is the reason why I cannot argue either in favor of or against the amendment, because I think the amendment simply gives to the Commission the authority which is contained in a larger authority to prohibit advertising altogether.

I should like to point out there, as I pointed out yesterday, that the Commission is not restricted in the field of prohibiting advertising under this act. I think this is the teaching of the Banzhaf case. I think it is recognized in the report and it has been recognized by every lawyer who has been engaged in the subject matter with whom I have consulted. They all say the language of the act upon its face affords no impediment to the Commission's banning cigarette advertising entirely. It is said on page 3 of the report:

The question of a ban on cigarette advertising is not treated in the Federal Cigarette Labeling and Advertising Act. It is fair to say that the Congress limited its prohibitions in the act to statements relating to smoking and health because it was not thought that any attempt would be made to ban such advertising.

The statement after "because" is somewhat gratuitous. It is not certain why Congress limited its prohibition, but it is clear that it did so.

The reference is, of course, to the 1965 act, but the present act contains identical language in section 5(b).

The Commission may react differently than the chairman or it may change its mind when the Supreme Court acts on the Banzhaf case. I do not think that is the kind of thing that Congress should leave in the air as a policy matter. It is of paramount importance, Mr. Chairman, that there be no muddying of the stream as a result of a Commission report, chairman's views, or a committee report. We should not be attempting to make law by committee report. Indeed, as a matter of fact, the committee report substantially supports the proposition that this act does not in any way reach the question of prohibiting or preventing advertising, as I have pointed out. It seems to me that we are simply fighting a battle in a field which is not touched by the act, is not touched by the report, and which is in the face of all responsible court decisions up to the present time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and on a

division (demanded by Mr. DINGELL) there were ayes 35, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on the two widest sides of such package."

Mr. VAN DEERLIN. Mr. Chairman, at this point in the debate I feel a little bit like a new player coming into the game in the third quarter when the score is already 21 to 0 against him. I have a nice, clean jersey, but I do not seem likely to alter the course of the game very much—unless you are still prepared to listen to a little logic.

I do not like to chew my cabbage twice, and I was up here yesterday talking about what was probably going to happen on the Senate side. I think this is important to those of you who feel that by beating back amendments to this bill, you are performing a service for someone.

I do not believe there is going to be very much time when this bill gets to the Senate. As a matter of fact, in 12 days and a few hours from now the present cigarette labeling law will expire. It passes into limbo as of midnight on June 30. The U.S. Senate will act upon legislation brought to it from the Senate Committee on Commerce. It just could be that there will be nothing on which the Senate may proceed. It is possible that the bill in the form that we seem likely to send over after today's action will be unacceptable to the Senate leadership. Either through inaction or through the device of the filibuster, it seems possible there will be no enactment, there will be nothing for the President to sign, and the agencies of Government whom you seek to forestall will be free to do their will.

Mr. Chairman, the amendment that I propose addresses itself not to the question of advertising at all. It leaves our area of concern strictly to what appears on the package. But the law that we passed in 1965—as the Members know, those Members who can take a package of cigarettes from their pockets—puts the label on the narrow side of the pack, or carton, next to the copyright, and almost lost from displaying the warning which we have proposed to strengthen.

If we leave it on that same panel, that thin side, it will not be seen as the pack lies on the table or on the display counter, and we will not be doing the job that the warning label is intended to do, which is to warn.

Mr. Chairman, my amendment would require manufacturers to print the warning label on the two widest sides of the standard pack; that is, on both the front and back, which would at least tell the customer what we have decided we want him to know. If, having read and understood the warning, people still want to buy cigarettes—and they have shown that, despite the warning on the pack-

ages today, in many millions they do—it is most certainly their right to do so.

Mr. Chairman, the crux of the matter lies in the phrase, "having read and understood the warning." I believe it is incumbent upon us to make certain that they read and understand it. They are certainly not getting the message now unless they take particular pains to scrutinize the entire pack. I believe we can all agree that the casual purchaser of a pack of cigarettes is unlikely to examine the package in detail. The typical customer will simply glance at the front of the pack to get the familiar brand name. It is, therefore, our responsibility to insure that this quick look also takes in the warning, otherwise the warning becomes quite unimportant.

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

Mr. VAN DEERLIN. I will be delighted to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

This amendment might be described as the "make business good for the printers" amendment. Why not dress cigarette packages up right, and put the same label on the bottom and front and the back? There is nothing there that cannot be displaced. Why not put it on all sides? Why not put it everywhere?

Mr. VAN DEERLIN. Mr. Chairman, in response to the inquiry of the gentleman from Iowa, I would say to the gentleman that had he been a resident of the ancient city of Athens he almost certainly would have allied himself with that school of philosophers who called themselves Sophists. He draws parallels which are not parallel. I am proposing a warning where it can be seen. The gentleman from Iowa knows very well that it can be seen much better if it is on the wide side of the cigarette package, rather than on the thin side.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLIER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with all due respect to the gentleman from California who suggested that it was time that we listened to a little logic, I would say that I cannot conceive of any logic to this amendment other than if—and I say "if"—it is the intention to impose some economic punishment on those who produce the product.

I did not understand that was the purpose of the legislation before us today.

There have been numerous requirements over the years promulgated in this Congress and among many regulatory bodies with respect to product labels and none—none that I can recall—has ever dealt with presenting the same information twice on the same label.

So this opens up a whole new area of labeling procedure. We have already gone to extreme lengths in providing the warning that is presently on all cigarette packages. We have said that it shall be located in a conspicuous place on every package and shall appear in conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

To my knowledge, there has been one

complaint that this existing law has not been complied with.

Ironically there is little concern in the amendment of the gentleman from California for the fellows who may need help the most, and I mean the one who buys cigarettes by the carton. If you take the language of your amendment and you applied it to labeling of the carton, you would have the labeling on the bottom of the carton since this is the widest side—along with the top, of course.

I can see no reason for adopting this kind of an amendment which is going to serve absolutely no purpose in curbing smoking but merely work an economic hardship on the industry. I do not recognize what the gentleman refers to as logic in his amendment.

If, however, the purpose of the amendment is not intended to be punitive it seems to me that this House should just vote it down because, as I say, it is without any basic merit.

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

Mr. COLLIER. I yield to the gentleman.

Mr. ADAMS. The gentleman from Iowa picked up his pack of cigarettes. I have a package here and maybe it will bring out what the problem is. This happens to be a package of Virginia Slims. You will notice you have to open it at one end and if you open it and tear off the corner, which is what everybody does, you cannot possibly read the label because the label is upside down. If you open it the other way, you cannot read it because there is no label on that side at all.

So, with this package there is no conceivable way when you open it and use these cigarettes that you can see the label.

Mr. COLLIER. I would submit, as is evident from the fact that I am wearing glasses that the gentleman's sight is probably better than mine. If I could not clearly read this, then I would not oppose this amendment.

Mr. ADAMS. I am trying to point out to the gentleman for his consideration that you just cannot read it because the language does not read like ordinary English.

If the gentleman would like this pack of cigarettes, if he smokes, I will donate it to him so he can see what I mean. That unreadable notice happens so far as most packages of cigarettes are concerned.

Mr. COLLIER. I appreciate the gentleman's offer, but those do not happen to be my brand. But I can read this and also the same printing on another pack in my pocket. You said this is not legible and I would suggest that is totally without basis of fact.

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

Mr. COLLIER. I yield to the gentleman.

Mr. GROSS. The amendment offered by the gentleman from California, reads "in the case of any cigarette package having more than one side."

What would happen if the cigarette manufacturer put out a circular package of cigarettes?

Mr. COLLIER. I would imagine in that case, it would render the whole section

of the bill null and void if this amendment were adopted.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I think this amendment illustrates quite dramatically the fact that there is a very strong desire to protect not the American public but the American tobacco industry.

This raises the question as to what the objective of this legislation is.

The act is entitled—and I think you ought to read this with some sense of the irony of it—it is entitled "The Public Health Cigarette Smoking Act of 1969." I do not know what public health is benefitted from it. But it presumes to warn.

As I have said twice previously, if the intent is to warn people, then, let us place it on the package permanently. If it is to save the industry from liability, then hide it, as has been done for 4 years. But let us not kid ourselves or think we are fooling the American public by saying that we have taken action here in the House of Representatives today to protect them, because this is not action that will protect anyone, excepting the tobacco industry, those who manufacture cigarettes.

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

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

Mr. COLLIER. In offering the previous amendment, I understand the gentleman in the well had written off those who were already "slaves" to tobacco and was concerned with those who had not yet become addicted. In that regard let us say that a potential smoker walks up to a counter to buy a package of cigarettes. After having purchased the package, and since it is not likely that he could read the printing on it from any distance while it was in the display, can you imagine returning it to the store and saying, "Give me my money back; I just read the warning on the label that these cigarettes are bad for me"?

Mr. MOSS. I yield no further to the gentleman. That is a ridiculous statement to make and a ridiculous premise to put before this House. I am willing to take the crumbs here, and that is about all that is left. I think the industry has done an extremely capable job of covering this House and presenting their story. But I do not think the interest of the American public has been properly represented in this House in any manner. I think a lot of you have a lot of soul searching to do and a careful examination of your conscience to undertake. After all, this is not a play session of Congress. We are dealing with a deadly serious problem, the lives and health of a great many people. You can take any kind of action you want, but you are going to have to live with it, and you are finally going to have to account for what you are doing. Maybe you will be able to look some of the people in the eyes, those who have suffered heart disease, stroke, cancer, and emphysema, and you can tell them you have acted to protect them and to alert them to the nature of the danger, particularly the generation coming along. But you are avoiding every

opportunity to give even the most minimum type of protection.

I think it is a disgraceful performance on the part of this committee and this House.

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

I rise because I am offended by the remarks of the gentleman from California perhaps not because of the words as spoken, but because of an interpretation that might be placed on those words by others.

It happens that I probably agree with him more than I do those who oppose any type of legislation of this nature. But I also harbor some very serious questions about how we can regulate the use of a product which the medical profession joins in saying is a harmful material.

Every report we get from anyone involved in the study of drugs tells us that alcohol is by far the most costly drug we have in existence in the United States, when we speak in terms of social costs. We have tried to regulate the use of alcohol in this country, even to the extent of making it completely illegal to make or use the substance. Prohibition did not work.

I mentioned this because we do have a somewhat parallel situation here. Too many people like to smoke, for a wide variety of reasons.

There is another factor. There is a large industry which supports the livelihood of a vast number of people in growing a crop which the Government supports, and in manufacturing tobacco products which the public buys. There are a lot of jobs associated with this industry.

I do not know how to regulate the business of smoking. I am satisfied myself that tobacco is a potentially hazardous substance so far as health is concerned. I am convinced of that. What I seek is not to oppose legislation such as was offered by the gentleman from California, but rather to find in all this discussion some kind of logical direction which we can take to do a more meaningful job in accomplishing the purpose.

I know I have not contributed anything substantial toward finding that direction. Frankly I do not know what the answer is, any more than I know how to try to control the costly uses of alcohol or other such substance, but I did want to say, Mr. Chairman, that I do not want anyone to believe that those who vote for or against this piece of legislation do so because somehow they have been bought or intimidated by anyone associated with the tobacco industry.

AMENDMENT OFFERED BY MR. PICKLE TO THE AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. PICKLE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE to the amendment offered by Mr. VAN DEERLIN: Strike out the words "the two", and insert in lieu thereof the words "one of the".

Mr. PICKLE. Mr. Chairman, I will reread the amendment offered by Mr. VAN DEERLIN as amended by my amendment:

On page 4, line 15, insert after the period the following new sentence: "In the case of any cigarette package having more than one side, such statement shall be placed on one of the widest sides of such package."

Mr. Chairman, my amendment would say that in the case of any cigarette package having more than one side, such statement shall be placed on one of the widest sides of such package. That is the amendment which I think should speak for itself. We do want to have a proper and adequate labeling on a package of cigarettes. We think it should be placed in such a position on a package that it is noticed and that it is legible and that it can be easily and readily recognized by anyone who buys the package of cigarettes.

We had this amendment in our committee. It was voted down. That is the same amendment offered by the gentleman from California. I think I was one who offered one amendment to say that the warning should be on one side, and also one of the widest sides.

The truth is, we are trying to get adequate labeling. I think if we amend this to say that at least it will appear on one side and on one of the widest sides, that will assure adequate labeling.

Mr. Chairman, I urge adoption of the amendment to the amendment.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

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

Mr. VAN DEERLIN. Mr. Chairman, as usual, the gentleman from Texas brings not only wisdom but a great spirit of amelioration to the discussion, and I am prepared to accept his amendment to my amendment.

Mr. PICKLE. Mr. Chairman, the gentleman from California may be blowing smoke rings at me, but I appreciate his remarks.

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

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, the object is to put the warning in a most conspicuous place, but if we take the package of cigarettes and on the wider side we have across it the name of the cigarette and the company and the seal and we bury the warning somewhere on that wide side, it may not be as conspicuous as if we had the warning—and it may be less conspicuous than if we had the warning on the side, a small side, where it is outlined all by itself and it is the only thing that appears on that side.

Mr. PICKLE. Mr. Chairman, I would say to the gentleman from Ohio it is a matter of judgment where it would be more conspicuous. It may be more conspicuous on the front side or the back side or on the side, depending on the individual. It is a matter of judgment.

Mr. HARSHA. Mr. Chairman, if the gentleman will yield further, the gentleman has only a certain amount of space available and it is a question what side we are going to use. If we put all that wording on the wide side, it will have to be a size print we can see. If it is singled out on the side, it may be the only writing on that side. I just want to point that out to the gentleman.

Mr. PICKLE. The gentleman makes a point. Obviously, either on the side or on the front, we want to get what would be an honest and proper label. I think that if we require the label on the widest

side that would be acceptable and then we get at what we are trying to establish.

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

This amendment was discussed at quite some length in the committee and was voted down. At the time the amendment of the gentleman from California was discussed in the committee I discussed with him the fact that in the majority of cases with displays in supermarkets or in machines the side of the cigarette package which now contains the warning, or the other side just like it, is almost invariably the side forward in the display.

Since the committee hearings, at which time the amendment was voted down, I have carefully examined quite a number of cigarette displays, and the front of the package, which is the desire, I believe, of the gentleman from California, with the amendment of the gentleman from Texas, to have the label, is the most infrequently used portion of the cigarette package.

Actually, we are getting involved in a matter of techniques or technicalities here. I believe the Federal Trade Commission has every power in the world to handle it as it sees fit now under the presently written bill.

A point I should like to bring up more in response to the other gentleman from California (Mr. Moss), is that I believe the real stir in the matter of the rewriting of this legislation began with the declaration by the FCC that it was going to ban cigarette advertising on radio and TV. One of the most interesting things about the committee hearings is that as a result of these hearings practically all the parties involved in the Government except the FCC itself have come around to saying that they did not want to ban cigarette advertising. We recognize the fact as a result of the hearings that almost everyone—teenagers, adult, and otherwise—is fully cognizant of the fact that there are hazards in cigarette smoking.

So it is my considered judgment that the media telling the true story about cigarette smoking, exposing the truth as they see it on both sides, is the most effective protection for the general public, and that the argument about what side of a cigarette package to put the warning on is about as meaningless as any issue we have discussed here today.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I am happy to yield to the gentleman from California.

Mr. VAN DEERLIN. I was going to say in answer to the information about the merchandising through vending machines—a question that was raised in committee by the gentleman—I have since ascertained that only 17 percent of the cigarette sales are through vending machines. Admittedly, the gentleman's point is valid to the extent of the 17 percent.

Mr. KUYKENDALL. And on the supermarket shelves, where cigarettes are sold in huge quantities, they are either in the carton or the edges are

exposed. I have seen no supermarket displays showing the front of the package. There are signs with the front of the package, but they are replicas only. In supermarket sales they are shown with the edges forward.

Mr. VAN DEERLIN. As the gentleman knows, it would apply to the whole carton.

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

It occurs to me that we are in the right church but the wrong pew trying to deal with this whole problem of the hazard of cigarette smoking.

Last year was the first year, 1968, when we saw an appreciable decline in the consumption of cigarettes in the United States.

I submit that the reason for that decline was not because of the writings on the packages or the limitations or restrictions on advertising but because the FCC has demanded and required of the media that they afford equal time to those opposing cigarette smoking. Anyone who has had an opportunity to see the TV ads and to hear the radio ads produced by the American Cancer Society and the other institutions will agree they are doing an excellent job of preparing these ads and will agree with me that the ads strike horror in every intelligent person seeing them. Anyone who is foolish enough to continue smoking after watching these ads certainly has been placed on notice.

There has been no definite correlation between the varying nicotine and tar content in cigarettes and the incidence of lung cancer. If we want to do a real service to the American people in helping them, especially those who are deeply involved in cigarette smoking, and those who cannot for one reason or another kick the habit, we can perform such a notable service by requiring that each package contain a listing on the package of the nicotine and tar content.

I say this because there is a difference in them. I saw a report prepared recently by the U.S. Public Health Service which did show a great variation in the nicotine and tar content in the various brands of cigarettes.

I do not smoke, so I do not have that problem. It seems to me, though, that many Americans are deeply concerned about their consumption of cigarettes. I think we could perform a notable service to the American people if we did give those who must smoke some idea of what kind of cigarettes they are consuming. My judgment is that that kind of a warning on the cigarette package would have much more meaning to the consumer and certainly help to guide him either in reducing ultimately the amount of nicotine and tar that he has to consume and also help him to perhaps stop smoking altogether.

Mr. Chairman, it is my hope that if I am recognized later, I will be able to offer an amendment which would require a listing of the nicotine and tar content in a cigarette.

As I said earlier, if there is a reduction in consumption, it is because of the counter publicity that the American Cancer Society and other organizations have

caused in educating the American people as to the real hazards of smoking.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. ADAMS. I might say to the gentleman that the next amendment offered by this gentleman will be one to require the disclosure of the tar and nicotine content on each package.

Mr. PUCINSKI. In lieu of the present language?

Mr. ADAMS. No. In addition to the present language. That the tar and nicotine content of cigarettes be indicated on the package.

Mr. PUCINSKI. I think I can support that kind of an amendment.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. KUYKENDALL. This particular amendment was introduced by the gentleman from West Virginia in the committee. It is a case where there is very great difficulty in determining what would be proper because of the difficulty here. The chairman of the Federal Trade Commission in his testimony suggested this, but he was asked as to whether putting the figures on a cigarette package would not be considered perhaps an advertisement claim rather than a warning. In other words, what is the norm, what is good and what is bad.

Mr. PUCINSKI. The gentleman will agree with me on this, I am sure. If the cigarette manufacturers will list the tar and nicotine content, it will help cigarette consumers better judge the kind of cigarettes they consume. I still cannot understand what is the great charm about Marlboro country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE) to the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. VAN DEERLIN).

The question was taken; and on a division (demanded by Mr. VAN DEERLIN) there were—ayes 42, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

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

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 4, at the end of line 6, insert the following: "(A) fails to bear a statement of the average tar and nicotine yields per cigarette in such package as determined by a method approved by the Secretary of Health, Education, and Welfare, and (B)".

On page 4, line 11, strike out "Such statement" and insert in lieu thereof "Each such statement".

Mr. ADAMS. Mr. Chairman, I shall not take the full 5 minutes. But, this is what I term the "old smokers' amendment." The thrust of all the amendments that we have placed before the House today has been basically to try to protect the young people by giving them the

true story in advertising. This is the old smokers' amendment which is for the man who is hooked and is going to continue to smoke, to give him information on the package as to the tar and nicotine content of cigarettes.

Mr. Chairman, this approach was recommended by the Surgeon General, by the Department of Health, Education, and Welfare as well as the Federal Trade Commission. In other words, all the agencies dealing with this subject have said, that at least we ought to tell the people what the comparison is.

I am not saying that people will look at the label and say that there is this much tar in this one and there is that much tar in the next one and would, therefore, buy in terms of the nicotine content. I am not saying it is going to save the life of anyone or extend the life of anyone. But, in my opinion, it is a simple and fair thing to do with reference to the average individual who is going to smoke two or three packs of cigarettes a day, to at least look on the label to see what the tar and nicotine content is for one cigarette as opposed to another. There have been statements that the FTC might be able to do this now. This issue has gone back and forth and in the tobacco industry and elsewhere as to whether or not you would have a nicotine derby or a filter derby or something. That is why I placed in this proposed amendment language to the effect that HEW would set up through appropriate action a procedure as to how they would require this to be listed on the package.

This is a labeling amendment. It would require that in addition to the statement on the hazards to health that it would tell a man what he is getting in terms of tar and nicotine. That is all there is to the amendment.

I do not see that there is anything more that I could say about the amendment. I have tried to present it just as directly as I could. I hope the Members will support the amendment to assist what I call the old smoker, that fellow who is going to smoke, and who has smoked a lot, to tell him what he is getting.

Mr. PUCINSKI. Mr. Chairman, would the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, would it be the belief of the gentleman that if this amendment were adopted and the nicotine and tar contents were required on cigarette packages and in advertising, that certainly it would make the picture much clearer to the consumer?

Mr. ADAMS. I would say to the gentleman that I believe that it would.

Mr. PUCINSKI. And warn him of the hazards, and at the same time I believe it would make the advertising itself a great deal more meaningful.

Mr. ADAMS. I believe it would. It absolutely gives more information as to what a man is getting in the product he is going to inhale.

Mr. THOMPSON of Georgia. Mr. Chairman, would the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I would ask the gentleman this: Supposing one package of cigarettes indicates that that particular brand has a lower nicotine rate or a higher tar rate than another package? Which would be the better brand?

Mr. ADAMS. I would say to the gentleman that that is up to the individual who is going to smoke them. He is going to have to make up his mind whether he wants more tar or more nicotine.

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield further, I know that the gentleman has looked into this matter, and that the gentleman is very knowledgeable about the matter, and I would ask the gentleman what is the average tar and nicotine content for the average American cigarette?

Mr. ADAMS. In the average American cigarette? It depends upon what type of scale you use in terms of the millimeter measurement of it. I cannot tell the gentleman what the average one is today. Perhaps the gentleman can supply the data to me.

Mr. THOMPSON of Georgia. If the gentleman would yield further, the point I am making is simply this: If a person is knowledgeable, as the gentleman in the Well is, and who has spent as much time as the gentleman has, and who is such an expert on this subject, cannot answer the question, how can we possibly expect any member of the public to know anything by the listing of the tar and nicotine content, meaning they do not know what is the safe level, and they do not know what is the dangerous level.

If an individual such as the gentleman in the Well cannot answer the question, it would seem the average person would also be unable to answer the question.

Mr. ADAMS. Oh, this is very, very simple. There is no safe level of tar and nicotine, so the individual is not going to be safe, but any dummy can go in and look at a series of cigarettes, compare one with the other, and see whether one is lower in tar or nicotine than the other.

I believe it would be monstrous if we tried to tell the individual on the package that this is a safe level, because we know of no safe level.

As the gentleman pointed out on the question of comparison, you would look at Kents, Marlboros, and all the other brands, and compare them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SATTERFIELD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was carefully considered in our committee, and was defeated.

Mr. Chairman, the reason for my opposition to the amendment is that it is without any scientific foundation or justification, and I am fearful that if we resort to this device we are not going to enlighten people, but rather we will deceive them.

In 1964 the Surgeon General's committee made a finding that nicotine did not represent a significant health haz-

ard. In the hearings before our committee witnesses made it very clear that no new data has been published since 1964, and that there is no ground for a different conclusion. Tar, so-called, refers to some 2,000 components in cigarette smoke which are normally found in the smoke of any substance, and they are found in miniscule quantities. In 1965 the Secretary of HEW opposed the listing of tar saying that it was misleading, even where the content listed was accurate.

I might point out here, Mr. Chairman, that there is no uniformity in the content of tobacco. One crop varies from another.

In the early 1950's the FTC ruled that the difference in tar content was insignificant, and this was confirmed by judicial review.

I believe it is interesting to spend a moment to review what the FTC has done. In 1955 and later in 1960 they came along with guidelines to combat the tar-nicotine derby resulting from conflicting advertisements by the different tobacco producers.

Then in 1966 they did a complete flip-flop without any new advancement in evidence on this subject and said they would accept this kind of advertising without question.

There has been no new evidence. There is no item in tobacco smoke identified as causing any disease. Our committee quite properly rejected this amendment.

To make it mandatory that there would be included a content level of tar and nicotine would be to encourage the public to rely upon something that has no foundation in fact. In essence it would mislead the public into believing that there is safety in one cigarette over another where, in fact, there is no foundation for that conclusion.

This will not lead to enlightenment, Mr. Chairman. It will lead only to deception. There is no reasonable basis or evidence to justify this amendment. It should be defeated.

Mr. PUCINSKI. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I believe there is ample evidence and ample research that has been done by the Public Health Service, the Federal Trade Commission, and various others to establish the nicotine and tar content of various brand name cigarettes in this country.

I believe there is also a strong argument that can be made that cigarettes having a lower content of tar and nicotine are less dangerous than cigarettes having a higher content of tar and nicotine.

I would hope that our colleagues from the tobacco States who are seriously concerned about the tobacco industry, would not close their eyes to this amendment because, in my judgment, if there is salvation for that industry it might very well lie in this amendment.

This would compel producers to try to reduce the tar and nicotine content in their products. Some are already doing this and doing it well. Apparently, they have had some great results.

The point I am making here is that by

this amendment you would bring about a greater degree of competition among the producers of cigarettes to try to reduce the tar and nicotine content if they want to stay in business. If they are oblivious to the public reaction and if they are oblivious to the fact that the high content of tar and nicotine constitutes a real hazard to health, then they are not going to stay in business very long.

Those of you who are concerned about the fact that there may be a prohibition against cigarette advertising by the various media in this country ought certainly to look at this amendment.

In my judgment, it offers a solution, a workable solution. I would like to see what happens to cigarette consumption and what effect it has on public health when most cigarette users who cannot kick the habit do have a choice in cigarettes. Right now much of the advertising is meaningless.

When people buy cigarettes, they are impressed by commercials, but have no idea what they are buying.

I think the gentleman in offering this amendment is making an honest effort here to try to resolve this problem and bring some balance between the fact that smoking may be hazardous under certain circumstances on the one hand, and the fact that we do have an industry in this country that needs to be protected on the other hand.

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

Mr. PUCINSKI. I yield to the gentleman.

Mr. ADAMS. I would like to comment on the gentleman's argument he made about the nicotine a little earlier. I think he would remember and is probably aware that during the hearings the doctors testified that nicotine, of course, is constrictive of the blood vessels because it affects the central nervous system. In other words, it forces the blood pressure up and releases the blood pressure and can lead to a heart condition.

This is what the Surgeon General says about it:

Third, to provide the consumer with information on the tar and nicotine level of his cigarette, on the package and in advertising. We believe the consumer is entitled to know the tar and nicotine levels of his cigarette. Since November of 1967, the Federal Trade Commission has issued periodic ratings of these levels; the information is present and available, and all that remains to be done is its listing on packages and in advertising. It is the view of the Public Health Service that this is useful information; that the lower these levels are, the less hazardous is the cigarette likely to be.

That is why I say, Mr. Chairman, that I would hope the Members would support this amendment.

There is serious concern that advertising be banned. I think that those who have that concern would have a better chance of having the FCC considering this kind of advertising, if indeed this information were given.

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

Mr. PUCINSKI. I yield to the gentleman from Tennessee.

Mr. KUYKENDALL. Is it not true, whether we are talking about the label

on a package of cigarettes or anything else, that when we as a responsible body start quoting figures we must, on a philosophical basis, have some norm? I do not want my 16-year-old son looking at any cigarette package, reading what is printed on it, and thinking it is safe.

Mr. PUCINSKI. I agree with the gentleman. I think what we are seeing in this country now is one of the greatest educational campaigns we have ever seen by those who believe for a fact that cigarette smoking is dangerous. I referred in my own remarks to the advertising being put out by the American Cancer Institute. They deserve credit for bringing to the American people the message that smoking is dangerous, and I think anyone who continues to smoke, in view of those advertisements, is acting with knowledge of what can possibly happen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KUYKENDALL. Mr. Chairman, I move to strike the requisite number of words. I shall take only a portion of my allotted time.

There has been a very drastic change in what the gentleman referred to as the ignorant American public with relation to filter cigarettes during the last 10 years. Ten years ago you could hardly buy a cigarette with a filter, and now practically all cigarettes that are sold are filter cigarettes. There has been a thorough job done on that subject. But the idea of placing one or two figures on a cigarette package will result in one cigarette manufacturer bragging about it and another complaining about the same set of figures. I think it will create a delusion in some people, and in some people a sense of well-being by saying, "Now I have a safe cigarette." There is nothing that would be more deceptive, nothing that could be more misleading than one single set of figures on the side of a package of cigarettes, when no one, the Surgeon General or anyone else, knows what a safe figure is.

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

Mr. KUYKENDALL. I yield to the gentleman from South Carolina.

Mr. WATSON. The gentleman is precisely correct in what he has said. One thing that disturbs so many of us is that question. Why single out tar and nicotine? There is absolutely no evidence or testimony whatsoever that they produce lung cancer. The next question is: Where do you stop? The testimony produced in the hearings was that there are 2,000 different ingredients involved in cigarette smoking. What would we do? List all of them? Instead of having available cigarette 100's, we would probably have to have a package a mile long in order to get on it all 2,000 ingredients. As the gentleman has pointed out, the proposed action would be lulling an individual into a false sense of security, so far as the safety factor involved is concerned. That was dramatically pointed out in the hearings. There would not be anything to compare it with. As we have it now, we have a stronger warning, and I believe it will do the job that the gentleman has in mind. Certainly I do not impugn the motives of the gentleman from

California or anyone else. You are doing what you honestly believe is for the best interests of the American people, and I trust that you will afford us the same privilege.

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

Mr. KUYKENDALL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. No one here suggests that by listing on a package of cigarettes the tar and nicotine content that we are in any way saying it is safe. What we would be doing is giving the consumer the opportunity to know comparative contents. I am amazed at my good friend. Everything we buy contains a list of the contents. When you buy a can of soup or any other product—anything you buy, by law, must have listed on it the contents of the product. Why should we treat cigarettes any differently?

Mr. KUYKENDALL. There may be a reason to bring up that subject at another time and in another place, but I am absolutely convinced that listing tar and nicotine on the package will do more harm than good in preventing cancer.

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

Mr. Chairman, I have listened to the debate for 2 days on this bill, and I have been waiting for the most important question of all to be answered: Should not some consideration be given to us Bull Durham smokers who roll our own? What are you going to do for us in this bill?

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

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

Mr. DINGELL. We are not going to do anything for you in this bill.

Mr. GROSS. Apparently you are going to let me die in peace, the way I want to die. I would suggest for those of you who are concerned with the future of humanity that you bring out a bill providing that manufacturers of tailor-made cigarettes put a little whistle in each one of them, so that with every puff a whistle is blown on smoking.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 27, noes 76.

So 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 4 after line 23 insert the following: "The Federal Communications Commission shall not have authority to issue any order or orders banning entirely cigarette advertising. Nothing contained in this section shall prevent said Commission from utilizing such procedures and process as may be available to it within the general authority vested in it by other provisions of law."

Mr. ECKHARDT. Mr. Chairman, I say what I have to say here with respect and in good humor, but H.R. 6543 is a fraud,

and it is a fraud in two respects. It is a fraud to tell the American people that an infinitesimal warning on the side of the cigarette package is a protection to their health, and it is also a fraud to assume, as many have assumed during this entire debate and before it, that there is any provision either in the original act or in the amended act that in any respect limits the FCC with respect to banning cigarette advertising entirely.

The thing is that the FCC, instead of acting courageously, withholds its action on the assumption that Congress must act first. The FCC has the power to act now. The cigarette people will not reveal this fact because they do not want to face squarely the proposition before this Congress, that the protection of their freedom to exercise their advertising judgment without restraint by the FCC should be extended in the face of the adverse publicity given to cigarettes. They are satisfied as long as the FCC withholds its hand even though the law does not require the FCC to withhold its hand. They know what this act does. They know it does not restrain the FCC. The attorneys for the FCC know that. The committee knows that, and it appears in the report. Yet, most of the argument is as if the act prohibited the FCC from acting.

Mr. Chairman, I offer this amendment merely to get a statement and a declaration from the House as to whether or not it wants, honestly and specifically within the act, to ban cigarette advertising entirely. If we do, we should vote for my amendment.

I must confess that I almost decided not to offer this amendment when I drove to Texas the other day and my little 4-year-old girl played a toy banjo, and all the way to Texas while she was playing on that banjo she sang "Me and my Winstons, I have got a real good thing." It almost drove me to distraction and I thought maybe I ought not offer this amendment.

But when I looked out and saw in passing through North Carolina those farmers in their poor little dilapidated and broken-down homes making their living by raising tobacco and getting that 3 cents out of every package which the gracious American Tobacco Co., Reynolds, P. Lorillard, and the other companies permit them to have, then I was sure I had to do my duty before this House and forget that little daughter singing that ditty, and permit the advertising of cigarettes.

That is the reason why I am offering this amendment.

Furthermore, when I saw these poor persons living on their earnings of 3 cents out of the price of a pack of cigarettes, I thought, "Why, this could happen in Texas if I would offer an act that a label should be put on every package of marijuana saying, 'Danger, the Surgeon General states that this may cause euphoria.'" Then we would preempt the field and prevent the States from making the sale of marijuana illegal, and the happy little marijuana farmer could then spring up in my area, which already raises flax, and could raise a different kind of flax and sell marijuana. All one

has to do is put a little label on the package and thus preempt the field.

I offer this amendment so that Congress will have an opportunity to declare its intent as to whether or not the FCC should ban entirely cigarette advertising. This question is not resolved by the bill we have before us. Indeed it was not resolved in the Federal Cigarette Labeling and Advertising Act, the 1965 legislation which this bill seeks to revise and extend.

I refer to page 3 of the committee report where it is said:

The question of a ban on cigarette advertising is not treated in the Federal Cigarette Labeling and Advertising Act.

Of course, this bill, called the Public Health Cigarette Smoking Act of 1969, is identical to the Federal Cigarette Labeling and Advertising Act in its preemption section, and the committee report says:

Since the bill, as reported, is in the main a reenactment of existing law it does not address itself to the question of a ban on cigarette advertising on radio and television.

This amendment does address itself to that question and thus would afford Congress an opportunity to work its will on the following subject: "Should the FCC be permitted to ban cigarette advertising entirely?"

If it should, the vote on this amendment should be "No."

But if you wish to limit the power of the FCC to prohibit it from banning entirely cigarette advertising, you will vote "Yes" on my amendment, which does just that.

These are the reasons why I support this amendment: First, I would have preferred that the FTC, the FCC, and the States be encouraged to keep the dialog going with respect to cigarettes and health; that they delve into the subject of cigarette advertising in a comprehensive way with public hearings; and that they have available to them a broad authority to grant relief from advertising abuses. I am convinced that the broadcasting industry's code authority has not really curbed these abuses but has afforded merely window dressing to keep the responsible agencies of the Federal Government and the States from exercising their proper duty. Therefore, I was against the preemption contained in section 5(b).

But I think that my committee has clearly spoken in favor of maintaining some preemption. This results in a piecemeal effect. Certainly section 5(b) prohibits the FTC from requiring an insertion in an advertisement of labeled cigarettes warning the public of health hazards related to smoking.

Though the Cigarette Labeling and Advertising Act, which was passed in 1965, did not have the FCC in mind, I think it is a fair interpretation of section 5(b) that it also so limited the Federal Communications Commission.

But the act in its present form does not touch the general powers of the Federal Communications Commission; and, more specifically, it does not touch the authority of the FCC to ban advertising, including cigarette advertising, on grounds that it is deemed a threat to the public health.

Therefore, I urge my colleagues to vote for this amendment if they wish to change the meaning which section 5(b) spontaneously yields. That provision does not prohibit the FCC from banning cigarette advertising entirely. My amendment would do so.

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

I shall be very brief. I hope the gentleman's amendment does not carry.

I agree with the gentleman. He is precisely correct. This bill does not deal either with banning advertising or limiting hours or controlling hours. It deals only with a health warning.

I do not believe that in this bill we should move to a whole new field of working with the FCC. In fact, I considered raising a point of order on the amendment, because the bill has nothing to do with the FCC banning or not banning, or controlling or not controlling the hours of showing of advertising.

I hope the amendment will be defeated.

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

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

Mr. SATTERFIELD. I want to welcome the gentleman to my side, in opposing this particular amendment.

I should like to ask, if it is not a fact there is law applicable to this particular question; namely, the Communications Act—section 326, I believe—which prohibits the Communications Commission from censoring any signal of a licensed station. Would not that be applicable?

Mr. ADAMS. No, that would not be applicable because this is not censorship. They can, in my opinion, regulate hours. They can also regulate in terms of banning, as has been done with certain prescription drugs.

Mr. SATTERFIELD. Is it not a fact that the first amendment would apply?

Mr. ADAMS. No. Under I believe it is the Red Lion case the first amendment does not apply to commercial advertising as opposed to the discussion of an issue. If you want to go on television and discuss the issue of whether you should smoke cigarettes, with the other side saying you should not smoke cigarettes, that would be protected by the first amendment. But commercial advertising as such is not protected by the first amendment.

Mr. SATTERFIELD. The gentleman certainly is not implying there is no controversy on this particular amendment.

Mr. ADAMS. I do not think there is. If there is a controversy, it is only because the two of us are in disagreement.

Mr. SATTERFIELD. I believe there is disagreement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

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

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 4, line 20, insert " , other than the state-

ment required by section 4 of this Act," immediately after "health".

Mr. ADAMS. Mr. Chairman, this amendment would change the preemption section with regard to a health warning to read that no statement other than the statement set forth in section 4 relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act.

We have decided in this act that the label as put on the package is a proper and appropriate label. We have voted that. Some of us may have opposed it, but it has been imposed by the House properly by a vote of the House. We have also decided in the first part of this act what is involved with cigarettes. Therefore, it seems to me only logical—and I cannot see any argument possible against it—that if we have agreed this label is appropriate, then the label should be placed on the advertising. I am not requiring it by this amendment, but the amendment says that the Federal Trade Commission and the Federal Communications Commission can require that the label that is on the cigarettes be placed in the advertising on television, on radio, and in all other kinds of media if after hearings they decide that it should be done. This goes to the point that the chairman raised the first day, which was that these agencies, if you want to bring them under control, should be given instructions. In this the Congress would be saying to them that we will not allow you just to go out and do whatever you want, but we in Congress have decided an appropriate label is this, and then we set it forth in the act. Then we are saying to them that if you do believe that it should be done, you can place this label on all advertising. This would be done in the regular manner. In other words, a proposal would be sent out and there would be hearings and a decision would be made by the agency as to whether or not it would be put on. The parties involved would have the right to appeal the decision just as is done with every other product. I cannot see any reason why this should not be done. I would be very happy to have any opposition indicated to me, if you say that this label is all right. Then tell me why it should not be placed on advertising, because, after all, advertising is supposed to reveal to the people what the true state of the matter is in the best possible fashion.

Mr. Chairman, this is a very simple amendment, and I hope it will be adopted. It is the sort of an amendment that fits in with the rest of this bill, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 37, noes 59.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ADAMS

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

The Clerk read as follows:

Amendment offered by Mr. ADAMS: On page 4, line 23, insert after the period the following new sentence: "This subsection does not prevent any State or political subdivision thereof, which prohibits the sale of cigarettes to persons below certain ages, from requiring that any cigarette advertisement within its jurisdiction set forth the fact that persons below certain ages are prohibited by such State or political subdivision from purchasing cigarettes."

Mr. ADAMS. Mr. Chairman, this is the last amendment about which I know that we have to offer. I thought that statement might bring a little joy to some of you. This is what I refer to as the States rights amendment. I thought we would save it until last because it would have the best chance of passing.

Mr. Chairman, this law has been constructed by many States—and I have statements at the table from various State commissioners—to prevent them from requiring health warnings or from regulating advertising within their States.

Now, it has been said several times during this debate that cigarettes are a legal product. I want to state clearly to this House that cigarettes are not a legal product for minors in 48 of the 50 States.

Mr. Chairman, in order that the Members may have some idea of the severity of some of the State laws, I shall refer them to the hearings, at page 485, and I would read to them for example—and the gentleman from Texas (Mr. ECKHARDT) mentioned marihuana and I know many of you are very, very violently opposed to marihuana—but I want to read to you what the Indiana statute says.

The Indiana statute states as follows:

It is unlawful to give, barter, or sell either directly or indirectly to child under 16 tobacco to be chewed or smoked.

Unlawful to sell, barter, furnish to any minor cigarette, cigarette wrapper, or advise and counsel minor to smoke.

Unlawful for person under 21 to buy, receive, or accept or have cigarette, cigarette paper, wrapper or paper containing morphine, nicotine, oil of hemp.

Mr. Chairman, if advertising is not advertising or counseling minors to smoke, I do not know what it is.

For those of you who are not familiar with marihuana, marihuana is one of the hemp family and is covered by the decisions of the court.

Forty-eight of the 50 States prohibit the sale of cigarettes to minors.

It would seem to me that in all fairness we should at least allow States that prohibit sales to minors to regulate advertising within their borders by requiring that there be a warning, even as they have said in the State law, that would say in the advertising, "No one under 18 is allowed by State law to smoke cigarettes or to have cigarettes."

Certainly, it seems to me they ought to be able to say to their young people, those who are of a particular age, these warnings and let the States decide whether or not they are allowed to smoke and also say to the advertising people that within certain hours within our State you shall not advertise the sale of cigarettes.

I think that probably if it were not for the law that we have passed, certain

of the cigarette companies would be in violation of the State laws with reference to advising, counseling, and abetting children to smoke.

Because in the letter I read yesterday in 1 month in 1968 there were 13.3 billion presentations of cigarette advertisements in the United States, and it averaged out that every teenager saw at least 65 commercials in the month, and every child saw 45.

Now, this is cumulative. This is effective. This is showing their parents and other adults smoking and indicating to them that it is a habit that is worth while.

Mr. Chairman, I have tried during the course of the day to offer other amendments. Other gentlemen on our side have offered amendments to at least let the FCC and the FTC regulate. Now we are saying, "All right, if you are going to wipe all of those out and if you are not going to let anybody touch it, at least allow the States that have State laws prohibiting the sale to minors do some regulating." It is a States rights amendment. I believe that you can require it. You have it in the States now. If any of the Members have listened to some of the gasoline advertisements where they run these bingo games, it says "Void where prohibited by law."

The CHAIRMAN. The time of the gentleman has expired.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington. The "preemption" section, section 5 of the bill, is a curious provision. It continues the present law which prevents any Government agency, Federal, State, or local, from requiring health warnings in cigarette advertising.

If enacted, section 5 will continue to prohibit the Federal Trade Commission from requiring health warnings in all cigarette advertising; it will continue to prohibit the Federal Communications Commission from banning cigarette advertising on radio and television; and it will continue to prohibit the States from exercising their authority to legislate with respect to local advertising.

It is curious that those who rush to defend States rights are not on their feet today protesting such Federal preemption. It is curious that those who approve of a health warning on cigarette packages disapprove of a health warning in any other form.

Recently, I posed this question to my constituents in a newsletter: "Do you support my position in favor of the FCC's proposed ruling banning all cigarette advertising on radio and television?" Of those who responded, 75 percent agree with my position supporting the FCC's proposed ban. Section 5, if passed, will require me to tell my constituents that the Congress does not consider the FCC to have any competence or jurisdiction in what is broadcast over the airwaves. The Congress has created an agency to regulate those airwaves in the public interest and yet sees fit to revoke such authority now, and thereby a special interest outrageously is made paramount to the public's interest. This is a curious

way to legislate, and I think my constituents and the public at large will agree, if this bill is enacted without serious revision on the floor this afternoon. To undo the illogic of section 5, I urge my colleagues to support the amendment that would restore the authority of Federal, State, and local agencies to regulate cigarette advertising if they deem it to be in the best interest of the public's health and welfare.

Mr. FOUNTAIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the distinguished gentleman who introduced this amendment said that he saved it for the last in the hope that the mood of the House might change. I would like to say that the gentleman certainly saved the worst one for the last.

Mr. Chairman, I am opposed to this amendment. As I understood its reading, the proposal would add on page 4, line 23 the following:

This subsection does not prevent any State or political subdivision thereof, which prohibits the sale of cigarettes to persons below certain ages, from requiring that any cigarette advertisement within its jurisdiction set forth the fact that persons below certain ages are prohibited by such State or political subdivision from purchasing cigarettes.

This amendment, if added to this bill, would create utter chaos, and virtually make impossible nationally broadcast programs or the dissemination of nationally published magazines, and indeed many locally published newspapers. Imagine 50 different advertising formats in a nationally broadcast program.

It would open the door for each State to require each cigarette advertisement to recite word for word the State's law governing the purchase of cigarettes by minors. Nationally broadcast programs sponsored by a cigarette company would not be received in those States, for no commercial could possibly recite the varying applicable provisions for each and every State that might have the requirement.

Variations in State laws prohibiting sales to minors are well known. Some refer merely to minors; some to the age; others have provisions as to written permission of a parent or guardian, and some outlaw both sales to and possession by minors, and the age limit for a sales violation is frequently different from the limit for possession within a given State.

Local stations must commit themselves to showing nationally televised programs far in advance, often before it is certain who the sponsors will be. Stations would be denied the right to broadcast many programs if there was the remotest chance that even a 30-second spot cigarette commercial might appear on it.

These same variations would render it impossible to have printed cigarette advertisements in national publications, and in most local newspapers which enjoy any substantial out-of-state circulation.

The end result would either be utter chaos, confusion to the reading public, or more likely the complete cessation of cigarette advertising—which is what those offering this and other restrictive amendments are really seeking. They really want a ban on advertis-

ing either directly by law or indirectly by restrictions which will have the effect of stopping the advertising of cigarettes either nationally or locally.

Mr. Chairman, let me also add that all of these amendments relating to requiring warning statements in advertising, whether imposed by State or Federal agencies, embody the unique feature of having a businessman foot the bill for what Congress has made clear is a Government information program. In this instance, it is heavily supplemented by a great many private organizations who raise vast sums which they devote to anticigarette TV messages and pamphlets and antismoking clinics and the like.

It would be equally logical to require business advertising of any sort to carry full information about workmen's compensation laws, about the need to pay income taxes honestly and fairly, about the availability of unemployment compensation, or any other informational program which someone believes the public should have brought to it.

Even more, in this instance, as the HEW official in charge of the educational program made clear, there is no need for so stringent a requirement.

To put this burden on the advertising of a product that may be lawfully sold is not only punitive but also wholly unwarranted. In fact, it would be an undue burden upon interstate commerce.

I urge and sincerely hope the committee will vote this amendment down.

Mr. LENNON. Mr. Chairman, in the general debate yesterday on H.R. 6543, the Public Health Cigarette Smoking Act of 1969, I listened with great interest to the statement made by my colleague and good friend, L. H. FOUNTAIN, concerning his position which is certainly representative of the position of all of us from North Carolina. After his remarks were printed, I went back and reviewed them, in the RECORD on pages H4914-H4917, and I find myself in total agreement. I commend Mr. FOUNTAIN for his concern and efforts to keep advertising regulations within the authority of the Congress and not permit agencies of the Federal Government to run in all directions in the matter.

While I am also opposed to the proposed warning label because I do not believe that cigarette smoking has been incontrovertibly established by medical authority as dangerous to health, I shall support H.R. 6543, to extend public health protection, because this act will maintain the statutory authority of the Congress to regulate advertising. The administration of licensing cannot validly be converted into arbitrary acts of censorship. The committee bill, I feel, will protect the public and free enterprise from the threat of bureaucratic directives.

Mr. MOSS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, with all due deference to the very distinguished gentleman who preceded me in the well, I did not expect that I would be here long enough to hear him abandon his traditional role of supporting the rights of the States. It is a very refreshing experience.

I was also impressed by the misinformation where he said it would require word for word the recitation of the laws of the States in any advertising.

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

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

Mr. FOUNTAIN. I did not say it would require that. I said it would make it possible for that to happen.

Mr. MOSS. I would refer to the clear language of the amendment:

This subsection does not prevent any state or political subdivision thereof which prohibits the sale of cigarettes to persons below certain ages from requiring that any cigarette advertising within its jurisdiction set forth the fact that persons below certain ages are prohibited by such state or political subdivision from purchasing cigarettes.

Now there is not a thing there that implies there is the requirement that all the provisions of the law be set forth.

I have seen advertisements on many occasions saying, "This offer is not legal in the following States" and then it goes on to list a series of States where the coupon cannot be redeemed or where the game cannot be played.

But here there is a complete preemption, and all the gentleman from Washington wants to do is to clarify the right of the States or local subdivisions to enforce their prohibition.

You must remember that when the law of the State says that this is not a legal product to a 16-year-old or an 18-year-old person, then it is not a lawful product. To present it as it was presented in the well here a few minutes ago as being a lawful product and that this would be an onerous burden on interstate commerce distorts completely and clearly the intent of the author of the amendment.

There ought to be some limits on how far we are willing to go to deny any warning, or effective orders against the use of cigarettes. There is clear evidence that some of the States interpret this as an absolute preemption where they cannot require a notice of the fact that it is unlawful to offer them for sale to young men and women below certain ages, in most States 16 or 18 years old. I think this is the very least that you can do.

Perhaps we have reached the point where the House or the committee is inclined to say: "The public be damned—we are not concerned with your welfare."

That is what the action here today impresses me as being.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. ADAMS).

The question was taken; and on a division (demanded by Mr. ADAMS) there were—ayes 44, noes 79.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CLEVELAND

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

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 5, after line 20, insert the following new subsection:

"(3) The Secretary of Agriculture shall transmit a report to Congress not later than

six months after the effective date of this Act, and annually thereafter, concerning the dollar amount of administrative costs, export payments, market promotion activities, price supports, or subsidies, direct or indirect, of any kind whatsoever, that inures to growers, processors, or exporters of tobacco produced in the United States."

Mr. SATTERFIELD. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SATTERFIELD. I make a point of order against the amendment as not being germane. It pertains to the Department of Agriculture and the economics applicable to export promotion, market promotion, and other matters pertaining to tobacco. The amendment is not germane to the current action. It is also beyond the scope of the bill.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. CLEVELAND. Yes, I do, Mr. Chairman.

My amendment, which is almost self-explanatory and is quite brief, would require the Secretary of Agriculture to transmit a report to the Congress 6 months after the effective date of this act concerning a matter that I believe is directly involved in the subject matter of the bill. We are all concerned about the health angle and the advertising angles in relation to the use of tobacco.

But there is another facet to this problem and I think the public should be informed about it. And we Members should be informed about it. That is that the U.S. Government is subsidizing tobacco in some instances, and they are shipping it abroad and in some foreign countries I am told they are advertising and promoting its use.

Now, Mr. Chairman, the purpose of this legislation we are debating is to warn the American public about the dangers of smoking cigarettes. This is certainly a proper health function of the Government. But is it not hypocritical, even two-faced, to be providing this warning while another arm of the Government is actively and perhaps expensively engaged in the business of supporting, subsidizing and even promoting the use of tobacco? Of course it is.

While my amendment would not end this practice it would compel the Government to inform the taxpayer how much it is costing him to maintain and expand the market for a product which his government tells him—also at his own expense—may be harmful to use. Surely, Mr. Chairman, we should end this embarrassing, costly double standard.

On page 5 of the bill, under subsection (d), the committee in its wisdom has asked the Secretary of Health, Education and Welfare to transmit a report to Congress on current information in respect to the health consequences of smoking and recommendations, if any, for legislation.

On the same page, the committee in its wisdom has asked the Federal Trade Commission to transmit a report to the Congress not later than 18 months after the effective date of the act concerning the effectiveness of cigarette labeling

and the current practices and method of cigarette advertising.

It seems to me it would be quite germane for us to take the next step and ask the Secretary of Agriculture just how much he is putting into the promoting of tobacco and tobacco products, how much of it is being exported abroad, and under what conditions. I think this is thoroughly germane, and I ask the Chair to so rule.

The CHAIRMAN. The Chair has examined the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) and the bill before the Committee. The Chair observes that there are two reports required in the bill, as shown on page 5, and the gentleman's amendment adds a third report that would be required, and this third report would be germane to the subject matter of the bill. It seems clearly germane, and the Chair overrules the point of order.

The gentleman from New Hampshire is recognized for 5 minutes in support of his amendment.

Mr. CLEVELAND. Mr. Chairman, I think my previous remarks in connection with the germaneness of this amendment also explain my purpose in asking the House to adopt this amendment. The hour is late and I know that many members of the Committee have been listening to this debate patiently and for a long time. I can only say I hope the Chairman of the Committee in his wisdom, now that he has found the amendment is germane, will accept it.

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

The amendment was rejected.

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

Mr. Chairman, the amendment which we have debated this afternoon portray the classic issue of self-regulation versus Government regulation of private industry.

I do not think there is any disagreement on the point that wherever feasible and in the public interest, self-regulation of private industry is always to be preferred over Government regulation. But where an industry, entrusted with the burden of self-regulation abdicates its responsibility, then, in the interest of the public, Government must act to fill the regulatory gap which has been thereby created.

In considering this proposed legislation on cigarette advertising, we are faced with a decision which will bear directly on the public health and welfare of our citizens, and in particular on our young people. To pass the bill in its present form would be to allow existing patterns and techniques of cigarette advertising to continue, possibly unchecked, for another 6 years.

I believe that it is therefore incumbent upon us to inquire as to just how good those patterns and techniques are, and as to the nature of the guidelines and regulatory devices which govern them.

The tobacco industry is one which purports to be self-regulated.

At least it has all the appearances of self-regulation.

For example, the industry, early in

1964, drafted an eight-page Cigarette Advertising Code, the primary aims of which were, in the words of its administrator, "to avoid appeals to youth and to eliminate unsubstantiated health claims." At the same time a regulating instrument—Cigarette Advertising Code, Inc.—was set up.

Then July 1, 1964, the major tobacco companies involved in the drafting of the code appointed Robert B. Meyner as the code's administrator, at an annual salary of \$100,000. Mr. Meyner has to this date been the CAC's only administrator, and has continued to receive the \$100,000-a-year salary for the past 5 years.

Given, therefore, these indicia of self-regulation, we must now look to the record to see exactly what kind of a job of self-regulation the CAC and its administrator have been performing.

During hearings before the Interstate and Foreign Commerce Committee on May 1, 1969, Mr. Meyner testified that the CAC represents "a worthy example of self-regulation." If his testimony on that date, considered as a whole, is to be taken at face value, then the conclusion would be that he and the CAC are doing as effective a job of self-regulation as could be done. But, regrettably, this does not seem to be the case.

Let us, therefore, look to the record to see just how "worthy" is this example of self-regulation.

From the outset, I refer to a rather critical situation relating to, and seriously affecting the operations of, the CAC's subscribing membership.

When the CAC was initially adopted, it listed as its members all of the so-called "big six" tobacco companies—American Tobacco Co., Brown & Williamson, Liggett & Myers, P. Lorillard & Co., Philip Morris Co., and R. J. Reynolds Co.—as well as three rather smaller companies—Larus & Bro. Co., Stephano Bro., and the U.S. Tobacco Co.

But within less than 3 years after the date on which the CAC went into effect, two of the big six companies withdrew as members—P. Lorillard in 1966, a company which today represents an 11-percent share of total industry production of cigarettes, and the American Tobacco Co. in 1967, a company which now occupies 22 percent of the total industry market.

Therefore, we have today a situation where major tobacco companies responsible for one-third of the total U.S. cigarette production are not even subject to the rules of the code. How, then, can Mr. Meyner presume to "speak for the industry" when at least one-third of it has not been under his jurisdiction for quite some time?

But putting aside for a moment—if that is possible—those two critical defections, let us look at what kind of a job that CAC have been doing in regulating the advertising of the remaining member companies.

Article IV, section 1(a) of the code states that—

Cigarette advertising shall not appear: (1) On television and radio programs, or in publications, directed primarily to persons under twenty-one years of age; (2) In spot announcements during any program break in, or during the program break immediately

preceding or following, a television or radio program directed primarily to persons under 21 years of age.

But when we look at the record, what do we find? I shall use the example of WNBC-TV in New York City, the "flagship" of the National Broadcasting Co., to demonstrate that the above-cited provisions are violated regularly.

For one thing, on April 17, 1969, a typical broadcasting weeknight on WNBC-TV, FCC records show that during prime time alone, 12 separate cigarette advertisements were aired.

Further, taking, as examples, four separate television programs aired on WNBC-TV during prime time, you will find that two cigarette commercials were broadcast during "I Spy," four during "Tammy and the Doctor," two during "The Virginian," and three during "Daniel Boone."

I think that the violations here of the above-cited CAC provisions are obvious. The shows that I have mentioned are all most certainly programs that draw vast audiences of young people.

Let us look at another provision of the code. Article IV, section 1(d) of the code states:

Cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.

What has Mr. Meyner's CAC done to enforce the letter of this regulation? Apparently, not a great deal, since this regulation is also violated with regularity.

I would like to cite as examples some of the commercials referred to in the recently publicized confidential "Broadcast Cigarette Advertising Report," prepared in 1966 for the National Association of Broadcasters.

Reference is made in the report to the Camel filter commercial, which draws a parallel between the cigarettes and people who apparently enjoy, or have, gratifying pursuits. The people are depicted as smokers.

The report states:

Some campaigns stress success in other aspects of life; (e.g., high social standing, affluence, and sophistication). Such a campaign is Pall Mall's which extolls the brand in settings of a penthouse apartment, a luxury liner and a theatre lobby.

Parliament's theme—

The report continues—

"The right place, the right time, the right people, the right cigarette," is also a reflection of this concept.

Section 1(d) is again violated regularly in ads such as Marlboro's, Camel's, and Viceroy's, where use of so-called hero images is widely employed.

Quoting again from the confidential report:

Current cigarette ads utilize dramatizations of men who are of the type with whom young people like to associate, look up to, and emulate. The association with Marlboro of the rugged cowboy, the hero of the west, is the most conspicuous example of this image. He smokes with authority. The cowboy's masculinity and virile good looks are combined with rugged outdoor settings to create compelling images of the western hero-figure typified in American folklore.

What about article IV, section 1 (h) and (i) of the CAC? Those sections read, respectively:

Cigarette advertising shall not depict as a smoker any person well known as being or having been an athlete.

And—

Cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation.

Compare these sections with Parliament's "tennis" commercial, which shows persons rigorously engaged in a sport, and with other commercials showing smokers bowling and golfing.

The report further finds that a number of brands utilize a theme which could be argued as overtly encouraging all day smoking or adherence to the smoking habit.

The report states:

In Viceroy commercials men are seen smoking early in the day and then at night. The last cigarette tastes as fresh as the first because "Viceroy's got the taste that's right anytime of the day."

I believe, Mr. Chairman, that the above evidence clearly indicates that not only does Mr. Meyner not speak for a substantial portion of the cigarette industry, but that even those remaining members of the CAC regularly continue to violate their own code.

Unlike Pete Rozelle in his handling of the Joe Namath matter, Mr. Meyner either has been unwilling or unable to persuade his residual membership to conform to the code.

Thus, the only course that this body should follow is to send this bill back to committee without further delay, to permit an indepth study of the activities of the Cigarette Advertising Code, Inc. Those matters and problems which I have alluded to today, together with the new reports and file memos turned over last week to the committee, and which are now a matter of public record, dictate the need for prompt recommitment.

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE, Mr. Chairman, a questionable implication has been left here concerning the effectiveness of the codes of the broadcasting industry. I believe it would be a disservice to the public to bring this self-regulatory effort into disrepute. It appears to me a genuine effort of an industry to live up to its obligations. Under their codes, the radio and television stations strive to fulfill their community responsibilities, to respect the special needs of children, to achieve decency and decorum in programs, and propriety in advertising.

Of course, broadcasting stations are not perfect. On occasion they have fallen short of the mark and we should not hesitate to be critical. But for many years in observing the industry closely, I believe that the self-regulatory codes of the radio and television broadcasters constitute a positive force in the interest of the American people.

The codes work effectively in many areas. For example, mail-order promotions, advertisements of remedies for

serious medical problems such as bronchitis, firearms and ammunition sales outside of normal sporting activities, the exploitation of children in commercials for toys or products harmful to them without supervision—the codes restrain all of these practices.

As new products and situations arise, the codes have grown to meet the challenges. When a rash of movies were being promoted with a "hippie" theme or hallucinogenic drugs were involved, the code acted to set standards. As LSD rose in public awareness, the codes moved to prevent the portrayal of such products as desirable or socially acceptable.

Combating the staggering highway deathrate, commercials and programs set for the fall of this year will be subject to the code recommendations that shoulder harness and seat belts be shown in proper use and that motorcyclists have on helmets and eye protectors.

With the advent of a system of rating movies as to their appropriateness for different viewing audiences, the broadcasters have established a policy of including the rating with any commercials for the movies. They have further set limits on the showing of ads for movies of an adult character during certain hours.

Weight reducing products have come under supervision of the code and are designed to avoid the implication that the product in itself can cause weight loss without consideration of the total diet.

Advertisements for mail-order tear gas guns were prohibited. The code has positively dealt with such diverse subjects as ulcer relief, acne remedies, inclusion of forbidden hard liquor advertising in association with commercials for air travel, gambling activities at resorts, and even chinchilla ranching.

Advertisers are warned by the code to move away from antisocial behavior in commercials even when humorous or satirically presented such as bank robberies, hijacking, hooliganism, and vandalism.

Ethnic humor: that is, derisive slang, in connection with races or nationalities is prohibited by the code.

Compliance to the code's standards is initially up to individual broadcasters. But the code offers a staff of professional assistance to provide interpretive rulings on the wide range of subjects that daily pass over the airwaves.

Broadcasters have shown their concern by the establishment of such an authority. They indicate their responsiveness by the action already taken.

Is Federal regulation of the content of ads, and even of programs, a desirable alternative to this self-regulation? I submit that the Federal Government could not do as good a job. It should not even if it could.

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

I commend highly the majority of the members of this committee for a job well done. I greatly appreciate their fine work. I rise in support of H.R. 6543 which has as its purpose the extending of public health protection with respect to cigarette smoking and for other purposes.

I introduced one of the bills which

was considered by the House Interstate and Foreign Commerce Committee on this subject and am very vitally interested in it. I feel that it is most important that Congress act expeditiously to postpone the termination date on preemption of certain aspects of regulation of cigarette advertising in order to prevent precipitous action by certain Federal agencies which have already indicated their intention to persecute the tobacco industry. I do not believe that we can take this matter lightly, nor should we, because if the Federal agencies can act with respect to the tobacco industry as they now propose, they can also act subsequently to restrict advertising and promotion of many other products simply because some agency or group has determined that they are harmful to the general public.

The Cigarette Labeling Act which was passed in 1965 accurately reflects the proven facts about smoking and health and requires a warning on cigarette packages only that smoking may be harmful to one's health. The House Interstate and Foreign Commerce Committee has submitted new wording which apparently is acceptable to the industry and makes provision for the preemption to be extended from July 1, 1969, to July 1, 1975.

I feel that this is a reasonable action and one which continues to reflect only the proven facts which now exist. To do more than this would be acting precipitously and without proper justification.

In 1965 Congress acted in the face of an attempted usurpation of authority by the Federal Trade Commission which sought at that time to require warnings on all cigarette packages and advertising that use of cigarettes can cause cancer and other diseases. The FTC now has reiterated its intention and gone somewhat further in its attempts to browbeat the tobacco industry. We are also faced today with an even greater grasp for authority by the Federal Communications Commission which has proposed that a ban be placed on all cigarette advertising on radio and television.

The issue here is clear—shall Congress allow its legislative authority to be usurped by regulatory agencies? I believe that the overwhelming sentiment today is to do no more than can be justified but no less than to protect the public interest to the extent that present evidence requires.

It is important that Congress act quickly because the Cigarette Labeling Act expires on July 1, 1969, and unless Congress extends it, the Federal Trade Commission, the Federal Communications Commission, and other agencies may attempt to take action which will far exceed logical or justified approaches.

The so-called evidence submitted by the regulatory agency in connection with their proposals does not indicate that there is today any more proof of the dangers of cigarette smoking than was available in 1965 when the Cigarette Labeling Act was passed. What was done then in order to forestall a dangerous grasp for authority would, therefore, logically appear to be a course of action today when we are facing even greater

threats of precipitous action. Congress should not lend itself to the destruction of an entire industry simply on the basis of the whims and fancies or personal prejudices. Anything which is done must be justified by concrete and irrefutable evidence which certainly is not available today.

I am greatly concerned about the fundamental issue involved in the proposals made by the FTC and the FCC as the actions which they propose to take are clearly beyond the realm of authority of those agencies or any other agencies of the Federal Government. There is a growing tendency on the part of many of these regulatory agencies to arbitrarily increase their power and extend the scope of their operations under the guise that they are acting in the public interest. Such actions are frequently taken without the benefit of public hearings and certainly do not constitute legislative procedure.

I am particularly incensed by the attempts of the Federal Communications Commission to ban the advertising of cigarettes on radio and television. This proposal is clearly outside the jurisdiction which Congress has delegated to the FCC and in my opinion is only designed to intimidate Congress. It is not the prerogative of the FCC to take capricious action to prevent manufacturers of cigarettes from advertising, and certainly not on the basis of the contradictory medical evidence which is now available.

This is not strictly a health issue; it is a constitutional question, and one which Congress cannot afford to ignore. It is clear that if the FCC can ban cigarette advertising, it can also claim the right to curtail the advertising of other products—and if this authority exists to do this, presumably it also could extend to outright censorship and complete control of the broadcast content of radio and television.

Certainly the American people do not want or will not stand for government control of what they see or hear on the broadcast media. The freedom to speak also carries with it the freedom to advertise—unless there is some proven basis that the product in question is a detriment to the health and well-being of the public. Obviously there has been much disagreement among Government agencies on the information which is presently available on cigarette smoking, and it is abundantly obvious that the FCC cannot be considered as a basis for medical authority on the subject.

I am afraid that there are some today who, in their zeal to dramatize this subject, are in fact seeking to destroy the tobacco industry which is one of the oldest enterprises in the New World. There is a well organized campaign to undermine the industry and many who endorse this strategy and are in the forefront of these efforts seem to care little for fair play or objectivity. Any objective analysis of the information which is now available will clearly show that the Government should not put itself in the position of persecuting and destroying an entire industry. This is diametrically opposed to our system of free enterprise and I feel confident that

Congress does not want to lend itself to such an undertaking.

The overall impact of the tobacco industry in this country is considerable. Tobacco is one of the major agricultural commodities upon which hundreds of thousands of growers depend for much of their livelihood. About two billion pounds of tobacco are produced annually on about one million acres on over a half million farms in the United States. Altogether about 1,500,000 businesses share in the tobacco trade and in the fiscal year 1967-68 tobacco taxes imposed by Federal, State, and local governments reached an all-time high of \$4.2 billion. On cigarettes alone, the Federal tax amounted to \$2,066,159,000; State taxes to \$1,969,674,000; and municipal taxes to \$61,696,000 making a total of \$4,097,529,000. It is significant to note that cigarette taxes are more than five times as much as growers' receipts for the tobacco used in domestically consumed cigarettes.

I cite these figures only to show the total impact of the tobacco industry but as stated previously, my main concern is in the question of usurpation of authority by Federal agencies. Insofar as the Federal Communications Commission is concerned, we might point out that since the Cigarette Labeling Act of 1965 was adopted, there has been a growing number of antismoking advertisements carried on television stations throughout the country. Broadcasters generally have cooperated in the proper utilization of these commercials and the industry has endeavored to accommodate itself to the divergent points of view which have been aired. The fairness doctrine requires broadcasters to provide a reasonable opportunity for discussion of divergent views on controversial issues and the industry recognizes, of course, that this opportunity will continue to be utilized by those who oppose cigarette smoking. However, to carry through with the FCC proposal of February 9 would mean that the tobacco industry would be barred from exercising its constitutional right to advertise and in addition the implementation of this order would set up a chain reaction under which similar action might be applied to other products. It is obvious that if the FCC can invoke its ban on advertising, it is logical to assume that such things as patent medicines, vitamins, insecticides, alcoholic beverages, artificial sweeteners, many cosmetics and foods containing cholesterol, fluorides, etc., might also be deemed harmful to the body. The vulnerability of the product would be determined on whether or not it is subject to controversy and, of course, any of the above-named could be subject to criticism for some source.

I strongly urge that the Congress make unmistakably clear its intention with respect to the type regulation which these agencies are proposing as I am afraid that if this is not done we may soon find that further legislative authority will be usurped by the so-called commissions. Today it is cigarettes—tomorrow it might well be some other product and following this procedure to its logical conclusion, eventually almost everything which is advertised could be criticized or made controversial. We cannot

afford to default on this issue and leave the decisionmaking process to the FCC, the FTC or any other Government agency or to the courts. It is clearly the prerogative of Congress to act and Congress should exercise this prerogative and extend the Cigarette Labeling Act of 1965 as is proposed by the bill now before us.

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

Mr. Chairman, the various amendments which have been offered, and the discussion of them, has been very salutary. The fact that they were all defeated distresses me, and I feel constrained to vote against this bill.

The bill we have before us, H.R. 6543, should carry a health warning of its own, "Caution: Passage of this bill is a threat to medical practice in this country, to the programs of our medical and health agencies, and to the health of our people."

This is the way the Surgeon General of the United States characterized testimony in support of this bill.

This bill is bad legislation.

It is bad because it flies in the face of testimony from all major health organizations and the Department of Health, Education, and Welfare that Congress should authorize the Federal Trade Commission and the Federal Communications Commission to regulate cigarette advertising, particularly as such advertising appeals to youth.

It is bad because it flies in the face of the fact that since 1964, when the Surgeon General declared smoking a health hazard, cigarette advertising has risen 50 percent to \$300 million per year and the warning on the package has caused no appreciable decline in overall consumption or numbers of new smokers.

It is bad because it flies in the face of the inability of the broadcasting industry to regulate itself and its suppression of documentation indicating this inability.

It is bad because it fails to require that tar and nicotine contents appear on each package of cigarettes.

I intend to vote against this bill because I believe the time has come for our society to place the health of the public first in the consideration of priorities; and that this is exactly what this legislation would not do. As a public servant, I believe it is my duty to protect the public from any health hazards that may exist, or at the very least to warn them of such hazards.

Cigarette smoking is today one of the major contributors to death and disease in this country. In my own New York State alone, at least 16,000 die needlessly each year. Seven out of every 10 of these deaths were among persons 35 to 65 years of age. There can be no mistaking that the link between cancer, heart disease, emphysema, et cetera, and smoking is more than casual. Dr. Oscar Auerbach, Senior Medical Investigator at East Orange Veterans' Administration Hospital has stated that "Cigarette smoking is the most devastating thing that can happen to the human body." He considers it in the same class as arsenic. Dr. Auerbach has been investigating the relationship between smoking and health

for more than 15 years. If there are those who disagree with his conclusions, I need only point to the approximately 100,000 physicians in this country who have stopped smoking since the first report of the Surgeon General was issued in 1964.

While American ingenuity and salesmanship have the reputation of being able to sell anything, it should not be left totally free to sell ill health and death to the American people. I do not believe society should be left unprotected on this question.

I intent to cast my vote against this bill.

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

The cigarette advertising issue is an illustration of the fact that nothing is ever simple and clearcut in Federal legislation. At stake are billions of dollars in a number of major industries in the country, a possibility of controlling to some extent several deadly health afflictions and one of the basic tools of our free enterprise system, the right to advertise, which grows from the first amendment. Each of these basic interests serves to conflict with the other in the problem.

To reach a decision in this issue one must understand complex medical terms, the technicalities of law, the subtleties of semantics and the worth of statistics in proving assumptions.

It is the forthcoming expiration of the Cigarette Labeling Act of 1965 which has prompted renewed congressional concern over cigarette advertising. The 1965 act specifically stipulated that cigarette packages contain the warning: "Caution: Cigarette Smoking May Be Hazardous to Your Health." But it also ruled out any further restrictions by the Federal or State agencies on the advertising of cigarettes within the lifetime of the legislation.

This law is due to expire on June 30 of this year. And if Congress fails to enact legislation to extend and/or modify the 1965 act, the Federal Trade and Communications Commissions will be able to impose regulations of their own without congressional approval. Both the FCC and the FTC voted last year to recommend barring all cigarette advertising on federally licensed radio and television and there is no reason to doubt that they will pursue this course if Congress takes no action.

A rewording of the package label has been approved by the Interstate and Foreign Commerce Committee which is as far as this matter should go until clearer evidence is available. The new language would state: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause lung cancer or other diseases."

What makes the whole cigarette advertising controversy so ludicrous to me is that the Government is so inconsistent in its own attitudes about tobacco. While anxious to restrict or even abolish cigarette advertising by taxing industries to protect the public from the alleged hazards of smoking, Uncle Sam is still supporting the pro-

duction and sale of tobacco through price supports and export subsidies. It is these practices which cost the taxpayer millions annually that I feel must be eliminated before private industry should be asked to bear the losses involved in limiting advertising—losses which would also cost the taxpayer millions annually. It seems it is always the taxpayer who gets it in the end.

The Government cannot ignore economic factors in pushing strenuously for new controls in the interest of public health. For instance, in 1968, some 732 million pounds of U.S. tobacco were exported, bringing in \$686 million in sales and making a sizable contribution to our balance-of-payments position, which reached such a critical stage last year. As the world's largest producer of tobacco, we are also strongly affected economically by this commodity at home. About 2 billion pounds of tobacco are produced every year on some 1 million acres of land in 21 States—including Ohio.

While tobacco is grown on about 525,000 farms, more than 600,000 farm families share in the proceeds from tobacco sales, North Carolina alone has 186,000 families dependent or 750,000 people on tobacco in one form or another—many of them in federally assisted Appalachia.

These farmers throughout the country receive about \$1.3 billion a year from tobacco sales. This is a small part of what U.S. consumers spent, \$9.94 billion in 1968, to purchase tobacco products.

The spread means that a sizable industry of cigarette workers have an economic stake, too. But the greatest gainer of all from the sale of tobacco products is the Government—Federal, State, and local. These various levels of government last year took in \$4.4 billion in excise revenue taxes from tobacco sales. Thus taxes represent about 44 percent of consumer expenditures for tobacco products and are about three times the amount farmers receive for the tobacco they produce.

Therefore, any further attempts by the Government to limit cigarette sales through restrictions on advertising would hurt local government as well as tobacco farmers and the Federal Government—all while the Federal Government was paying out funds to aid tobacco exporters and to bolster tobacco prices. The Department of Agriculture since 1933 has paid out about \$53.8 million in its tobacco price support program. The cost of this price support program last year amounted to \$1.8 million.

But the biggest tobacco subsidy is the export subsidy. While the United States has remained the world's largest tobacco exporter, in recent years we began to lose our position in world markets and were not sharing in the increase of the consumption of tobacco products. An export program aimed at regaining and expanding foreign markets for the United States was begun in 1966. Under its provisions, exporters are paid whatever amount they lose by selling tobacco products at competitive prices on the world market. In fiscal 1968 this program cost the Government \$28 million.

Now to keep the American public interested in tobacco products is the busi-

ness of the advertising industry. According to Commerce Department figures, the tobacco industry in 1967 spent \$311.9 million dollars for this purpose. Of this, \$226.9 million went for television commercials and \$17.5 million for radio advertisements.

And this brings me back to the point I was making about the imposition of controls on advertising. How do you reconcile the Federal Government spending \$30 million a year on price supports and export subsidies with the move to restrict or actually abolish advertisements for the same products on radio and television?

Why should the privately financed advertising and broadcast industries bear the loss of \$227 million in revenue that would follow these restrictions?

That is a lot of money to spend to encourage heart disease, cancer, emphysema, and other ills, is it not? Or do cigarettes really cause the diseases? Could it be air pollution or a number of other ills associated with modern living? Statistical presentations before our committee established that heavy smokers experience more lung cancer and heart disease but they are also more prone to suicide and accidental death. As a former cigarette smoker who has given up the habit, I feel personally that cigarette smoking may truly be dangerous to one's health, but the evidence still has some contradictions which need to be resolved—although tobacco is clearly implicated.

But I cannot vote to prohibit advertising or to require advertisers to pay for statements critical of their own product while the policies of the Federal Government are so contradictory with reference to tobacco. The establishment of the Government's right to censor advertising of a legal product on the presumption of guilt could open up a whole new range of Government interferences in private industry with potentially harmful results for our whole economic system.

Who can say with assurance which products are safe and which are harmful under certain conditions of use? If Government can limit or abolish cigarette advertising on radio or television because of statistical implications of hazards in smoking, what's to stop it from imposing restrictions on automobile advertising and other products which may be used with lethal results according to statistics? Surely the automobile has one of the highest statistical danger potentials of any product made in this country, if we were to count the fatalities caused by traffic accidents—the 55 thousand people killed on our highways last year represent 20,000 more deaths than our Nation has experienced during the entire war in Vietnam.

I see no logic in forcing a private sector of the economy to take a position which the Federal Government itself has been unwilling or unable to take regarding tobacco. One branch of the Federal Government is engaged in the promotion, growth, sale, and export of tobacco while another branch is engaged in discouraging the consumption of tobacco. And both efforts would cost the taxpayer

money. Why do we not just stop Government support of tobacco? At least that would save the taxpayer money. But does the medical evidence really justify the economic damage?

Government should never be permitted to force the private sector of the economy to take action that Government is unwilling to take itself. However, until the question of the degree of danger in the use of tobacco is better resolved. I have asked the executives of the radio station and newspapers which my company owns not to accept any cigarette advertising. However, I have not seen anything to justify any further Federal action at this time beyond the committee recommendation for strengthening the package label warning.

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

Mr. Chairman, it appears to me that there are two fundamental issues at stake in the Public Health Cigarette Smoking Act of 1969. Those issues are the economic health of hundreds of thousands of rural and urban residents in a large section of the country and the physical health of literally millions of Americans everywhere.

Those of us who come from the area which is economically linked to tobacco are just as concerned about the hazards of smoking as anyone and just as desirous of finding the causes and cures for lung cancer—for all forms of cancer. Unfortunately, the almost uniform opinion heretofore has been that if you were concerned about one issue you could not be concerned about the other.

I, of course, intend to vote for this bill and hope that this body and the other Chamber will give it quick enactment. The present controls on limiting the advertising of cigarettes plus a new health warning on cigarette packages would be extended for another 6 years.

Frankly, Mr. Chairman, the House should not have to renew these limitations a third time. When Congress enacts this bill, however, it will have discharged only half of its responsibility in this regard.

The Federal Government has an equal responsibility to give maximum support and assistance to a greatly accelerated program of research to discover what harmful ingredients, if any, are in cigarette smoke. This would come primarily in the areas of lung cancer and respiratory and heart disease. I also want to point out, Mr. Chairman, that the testimony of such an eminent medical specialist as Dr. Sheldon Sommers, a pathologist from New York, sheds considerable doubt on the accuracy of the Surgeon General's report. The medical evidence is inconclusive with the split of opinion as it is, the only fact that is conclusive at this point is that tobacco is the principal cause of statistics.

Mr. Chairman, greater support of medical research programs would be a vital responsibility of this Government even if the smoking issue did not exist. But under the circumstances, our duty to the citizens of this country is increased many fold.

As I stated in this chamber in Febru-

ary and before the Interstate and Foreign Commerce Committee in April, I cannot think of a more appropriate opportunity for a Federal Government-industry cooperative program than one in this area. The cigarette industry and the U.S. Government received the major share of the revenue derived from the sale of tobacco. Therefore, it would be most appropriate for these two to jointly underwrite a true crash health research program to determine if there is a true relationship between smoking and health hazards, and, if so, how smoking can be made safe. In conjunction with this last statement, I wish to point out that the Federal Government realized an income of \$2.07 billion from the sale of cigarettes alone in fiscal 1968. Additionally State and local governments realized \$1.5 billion in fiscal 1968. How do we propose to recoup this lost revenue, especially in this time of high taxes and crushing inflation?

I was very much encouraged when Secretary Finch announced in late April that representatives of the Department of Health, Education, and Welfare and the tobacco industry are planning the development of a cooperative research program on the problems of smoking and health. This is a very significant first step. But because of the very pressing nature of the problem much more affirmative action and effort is warranted.

Therefore, Mr. Chairman, I urge this Congress to give its serious and constructive attention to a greatly increased level of Federal support to health research. To do otherwise would be inconsistent with—indeed would be in derogation of—our duty and responsibility to all of the citizens of this Nation.

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

Mr. Chairman, this is a much better bill than some people want to give us credit for passing. It should be remembered that the labeling previously said, "Caution: Cigarette Smoking May Be Hazardous to Your Health." The new labeling is a much stronger statement that says, "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Injurious to Your Health and May Cause Lung Cancer and Other Diseases." That is a strong statement, Mr. Speaker, and it is a factual statement. Although there has been great contradiction of testimony before our committee, we can definitely say that the Surgeon General stated that in his opinion there is a causal relationship between cigarette smoking and lung cancer. Anybody who buys a package of cigarettes from now on and reads that label—and we must presume that that label is probably read nearly every time a man smokes a package of cigarettes—then that man has been warned about the possible dangers involved.

I had planned to offer two amendments which would attempt to allow advertisement in publications, and on radio and television but which would require the same warning. The amendments had been offered by me in our committee and were voted down. I therefore have supported the committee bill today although I feel that there is still a

possibility that Congress can agree on wording which would allow advertisement in the various media and still require the warning which is on the package of cigarettes. This is not an easy matter to legislate. Perhaps we can still consider a compromise or alternate amendment as the other body considers this measure or as it might come back from conference.

I might add, Mr. Chairman, that one reason these particular amendments were not offered was that there had been such an overt and bold assertion on the part of both the FTC and the FCC that they would in effect bar all advertisement that I was reluctant to offer these amendments because to give them any authority might be to give them all authority. If we can effect such a compromise, these regulatory agencies must realize that they will be required to carry out the letter and the spirit of the Congress.

Mr. Chairman, one last point and that is that the tobacco industry should let this debate today and the ensuing legislation serve as a clear signal to them that much needs to be done in the field of self-regulation. We should give credit to the industry for the cooperation given in this area and should salute the work done by such groups as the American Cancer Society, the American Heart Association, and the American Medical Association. The possible dangers of smoking are not a secret by any means, because citizens will see these warnings at one time or another on television and in other media. But the tobacco industry through their advertising agencies must assume stronger leadership or else the Congress will pass legislation that in effect may cut off all advertising. It is time for the industry to show greater leadership than they have given us.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Chairman, I rise at this point to advise my colleagues that I will not vote for this bill. I intend to vote for the motion to recommit the bill with instructions that the defeated amendments offered on the floor today which would have strengthened the bill be included in the bill before it is again brought to the floor. If that motion is defeated, as I am sure it will be, then I will have no recourse but to vote against the bill.

The public can draw only one conclusion, that special interests—in this case the tobacco interests—have triumphed again. They have won every battle today. But those who will pay the price of their victory are the children of this country—hooked next week, hooked next year—hooked for the next 6 years by the continued lure of cigarette advertising. Such a price is intolerable, and I will continue to work with those engaged in seeking to protect the public's health in this life-and-death issue.

(Mr. LOWENSTEIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LOWENSTEIN. Mr. Chairman, there is now ample evidence that where advertising smoking is concerned, self-

regulation is the brand name for no effective regulation at all. The House today is in the process of buying no effective regulation at all. Let this legislation be so branded. And then let us legislate that cats will guard depots of milk.

For what we are doing here is to prohibit not only Federal regulation but State regulation as well. This, I assume, means either that the Congress has determined that smoking is no hazard to health, and therefore it would be unreasonable for anyone to regulate its promotion, or that no one should regulate the promotion of products that may be hazardous to health.

We do not seek to weaken the first amendment by limiting free speech. We do not seek to legislate the habits of the American people or to trample the privacy of the American home. We seek simply to minimize the promotion of hazards to the health of the American people, particularly young people.

Is the public welfare not a legitimate concern of the Congress? Are the health and safety of the American people no longer valid subjects for congressional action? Are we able to prohibit the advertising of contraceptives but not of cigarettes? Are we wise to do that?

Does anyone argue that cigarette smoking is good for the health? Can we not agree that where millions of lives are concerned—where there is evidence that the safety of many people may be imperiled because they are unaware of the hazards of smoking—can we not agree not to abdicate the responsibility specifically given us by the Constitution?

Should not we recommit this bill so the committee can amend it to reflect some concern for the health, safety, and well-being of the American people?

Mr. TUNNEY. Mr. Chairman, the legislation which we are considering today is important in that it demonstrates the concern of Congress for the dangers of cigarette smoking. It is important that we strengthen and expand the warning on cigarette smoking.

The warning that this legislation requires on cigarette packages is certainly an improvement. The warning is, nevertheless, directed at those who already smoke cigarettes. If any meaningful progress is to be made, efforts must be made to regulate the tremendous amount of cigarette advertising which is directed at encouraging young people to begin the cigarette habit. The warning label has no impact at all in this area.

Proper regulation of cigarette advertising requires vigorous action by responsible regulatory agencies such as the Federal Communications Commission and the Federal Trade Commission. Yet section 5 of this legislation preempts the agencies from taking further action. The most effective action we could take here today would be to amend H.R. 6543 to eliminate section 5—the preemption section. The regulatory agencies should not be precluded from promulgating reasonable measures designed to protect the public health.

In addition to eliminating the provision which takes away from the regulatory agencies the power to act, I feel that the Federal Government must discon-

tinue its subsidy program to the tobacco producers.

Therefore, I am sponsoring legislation which would phase out the price support program for tobacco and prohibit the use of Government funds to promote tobacco products.

In fiscal year 1968, the Commodity Credit Corporation spent \$138 million in tobacco price support payments. Federal funds should not be used to support a product which the Federal Government is labeling as dangerous to health.

Mr. HALPERN. Mr. Chairman, I rise in opposition to H.R. 6543, the bill now being considered by the House. This bill is totally inadequate to the enormity of the health hazards involved in cigarette smoking. I favor a stronger warning that mentions the word "death" as a possible result of cigarette smoking. I favor the inclusion of the tar and nicotine content of the cigarette on the package.

More important than the warning, however, is the area of advertising. This bill merely extends the present "preemption" of Federal, State, and local control for 6 more years. I am opposed to the continuation of this ban. The dramatic testimony presented by Mr. Braren before the Committee on Interstate and Foreign Commerce emphasizes the immediate need for Government control of cigarette advertising. The broadcast industry has failed miserably in its attempt at voluntary control.

The time has come for all of us to join together and place the health of our citizens, especially our youngsters, above any sectional or industrial interests. While the cigarette and broadcasting industries have large effective lobbies, who is to represent the public interest? The answer is clear. Each of us elected to this body must represent the public interest above all others. For the sake of the health of our citizens we must oppose the bill in its present form.

I strongly support amendments to be introduced to include a tar and nicotine content statement, to end the ban on FTC and FCC control of advertising not 6 years from now, but immediately. The same warning that appears on the packages should be required in all advertisements whether in broadcast or printed media.

Mr. BOLAND. Mr. Chairman, I want to express my support for the three strengthening amendments to this bill—amendments that would give Government agencies the legislative muscle they need to keep a tight rein on cigarette advertising.

Before discussing the amendments, however, I would like to say a few words about the legislation itself. The need is plain—indeed, conspicuous—for strengthening the warning now carried on cigarette packages. The present warning—a timid and tepid one that must rank among the understatement of all time—states merely, "Caution: Cigarette smoking may be hazardous to your health." The bill now before us calls for an admonition that is far more straightforward and far more accurate, "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause

lung cancer or other diseases." Simple, frank, explicit, this stricture would give smokers the grim facts about cigarette smoking instead of a misleading evasion. Still, Mr. Speaker, I am not wholly satisfied with this warning. The ideal wording—to my mind, at least—is the wording sought in legislation I have filed in both the 90th and 91st Congresses. My bill, H.R. 988, calls for a warning that says, "Warning: Cigarette smoking is dangerous to health and may cause death from cancer and other diseases." This warning does not appeal to the Surgeon General's authority—it states a medical fact as a medical fact—and it candidly cites the possibility of death from cigarette smoking. Clearly, Mr. Chairman, the evidence amassed over the past half century demonstrates beyond doubt that chronic cigarette smokers are flirting with death. All available data on smoking—physiological, pathological, medical—makes clear the great risk smokers take each time they light up a cigarette. Cancer, emphysema, and a whole range of cardiovascular disorders are just a few of the diseases that can stem from the habitual inhalation of tobacco smoke.

The amendments I cited earlier are necessary to inform the consuming public about this menace to health. The first amendment—identical to a provision in my bill—would require the health warning in all cigarette advertising: that published in magazines and newspapers, or broadcast on television and radio. The second amendment would stipulate that the health warning must be carried on the broad side of the cigarette package instead of the narrow side. The third amendment—and, perhaps, the most significant one—would clear away the preemption that now bans the FCC, the FTC, and State agencies from regulating cigarette advertising. This amendment would allow the FCC to place the outright prohibition it wants on radio and television cigarette advertising.

Cigarette advertising must be regulated—and tightly regulated. Designed with all the glamour and attractiveness that Madison Avenue can muster, cigarette ads lure many young people into smoking and make it tantalizingly difficult for older smokers to quit. Typical ads present a young couple holding hands in a green country glade and ecstatically savoring their mentholated cigarettes, a business tycoon leisurely contemplating his streams of cigarette smoke in the opulence of a private club's sitting room, a crack racing driver puffing away at the cigarette perched insouciantly in the corner of his mouth as he shifts gears on the racecourse. Such ads are designed to make the consuming public regard smoking as fun, as attractive, as giving status. Nothing could be further from the truth. Smoking is a major peril to the Nation's health, leading to the death of thousands of Americans each year. It is high time that regulatory agencies strip away the fake glamour in cigarette advertising.

Mr. RYAN. Mr. Chairman, the passage of H.R. 6543 without any amendment would represent a decisive victory for the tobacco industry and a tragic defeat for the youth of our Nation. In the light

of many medical studies, little doubt remains that cigarette smoking is dangerous and may cause death from cancer and other diseases. The Public Health Service summarizes its views of cigarette smoking as follows:

1. Cigarette smokers have substantially higher rates of death and disability than their non-smoking counterparts in the population. This means that cigarette smokers tend to die at earlier ages and experience more days of disability than comparable non-smokers.

2. A substantial portion of earlier deaths and excess disability would not have occurred if those affected had never smoked.

3. If it were not for cigarette smoking, practically none of the earlier deaths from lung cancer would have occurred; nor a substantial portion of the earlier deaths from chronic bronchopulmonary diseases (commonly diagnosed as chronic bronchitis or pulmonary emphysema or both); nor a portion of the earlier deaths of cardiovascular origin. Excess disability from chronic pulmonary and cardiovascular diseases would also be less.

4. Cessation or appreciable reduction of cigarette smoking could delay or avert a substantial portion of deaths which occur from lung cancer, a substantial portion of the earlier deaths and excess disability from chronic bronchopulmonary diseases, and a portion of the earlier deaths and excess disability of cardiovascular origin. (The Health Consequences of Smoking, A Public Health Service Review, 1967, Public Health Service Publication No. 1696, pp. 3-4 (Revised January, 1968).)

The sponsors of this bill claim that it will require cigarette manufacturers to include adequate warning of the dangers of smoking. This claim is a farce. The most effective way to protect youth from the hazards of smoking is to reach them before their decision to smoke has been made, before the package of cigarettes is ever purchased. Cigarette advertising obviously plays an important role in this decision.

The world of cigarette smokers has been depicted as an idyllic world of handsome men and lovely young women who walk hand in hand through scenic meadows. To the impressionable youth of America, such advertisements seem to promise the cigarette smoker a life of social success. The time has come to advertise the dangers of smoking realistically or not at all.

The present law provides that no statement relating to smoking or health, other than the warning set forth in the act, shall be required on any cigarette package and furthermore that no statement relating to smoking and health shall be required in the advertising of cigarettes, the packages of which are labeled with the statutory warning. That preemption expires on July 1, 1969. H.R. 6543 would extend the preemption to July 1, 1975.

By extending the preemption for 6 years, the Congress in effect would prohibit the Federal Communications Commission from removing cigarette advertising from television and radio which the Federal Communications Commission proposed to do upon the expiration of the preemption. On February 5, 1969, the Federal Communications Commission issued a notice proposing a rule which would ban broadcast licensees from presenting cigarette advertising.

Although the bill strengthens the lan-

guage of the warning on the package to read:

Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health and may cause cancer or other diseases.

This amended warning is insufficient to alert the public to the potential consequences of cigarette smoking.

I am a cosponsor of H.R. 5212 which was introduced on January 29. In essence, this bill contains five major provisions to protect the consumer:

First, a warning to be included on all packages reading:

Warning: Cigarette smoking is dangerous to health and may cause death from cancer and other diseases.

Second, all advertisements of cigarettes to include an identical warning;

Third, all advertisements to include a statement listing the average tar and nicotine contents of each cigarette;

Fourth, it made it unlawful to manufacture cigarettes that exceed a maximum length prescribed by the Secretary of Health, Education, and Welfare; and

Fifth, it repealed section 10 of the Federal Cigarette Labeling and Advertising Act, thereby eliminating the preemption and permitting the Federal Communications Commission and the Federal Trade Commission to regulate advertising.

Unfortunately, these provisions were not adopted in committee. Instead, a capitulation to the tobacco industry was reported to the floor of the House.

A number of amendments are proposed in an attempt to strengthen the health protection provisions of H.R. 6543.

The gentleman from Michigan (Mr. DINGELL) has an amendment to direct the Federal Communications Commission to prohibit the broadcasting of cigarette advertising which would be most likely to have an impact upon individuals under 18.

The gentleman from Rhode Island (Mr. TIERNAN) has an amendment to shorten the preemption period.

These and other amendments are worthy of support.

The Department of Health, Education, and Welfare, the Federal Communications Commission, the Federal Trade Commission, and every major medical association in the United States have called for a strong bill that will adequately inform the public of the dangers of cigarette smoking. Congress must not place economic and political considerations above the health of our citizens.

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

I rise to inform the House that I am informed the motion to recommit this matter will be a straight motion to recommit to the committee. In light of what has happened this afternoon on our attempts to perfect this bill with amendments, because every perfecting amendment has been defeated and every attempt we have made to try to improve this legislation or to make it a bill we could vote has been thwarted, and I will, therefore, urge my colleagues to vote for the motion to recommit. I hope the House will support this position.

The House will say, if it does support the motion to recommit that it is not

satisfied with this bill and that the committee should take it back and the committee should correct the bill and make the bill something the American public can support. It will be a bill to accomplish the things that should be accomplished by this House today.

So I am hopeful the motion to recommit, which, as I understand it, will be a straight motion to recommit to the committee, will be agreed to. I urge my colleagues to support it.

Mr. BROWN of California. Mr. Chairman, Government public health programs are based on a general objective of protecting and improving the Nation's health. The only protection and improvement stemming from passage of H.R. 5643 will be for the tobacco lobby and its friends.

This is a life and death issue, and it calls for strong, positive congressional action. I support the moves to:

First, have the Surgeon General's warning used in all forms advertising of cigarettes;

Second, to prohibit cigarette advertising on programs designed to be seen by young people;

Third, to have warnings on both front and back of cigarette packages;

Fourth, to print tar and nicotine contents on each package.

I also back all other proposed amendments which will create effective control and protection of cigarette advertising and promotional schemes.

Without these amendments, Congress will take a giant backward step in providing effective public health policy. And I intend to vote against this bill if it is presented in the form in which it came from committee.

Recommittal does not seem to be the answer; I do not envision the chances being too great that a better bill would come out of committee a second time.

Instead, in lieu of approval of strengthening amendments, I would just as soon see the whole bill defeated today on the floor, and allow regulations drawn up by the Federal Trade Commission and the Federal Communications Commission to go into effect.

Therefore, today I shall vote both against recommitment of the bill, and against the bill itself.

Mr. JONES of North Carolina. Mr. Chairman, I doubt that there has ever been a bill considered on this House floor which has been clothed with more emotional overtones than this H.R. 6543. To those who are so concerned over the general subject of tobacco, I do not question their motives nor their sincerity. But before they continue their efforts to destroy an industry which provides a livelihood for hundreds of thousands of medium- and low-income citizens, one that produces over \$5 billion annually for tax purposes to municipalities, States, and the Federal Government, and one which in recent years has been the prime factor in this Nation retaining a favorable balance of trade in the world economy, I suggest that they look at the other side of the coin.

To proceed on the presumption that tobacco is the root of all health evils is not entirely correct. I have in my files a series of statements from some of the

lending pathologists and surgeons throughout this Nation to the effect that the definite relationship between smoking and lung cancer has not been established. I will not impose on this Committee by listing these names, but I will be happy to furnish them to anyone upon request. But permit me to say that there are over 50 statements from names which I am sure would be familiar to many of you.

I would be less than honest if I did not admit that I approach this subject with some degree of prejudice inasmuch as I represent a congressional district which produces more tobacco than perhaps any other one. Reference has been made to the tobacco industry and the implication that the manufacturing of cigarettes is the sum total of the industry. This is indeed a shortsighted view, for I repeat again, there are some 600,000 farm families dependent on this production for a living, hundreds of thousands of factory workers who draw adequate wages in the manufacturing of cigarettes, freight carriers, advertising agencies, wholesale-retail merchants, and I could add other segments to this list. So, when we speak of the tobacco industry, let us not by definition confine it to six or eight major manufacturing companies, for it is indeed misleading.

It might be interesting, Mr. Chairman, to other members of this Committee to know that I have not been contacted by a representative of a single cigarette manufacturing company in connection with H.R. 6543. On the other hand, I have been contacted by literally hundreds of farmers in my district, who view this attack on tobacco as a serious threat to their very economic existence. Here, Mr. Chairman, is my concern, for I am sure the manufacturers of tobacco with their ingenuity and resources could easily and quickly convert to other operations. Many have already begun this transition into the production of other commodities. Within recent days, one of the oldest tobacco manufacturing companies, R. J. Reynolds, has officially removed the word "tobacco" from its title, and is today known as the "R. J. Reynolds Co."

So, I once again contend that it is grossly misleading to refer to the tobacco industry as including only a view of the major manufacturers.

In closing, let us forget tobacco for a moment and consider the dangers of bureaucratic censorship. For if the FCC is permitted a degree of censorship in this area, I think it is reasonable to ask, "who will be next?"

Therefore, Mr. Chairman and Members of the Committee, I urge you to give favorable consideration to H.R. 6543 to stop in its embryonic stage this monster of censorship before it becomes a sinister adult threatening the very freedoms which we have all been led to believe are ours.

Mr. PREYER of North Carolina. Mr. Chairman, when the Congress enacted the Cigarette Labeling and Advertising Act in 1965, included in that statute was some very clear and strong language designed to assert, beyond any shadow of a doubt, exclusive congressional authority over any regulation of cigarette advertising with respect to smoking and

health. It was our intention then, and in reenacting the basic provisions of that law it is our intention now, to preclude nonuniform and "piecemeal" regulation by the Federal agencies and the States.

What could be clearer, Mr. Chairman, than the explicit "declaration of policy" in section 2 of the act, and which is also section 2 of H.R. 6543:

It is the policy of the Congress, and the purpose of this Act, to establish a comprehensive Federal program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

"(1) the public may be adequately informed that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes; and

"(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health."

The act went on to state in section 5(b), which bears the title "Preemption," that—

(b) No statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this Act.

It was certainly understood when the 1965 act was passed, and it is even more clear today, that these provisions were intended to prevent any Federal agency and the 50 States from tampering in any way with cigarette advertising "by diverse, nonuniform, and confusing cigarette advertising regulations with respect to any relationship between smoking and health."

Indisputably, the Federal Communications Commission's proposed ban on cigarette advertising is a regulation of that advertising "with respect to any relationship between smoking and health." The sole basis for the FCC's proposal is the claim of the Surgeon General that cigarette smoking constitutes a health hazard. The FCC itself has publicly recognized on numerous occasions that it may not lawfully ban cigarette advertising so long as the preemptive provisions of the Labeling Act are effective.

In view of these considerations, Mr. Chairman, the amendment offered by the gentleman from Texas which would explicitly forbid the FCC from banning cigarette advertisements is unnecessary, and, indeed, could be viewed as a retreat from the firm position taken in the 1965 act and continued in H.R. 6543. The amendment is unnecessary because the FCC is already preempted from banning cigarette advertising. Indeed, the amendment might even be misconstrued as cutting back the preemption that already exists. For that amendment speaks only to a ban on cigarette advertising by the FCC. It does not cover any other Federal agency and, more importantly, it does not cover such a ban if adopted by each State legislature or local governing body.

I certainly do not want to leave the impression, Mr. Chairman, that the Congress has changed its mind about tak-

ing exclusive control over the subject matter and forbidding "piecemeal" regulation. It is for this reason, Mr. Chairman, that I oppose the amendment offered by the gentleman from Texas.

Mr. BROYHILL of North Carolina. Mr. Chairman, I strongly support H.R. 6543. That bill would amend the 1965 Cigarette Labeling and Advertising Act in two important respects. First, the bill changes the caution notice which currently appears on all domestically sold packages of cigarettes to read:

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health and May Cause Lung Cancer or Other Diseases.

Second, the bill would continue in effect until July 1, 1975, the preemptive provisions of the Labeling Act with respect to regulation of cigarette advertising.

The extension of the preemptive provisions is especially important at this time when the exclusive control which Congress has rightly taken over the subject matter has been directly challenged by the Federal Trade Commission and the Federal Communications Commission. The FTC proposes to require a lengthy and drastic health warning in all cigarette advertising; the FCC proposes to ban cigarette advertising entirely from radio and television. Enactment of H.R. 6543 would prevent both agencies from continuing with their proposed regulations.

Section 5(b) of the bill explicitly prohibits the requirement of a warning in cigarette advertisements, such as that proposed by the FTC. Implicit in the language of section 5(b) is the congressional policy that cigarette advertising should be allowed to continue—subject only to the same types of regulation, such as control of false or deceptive matter, as that to which the advertising of all other lawful products is subjected. Obviously, Mr. Chairman, the section which forbids the governmental requirement of a warning in advertising would be rendered nugatory if some Federal, State, or local agency were left free to substantially curtail that advertising or ban it altogether. Thus, the provision that "no statement relating to smoking and health shall be required in the advertising of any cigarettes the packages of which are labeled in conformity with the provisions of this act" clearly encompasses a prohibition against a Government imposed ban on cigarette advertising.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. Brooks, 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. 6543) to extend public health protection with respect to cigarette smoking and for other purposes, pursuant to House Resolution 437, 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 OFFERED BY MR. BROTZMAN

Mr. BROTZMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BROTZMAN. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROTZMAN moves to recommit the bill H.R. 6543 to the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 138, nays 252, answered "present" 3, not voting 39, as follows:

[Roll No. 85]

YEAS—138

Adams	Farbstein	McDade
Anderson, Calif.	Fascell	Macdonald, Mass.
Anderson, Ill.	Feighan	Madden
Bell, Calif.	Findley	Matsunaga
Bennett	Fish	Mayne
Biester	Ford,	William D. Meeds
Bingham	William D. Fraser	Meskill
Blatnik	Fraser	Mikva
Boland	Frelinghuysen	Minish
Bolling	Gibbons	Mink
Brasco	Gilbert	Morse
Brotzman	Green, Oreg.	Mosher
Buchanan	Green, Pa.	Moss
Burton, Calif.	Grover	Nix
Button	Gubser	Obey
Cahill	Gude	Patman
Celler	Halpern	Patten
Chisholm	Hathaway	Pelly
Clausen,	Hawkins	Pepper
Don H.	Hays	Pettis
Clawson, Del.	Heckler, Mass.	Pike
Clay	Helstoski	Podell
Cohelan	Hicks	Rees
Conable	Hogan	Reid, N.Y.
Conte	Hollifield	Robison
Conyers	Horton	Rodino
Corman	Hosmer	Rogers, Fla.
Coughlin	Howard	Rosenthal
Culver	Jacobs	Roybal
Daddario	Joelson	Ryan
Daniels, N.J.	Kastenmeier	St. Onge
Dellenback	Keith	Scheuer
Diggs	Koch	Schwengel
Dingell	Kyl	Shipley
Donohue	Kyros	Stafford
Dulski	Latta	Stokes
Dwyer	Leggett	Stratton
Eckhardt	Lloyd	Symington
Edwards, Ala.	Lowenstein	Talcott
Edwards, Calif.	McCarthy	Tiernan
Ellberg	McClory	Tunney
Esch	McCloskey	Udall
Evans, Colo.	McClure	Van Deerlin
	McCulloch	

Vanik	Whalen	Wyman
Vigorito	White	Yates
Waldie	Wold	
Weicker	Wydler	
NAYS—252		
Abbt	Fulton, Pa.	Pickle
Abernethy	Fulton, Tenn.	Pirnie
Adair	Fuqua	Poage
Addabbo	Galifianakis	Poff
Albert	Garmatz	Preyer, N.C.
Andrews, Ala.	Gaydos	Price, Ill.
Andrews, N. Dak.	Gettys	Price, Tex.
Annunzio	Goldwater	Fryor, Ark.
Arends	Gonzalez	Fucinski
Ashley	Goodling	Purcell
Aspinall	Gray	Quile
Ayres	Griffin	Quillen
Baring	Griffiths	Randall
Barrett	Gross	Rarick
Beall, Md.	Hagan	Reid, Ill.
Belcher	Haley	Reifel
Berry	Hall	Rhodes
Betts	Hamilton	Riegler
Bevill	Hammer-	Rivers
Biaggi	schmidt	Rogers, Colo.
Blackburn	Hanley	Ronan
Blanton	Hansen, Wash.	Rooney, N.Y.
Boggs	Harsha	Rooney, Pa.
Bow	Harvey	Rostenkowski
Bray	Hastings	Roth
Brinkley	Hechler, W. Va.	Roudebush
Brock	Henderson	Ruppe
Brooks	Hull	Ruth
Broomfield	Hungate	St Germain
Brown, Calif.	Hunt	Sandman
Brown, Mich.	Hutchinson	Satterfield
Brown, Ohio	Ichord	Saylor
Broyhill, N.C.	Johnson, Calif.	Schadeberg
Broyhill, Va.	Johnson, Pa.	Scherle
Burke, Fla.	Jonas	Schneebell
Burke, Mass.	Jones, Ala.	Scott
Burleson, Tex.	Jones, N.C.	Sebellus
Burlison, Mo.	Jones, Tenn.	Shriver
Bush	Karh	Sikes
Byrne, Pa.	Kazen	Sisk
Byrnes, Wis.	Kee	Skubitz
Cabell	King	Slack
Caffery	Kleppe	Smith, Calif.
Camp	Kuykendall	Smith, Iowa
Carter	Landgrebe	Smith, N.Y.
Casey	Langen	Snyder
Cederberg	Lennon	Staggers
Chamberlain	Lipscomb	Stanton
Chappell	Long, La.	Steed
Clancy	Long, Md.	Steiger, Ariz.
Cleveland	Lujan	Steiger, Wis.
Collier	Lukens	Stubblefield
Collins	McDonald,	Stuckey
Colmer	Mich.	Sullivan
Corbett	McEwen	Taylor
Cowder	McFall	Teague, Calif.
Cunningham	McKneally	Teague, Tex.
Daniel, Va.	McMillan	Thompson, Ga.
Davis, Ga.	MacGregor	Thomson, Wis.
Davis, Wis.	Mahon	Ullman
Dawson	Mann	Utt
de la Garza	Marsh	Vander Jagt
Delaney	Martin	Waggoner
Dennis	Mathias	Wampler
Dent	May	Watkins
Derwinski	Michel	Watson
Devine	Miller, Ohio	Watts
Dickinson	Mills	Whalley
Dorn	Minshall	Whitehurst
Dowdy	Mize	Whitten
Downing	Mizell	Widnall
Duncan	Mollohan	Wiggins
Edmondson	Montgomery	Williams
Erlenborn	Morgan	Wilson, Bob
Eshleman	Morton	Wilson,
Fallon	Murphy, Ill.	Charles H.
Fisher	Myers	Winn
Flood	Natcher	Wright
Flowers	Neisen	Wyatt
Flynt	Nichols	Wylie
Ford, Gerald R.	O'Neal, Ga.	Yatron
Foreman	O'Neill, Mass.	Young
Fountain	Passman	Zablocki
Frey	Perkins	Zion
Friedel	Philbin	
ANSWERED "PRESENT"—3		
Murphy, N.Y.	O'Konski	Taft
NOT VOTING—39		
Alexander	Denney	Kirwan
Anderson,	Edwards, La.	Kluczynski
Tenn.	Evins, Tenn.	Mailliard
Ashbrook	Foley	Miller, Calif.
Bates	Gallagher	Monagan
Brademas	Gialmo	Moorhead
Burton, Utah	Hanna	Nedzi
Carey	Hansen, Idaho	O'Hara
Clark	Herbert	Olsen
Cramer	Jarman	Ottinger

Pollock	Roberts	Wolff
Powell	Springer	Zwach
Rallsback	Stephens	
Reuss	Thompson, N.J.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Ottinger for, with Mr. Hébert against.
 Mr. Foley for, with Mr. Roberts against.
 Mr. Gallagher for, with Mr. Alexander against.
 Mr. Jarman for, with Mr. Kirwan against.
 Mr. Thompson of New Jersey for, with Mr. Springer against.
 Mr. Zwach for, with Mr. Hanna against.

Until further notice:

Mr. Edwards of Louisiana with Mr. Ashbrook.
 Mr. Olsen with Mr. Rallsback.
 Mr. Wolff with Mr. Pollock.
 Mr. Kluczynski with Mr. Cramer.
 Mr. Carey with Mr. Maillard.
 Mr. Anderson of Tennessee with Mr. Denney.
 Mr. Brademas with Mr. Bates.
 Mr. Miller of California with Mr. Hansen of Idaho.
 Mr. Monagan with Mr. Burton of Utah.
 Mr. Reuss with Mr. Stephens.
 Mr. Glaimo with Mr. Evins of Tennessee.
 Mr. Nedzi with Mr. Clark.
 Mr. Moorhead with Mr. O'Hara.

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

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

The result of the vote was announced as above recorded.

The doors were opened.

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

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. 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 West Virginia?

There was no objection.

RE-REFERRAL OF EXECUTIVE COMMUNICATION 863 TO COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. MILLS. Mr. Speaker, I ask unanimous consent that Executive Communication No. 863, received from the Secretary of Transportation on June 17, relating to the future of air transportation, and referred to the Committee on Ways and Means, be referred to the Committee on Interstate and Foreign Commerce because the chairman of the Committee on Interstate and Foreign Commerce and the chairman of the Committee on Ways and Means understand that the tax provisions contained in that message will be handled by the Committee on Ways and Means.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING GENERAL DEBATE TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may sit during general debate tomorrow, Thursday, June 19.

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

There was no objection.

RECOVERY OF FUNDS FROM ADAM CLAYTON POWELL

(Mr. CASEY asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. CASEY. Mr. Speaker, as I announced to the House on Monday, I have prepared a resolution relative to the recovery of funds misappropriated and misspent in violation of the rules of the House and in violation of the law by ADAM CLAYTON POWELL. This resolution will direct the Committee on House Administration to certify to the Clerk and to the Sergeant at Arms such amounts and will direct the Sergeant at Arms and the Clerk to withhold such amounts until the full amount of any funds due and owing by Mr. POWELL are fully recovered.

Mr. Speaker, this is taxpayers' money. I think they expect us to recover it. We try to recover other funds owed to the United States, and if we cannot recover these funds or do not make any effort to recover them anyway, I think we would be derelict in our duty.

I urge those Members of the House who agree with me to join with me in this resolution. I will withhold introducing it for a short time today, and anyone on the floor who wishes to join me, who wishes to see a copy of it, or should care to get a copy later can call my office and do so.

The resolution follows:

H. RES. —

Resolution relating to the recovery of Government funds improperly expended for private purposes by ADAM CLAYTON POWELL, Representative in Congress from the State of New York

Resolved, That the Committee on House Administration shall determine the aggregate amount of the improper expenditures of Government funds for private purposes permitted by ADAM CLAYTON POWELL, or participated in by ADAM CLAYTON POWELL, during the period he served as chairman of the Committee on Education and Labor. The amount so determined shall be certified in writing by the Committee on House Administration to the Clerk and the Sergeant at Arms of the House of Representatives, and shall be recovered by the Clerk and the Sergeant at Arms, respectively, by withholding (at such times and in such amounts as may be specified by the Committee on House Administration in such certification) from amounts otherwise due ADAM CLAYTON POWELL as a Representative in Congress from the State of New York. Amounts withheld by the Clerk under this resolution shall be

disposed of by him according to law. Amounts withheld by the Sergeant at Arms under this resolution shall be paid to the Clerk for disposal by the Clerk according to law.

INVESTIGATION OF PRIME INTEREST RATE INCREASE BY NEW YORK BANKS

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

Mr. PICKLE. Mr. Speaker, since last week's announcement by New York banks to increase the prime interest rates a full percentage point to 8½ percent, this country's economy is threatened with a dangerous downward spiral. The stock market has reached a recent new low, indicative of the shock waves assaulting the financial world.

Tomorrow, the Honorable WRIGHT PATMAN, chairman of the Banking and Currency Committee, will open investigations to fathom the reasons why this Nation should suffer another increase, the fifth such increase since December. The first witnesses to testify will be from the administration—Secretary of the Treasury David Kennedy and Attorney General John Mitchell and Federal Reserve Chairman William McChesney Martin. We have a right to know why the New York banks have raised their interest rates to an exorbitant high and yet they are not having to pay any more for their money. On the face of it, this appears to be a big grab.

I call on these administration officials, and I urge President Nixon to institute all necessary actions to roll back the 8½-percent interest rates. I appeal to the House of Representatives, the administration, and the American people to change the "so what?" attitude and the lackadaisical approach that it makes no difference.

This increase makes a great deal of difference. The increase is not limited to just the prime interest rate. There will be a direct affect on all other interest charges—those on personal loans, automobile loans, home loans especially, and on the price of all consumer goods that Americans buy on credit.

We are dangerously near creating a black market in money. Scarce loan funds will be available only to those affluent enough to pay the premium price. The little man, the low-income man, the backbone of this country gets little. He does, however, get hit the hardest.

We must face squarely the recognition that our traditional systems of economic control are archaic. They do not work anymore.

If President Nixon does not take immediate action to erase this section by the large banks, the smaller ones throughout the Nation will fall in line with similar increases. Then we can expect, and perhaps we deserve, drastic action from Congress such as wage and price controls, more gutting of Government spending and wage and price percentage guidelines.

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

Mr. PICKLE. I yield to my distinguished chairman.

Mr. PATMAN. I wish to commend the gentleman from Texas for his statement. The gentleman is exactly right. Interest rates can be rolled back. A 1-percent increase in interest rates means a \$15 billion additional burden on the people every year. That represents several hundreds of dollars per family in addition to what they are now paying which is all some families can afford to pay.

Mr. PICKLE. I thank the chairman. Mr. Speaker, some action must be taken soon. We cannot let it continue. If we do, it is going to affect every American taxpayer. As I see it, we cannot sit by and say that it makes no difference. It makes a great deal of difference.

Mr. PATMAN. Mr. Speaker, if the gentleman will yield further, we have hearings scheduled before the Committee on Banking and Currency for tomorrow afternoon and we expect to be in session Friday, Saturday, and Sunday if necessary, to hear all witnesses on this question.

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

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

Mr. JOELSON. I merely want to commend the gentleman upon his statement. I think it is definitely time for us to enact a Federal usury law.

Mr. PICKLE. Mr. Speaker, I know something can be done in the same way as President Kennedy did in rolling back the price of steel in the steel industry and as President Johnson did in taking decisive action when a strike was threatened in the railroad and airline industries. I think the President can do the same thing with reference to this interesting question.

INTEREST RATES AND THE GENERAL ECONOMY

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

Mr. BOGGS. Mr. Speaker, I was very much interested in the remarks made by the distinguished gentleman from Texas (Mr. PICKLE). I must say that I listened with great interest to the very thoughtful television interview by the distinguished chairman of the House Committee on Banking and Currency (Mr. PATMAN) last evening.

Mr. Speaker, I doubt if the interest rates can be reduced unless all of us in the House face up to the dangerous inflationary pressures in our economy in a nonpartisan manner.

We will have for consideration on the floor within a very short time the question of whether or not we extend for a short time the surcharge, the question of whether or not we repeal the investment tax credit—and, incidentally, both of those major proposals were recommended by the Joint Economic Committee on which the gentleman from Texas serves as chairman.

In the bill approved on yesterday by the Committee on Ways and Means, that committee adopted almost to the letter

those recommendations of that distinguished Joint Economic Committee. They were bipartisan recommendations.

In addition to that we provided that some 13 million people in the lower income brackets would receive tax reductions and that 5 million Americans who are below the poverty line, will be removed from the tax rolls altogether.

Now, Mr. Speaker, the idea that a person making \$1,200 a year—that is \$100 a month—in this year of our Lord 1969 pays a tax of \$42 on \$1,200 and one making \$1,700 a year—\$1,700 a year in your mind—pays over \$112 a year in Federal income taxes is hard to believe. That, in my judgment, is taking bread out of the mouths of the poor with a vengeance. In truth and in fact, we have poor people on the welfare rolls in most States of this Union who are drawing more in welfare, all of which comes from the taxpayer. Yet present law exacts these taxes on the poor who do not seek welfare but who attempt to earn their own keep.

So we added that just provision, removing those below the poverty line, to the bill. Incidentally the identical provision was included in the 1968 platform of the Democratic Party.

Mr. Speaker, let us face up to facts. We are in a difficult and dangerous inflationary period. I am going to make a part of my statement here a report on what has been happening in the last 6 months—in fact, the last 12 months.

Temporary extension of the surcharge, of course, is something that nobody wants to vote for, but I would suggest to my friends, whether they be members of my party, or members of the Republican Party, that the most cruel tax of all, as the gentleman from Texas has pointed out, is the tax of inflation. That inflation tax really hits the workingman and the middle-income taxpayers and those young or old, dependent on fixed incomes.

When inflation results in a prime interest rate of 8.5 percent, that takes it right out of the hides of the average person. When the price of bread goes up, when the cost of housing goes up, when the cost of services go up, when the cost of the essentials I like go up through inflation, inflation becomes the cruelest tax known to mankind.

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

Mr. BOGGS. If the gentleman will permit me to make this further statement, and I will yield to the gentleman.

The former President of the United States, President Johnson, every living Secretary of the Treasury, Democrats and Republicans, recommended what the Committee on Ways and Means did on yesterday. This is truly, in fact, a bipartisan measure.

When the committee finished Tuesday I said:

The Committee has just completed its substantive action on all of the provisions to be contained in the surcharge continuation and investment credit repeal Act. This action provides for:

- (1) Extension of the surcharge at the 10 percent rate through the end of this year and at 5 percent through June 30, 1970;
- (2) Deferral of the excise tax reductions

on automobiles and telephone service for one year as recommended;

(3) The repeal of the 7 percent investment credit, and

(4) The removal of those persons who are at the poverty level from the tax rolls, effective January 1, 1970.

The majority of the Committee agrees with President Nixon, former President Johnson, Treasury Secretary Kennedy, and his predecessors under the two previous Democratic Administrations, that this legislation is necessary action at this time to help curb the highly inflationary distortions in our economy and to protect the soundness of the dollar on the international front. While we recognize that any action to continue taxes at their present levels is distasteful, we feel that the only responsible position for us to take is to support this package and work very hard for its passage through the House of Representatives.

The inflationary pressures on this economy continue to mount. The Federal Reserve Board production index for May, which was just released this morning shows an upsurge of one full index point, or one-half percentage point, a very marked increase, showing that the pressures on production of business equipment have not abated.

There is no substantial evidence to show abatement of pressure on prices, particularly at the consumer level. Indeed, all the evidence which has come to our attention on the domestic front demonstrates the need for fiscal restraint at this time. The index of consumer prices rose 5.4 percent in the last year (April 1968 to April 1969). It rose at an annual rate of 6.7 percent from December to April. The March increase, at an annual rate of almost 10 percent, was the largest since February 1951, and the April increase was not much smaller. Although the May figures for the consumers' price index are not available, the exceptionally large rise of wholesale prices from April to May, at an annual rate of almost 10 percent, portends a further big rise of consumers' prices.

Recent statistics on the low rate of unemployment of the labor force, 3.5 percent in May, and the increase in the index of industrial production by one-half a percentage point in May, testify to the continuing full employment of the economy's production capacity. The increase in the prime rate to 8.5 percent by the leading commercial banks last week was a highly unpopular act which revealed that large borrowers with the highest credit ratings as well as other borrowers have not reduced their requests for loans.

Inflation must be stopped, and this action will help in that effort. Inflation is the cruelest tax of all, especially as it affects the working people and the middle income tax payers. The most responsible governmental and economic experts, as well as those I previously mentioned, heartily concur that this action is necessary.

Also of importance to the national interest is for us to maintain confidence in the dollar abroad. Secretary Kennedy and his assistants testified that foreign governments are intensely concerned about the inflationary prospects in the United States, indicating that they recognize that what happens here has a wide bearing on the developments in the economies of other nations and on the international financial system generally. Short term rates in the Euro-dollar market in Europe have now moved above 11 percent the highest range in rates in history.

The majority of the Committee sees no responsible course but to follow the recommendations of President Nixon and former President Johnson and recommends the passage of this legislation.

Let me emphasize that action on the broad tax reform bill will move forward rapidly.

with meetings resuming tomorrow morning on that subject.

Now, Mr. Speaker, I will yield to the gentleman from Michigan, the distinguished minority leader.

The SPEAKER. The time of the gentleman has expired.

INTEREST RATES AND THE GENERAL ECONOMY

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

Mr. GERALD R. FORD. Mr. Speaker, I congratulate the gentleman from Louisiana and the majority members of the Committee on Ways and Means for the forthright, constructive action which was taken yesterday and which, I understand, will be confirmed on Thursday.

This is bipartisan action which is in the best interest of the United States. I hope the House of Representatives at the earliest possible time will concur overwhelmingly with the action recommended by the Committee on Ways and Means.

THE SURTAX ISSUE

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

Mr. VANIK. Mr. Speaker, on the surtax issue, I want to direct the attention of the House to the parliamentary situation which will probably exist. Undoubtedly, a closed rule will be requested by the Ways and Means Committee. Only the Republicans will have an opportunity to control the motion to recommit.

Under these circumstances, there will be no opportunity to vote on any other alternate on the surtax. It will either be voted up or voted down with precisely the same language which was written by the Ways and Means Committee. There will be no chance for amendment or an alternate proposal.

In considering the surtax legislation, 10 members of the Ways and Means Committee, or two-thirds of the Democratic members of the Ways and Means Committee, voted to terminate the surtax on October 31, 1969. Under the closed rule, the Nixon administration's proposal will be fully protected and controlled.

I hope that the Members of this House who would like to support an alternate proposal will urge the Rules Committee to permit one option which would terminate the surtax on October 31, 1969, and provide the Nixon administration with a \$3 billion surplus.

It was promised last year that the surtax would halt inflation. The inflationary spiral has been soaring ever since.

It was promised last year that the surtax would hold down interest rates. They have been skyrocketing ever since.

It was promised last year that by this time we would have a tax reform program in hand. Two administrations have now failed on that promise.

There is every reason to believe that the surtax will continue to fuel infla-

tion if it is extended. The record supports this conclusion.

Public utilities and other consumer needs are next in line for long-term price increases based on the added cost of the surtax. These increases will remain firm long after other price pressures recede. We can still hold back some proposed price increases by repealing the surtax within a reasonable time.

The inflation we suffer is not consumer-created. There is no shortage of supplies. There is no consumer overindulgence. It was created by our involvement in Vietnam and by the mismanagement of our fiscal affairs which included the adoption of the surtax last year. Neither of these factors can be cleared up as long as we resort to the lazy economics of the surtax.

A proposal to extend the surtax at 10 percent for 4 months will—

First, provide the administration with essential revenues and a modest surplus of about \$3 billion;

Second, provide continued pressure for tax reform; and

Third, provide Congress with an opportunity to review the behavior of inflation and interest rates and then make a more informed judgment on fiscal and tax policies.

I hope that every Member of the House who favors some alternative to the administration's proposal will advise the Rules Committee of the need for a rule which will permit an alternative vote.

THE SURTAX ISSUE

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

Mr. SISK. Mr. Speaker, I would like, if I might, to have the attention of the gentleman from Louisiana.

I am concerned as one who supported the 10-percent surtax the last time around, and I recognize the present financial problems that we are concerned with. But I am curious in line with the gentleman's statement a little bit ago as to whether or not this sweetener that the committee has apparently put it, represents tax reform for this year. Would the gentleman make a comment as to whether we are going to have a tax reform bill in the next 3 or 4 months?

Mr. BOGGS. I am very delighted that the gentleman has asked that question.

As a matter of fact, the Committee on Ways and Means met this morning at 10 o'clock to continue its executive sessions on tax reform legislation. That is why the distinguished chairman of the committee and most of the members of the Committee on Ways and Means were not present at the Democratic caucus.

I was here in my capacity as majority whip.

I have not the slightest doubt that there will be a tax reform bill.

Mr. SISK. Is the gentleman making this prediction that it will be this year; is that right, or is he setting any time on this at all?

Mr. BOGGS. I can only predict as to our body. We will have a reform bill in the House of Representatives. I, of course,

cannot answer for the other body, as the gentleman knows.

Mr. SISK. I recognize that.

Mr. BOGGS. I will go even further than that and predict that it will be here before the August recess if humanly possible.

I see the gentleman from California, a member of the committee, on his feet. Would the gentleman from California agree to that?

Mr. SISK. If I may just make a comment. I want to express my appreciation to my good friend, the gentleman from Louisiana, because, very frankly, I do not wish to get in the position where we are going through a one-time deal here and be sold on another year's extension of the the surtax with no tax reform for the people by such methods. People are upset about taxes and are insisting on a meaningful tax reform bill.

Mr. BOGGS. May I commend the gentleman for asking the question. I think I have answered it categorically. I see the minority leader on his feet as well.

Mr. SISK. I shall be glad to yield to the gentleman from California, a member of the committee.

The SPEAKER. The time of the gentleman has expired.

Mr. SISK. In conclusion, Mr. Speaker, I wish to say that I believe it to be of the utmost importance that we understand the significance of what we are going to be asked to do by extending this surtax for another year.

For the first time in the 15 years since I came to Congress, I am optimistic about the possibility of getting a meaningful tax reform bill passed. I believe there are people in Congress and in the administration who would like for us to take the surtax extension bill and pass it and then forget the whole idea of tax reform.

I am only too well aware of the implications of what the gentleman from Louisiana had to say about the actions of the other body, and it is for the very reason that we do not know what they will do that I am strongly of the opinion that we should make the most of the opportunity we have before us in this House to bring about the tax reforms we have been saying for years are so badly needed.

We should not, in my opinion, give the surtax supporters everything they want for the length of time they want it because if we do that, we will lose what leverage we have at this time to get these reforms written into law. My view is that we should give them a 3-month or perhaps a 4-month or at the very most, a 6-month extension of the surtax. This amount of time will give the committees and the administration sufficient working time to come up with a tax reform package that has some meaning.

USE OF THE AIRCRAFT CARRIER "YORKTOWN" AND OTHER NAVY SHIPS IN FILM PRODUCTION

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

Mr. WEICKER. Mr. Speaker, on June 9, 1969, in a speech here on the floor of the House of Representatives, I

asked that the Committee on Government Operations assign the Military Operations Subcommittee to investigate the events leading up to the use of the aircraft carrier *Yorktown*, five other Navy ships, personnel, and equipment by 20th Century Fox in the production of the film "Tora! Tora! Tora!"

At that time I pointed out that permission for the Navy to cooperate was given in the closing days of the previous administration and reports on the events leading to granting of permission hinted of political pressures.

Yesterday I received a letter from Secretary of the Navy John Chafee reporting on the chronological history of negotiations between the Navy and 20th Century Fox on the film. I submit this letter and report for the RECORD:

THE SECRETARY OF THE NAVY,
Washington, D.C., June 17, 1969.

HON. LOWELL P. WEICKER, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. WEICKER: Thank you for your letter of June 7th asking a series of questions in connection with the filming of *Tora, Tora, Tora*. I will attempt to answer these as best I can. I do think it important to bear in mind that permission for the use of any Navy equipment in connection with the filming of that movie was made considerably in advance of the time that I or this Administration came to office. Thus, I am not able to give you in detail the answers to your questions.

First, negotiations started between the Department of Defense and Twentieth Century Fox in September 1966. During the course of these negotiations, the Navy reviewed the script and found it acceptable as did the Department of Defense. Permission to fly the movie company's aircraft from a U.S. carrier was granted in October 1968, and in November 1968, permission for transporting those aircraft aboard the *Yorktown* was granted.

You asked why Navy personnel and equipment were used in the filming of the picture. I don't know the answer to that except to say that the Department of Defense must have felt it complied with the principles in its instructions which require that there be authenticity in the portrayal of military operations and that acceptable standards of dignity be observed. Also, by cooperating with the producer the Department of Defense does have the right to review the script and the final film. Giving assistance to film producers has been a long-standing procedure within the military services.

I believe you have previously received a list of billings to Twentieth Century Fox from the U.S. Government for government equipment used in connection with the film. These have totalled \$249,876, of which \$134,326 is attributable to the costs of transporting thirty aircraft from San Diego to Pearl Harbor. In addition, Twentieth Century Fox paid \$228,000 to U.S. military personnel who were on off-duty or leave status and volunteered to participate in the film.

I also enclose a chronological history of the negotiations which, as you will note, started in September 1966. If I can be of further assistance, please let me know.

Sincerely yours,

JOHN H. CHAFEE.

CHRONOLOGICAL HISTORY OF NEGOTIATIONS
AS OF MAY 1, 1969

September 28, 1966. Twentieth Century-Fox Film Corporation (TCF) advised Department of Defense (DoD) it had obtained the film rights to the book "Tora, Tora, Tora" by Gordon Pring and a film would be produced by Elmo Williams. TCF requested

assistance and asked to research stock footage film.

October 4, 1966. Film research was authorized in accordance with DoD Instructions 5410.15 and 5410.16.

December 29, 1966. DoD received a copy of a letter from the producer expressing a desire for accuracy and enclosing the first outline of the screenplay.

December 30, 1966. DoD advised TCF it would meet and discuss plans for the film with the producer, Elmo Williams.

January 3, 1967. DoD was advised that the producer would visit DoD in the middle of January, noting that he hoped to seek DoD approval in principle and achieve permission to research WWII equipment and military installations in the continental United States and Hawaii.

January 16, 1967. Producer Elmo Williams visited DoD and met with representatives of Defense and the military services. TCF agreed that the story must have a "positive approach" and that the original treatment would be revised to reflect this approach with more TCF emphasis on accuracy.

January 27, 1967. TCF expressed appreciation for consideration given producer during meeting with DoD representatives. Also, stated that scenes would be produced in Japan, too, for realism.

February 25, 1967. CINCPAC was informed that Elmo Williams had DoD approval for preliminary background research of military sites in Hawaii.

April 10, 1967. TCF requested the use of 19 AT6 Military Assistance Program (MAP), propeller-driven, Japanese Self Defense Force (SDF) aircraft for use as Zeros.

April 18, 1967. CINCPAC was requested to advise the Japanese Defense Ministry that DoD is assisting TCF on research and pre-production planning on an exploratory basis.

July 12, 1967. CINCPAC informed major Pacific Commands of the TCF film crew visit to Hawaii, that DoD approval for assistance was not official yet, but that indications were that TCF will meet all DoD Directive requirements for military assistance.

July 27, 1967. Revised script was received for DoD comments.

September 1, 1967. State Department informed DoD that it had no objection to military assistance to TCF on "Tora, Tora, Tora."

September 14, 1967. TCF was informed if it would accept DoD suggested changes and would agree to abide by DoD Instructions 5410.15 and .16, the script would be acceptable. DoD also requested new TCF requirements lists.

September 18, 1967. TCF advised DoD that there are no difficulties in making the recommended script changes with the possible exception of one—that President Roosevelt did not see 13 parts of the Saturday evening message. TCF research staff has information to the contrary.

September 22, 1967. TCF advised they would abide by DoD Instructions.

September 28, 1967. Final revised script and requirements list forwarded to CINCPAC for review and comments.

January 10, 1968. The Navy recommended assistance after review of the final script.

January 26, 1968. The Marine Corps approved the loan to TCF of an SBD aircraft from Marine Corps Museum.

February 2, 1968. TCF was advised that the screenplay is acceptable to DoD and assistance can be provided.

May 8, 1968. MAAG Japan and CINCPAC were authorized to loan up to 20 excess T-6 aircraft to TCF at no cost to the Government.

August 1, 1968. TCF requested the use of the USS Valley Forge for photographic purposes; use of Marine Air Station, El Toro, and NAS North Island and the use of carrier qualified pilots.

August 27, 1968. TCF was informed that

the use of a carrier cannot be authorized for landings and take-offs of company aircraft.

September 6, 1968. TCF forwarded a revised requirements list, reiterating the need to use an aircraft carrier for certain scenes.

September 12, 1968. TCF requested a DoD project officer to be assigned for production of "Tora, Tora, Tora."

September 26, 1968. Chief, MAAG Japan, was authorized to negotiate a lease with TCF for loan of 19 T-6 and 5 SNJ aircraft.

October 3, 1968. Jack Valenti, President, Motion Picture Association, wrote DoD that TCF had discerned some minor resistance from DoD to TCF request for use of an aircraft carrier.

October 3, 1968. Jack Valenti, President, MPA, requested DoD assistance in getting aircraft carrier Valley Forge or Princeton for TCF.

October 23, 1968. Jack Valenti, MPA, wrote that DoD participation is vital to the production of the picture and said he hoped that DoD would see its way clear to approve the project.

October 28, 1968. DoD authorized loading TCF aircraft aboard US aircraft carrier to film take-offs.

October 28, 1968. Jack Valenti was informed that an aircraft carrier would be provided for the "Tora, Tora, Tora" scenes for flight deck operations, but ruled out landing aboard the carrier.

October 30, 1968. TCF was advised DoD approved their request to embark and permit TCF aircraft to take-off (but not land on) a U.S. Navy carrier.

November 5, 1968. TCF advised that DoD had appointed a U.S. Navy officer as DoD project officer for production of "Tora, Tora, Tora."

November 6, 1968. TCF requested permission to film scenes at Fort Myer, Virginia.

November 21, 1968. TCF requested that a U.S. Army officer be allowed to portray General Marshall.

November 27, 1968. The TCF request to film at Fort Myer was approved.

November 29, 1968. TCF confirmed the conditions for transporting TCF aircraft aboard the *YORKTOWN* and requested the use of a Navy helicopter with the *YORKTOWN* for filming.

December 4, 1968. Sealift of TCF aircraft and utilization of Navy helicopter for filming was made a part of the authorized requirements list.

January 13, 1969. During practice maneuvers, a TCF civilian pilot was killed in the crash of a company-owned "Val" dive-bomber.

January 28, 1969. TCF started production filming in Hawaii.

April 12, 1969. Seven off-duty military personnel acting as "extras" aboard the *NEVADA* mock-up suffered varying degrees of burns about the hands, arms and face when strong winds blew a tongue of flame across their position.

April 15, 1969. Last of inactive ships leased by TCF returned to Navy custody.

April 19, 1969. TCF completed filming in Hawaii.

Mr. Speaker, at the same time I wish to call my colleagues' attention to page 5 of this report which clearly shows that when former presidential adviser, Jack Valenti, president of the Motion Picture Association, entered these negotiations, the Navy's decision that use of an aircraft carrier by 20th Century Fox could not be authorized, was reversed.

On August 27, 1968, 20th Century Fox was informed that the use of a carrier cannot be authorized for landings and takeoffs of company aircraft.

On September 6, 1968, 20th Century Fox forwarded a revised requirements

list, reiterating the need for the use of an aircraft carrier for certain scenes.

On October 3, 1968, Jack Valenti, president of MPA, wrote the Department of Defense that 20th Century Fox had "discerned some minor resistance from the Department of Defense" to requests for the use of an aircraft carrier.

On October 3, 1968, the same day Jack Valenti requested Department of Defense assistance in getting the aircraft carrier *Valley Forge* or *Princeton* for 20th Century Fox.

On October 23, Jack Valenti wrote that Department of Defense participation is vital to the production of the picture and said he hoped that the DOD would see its way clear to approve the project.

On October 28 the Department of Defense authorized 20th Century Fox planes to be loaded on carrier and to film takeoffs. The same day Jack Valenti was informed of the decision.

I have turned this information over to the chairman of the Military Operations Committee with a renewed request that the committee conduct an open public investigation of this whole affair.

I feel that the U.S. taxpayers should know how their tax dollars were spent to subsidize a Darryl F. Zanuck production. I feel that such an investigation should determine whether the United States has been properly reimbursed by the persons responsible for this flagrant abuse of military equipment and personnel paid for by the U.S. taxpayers.

LAME-DUCK HANDOUTS IN FEDERAL ARTS FUNDS

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

Mr. KYL. Mr. Speaker, one of the less attractive aspects of American political life is the spectacle of a lame-duck administration handing out financial favors during its last months in power. I am happy to note that relatively few examples of this technique have appeared since the Johnson administration left office. However, some abuses have come to light in an agency where we might least expect them—the national arts endowment.

To the Johnson cultural czar, Roger L. Stevens, the mandate seems to have included: First, the art of campus insurrection; second, the art of sex play for juveniles; and third, the art of theatrical real estate.

All of these interesting activities were nourished with Federal arts funds as the result of lame-duck handouts by Stevens. In the case of the real estate deal, Stevens himself ended up at the head of the project within a month after President Nixon removed him from the Federal payroll.

Let us take a closer look at the sort of artistry that is now being performed at the taxpayers' expense:

1. THE ART OF CAMPUS INSURRECTION

On January 10, 1969, 10 days away from the Nixon inauguration, the national arts endowment handed out \$25,000 to the new thing art and architec-

ture center of Washington, D.C. The guiding spirit of the new thing is one Topper Carew, self-styled black militant of the Nation's Capital. Indeed, the federally funded new thing is really the alter ego of Topper Carew.

After receiving his arts endowment subsidy, the biggest new thing that Topper Carew achieved was to throw his organization into the thick of the campus disorders that struck George Washington University in April. Quick to make the scene, he shouted to the demonstrators between obscenities:

We're going to be right in there battling. . . . And we have the largest independent youth organization in the city. (The Hatchet of George Washington University, April 28, 1969.)

2. THE ART OF SEX PLAY FOR JUVENILES

On that same golden January 10, the Arts Endowment presented Arena Stage of Washington, D.C., with \$20,000 for a new "improvisational" company—the living stage of '69. The Washington Post described it:

A small, interracial company of five actors and a music director, the troupe will put on audience participation productions for inner-city youngsters in their own neighborhoods.

By April 19, the Post was able to describe in more detail just what sort of audience participation arena stage had in mind for the youngsters. The inner city that the company visited that week was McLean, Va. At McLean's fashionable Chesterbrook elementary school, the arena troupe appeared, ordered parents and teachers out of the room (so the students would be uninhibited, they said) and improvised what is called these days a love-in. At the request of some of the fourth, fifth, and sixth graders, the ad lib drama included a simulated demonstration of one of the cruder contraceptive methods. This was followed by a spirited question-and-answer period.

This particular adventure under Federal Arts subsidy, among other things, violated a sensible Fairfax County regulation which prohibits sex instruction in the elementary schools unless approved in advance by the parents.

3. THE ART OF THEATRICAL REAL ESTATE

Shrewd dealing in real estate is the art that brought to Roger L. Stevens the eventual reward of appointment as Chairman of the National Arts Endowment. It should come as no surprise, therefore, that a multi-million-dollar deal in theatrical real estate was one of his parting shots as he left office. This maneuver was arranged to bail out the ANTA Theater in New York City.

The theater, privately organized by a group of Stevens' friends, was in trouble and unable to handle its mortgage indebtedness. Banks are notoriously nervous about loans on show business properties, especially in these days of diminishing audiences. And they never like to maintain large loans on single-purpose buildings.

Faced with the prospect of defaulting on the mortgage, the ANTA owners brought their troubles to Stevens. A few weeks after President Nixon was elected, Stevens came to ANTA's rescue, arranging for the National Arts Endowment to

take over the faltering theater for an estimated \$1,400,000 in equity value by assuming the mortgage balance of \$1,095,000 as well as financing the annual operating deficits.

Thus, the Federal Government finds itself as a theatrical landlord in New York now playing host at \$8 a seat to an artistic endeavor called "A Teaspoon Every Four Hours." It will not have this tenant for very long according to the New York Times critic, who wrote:

The only nice thing I can say about the play is that the press representative is a close friend of mine.

However, the real-life drama of the ANTA Theater deal is much more fascinating. A couple of weeks after obligating Federal millions to the project, Roger L. Stevens was elected chairman of ANTA's board.

These three examples are a few among many equally bizarre. They tend to be explained by Stevens' recent testimony to the Appropriations Committee:

There hasn't been any set rule * * * A lot depended on how well we like the application * * * It is hard to specifically show what happened.

They confirm the misgivings of many thoughtful Members of Congress concerning the nature of the National Arts Endowment as it was proposed in 1965, and concerning the qualifications of those chosen to administer the programs. They also should serve to alert the President to the dangers of allowing such an undisciplined, chaotic approach to continue.

The present form of the Arts Endowment is a distortion of proposals first made to Congress in 1957 by President Eisenhower. They were picked by President Kennedy, and considerably changed and worked into law by President Johnson. We now have a chance under President Nixon to bring sense and order into a meaningful arts program for all Americans. Such a program should be administered primarily at State levels, in accordance with the sound directives established by Senator JAVITS in 1965. Such a program should be devoted to the needs of the present and potential audiences for the arts. It should give first attention to the preservation of those artistic organizations with a long history of undeniable, legitimate, and successful public service. Above all, such a program should be free of personal favoritism and the self-interest of its administrators. In the arts, as elsewhere in Government, there should be no place for cronyism.

AIR SERVICE

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

Mr. CAHILL. Mr. Speaker, those of us who use air transportation have become increasingly alarmed by the congestion and the potential danger at the principal airports of our country. This is particularly true at Washington National and the airports serving the New York-New Jersey area; that is, John F. Kennedy, LaGuardia, and Newark. An additional

jetport has been urged for New Jersey for the past 10 years by the New York Port Authority. The real problem is the unrealistic and unwise scheduling of international flights by the airlines and the competitive nature of the airline industry. Most airlines are now flying 50-percent capacity. As is indicated in an editorial appearing in today's Philadelphia Inquirer, the real answer to improved air service and air safety is better distribution of air service.

Mr. Speaker, I am pleased to include in the RECORD a copy of the editorial appearing in this morning's Philadelphia Inquirer:

A BETTER DISTRIBUTION OF AIR SERVICE

President Nixon's special message to Congress on expansion of airport facilities and improvement of air traffic control systems deals constructively with an urgent national problem. His proposal for a ten-year, five-billion-dollar program, half of which would be financed with federal funds and the other half by state and local governments, is a realistic appraisal of the need.

Revenue for the federal share of the cost would be raised by new and increased taxation on airport users. The proposed tax formula may not be perfect, and perhaps can be improved, but the general principle of spreading the cost over various classifications of airport users is a good one.

Most of the five billion dollars—56 percent of it—would be allocated to relieving congestion at the most heavily used airports. No doubt the New York airports would get a substantial part of the money. This raises an important aspect of the airport congestion problem that has not received enough attention. The congestion is caused primarily by an inequitable distribution of commercial airline service.

A few cities—especially New York—have a disproportionately large share of both domestic and international flights while many cities—notably Philadelphia but also a number of others on the Eastern Seaboard and elsewhere in the country—are deprived of adequate service. Thousands of out-of-towners pour into New York airports every day because they cannot get conveniently scheduled direct flights to where they want to go at airports nearer to their homes.

The airport expansion program should be designed to remedy this inequity, not perpetuate it. Airlines have a responsibility, too, in striving for a fairer distribution of flights among available airports. Federal regulatory agencies have an obligation to encourage such a trend by approving instead of rejecting air route applications that would help decentralize rather than overconcentrate commercial air service.

As President Nixon very appropriately stated it: "The purpose of air transportation is to save time. This purpose is not served when passengers must wait interminably in terminals; when modern jet aircraft creep at five miles per hour in a long line waiting for takeoff; when it takes longer to land than it takes to travel between cities; or when it takes longer for the air traveler to get to an airport than it does to fly to his destination."

Adding more and more flights to a favored few airports that already are overcrowded isn't going to solve the problem.

REVOLT OF THE FORGOTTEN MAN

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

Mr. EDWARDS of Alabama. Mr. Speaker, yesterday's primary election in

New York City is yet another sign of the very significant phenomenon taking place in American public life today.

What is taking place is no less than a genuine revolt of the forgotten man.

Yesterday, both the incumbent mayor and his predecessor, the former mayor, were denied their party endorsements by the voters of New York City. This is an unprecedented political development. But it is far more than that.

It is an expression of revolt against "the system" and against the establishment: it is a message of warning, and I am certain it emerges from a deep-seated discontent among the American people.

If the New York primary were the only sign there would not be much comment. But look at what has happened in Minneapolis.

Minneapolis has a long history of Democratic Party control, including the past 8 years. The incumbent Democratic mayor decided not to run for reelection this year: all indications were that he could not have been reelected.

The Democratic Party candidate entered in the primary election April 29 finished third and out of the running. So the party did not even have a candidate in the general election June 10.

And in that general election the Republican candidate was defeated by almost 2 to 1 by a police detective not affiliated with either party, virtually without political experience, campaigning with very little money and no real organizational support.

The Los Angeles mayoralty campaign and other examples across the country add to the picture. Some see these events as almost entirely a result of the public demand for "law and order." This is an oversimplification.

I say that while "law and order" is part of it, we are witnessing a far more fundamental development than that. We are seeing a revolt of the forgotten man.

The forgotten man is the hard-working, law-abiding taxpayer who has no voice in public affairs except his one lonely vote, who is forced to finance a Government in which he feels he has no part, and who wants only to have a fair chance to make a living, keep his family in reasonable security from violence, and educate his children.

Today the forgotten man is sick and tired of big government, big business, big labor, militancy, and all the rest. He is mad at the newspapers because he does not believe he is being told the whole truth. He is mad at the high costs of education because he does not believe the educators know enough about what they are doing.

He is mad at the courts because he sees convicted criminals go free, and because he sees Supreme Court Justices involved in questionable private financial activities.

He is mad at the banks when he sees them raising interest rates to unconscionable levels even while their profits already are high.

He is mad at State and local governments, especially where the police are unreasonably handicapped in performance of their legitimate functions, and where public money is being squandered

without realistic regard for what expenditures are essential and what are only desirable.

But none of us can sit by and point fingers at someone else. Let us look at ourselves.

What about bringing operations of this Congress up to date to meet the needs of the 1960's? Many of our colleagues have been working for congressional reform for 2 and 3 years and more.

Others have joined in the effort this year. Yet there has been no action so far. Why not? What about tax reform?

Some very high income people are still able to escape paying any Federal income tax whatever? Clearly this is not fair. It is not tolerable, and should have been corrected years ago. Yet even today no legislative remedy is before us.

The executive branch of this Government is a jungle of bureaucracies, each one of which is looking out for itself as its main concern. The waste of money and of talent is so great it is unimaginable.

The forgotten American is fed up with self-serving bureaucracy. And with a great measure of "country shrewdness" he knows what is going on generally even though he cannot possibly have the details.

I suggest, Mr. Speaker, that we hear the message and that we heed it.

THE HUMANE LABORATORY ANIMAL TREATMENT ACT OF 1969

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

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing the Humane Laboratory Animal Treatment Act of 1969, and I am pleased to announce that 24 of my colleagues in the House have joined with me in cosponsoring this bill. The cosponsors are: MESSRS. SIKES, PEPPER, KYROS, BARRETT, HATHAWAY, WYMAN, BRINKLEY, WHALLEY, BROOMFIELD, McCLOSKEY, DONOHUE, CHAPPELL, VAN DEERLIN, HAMILTON, HECHLER of West Virginia, BLANTON, MOSS, ADAMS, FRIEDEL, MADDEN, GETTYS, BURKE of Florida, FULTON of Pennsylvania, and TUNNEY.

An identical bill will be introduced in the Senate today.

This legislation would establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States. Moreover, this bill would encourage the study and improvement of the care, handling, and treatment of laboratory animals and would encourage the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities.

By the same token, this legislation would not halt, impede, or discourage the biomedical research that is carried out in this Nation, but it would improve the conditions in which the animals used in such research exist.

This bill is not antivivisectionist ori-

ented, but rather represents another step in the continuing efforts of humane groups and representatives of the medical research community to reach an understanding on standards and conduct in the care and treatment of animals used in biomedical research.

In the 90th Congress, I introduced H.R. 13168, the Humane Laboratory Animal Treatment of 1967. While no hearings were held, the legislation gained widespread support from the humane interest as well as the medical and research community.

The legislation that I am introducing today is basically the same bill, but there have been some changes.

One important modification has been made: Public Law 89-544, the Laboratory Animal Welfare Act of 1966, administered by the Department of Agriculture, has been left unchanged.

In the former bill, H.R. 13168, those sections of Public Law 89-544 which applied to laboratories would have been repealed in an approach to place the care of laboratory animals under the jurisdiction of a single department.

After reviewing the work of the Department of Agriculture under this law, the decision was made to leave Public Law 89-544 unchanged in order that the Department of Agriculture may continue the work it has initiated.

However, it is necessary to point out that Public Law 89-544 protects only six species: dogs, cats, monkeys, guinea pigs, hamsters, and rabbits.

The bill I am introducing today would protect any living warmblooded vertebrate animal which is used or intended for use in connection with biomedical activities.

Moreover, I wish to point out that it is the intention of this legislation that I am introducing today to pick up where Public Law 89-544 leaves off in its protection of laboratory animals. Section 18 of Public Law 89-544 provides:

Nothing in this Act shall be construed as authorizing the Secretary (of Agriculture) to promulgate rules, regulations or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation, by a research facility as determined by such research facility.

The bill that I am introducing would provide for laboratory inspections by the Secretary of Health, Education, and Welfare through his professionally qualified employees or his agents to make sure that each laboratory is in compliance with the rules and regulations promulgated by the Secretary.

Moreover, section 5(a) of the bill provides that the Secretary of Health, Education, and Welfare "shall consult" with humane groups in the formulation of standards and regulations for the humane care, handling, and treatment of laboratory animals as well as for the accreditation of laboratory animal research facilities.

Another major provision in this bill is the requirement of laboratories to use anesthesia or pain-killing drugs in all cases, except where it would defeat the purpose of the experiment. At the present time there is no provision in law for easing the pain of animals used in

laboratories for research, and this has been a point of major concern to humanitarians.

This legislation would also encourage the development and promotion of more humane experimental and testing techniques as well as the substitution of nonsentient biological models such as tissue cultures and mathematical models for live animals in experimentation and testing.

Penalties for violations of the standards and regulations issued by the Secretary would be levied against the offending laboratories and against the individuals who conduct or supervise any biomedical activity involving the use of animals. Any nongovernmental laboratory found to be not in compliance with the standards and regulations promulgated by the Secretary shall be subject to a civil penalty of up to \$500 for each separate offense, and for each day during which such offense continues. In addition, the laboratory would be ineligible to receive or use any Federal funds from grants, awards, or contracts for research with animals, until the Secretary found the laboratory to again be in compliance. Any offending individual under the act would become ineligible to use laboratory animals in any laboratory animal research facility, and ineligible to receive a grant or contract from the United States involving the use of laboratory animals.

Mr. Speaker, each year thousands of laboratories use millions of animals for biomedical research. While in many instances the care is good and the pain and suffering minimal, there are too many instances of shocking disregard for unnecessary pain and suffering in the experimental process.

This legislation represents an earnest effort on the part of humanitarians and research scientists and technologists to reach a realistic understanding of the purpose living, warmblooded animals should have in biomedical research and a fundamental appreciation of the valuable service these animals perform for mankind.

Admittedly, there are segments of the humanitarian community which seek total abolition of the use of animals in biomedical research. Likewise, there are segments of the research community which refuse to accept any regulatory legislation to protect the animals.

There are the extremes, but they do not represent the thinking of the overwhelming majority of responsible humanitarians and researchers who understand that reasonable legislation is possible to protect the animals without impeding research.

I believe that this legislation represents that reasonable approach and I am hopeful that the Congress will act on this bill in the near future.

MR. JUSTICE WARREN VERSUS THE CONSTITUTION

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

Mr. WHITTEN. Mr. Speaker, recorded history clearly shows that power breeds

the desire to have power and that no dictator ever voluntarily stopped short of taking it all.

Certainly the action of the Supreme Court on Monday of this week clearly demonstrates that if you give them an inch they will take a mile. This case, POWELL against McCORMACK et al., might better be styled "U.S. Supreme Court versus the Constitution, or the abortive effort of the Warren Court to take over the legislative branch of Government."

Mr. Speaker, there are literally hundreds of questions left in the air following this decision. It is to be noted that the Supreme Court limited itself to a declaratory judgment, merely judging "because the issue was justiciable—capable of being judged—but left it up to the lower court to find ways and means to have the Sergeant at Arms, the Clerk, and the Doorkeeper—all employees of the House of Representatives—to seek out and provide an appropriate remedy. How can any court claim that they can indirectly control the people's branch—the U.S. House of Representatives—by orders to our employees under threat of jail when the Court sidesteps any claim they could control the Speaker and various Members of Congress directly?

Where lies the authority of administering the oath of office of a Member to serve in a Congress already expired? Where lies the authority for the Sergeant at Arms to pay a Member from funds appropriated for the fiscal year and the fiscal year has expired?

Mr. Speaker, Chief Justice Warren doubtless took great pleasure in overruling his successor as Chief Justice, Justice Burger—particularly since Mr. Warren was thwarted in his efforts to force the Congress and the President to name Justice Abe Fortas as Chief Justice only a short time ago. Mr. Fortas has since resigned.

CONGRESSIONAL DISTRICTS

Mr. Speaker, any nation must of necessity defend itself at home as well abroad. When Mr. Warren and his Court first held that the size and population of congressional districts were subject to their regulation, I introduced a resolution and urged the House of Representatives to "thank the Court for its advisory opinion," on the ground that the Constitution provides that the House is the sole judge of the qualifications of its Members. I was unable to get such resolution through the committee and through the Congress. We could see then that to acknowledge such power in the Court was to invite a Court takeover in this field. This happened. First the courts said a population variance which did not exceed 10 percent would be all right. After forcing that goal now the judges say a variation of as much as 3 percent is too much. Of course, this is thoroughly impractical and I think in the future Congresses are going to have to seat whom they wish and tell the Court to stay in its own bailiwick. Letting the Court get by with its earlier decision on the Congress itself led to the completely out-of-bounds opinion of Monday.

CRIME—BREAKDOWN IN LAW ENFORCEMENT

Let us look to the matter of crime. When the Supreme Court and subordi-

nate courts set out to say it is all right to let somebody prevent you from using your property—to sit-in so that you would lose your business—it disturbed many people, but many others thought, "So what?" But if they let them prevent the use of your property, the next step is to let them take your property; and the next is to burn and loot and destroy. We have seen all these steps taken, beginning with the original encroachment by the Court of basic rights, until today you are not safe to be out at night, man or woman, in half of the United States. We are approaching the conditions of the Middle Ages.

By allowing the Supreme Court and the Federal courts to claim the sole right to interpret the Constitution, they have virtually set themselves up as a judicial dictatorship. In an estimated 35 new decisions, privileges of the individual criminal have been placed ahead of the welfare of the public. The result has been a complete breakdown of law and order. Murder, rape, robbery, burning of large sections of our major cities, and even assassinations, have been the result.

All this, if closely analyzed, comes because we have stood by, both the legislative branch and the executive branch, and let the Supreme Court assume the sole right of interpretation of the Constitution, a right the Court does not have under the Constitution.

DESTRUCTION OF PUBLIC SCHOOLS

Let us look at our schools. An extensive process of education is absolutely essential to any continuing society. Our Nation has had one of the finest educational systems ever known.

In the Brown case, 1954, the Supreme Court said States could not provide for forced segregation by law. What has happened since?

By exercising their claim of the power to dictate, the Federal courts today are actually assuming and exercising the right to supervise the operation of local schools—open to all students—from day to day and month to month. We see court orders closing some school buildings, to force students into one building, regardless of overcrowding, and setting up quotas in others, directing the hiring and firing and assignment of teachers against the wishes of all parents and forced assignment by race against the wishes of all parents.

Educational funds are withheld under the misguided conception that in some way this punishes school boards—when in fact it is the children who are thus punished. This has happened because so far we have let the courts get by with the claim that they have the sole right to interpret the Constitution. Yet, any study will show they have no such exclusive power; for, under the Constitution the legislative and the executive branches are equal and coordinate and have the right to interpret for themselves, where their responsibilities are concerned.

All of this leads up to the fact, Mr. Speaker, that on January 3, I introduced House Resolution 51, providing for a standing committee in the House of Representatives on the Constitution. This would give us a forum in which we, too,

could interpret the Constitution, and would enable us to hold our own in the battle for public support. When House Resolution 51 was not voted out by the committee, I filed Discharge Petition No. 3. I now urge Members to sign this discharge petition. We then would have an instrument with which to go before the bar of public opinion. I think it is essential that we take this step and take it now. I know the Congress, being an equal branch, can ignore the Court or limit its jurisdiction. I am convinced we will see this Court continue to strike at the very bedrock of our society unless we act now. They have already destroyed law enforcement. They are in the process of destroying the public school system, and in this opinion, they attempt to tear down the people's branch—the Congress, destroying the separate but equal doctrine and assuming further dictatorial powers. I think, among other things, we might review the announced statement by the Chief Justice that he expects to continue on in the Supreme Court Building, where doubtless he will be continuing his efforts to influence the Justices in their decisions.

We have had enough of Justice Warren and we are fortunate that he did not get to pick his successor. It is unfortunate that his first move is to claim the sole power in the judicial branch to interpret the Constitution, even to the extent of controlling, in effect, the other two branches of Government which certainly were intended to be, and have the power to be, joint and coequal.

Again, may I say to my colleagues, I hope you will all sign Discharge Petition No. 3. Let us establish for us a Committee on the Constitution, for as we all know, we swear to uphold the Constitution as Members of Congress—but to uphold it as it is written and not as it might be interpreted by Mr. Warren, Mr. Douglas, or any other members of the Supreme Court.

Alexander Hamilton described the place of Court in the Federalist:

The Executive not only dispenses the honors but holds the sword of the community. The Legislative not only commands the purse but prescribes the rules by which the duties and rights of every citizen are to be regulated. The Judiciary, to the contrary, has no influence over either the sword or the purse . . . and can take no active resolution whatever.

We must renew our resolve to return the Court to its proper place so that a citizen may enjoy the fruits of his labor, and to make certain that the public interest again becomes paramount. We must again make education the prime purpose of our schools by precluding their operation by the Federal courts, either by the district courts or from Washington. We must set up our own committees to interpret the Constitution. This I have proposed in House Resolution 51.

While we fight political dictatorship abroad, we must no longer permit dictatorship at home. What will it profit our Nation to bring to others the rights we believe to be theirs, if at the same time we permit those same rights to be taken away from our people here at home?

Again, please sign Discharge Petition No. 3.

PELICAN ISLAND NATIONAL WILDLIFE REFUGE

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

Mr. FREY. Mr. Speaker, today I am introducing legislation which would designate as wilderness certain sections of the Pelican Island National Wildlife Refuge in Indian River County, which is located in my congressional district.

Pelican Island was this Nation's first national wildlife refuge, having been established by President Theodore Roosevelt in 1903. The benefits to this Nation because of congressional approval in the past 66 years in setting aside thousands of acres as wilderness are inestimable.

My bill would designate as wilderness some 18 islands totaling approximately 403 acres. This area is one of the most significant undisturbed mangrove habitats remaining on Florida's east coast. We must provide protection for the colonial bird and marine resources in this area, and preserve the natural areas for scenic, esthetic, and ecological values.

A companion bill passed the Senate on May 23. I would point out there has been no opposition to this legislation. In fact, the support for it is widespread and includes the Department of the Interior, and the other concerned Federal, State, and local government agencies.

STATEMENT CONCERNING THE WAYS AND MEANS COMMITTEE'S RECENTLY REPORTED TAX PACKAGE

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

Mr. BROWN of Ohio. Mr. Speaker, man has been fouling his environment for too long. A reversal of our misuse is no longer merely desirable: It is necessary to our very survival. We have reached and gone beyond the point of harmless negligence, and we cannot continue with impunity to blow noxious smoke rings into the air or to toss life-choking wastes into our waters.

In the 89th, 90th, and 91st Congresses I introduced legislation—the current bill is H.R. 409—designed to encourage industry self-correction of air and water pollution through the device of tax incentives. Yesterday the Ways and Means Committee reported out a tax package, and I am greatly encouraged that legislation offering tax incentives to industry if they install pollution control equipment has been included in this package.

The legislation which I introduced and which has received widespread bipartisan support includes, in addition to the accelerated depreciation allowance, a 20-percent tax credit on investment for pollution control. I am delighted that the principle of tax incentives has been accepted and applied to this pressing problem, and I am hopeful that Congress will proceed to pass this sorely needed legislation.

Surely the goal of a cleaner environment is one of obvious priority, recognized, and applauded by all. The dis-

agreement has been over the proper means by which to finance the high costs of achieving it. Tax incentives to industry, acting as stimulus to the development and installation of purification treatments by the entities that create the pollutants, promise an effective and just dispersal of the financing burden.

THE PRESIDENT'S AVIATION MESSAGE

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

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today with a few brief remarks on President Nixon's message regarding the aviation situation in America.

For those of us in the Congress who have long been vitally concerned about the problems associated with our airports, our airways, and about air traffic—it is both comforting and reassuring to note that the "message" has finally been recognized at the Executive level.

Certainly, we must plan and provide for an orderly expansion of civil aviation during the coming decade and I believe the President's remarks in this regard were both timely and articulate.

I was particularly impressed with his comments regarding "improving the environment of transportation" wherein he stated:

In all planning for airways and airports, it will be the policy of this Administration to consider the relation of air transportation to our total economic and social structure.

For example, existing jetports are adding to the noise and air pollution in our urban areas. New airports become a nucleus for metropolitan development. These important social and conservation considerations must be taken into greater account in future air systems development.

In addition, airport planners must carefully consider the opportunity for business growth and the availability of labor supply. The presence of airport facilities is both a follower of and a harbinger of business and job development.

Most important, government at all levels, working with industry and labor, must see to it that all aviation equipment and facilities are responsive to the needs of the traveler and the shipper and not the other way around. Transportation to airports, whether by public conveyance or private vehicle, is as much a part of a traveler's journey as the time he spends in the air, and must never be viewed as a separate subject. A plane travels from airport to airport, but a person travels from door to door. I have directed the Secretary of Transportation to give special attention to all the components of a journey in new plans for airways and airports improvements.

This is one of the best statements I have ever heard on the purpose, objective, and ultimate goals wherein the need is recognized to better coordinate, integrate, and balance our total transportation system.

In my judgment, an adequate airport and airways system, such as the President has outlined, can go a long way toward curing many of our social ills and the challenge of change demands that we move in the direction the President has suggested.

We can, as dedicated and creative people, recapture the "American Dream"—through aviation.

We can rekindle the spark of hope and faith in America—through aviation.

We can stimulate, motivate, and accelerate the learning process—through aviation.

We can broaden the horizons and the perspective of people everywhere—through aviation.

We can open up "opportunities unlimited" for this generation and future generations—through aviation.

We can provide relief from the overcrowded "pressure cookers"—"the high-rise ghettos"—the "concrete jungles" of urban metropolitan areas—through aviation.

We can improve the "environment for future living"—through aviation.

And, as President Nixon said:

These proposals are necessary to the safety and convenience of our mobile population—In short, the airways and airports system which long ago came of age will come to maturity. Those who benefit most will be those who must bear its cost, and the Nation as a whole will gain from aviation's proven impetus to economic growth.

JOE McCAFFREY: 25 YEARS OF COMMENTARY

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

Mr. PEPPER. Mr. Speaker, this month Joseph F. McCaffrey, WMAL radio and television newscast commentator, is observing his 25th year as a Washington correspondent. This able and dedicated commentator has been recognized in polls as "the most listened to man in Washington." Mr. McCaffrey was called by the majority leader of the U.S. Senate, Senator MIKE MANSFIELD, "one of the Nation's finest and important men in the news and public fields." He has also been praised by the distinguished minority leader of this House, the Honorable GERALD FORD, as one "never afraid to call them as he sees them but he is always fair and that is all any man in public life can ask." Joe McCaffrey is a three-time winner of the Washington "Emmy" for his special interview programs. He has been called by a Pulitzer Prize winner "a real news pro in a business where they pay off more on show business than on reportorial ability."

Joe McCaffrey is the only independent correspondent ever to serve as president of the Radio-Television Correspondents Association of which association he is now a member of the executive committee. He has served longer than any other correspondent as an officer of this organization.

Joe McCaffrey has made Congress part of his daily beat since the 1940's and knows and is warmly known by most of the Senators and Representatives on both sides of the aisle. His nightly radio report "Day in Congress" has been on the air since 1958 and is the only program of its kind which is exclusively devoted to reporting what happens daily on Capitol Hill. This program is often called "the CONGRESSIONAL RECORD of the

air" and Joe McCaffrey justly bears the enviable reputation as the "voice of Congress." Joe McCaffrey worked on newspapers during his high school and college days. He joined the Armed Forces almost a year before World War II was declared. In the performance of his duties he was seriously injured in an airplane accident and remained more than a year in Canadian and American military hospitals. One of Joe McCaffrey's feats was a 54-hour stretch of reporting as a part of the Washington bureau of CBS during the Normandy invasion and he thereafter served with distinction as a CBS news commentator. Later he became Washington editor of "Mutual Newsreel of the Air." At one time he operated his own Washington bureau and in 1954 he edited "The Election Guide." In 1955 he started a weekly interview program on WMAL which has now grown into two nightly appearances on WMAL-TV and two evening programs on WMAL radio.

I have had the privilege of being on Joe McCaffrey's program. I know his exceptional ability to develop his subject and his program, his dedication to a high standard of excellence in his work and have experienced the warmth of feeling he possesses and exhibits both as a friend and as an eminent craftsman in the realm of one of the most important media.

Joe McCaffrey is not only a distinguished commentator, an eminent correspondent and outstanding American, he is also a grand and gracious gentleman.

I am proud to join his many friends in congratulating him upon completing 25 years of notable and magnificent work as a Washington correspondent and in wishing him many, many more years of meaningful achievement, good health, and happiness.

TEXTILE IMPORTS HAVE GREAT IMPACT ON SMALL TOWNS THROUGHOUT NEW ENGLAND AND THE SOUTH

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

Mr. MANN. Mr. Speaker, one of the most alarming aspects of the relentless buildup of textile imports entering this country is the impact they have on small towns throughout New England and the South. In many communities in these areas, textiles provide the major or only industrial payroll.

When the production of a mill is siphoned off by low-wage imports, the entire textile community suffers. The grocery stores, banks, department stores, and the schools and other public facilities which depend upon an industrial payroll, all feel the impact. Many mills are located in areas which cannot absorb workers when a shift is eliminated or a plant closed.

U.S. Department of Commerce statistics show a steady buildup of textile imports month after month and year after year. Last year, textile imports reached an all-time record level of 3.2 billion square yards. This is more than double

what they were in 1964. The rise has been particularly sharp in manmade fiber textiles which grew from 221 million square yards in 1964 to 1.4 billion square yards in 1968. One out of every 4 yards of wool textiles used in this country today is imported. Cotton textile imports are 600 million square yards higher than in 1964.

While these overall statistics are staggering, their real significance lies in the way they are reflected in a community which depends on a textile mill for its basic payroll.

Mr. Herbert Koshetz, a reporter for the New York Times, recently visited an area of South Carolina which has been hit by textile imports. He talked with the man in the street, the banker, the pharmacist, the millworker, to get a complete picture of what is happening in some textile towns.

His story in the May 9 Times tells the human side of the serious problem which has developed.

It illustrates in very poignant terms why the United States must act now to bring about reasonable restraints on the growth of textile imports in order to preserve badly needed payrolls.

The article follows:

SOUTHERN MILL TOWNS FEEL PINCH OF TEXTILE IMPORTS

(By Herbert Koshetz)

INMAN, S.C.—Spring came late to the Carolinas. But local residents say it has been worth waiting for, and the blaze of the azaleas still is clinging to the town.

Not far from Interstate Highway 26, where the Southern Railway tracks cross the road, the streets are lined with poplars and oak trees that are coming to full leaf. And unmistakable signs of approaching summer are evident amid the rows of small houses surrounded with neat green grass plots.

This quiet town, far removed from problems that trouble large urban centers, looks sleepy and complacent. But it, too, has problems—brought on mainly by the sharp increase last year in low-priced textile imports.

Since the beginning of the year, the Inman Mills, largest employer in the area, has cut back from six days to five days a week, reducing the take-home pay of its 1,700 employees by at least 20 per cent.

A 50-PERCENT DECREASE

Inman is typical of many small textile towns in North and South Carolina, Georgia and Alabama that have been faced with import competition. There are no signs of deprivation, but the communities are hurting. Since salaries are down, so are store sales and savings.

Last year the influx of textile products—which include yarn, fabric and apparel—rose by 50 per cent in physical volume. They represented 9 per cent of domestic production.

Unlike textile manufacturers and many apparel producers in the country, most retailers who sell apparel like imports. Knitted wear from Europe and the Orient, as well as some woven apparel, have had a strong demand among American retailers mainly because of styling and quality, higher-profit margins, and the so-called "glamour" of having stock bearing an import label.

Management of the mills does not expect to stop imports, but insists that foreign goods eat up all the growth in the domestic market, which has sales of \$21-billion on 13 billion linear yards of yarn and fabric. Imports deprive the industry of \$1.8-billion more as the result of shipments totaling an additional 2.5 billion yards, and pose some danger to the million workers employed, mill executives say.

The question of imports is getting attention now from President Nixon. Secretary of Commerce Maurice H. Stans has just returned from a tour of European capitals, where he discussed possible agreements on quotas for man-made fiber and wool products. He will leave for Tokyo today on an Oriental trip, where textile import problems seem certain to be on the agenda.

The industry is confident that it will get some relief. But in the meantime, the smaller mills and their employees, as well as merchants and bankers are feeling the squeeze.

BUDGET REAL CLOSE

One such employee is Mrs. Easter Brown, whose fingers are never idle as she deftly applies the weaver's knot to the broken ends of thread on the spinning frame. She may not fully comprehend why her employer has cut down from six to five days. But she did not have to be urged to tell what was troubling her.

"Working full time is important to me," she said. "My husband has been disabled for eight years, and while we have no children to support, my income is the only one coming in."

"I have to budget real close to make it," she went on, "and when I'm only getting five days' work, I really feel the pinch."

The Inman Mills plant, a short distance from the Greenville-Spartanburg Airport, changes its shifts at 3 in the afternoon.

Just before climbing into his car to go home, Oliver Crenshaw, a loom fixer, who probably earns the highest rate of pay for any production worker in the mill, talked about the shorter work week.

If he works a five-day week, he nets \$107 for 40 hours of straight time. The six-day week, providing an extra eight hours on time-and-a-half, produces a pay check of \$139.

PENSION FUND HIT

Another casualty of the import competition is the pension fund built up over the years by Inman's profit-sharing system. Inman lost \$1-million last year, the first loss since 1937, and the company made no contribution to the profit-sharing plan. So far this year, things do not look any brighter for the pension fund, with which mill workers hope to supplement their social security.

James Culbertson, manager of the local branch of the Citizens and National Bank, said that the community of 7,000 depended heavily on the textile mills and the peach crops.

He said he could quickly see the results of the mill cutback in working hours. While there has been no foreclosure on homes or on cars there have been requests for extensions, and the bank has had to work out new arrangements on loans. Savings accounts and Christmas Club accounts also are affected.

W. L. Griffin, a pharmacist in the Inman Drug Store, said it would be hard to judge how much damage the shorter work week has done to business.

PEOPLE STILL BUYING

"I've seen serious recessions brought on by short time in the past," he said. "In 1962, we had a slump and another one during the Korean War. There was a little one going in 1964 and 1965. Right now, people are still buying, but some find they need a little bit of credit to tide them over."

James Chapman Jr., president of Inman Mills, a tall blond-haired man who does not look his 47 years, talked about his business. He said that family-owned large businesses, such as his, have been the worst hit by imports. These are companies doing between \$10-million and \$50-million a year.

Mills in this category produce goods that, more often than not, have no identity so far as the consumer is concerned, and must be sold in a highly competitive market.

They are not backed by national advertising programs. They are sold at relatively

small margins of profit because the great majority of them are turned over to converters and apparel manufacturers who take over the task of finishing and dyeing them.

They differ from the large publicly owned mill operations whose products enjoy consumer identity owing to their presentation in a finished state.

"We don't want to lay any of our people off," Mr. Chapman of Inman Mills said, "so we have gone on shorter time."

The mills working three shifts cut down from six to five days, when it became increasingly difficult to sell their output of medium and lightweight broadcloths, poplins, jeans and other fabrics for casual wear, made either of cotton or blends of cotton and man-made fibers.

Inman produces only gray-colored goods, leaving it to the textile and apparel buyers to finish or print them as they see fit.

It was only about a year ago that Inman completed its newest and most modern facility. It should have increased the company sales, but last year, the volume in four mills was \$1-million less than that registered the year before in three mills.

"Our Saybrook plant, which is built around the weaving of carded broadcloth, turns out, in our opinion, a good product. We had a big user of this cloth and were pricing it close to cost which came to 26 $\frac{3}{4}$ cents a yard.

"We were asking 27 cents (a gross profit of 2.3 per cent) but our customer informed us that he was importing it from abroad at 21 $\frac{1}{2}$ cents. Even after duty and transportation to the bleachery, his cost came to only 25 $\frac{1}{2}$ cents, so we lost his business."

"If we go below five days a week, we're going to lose our labor to other industries," he said, stating that there is a labor shortage because of the many new industries, other than textiles, that have come into the Carolinas.

U.S. TOURIST DIES IN MIDEAST SHELLING

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

Mr. HORTON. Mr. Speaker, by this time, all of us have read of the tragic death of an American tourist by Arab artillery attacks near the Dead Sea yesterday.

I learned of this senseless tragedy early yesterday, and as Shirley Louise Anderson's Congressman, I was called upon to confirm her identity to my good friend and fellow legislator, Gordon B. Anderson, the girl's father.

I have remained silent on the circumstances of Shirley's death until now because I wanted to wait for detailed factual reports from the Department of State, which, I might add, has been most cooperative in reconstructing this tragedy and in providing information.

Shirley Louise Anderson was a member of a generation of Americans who sought to make her mark on humanity by extending a helping hand to others. She was visiting the Holy Land en route home from a 2-year teaching assignment at an American school in the Congo. She left a more comfortable teaching position in the Chicago suburbs to apply her talents in a more troubled and less prosperous part of the world. Her loss has deeply moved the whole Rochester, N.Y., community.

To date, since the June 1967 Mideast war, literally millions of words have been spoken and printed about the need to

reach some workable accord in that part of the world. As it is with so many continuing world crises, we can easily grow numb from reports of continued conflict and violence—numb, that is—until the violence hits home.

Certainly Americans are aware that Arab terrorism and organized mortar and artillery attacks are a fact of life in the State of Israel—particularly near the 1967 cease-fire lines. But it takes a tragedy like Shirley's death to bring home the fact that these attacks and raids are a continuing fact of death and despair for Israelis.

The attack yesterday was part of a renewed Arab artillery harassment of Israeli settlements in the area west of the Jordan River occupied by Israel for the past 2 years. Shirley was killed by a 122 millimeter shell only a few hundred yards from the river, at a cafe on the north shore of the Dead Sea. She and a group of 20 tourists in four civilian taxicabs had visited the nearby Qumran Caves—where the Dead Sea scrolls were found—and they were only a kilometer or so from the famed baptismal monastery, which was recently attacked by shellfire. According to Israeli press reports in Tel Aviv, the Israeli settlement of Kallia—a stone's throw from where the taxis were hit—was the object of Arab shelling for the second consecutive day.

It would be hard to write off Shirley's loss as an unfortunate and unlikely accident of this continuing and smoldering border conflict. Nor is it any unimaginable accident that this American girl—seeking to visit the roots of a religion she believed deeply in—should be killed by a Soviet-manufactured and supplied artillery shell, fired, most likely, from Iraqi Army positions across the river.

It has been the official position of our Government and the Russian Government that the Mideast conflict should not evolve into a confrontation between the great powers. Yet despite these pronouncements, we both have willingly trained and supplied Arab troops operating in Jordan. The Russians have gone further and have provided numerous technicians and advisers to Arab units. Many of us in Congress have spoken out against the pragmatic but inconsistent American policy of arming the Jordanians while they persist in military actions and in terrorism against both civilian and military personnel in Israel. Perhaps the possibility that Shirley or another American tourist could be killed or injured by Jordanian units using American supplies will give new life to those opposing this policy. Because that ironic possibility does exist, we must share in part, the blame for the fate of innocent bystanders killed by these weapons.

Whether or not the taking of this young life has any affect on those whose policies will determine the chances for peace in the Middle East, Shirley's fate should at least bring home to Americans the plain fact that we cannot isolate ourselves from what happens along the Jordan River, or along the Suez.

I know that the President is deeply concerned about this situation, and he has tread cautiously through the door of

the Big Four talks in seeking a workable formula for settlement of this crisis.

My hope is that our negotiators and our people will not grow cold to the plight of the besieged Israelis because of their own strength and willingness to defend themselves from attacks like that which occurred yesterday on the Lido Cafe and on the settlement of Kallia—any more than the people of Rochester and America can grow cold to the innocent and tragic loss of Shirley Anderson.

Her loss, though in a sense accidental, is, in part, the result of policies of the great powers to help maintain a balance of power, and thus maintain an intolerable status quo—intolerable for the Israelis, for the Arabs, for all who seek peace in the world, and perhaps now most intolerable for the friends and family of this fine young American.

Mr. Speaker, I include as a part of the RECORD some news clippings describing yesterday's sad events on the north shore of the Dead Sea:

[From the Washington (D.C.) Post, June 18, 1969]

U.S. TOURIST DIES IN MIDEAST SHELLING

A 26-year-old American woman tourist was killed and a companion wounded by Arab shellfire yesterday on the Israeli-Jordan border.

The dead woman was identified as Shirley Anderson of Rochester, N.Y.

Her friend, Eileen Bonnet, 27, of Lodi, Calif., suffered a shrapnel wound to her left arm and was reported in good condition at Hadassah Hospital in Jerusalem.

The women had been mission teachers in Kinshasa, the Congo, for two years and had stopped in Israel en route back to the United States.

Officials said a 122-mm. shell fired by Iraqi troops in Jordan hit a taxi that the two women and a group of other tourists had taken to Kallia, a health resort near the Dead Sea, 15 miles east of Jerusalem and less than a mile from the Jordan River cease-fire line.

"We had just arrived and were going to change to go swimming when the shells started falling," Miss Bonnet told newsmen.

Ahmed At Abdul Karim, the Arab taxi-driver, said he and the tourists dived under some parked cars.

"The shells came without warning," he related. "Then they kept on coming. Every time the shells hit we hid under the taxis."

He said four cabs were damaged in the firing, which went on for about 30 minutes. The two American women apparently were about to escape in a taxi when a shell hit the car.

FIRST TOURIST DEATH

Afterwards, Israeli army helicopters flew in and evacuated Miss Bonnet and other survivors. Miss Anderson was the first foreign tourist to be killed in action in Israel since the end of the war of June, 1967.

Israeli army spokesmen said the firing started from the Jordanian side of the border and was returned by Israeli forces.

In Amman, the Jordanian government blamed Israel for the death of Miss Anderson, charging that it began the shooting and deliberately endangered the lives of foreign visitors in the hope of reaping propaganda advantages.

"Unlike the Israelis, Jordanian forces are not accustomed to shelling civilian targets," an official said. "Israel's allegation indicates the Israelis wish to push tourists into the fighting area in order to gain propaganda profit."

He made no reference to Israeli claims that the Iraqis, who alone use Russian-made 122-mm. guns in the Mideast, were responsible for the shelling of the tourists.

FATHER'S COMMENT

In Rochester, N.Y., Gordon Anderson, a member of the Monroe County Legislature and an employee of Eastman Kodak Co., said his daughter wanted "to be of service to God and man. She was a devout Christian and that was one of the reasons she wanted to make the trip to the Holy Land."

Miss Anderson, who graduated from North Park College, Chicago, Ill., was sponsored as a missionary teacher by the U.S. government and the Evangelical Covenant Church of America, of which she was a member.

Along the Suez Canal last night, Egyptian and Israeli mortar and artillery crews exchanged fire for three hours between El Shatt, near the southern end of the waterway, and El Qantara, about 65 miles to the north. One Israeli soldier was killed and three wounded, Israeli military spokesmen said.

Meanwhile, Big Four delegates to the United Nations held their 13th private negotiating session yesterday in search of a Mideast peace formula. The meeting lasted almost three hours at the residence of French Ambassador Armand Berard. There was no announcement of progress.

[From the Washington (D.C.) Evening Star, June 17, 1969]

U.S. TOURIST KILLED IN JORDAN SHELLING

An American tourist was killed and four other persons were injured today when caught in an artillery and mortar duel between Israeli and Jordanian forces across the Jordan river, an Israeli spokesman said.

The American killed was identified as Shirley Anderson of Rochester, N.Y., daughter of Gordon B. Anderson, a legislator from Monroe County and an employee of the Eastman Kodak Co. in Rochester. She had been teaching in the former Belgian Congo for several years.

Her companion was identified as Eileen Bonnet, 27, of Lodi, Calif. Miss Bonnet suffered a shrapnel wound in the arm.

Another of the injured was said to be a 39-year-old taxi driver.

Officials said it was the first time, so far as they knew, that a tourist had been killed during Arab-Israeli fighting since the end of the 1967 Middle East war.

According to the spokesman, the tourists had stopped for refreshments at the Arab-owned Lydo Cafeteria near Qalya along the northern shore of the Dead Sea. Suddenly a shell slammed into the parking lot, setting two tourist buses on fire, reports said.

The injured were flown by helicopter to Haddassah Hospital in Jerusalem.

A Jordanian military spokesman in Amman, Jordan, said the battle lasted more than 90 minutes but reported no Jordanian casualties. He pinpointed the location as near Al-Maghtass, 4 miles north of the Dead Sea.

The Tel Aviv spokesman identified the exploding shell as a 122mm Soviet-made type. He said the battle began at about 7:45 a.m. (1:45 a.m. EDT) and continued for nearly two hours, intensifying and spreading south to the north shore of the Dead Sea.

BRAZILIAN REGIME PULLS CURTAIN BETWEEN ROCKEFELLER AND PEOPLE

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

Mr. LOWENSTEIN. Mr. Speaker, it is now clear to anyone who has been following the course of events in Brazil that Governor Rockefeller should end his visit there at once.

The notion that his visit to Brazil could

serve a useful purpose has faded in the glare of the continuing actions of the Brazilian Government. The longer Governor Rockefeller stays in Brazil, the more difficult it will be for him to pay useful visits to other Latin American countries.

This morning's Washington Post reports that the Brazilian Government is continuing to arrest large numbers of people. It estimates that 800 to 1,000 Brazilians have already been placed in detention. Governor Rockefeller's presence there now gives at least symbolic sanction to these actions of the Brazilian Government.

The New York Times earlier reported the jailing of what it called "hundreds of political dissidents." Everyone knows that it has not required very much lately to qualify as a "political dissident" in Brazil, where the legitimate Government was overthrown by a military coup, and where the elected Congress has been dissolved.

The Brazilian Government now urges its throttled people to receive Governor Rockefeller with "traditional hospitality." It is an odd view of the traditional graciousness and warmth of the Brazilian people to intimate that these world-renowned characteristics thrive in an atmosphere of repression, but that is perhaps a matter of taste or rhetoric for Brazilians to ponder. It becomes the concern of the American people if an official envoy of the President accepts hospitality tendered under these circumstances.

Is it not, in fact, entirely inappropriate for Governor Rockefeller to stay on? I cannot believe he will find his visit a very satisfactory fact-finding expedition, unless he is to embark on a tour of prisons and unless he questions in private a great many Brazilians not likely to be on the official agenda. Nor will his continued presence there make it easier for him to gather information elsewhere in Latin America.

Governor Rockefeller suggested at Dartmouth that one of the more valuable aspects of his trips through Latin America has been the protests of those who have used the occasion of his coming to protest American policies there. He said that the demonstrations that have greeted him—or headed him off—in various places have dramatized the problems faced by those countries.

But surely, if this is a purpose of these trips, it has already been served in the case of Brazil. The state of affairs there does not seem to cry out for further dramatization. From the point of view of the United States, some indication of official disapproval would be a more relevant next step, one far more helpful to our reputation and standing among Latin Americans. We do not best show our concern about the civil liberties and general well-being of Latin Americans by extending more military aid to countries suffering from military repression.

Apparently the Brazilian Government thinks it will gain something in the eyes of the Government of the United States by receiving the President's special envoy in an atmosphere of relative calm. That such "calm" is to be gained at the cost of whatever political liberty was left in Brazil seems to be of no concern to that Government, evidently on the

theory that Brazilians do not count very much and that Americans value political freedom less in assessing the worth of other governments than we value calm greetings to visiting firemen. That theory is not correct.

If President Nixon wishes to make friends for the United States in Latin America, he will discontinue Governor Rockefeller's trip at once, and will let it stay discontinued at least until Brazilian jails have been emptied of their new influx of political prisoners.

There can be lengthy discussion and honest disagreement about the value of Governor Rockefeller's visits to Latin America in the first place. There can be other discussion and disagreement about the propriety of official representatives of this Government engaging in official visits to various kinds of police states at various times for various purposes. But we do not need to reach either of these discussions in this situation.

For it is hard to find any merit at all in continuing an excursion which is supposed to get information and make friends, when the results are instead the opposite. At a minimum, we ought not go on providing the Brazilian Government with an opportunity—perhaps even an incentive—to extend its repressive behavior, and then to explain this behavior in a manner that incriminates the United States and increases resentment against us throughout Latin America and the world.

Today's New York Post—a newspaper that so often speaks for the conscience of this country—has an editorial that deserves notice:

TO REPEAT: WAS THIS TRIP NECESSARY?

Upon arrival in Brazil on the latest leg of what has become a Latin American ill-will tour, Gov. Rockefeller declared: "I bring an enormous respect for human dignity, liberty and social justice." Since the present regime clearly regards that sort of thing as dangerous contraband, the Governor's offering was presumably confiscated, at customs.

Human dignity has survived in Brazil despite, not because of, the Costa e Silva dictatorship. Free government, free universities and a free press are essential characteristics of liberty but they do not flourish in that country. As a consequence, social justice is an elusive thing there.

All this must have been understood by Rockefeller and the Nixon Administration before the Governor ever set forth in Brazil. The mass arrests that heralded his appearance, together with the familiar tawdry trappings of a police state at his reception, disgraced this mission at the outset.

In the wake of the violent protests that have greeted him elsewhere in South America, Rockefeller has made a point of offering to talk with political dissidents and student demonstrators. He will have little opportunity to do so in Brazil.

The abortive Rockefeller missions have been defended—by him and others—as useful, independent fact-finding tours, more productive of information than the reports of professional diplomats. That claim may be slimly justified, even though the Governor's visits have generally been as brief as those encompassed in a cheap package tour.

But they have been tragically counterproductive otherwise, symbolizing once again an alliance for regression between the U.S. and Latin America despots. Nor is there any indication that the Nixon Administration plans any sweeping changes; its foreign aid requests for South America are over \$20

million less than last year's. No further missions below the border are needed to forecast the meaning of that arithmetic.

And I hope everyone will take time to read the report of events in Brazil that appeared in this morning's Washington Post.

BRAZILIAN REGIME PULLS CURTAIN BETWEEN ROCKEFELLER AND PEOPLE

(By John M. Goshko)

RIO DE JANEIRO, June 17.—Gov. Nelson A. Rockefeller continued his factfinding mission to Brazil today amid a calm that stood in sharp contrast to violent demonstrations that have greeted his presence in other Latin American countries.

Ironically, the tranquil atmosphere here points up what many critics fear could become an unfortunate byproduct of a mission intended to improve relations between the United States and Latin America.

This involves the fact that the Brazilian government of President Arthur da Costa e Silva is a military dictatorship that in recent months has become one of the most repressive in the hemisphere. It is employing this policy of repression to ensure that there will be no overt incidents during Rockefeller's three days here.

As a result, the New York governor, who bills his trip as an effort to find out what the Latin American people are thinking, has been isolated from any contact with the Brazilian people. His talks so far have been confined to hearing the opinions of Costa e Silva and the officials of the regime.

This creates a sticky situation for Rockefeller and, by extension, for the Nixon Administration. On the one hand, the protocol necessities that put Rockefeller in the position of warmly greeting Costa e Silva and his ministers will be cited all over Latin America as proof that the United States is in league with the region's strongman regimes.

Yet for Rockefeller to do otherwise might lay him open to charges of meddling in the politics of a sovereign nation. This point was underscored today by banner headlines in the Rio newspaper, *Correio da Manhã* reporting that during their talks last night in Brasilia Costa e Silva had complained to Rockefeller about the tendency of American newspapers to characterize his government as dictatorial or military-dominated.

In discussing the problem with U.S. correspondents today, Rockefeller moved gingerly around the issue. Specifically, he was asked whether he and Costa e Silva had discussed the repressive tactics that in recent months resulted in the closing of the Brazilian congress, the muzzling of the press and the drive against critics of the regime that has seen hundreds of persons arrested or deprived of their political rights.

The governor said he thought the regime was "aware of the feelings in the United States and Europe" and that "there is a real recognition of the concern that exists outside Brazil." When asked how Costa e Silva had justified these measures, Rockefeller said, "at the moment, I prefer not to go further on this point."

Nevertheless, evidences of Brazil's inner tensions cropped up at frequent intervals during a day that began in Brasilia, where Rockefeller arrived last night to begin this leg of his travels through South America.

Although the major part of the morning was devoted to talks with Costa e Silva and his cabinet, Rockefeller also paid a visit to the Congress—a handsome, futuristic edifice that has stood empty since the regime abruptly dismissed the legislators last December.

LEGISLATORS ABSENT

At the Congress building, Rockefeller was received by the Vice President of Brazil, Pedro Aleixo, the president of the Senate, Gilberto Marinho, and the president of the

House, Jose Bonifacio. But the death of other legislators in the cavernous building represented a counterpoint to the Brazilian political situation that was not lost on those present.

Brazilian newsmen, who have been forbidden by the regime to write anything negative about the Rockefeller visit, joked discreetly in the background that the governor was being shown the Congress as "an interesting archeological specimen."

Similarly, while Rockefeller's large entourage of technical advisors was beginning talks with Brazil's opposite numbers, one portion of the governor's staff found itself with little to do. These were the people he has brought along to talk with representatives of youth groups.

Since last week, the regime has placed under temporary detention an estimated 800 to 1000 Brazilian students as part of its campaign to ensure against anti-Rockefeller demonstrations. Hence other students have been reluctant to call attention to themselves by volunteering to come forward and talk with Rockefeller's representatives.

DRIVE BYPASSED

The security wall erected between Rockefeller and the public in Brasilia continued this afternoon when the governor's party flew to Rio. After arriving at the Galeao Airport on the edge of the city, the party was transferred by smaller airplanes to the Santos Dumont airport in the heart of Rio in order to avoid the long drive from Galeao.

At Santos Dumont, the airstrip was surrounded by hundreds of Brazilian air force troops with rifles and machine guns at the ready. Neither the public nor the Brazilian press was allowed at the brief welcoming ceremonies.

The motorcade route to the Copacabana Palace Hotel, where the governor is staying overnight, was made along an oceanside boulevard devoid of spectators.

We should note too the concern of the American scientific community about the involuntary "retiring" of 68 Brazilian professors that took place earlier this month. Those "retired" included some of the most distinguished men in Brazil—the president of the University of Sao Paulo, heads of departments at both the Federal University in Rio de Janeiro and at the University of Sao Paulo, and so on. These talented and dedicated men are no longer to be permitted to teach or conduct research at their universities.

I know we all hope that rumors about impending forced retirements of additional professors prove unfounded, but whatever else is done now, many of us in this House will want to associate ourselves with the telegram sent recently to President Costa y Silva by some of America's greatest scientists. The text of that telegram follows:

President ARTHUR COSTA Y SILVA.

DEAR MR. PRESIDENT: The recent decision of your government to remove a number of Brazil's leading scientists and scholars from their university positions is a matter of grave concern to us. We feel that to deprive Brazil of the benefit of the intellectual and scientific leadership provided by such internationally eminent scientists as Professor Isais Raw, Alberto Carvalho da Silva, Helio Lourenco de Oliveira, Jose Leite Lopes, Jaime Tiomno, and Florestan Fernandez, among others, will cause incalculable damage to the progress of science and education in Brazil. Moreover, the anti-intellectual image of the government created by this unfortunate action is certain to have serious repercussions among scientists in the world community whose sympathy and cooperation is essential

to the continued technological development of Brazil.

We appeal to you to look personally into this matter in order that these scholars are returned to their institutions and encouraged to pursue their work in a climate of intellectual freedom.

SIGNERS

Fritz Lipman, Nobel Laureate, Professor of Biochemistry, Rockefeller University.

John Bardeen, Nobel Laureate, Professor, Dept. of Electrical Engineering, Univ. of Ill.

Arthur Kornberg, Nobel Laureate, Professor of Biochemistry, Stanford University Med. Sch.

Harold Urey, Nobel Laureate, Professor, Dept. of Chemistry, Univ. of Calif. at San Diego.

Marie G. Mayer, Nobel Laureate, Professor of Physics, Univ. of Calif. at San Diego.

Conrad Block, Nobel Laureate, Professor of Biochemistry, Harvard University.

Marshall Nirenberg, Nobel Laureate, Bethesda, Maryland.

Linus Pauling, Nobel Laureate, Professor of Chemistry, Stanford University.

Robert W. Holley, Nobel Laureate, Professor, Salk Institute for Biological Studies.

Rollin Hotchkiss, Professor, Rockefeller University.

George K. Hirst, President and Director, Public Health Research, City of New York, Inc.

Efraim Racker, Einstein Professor and Chairman, Division of Bio. Sciences, Cornell Univ.

Christian Anfinsen, Bethesda, Maryland.

Martin Kamen, Professor of Chemistry, Univ. of California at San Diego.

Sidney Colowick, Professor of Microbiology, Vanderbilt Univ. Medical School.

Nathan Kaplan, Professor of Chemistry, Univ. of California at San Diego.

Henry Lardy, Villas Professor of Biological Sciences, University of Wisconsin.

Emil Smith, Professor and Chairman, Biological Chemistry, Univ. of Calif. Medical School.

Soon we will have to discuss at greater length than is possible today the training of American troops in Spain in conjunction with the Spanish Army. We are now told that American troops have been trained to help the government of General Franco in case of public discontent in Spain. How little we learn from our misadventures!

In any event, little we have done lately in Spain or Brazil has been designed to add much to the confidence of the American people in the general conduct of our foreign policy.

POSTAL EMPLOYEES: THE POST OFFICE DEPARTMENT'S GREATEST ASSET

The SPEAKER pro tempore (Mr. BROWN of California). Under a previous order of the House the gentleman from New York (Mr. HANLEY) is recognized for 15 minutes.

(Mr. HANLEY asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. HANLEY. Mr. Speaker, currently, the Committee on Post Office and Civil Service, of which I am a member, is holding hearings on one of the most important and far-reaching pieces of domestic legislation which we will consider during this 91st Congress. The proposal to create an independent, Government-

owned postal corporation can and will ultimately affect the lives of every American citizen, for our postal system is the most elaborate, complex, and, I believe, effective communications network that the world has ever known.

I joined in cosponsorship of the Postal Service Act of 1969, not necessarily because I believe the corporation concept is the answer to our dilemma, but because I feel it deserves wide discussion and consideration in Congress and throughout the country. I am not convinced that it is the best approach to the obvious need for reform. I am, however, confident that this proposal can serve as the mortar in which the pestle of the legislative process can formulate a measure which will meet the current and the future requirements of the postal service. I have considerable doubt as to whether the end result of our efforts will be a full-fledged corporation; but I do feel strongly that we will come up with the answers to many of the perplexing questions which face us today.

The nature of the debate in which we are now engaged is such that we must necessarily focus on the deficiencies of the postal service. The newspapers are full of accounts of delayed delivery, lost mail, slow-moving lines in antiquated post offices, and a thousand other real or imagined ills. Using the vernacular of the street, I say, "What's new?" On the other hand, we do not hear about the great bulk of the mail which is delivered quickly and efficiently. To reverse the old aphorism, good news is no news.

Therefore, I think that it would be appropriate to emphasize that our postal employees are doing an excellent job of moving and delivering the mail. It is my firm belief that our postal employees are the Post Office Department's greatest asset.

In 1968, almost 80 billion pieces of mail were processed by the postal system. This represents a 100-percent increase over the volume of mail in 1948. Yet, in the same period of time, the total work force of the Post Office Department has increased by only some 50 percent. Even the critical Kappel Commission estimates that 71 percent of first-class mail is delivered the day after mailing. I think that this is a good record, indeed.

We are informed that untold millions of pieces of mail are lost or suffer unnecessary delays every year. On the surface, this appears to be a shocking figure. Yet it is misleading. If, for example, as many as 1 million pieces a day were mishandled, this would represent only one-half of 1 percent of total mail volume of 200 million pieces per day. Thus, our performance average would be 99.5 percent, which, in effect, is better than the record of Ivory soap.

The excellent record of rural letter carriers is but one example of the increased efficiency of the postal service in general. In 1932, there were 41,602 rural routes, covering 1,358,000 miles a day, serving 25,000,000 customers. Today, rural routes cover 1,966,000 miles and serve 38,000,000 customers 6 days a week. Yet, there are now only 31,000 rural letter carriers. Thus, rural delivery routes cover an additional 608,000 miles a day, serve

13 million more people, and deliver more than three times the volume of mail than in 1932—all of this with 11,000 fewer employees. This is a proud achievement and one which is reflected in varying degrees throughout the entire postal field service.

In looking at the admittedly antiquated management and facilities of the Post Office Department, it is in fact remarkable that the mails have not come to a grinding halt before now. The key to the failure of these gloomy predictions to come true lies in the dedication and energy of the postal employee himself. Often against overwhelming odds, postal employees have increased their productivity and time and time again averted the disaster which could come to our communications system if the flow of mail should become seriously clogged. Working in ancient buildings, lacking up-to-date equipment, suffering under outdated personnel practices, maintaining almost no control over the commodity with which he deals, the postal employee still has succeeded in delivering the vast bulk of the mail expeditiously and safely. As we discuss the troubles which have befallen the service, I feel that we should not lose sight of the fact that the postal system is run by a group of men and women whose devotion to their task is not exceeded by any others in the private or public sector.

No one would argue that the postal service is perfect. However, we must realize that reform is necessary not because a poor job is being done today, but because the organization and facilities of the Post Office Department, as inadequate as they are today, simply are totally incapable of meeting the challenge of the future. The rank and file employees have done their job and done it well. What, then, is the root of the problem plaguing the postal service? In my judgment, we can only point the finger at Congress itself for its traditional failure to recognize the true needs of the postal service. In a manner unlike any other agency in Government, for far too many years the Department has been treated as the proverbial stepchild.

Many things need to be done quickly to reform the postal system. In my mind, one of the critical areas is compensation and improved personnel management. During and after the depression, many high-quality people entered the postal service because there was nowhere else to turn. Under more favorable economic conditions, these men would have been doctors, lawyers, and businessmen. Thus, for the past 30 years, we have had the advantage of high-quality employees at bargain-basement prices at almost all levels of the postal service. With these men retiring, it becomes even more important for us to provide adequate pay so that we can continue to attract high-quality personnel.

Traditionally, employment in the postal service has required a person with high moral values along with an impeccable background. We have not reduced these standards; yet we offer only \$5,900 as an entrance salary for a letter carrier or clerk. Compare this to District of Columbia bus drivers who enter at \$6,800 a year or the \$8,000 a year begin-

ning pay for a District of Columbia policeman. How then is the Department going to attract the desired type of employee at the prevailing wage scale? Further, what incentives can we offer an applicant for postal employment when he learns that at least 75 percent of postal employees retire in the same grade in which they were hired? This is indeed a sad reflection on promotional possibilities in the Post Office Department.

I also feel that it is time to consider a major overhaul of the position classification system of the postal field service. The activity of my Subcommittee on Position Classification has produced positive evidence that suggests that such a reform of the position classification system of the Post Office Department is necessary. The subcommittee is currently working on a bill which will begin the process of revision of the classification systems of the entire Federal Government. It is interesting to note that though the Federal Government is the largest employer in the world, its classification system has not undergone a thorough reevaluation for 25 years. Certainly, we all agree that such laxity in the private sector would be intolerable and would entertain collapse. I am confident that, in the long run, the contemplated revisions will prove to be of great benefit to postal employees.

The Post Office Department also has a crying need for a full-scale research and development program. During the past few years, the Department and Congress have begun to recognize the necessity and usefulness of such a program. Under the leadership of the former Assistant Postmaster General for Research and Engineering, Dr. Leo S. Packer, great advances were made. Unfortunately, this job has been vacant for 4 months. The new administration has only now seen fit to recommend a man for this position.

It is difficult to overemphasize the fact that the failure of Congress to appropriate enough money for research and development over the years is one of the primary reasons the Post Office Department is faced with a crisis in the near future.

When our committee went to Europe in 1965 we saw the most sophisticated and modern machinery being used throughout the Continent. Yet, in our own country which has an incomparably greater volume of mail than all of Europe we are just now going beyond the experimental stage in using these new devices. Our investment for equipment is approximately \$1,100 per employee. Similar investment in private industry runs 20 to 30 times that amount. We in Congress must be prepared to approve adequate appropriations for research and development if we are to have any hope for the future of the postal service.

Closely related to our tortoiselike pace in providing the necessary funds for research and development is our failure to provide modern facilities. For 25 years after the depression and through the 1950's, the United States built no new postal facilities. Can you envision what would have happened if our road building program had ground to a halt for 25 years? I am sure utter chaos would

have developed. No major business that I know of could have survived, much less prospered, under such circumstances. Here again, Congress is paying for years of neglect. Therefore, it is my firm belief that we must immediately provide adequate and long-term financing for a crash building effort to replace thousands of facilities which have long outlived their usefulness.

These are only three of the more pressing problems which face us as we debate the issue of postal reform. Whether a Postal Corporation is the best way to solve these problems is still an open question. But solve them we must. I ask as we outline the inadequacy of the present postal system in relation to future needs that we be ever-mindful of the tremendous job which our faithful postal employees have performed to date.

In conclusion, I reiterate my confidence that the present postal reform activity will result in the development of legislation designed to give the Post Office Department the tools it has lacked for far too many years.

CHEMICAL AND BIOLOGICAL WARFARE RESEARCH—FACT VERSUS FICTION

The SPEAKER pro tempore (Mr. BROWN of California). Under previous order of the House, the gentleman from Utah (Mr. LLOYD) is recognized for 15 minutes.

Mr. LLOYD. Mr. Speaker, as Representative of the district in Utah which includes the Dugway Proving Ground where testing of chemical warfare agents has attracted nationwide attention and concern, I welcome the announcement that President Nixon has ordered a full-scale review of all aspects of the Nation's chemical and biological warfare program. This action will be reassuring to everyone, and particularly to those living in close proximity to the testing area. It should also perform the vital service of exploding any false rumors and responding to the lingering suspicions that the Army has failed to disclose facts which the American people are entitled to have.

Appropriate to this announcement by the executive department is this account of my own evaluation and report of the recent controversy surrounding the Dugway tests with special reference to recent hearings by congressional committees.

On May 20 and 21 the Subcommittee on Conservation and Natural Resources of the House Government Operations Committee conducted hearings on the dangers of testing of chemical and biological warfare agents at Dugway Proving Ground in Utah.

Army witnesses were subjected to a searching probe by members of the subcommittee, and properly so. Under these circumstances some of those witnesses seemed surprised, uncertain and at times evasive. I would hope that in any such future confrontation, the Army would, in the national interest, provide these witnesses who have a background in science with proper supporting counsel essential appropriately to disclose in a fully understandable, truthful and candid manner the facts which would answer

the questions, and dispel the erroneous rumors and false charges.

These hearings produced information relevant to the March 1968 incident near Dugway when over 6,000 sheep died following an Army test of VX nerve agent. Information and speculation was also produced concerning other phases of operation at Dugway Proving Ground—some of it factual and some which I believe to be without foundation.

As the Congressman representing the district in which the Dugway Proving Ground is located, I have realized a responsibility to maintain constant vigilance to ascertain the most reliable facts to govern decisions with reference to the tests there. This effort to emphasize reliable facts which have generally supported security measures adopted by the Army, has resulted in adversary commentators charging that I and other Utah officials who have taken similar positions have been influenced by the economic advantages of the military installation at the expense of the health and lives of the citizens. This I label as both nonsense and false on its face. I have been dismayed that it has been given currency by some newspapers and by at least one nationally distributed publication. Nevertheless, I look upon my own responsibility as demanding that I continue to seek a proper factual perspective, free on the one hand of undue influence from the Army, and on the other hand, free of emotion and exaggeration. With that in mind, I would like to review the facts as I see them:

First. The Army conducted an airborne spray test of VX nerve gas at Dugway on March 13, 1968. A malfunction presumably occurred in releasing the agent from the airplane. Sheep grazing in Skull Valley some 27 miles from the test area began dying mysteriously on March 14.

Second. First reports of the sheep deaths did not reach Dugway officials until March 17. At that time, there was no conclusive evidence that nerve gas had killed the sheep, although there was speculation to that effect. Because information concerning the testing was classified, and because of the question of legal liability, the Army denied, based on first reports and with no conclusive evidence of causal relationship, that they were responsible for the sheep deaths. This denial was confined to first reports and to unauthorized persons. However, the public information policy of the Army at that point has been criticized. It is debatable as to whether the Army used excessive secrecy or was properly exercising reasonable and proper prudence.

Third. Between March 17 and March 22, Army officials appeared to be confused and issued misleading statements.

Fourth. On March 22, the Army admitted to testing the nerve agent. This admission was made public. However, despite efforts by Army scientists, State public health officials, and officials of other Federal agencies, there was still no conclusive evidence that the nerve agent had been responsible for the sheep deaths.

Fifth. I arrived at Dugway on March 26 for an on-the-spot examination of the

evidence. At that time, there was no effort made to cover up or to conceal from me the Army's possible liability in the sheep deaths. Of equal significance, the Army readily acceded to my request that an attorney representing the owners of the dead sheep be admitted to briefing sessions. Army officials readily admitted to me that the tests had been conducted, and conceded that the finger of blame seemed to be pointed in their direction. However, they insisted that there was as yet no conclusive scientific evidence that the sheep deaths were caused by VX nerve agent. In fact I am advised it was not until the middle of May, nearly 2 months following the incident, that forced feeding of sheep in the laboratory began to produce symptoms similar to those exhibited by the sheep which died on the range.

Sixth. The Army has already paid \$376,685 for the death of the sheep. A second claim in the amount of \$198,309 for loss of income until the land was restored to full use has been referred to Congress for approval.

Seventh. Charges have been made that the accident which killed the sheep also killed 1,700 cows. The Army, Utah State health officials, an investigator for the State and an investigator for the U.S. Department of Agriculture during the sheep incident, and an attorney for the sheep owners have denied that this charge is true. There has been no evidence produced in the subcommittee hearings to substantiate the death of cows in addition to the sheep deaths.

Eighth. Charges have been made that the nerve gas test also contaminated 100 square miles of rangeland, possibly for 2 to 3 years. On October 17, 1968, the U.S. Bureau of Land Management declared the land involved safe for grazing, and normal livestock operations began shortly thereafter. There has been no evidence produced in the subcommittee hearings to substantiate the charge that 100 square miles of range remain contaminated by the nerve gas accident.

Ninth. Charges have been made that the Army has fieldtested Venezuelan equine encephalitis—VEE—at Dugway Proving Ground. The Army has denied ever field-testing VEE virus at Dugway and has stated that it has no plans to do so in the future. The Utah State Director of Public Health has stated that there has never been any evidence of wildlife or human infection from Dugway activities. There has been no evidence produced to confirm charges that VEE has been field tested at Dugway Proving Ground.

Tenth. Charges have been made that there is a large, permanently contaminated biological testing area within the proving ground which poses hazards to wildlife, and consequently to humans moving in and out of the area. In 1954, the Army placed a teacupful of anthrax bacteria in a 100-yard-to-the-side square area within the proving ground in a test to determine how long the bacteria might persist. The test area is in a remote section of the proving ground. The ground consists of almost pure crystalline salt which does not support vegetation or wildlife. The animal population of the

area is less than one per square mile. The area is completely within the confines of the proving ground, and is inaccessible except in special vehicles. The area is fenced and marked, and the only access is patrolled. State health officials, a research ecologist from the University of Utah, and the commander of the Deseret Test Center have all stated that the test plot represents no threat to either human or animal life in the area as demonstrated by nearly 15 years of continued surveillance.

The last reported case of anthrax in any Utah animal was in 1946, several years before the test was made. There were only three cases of human anthrax infection in the Nation in 1968, and none of them were in Utah. The State had three cases of human anthrax in 1944, and one unconfirmed case in 1958.

It has always been my policy that we should have maximum public disclosure of CBW activities consistent with national defense. I favor minimum production, testing, inventory storage, and transportation of CBW agents, consistent with the supportable needs of national defense. I favor disposal of surplus CBW weapons through detoxification if this can be done consistent with human safety. It is my hope that we may make progress toward reliable international agreements controlling, or hopefully eliminating, production and testing of chemical and biological warfare agents.

I have met with the Secretary of the Army and have asked him to review the Army's public information policy on chemical and biological warfare with the specific objective of providing more information as a public necessity. Although the Army has always made disclosure to me, I think it may safely be more candid and informative with the public regarding CBW activities, or in the alternative should explain why the information must remain classified. I have also asked the Secretary to reevaluate the need for testing toxic chemical agents rather than simulated agents, and have asked that only minimum testing be conducted, consistent with national defense. I encourage greater research which would produce more precise knowledge of when and how decomposition of the chemical agent occurs. I have asked for fully adequate research into the possibility of contamination of underground water supplies by testing of the chemical agents.

I am pleased to see an alert congressional committee make in-depth inquiry into our CBW program and testing, in addition to the Armed Services Committee, and subcommittees of the Appropriations Committee.

In summary, I want to make it clear I am no apologist for the Army, nor am I a cheerleader for gas warfare. Clear evidence indicates, however, that hostile nations are engaged in similar research. We stored mustard gas in England during World War II. As a result, President Roosevelt stated the German Government was convinced against the desirability of using poison gas on the English following the evacuation of Dunkirk. Russia and Red China are heavily engaged in chemical warfare testing. Our

own tests enable us to develop defensive agents to detoxify and decompose chemical agents which might be used by an enemy.

I believe my position has been clear and consistent. I am not a champion of chemical warfare. Neither am I a champion of distortion and exaggerated rumors. Personally, I would most earnestly hope the conditions which make testing necessary would disappear.

The hearings conducted by the Subcommittee on Conservation and Natural Resources were widely reported in the Nation's press. Some media reported the more sensational charges without reporting the factual answers, and in so doing, did not serve the public interest. I have received letters and telephone calls from various points around the country asking, "Is it safe to travel through Utah?" This is an example of the public misconceptions produced when unfounded rumors are reported without all the facts being fully reported. I hope the subcommittee in its report to Congress will acknowledge that the allegations which I have cited are without foundation. I requested during the subcommittee hearings that the name of the informant who raised the charges concerning the death of the cattle and the range contamination from the March accident be disclosed in the national interest and certainly in the interest of my constituency. This request was not granted, apparently on the grounds that the man may lose his Federal job. As I see it, anyone who, without reasonable inquiry, is so irresponsible as to deliberately spread false rumors in this sensitive situation should be fired.

I heartily endorse responsible inquiry into CBW activities by congressional committees. I have joined in introducing legislation to create a permanent House committee on environment which would pull together the duplicating and confusing authority of various committees concerned not only with testing of chemical and biological warfare agents, but the increasingly complex and vital field of all pollutants of air, water, and food. The public has a right to the facts, but the public interest is not served by exaggeration and false rumor.

Mr. Speaker, I include in the RECORD recent articles relevant to this subject from the Salt Lake Tribune and the Deseret News of Salt Lake City, and from the Washington Star.

One of the more significant articles entitled, "Reds Publicize Sheep Deaths To Gain Data?" appeared in the Salt Lake Tribune on June 1. It quotes Dr. D. A. Osguthorpe, Utah veterinarian, one of the leading Army critics who testified at the subcommittee hearings and who received wide attention in the Nation's press at the time, as saying that the national attention on chemical and biological warfare testing is a way "for Communists to get more information." He reported his hotel room was entered in his absence during his stay in Washington for the hearings, and valuable papers disturbed. He also reported unauthorized entrance into the hangar in Salt Lake City where his private airplane is kept and he stated private papers were

searched. Perhaps the subcommittee would wish to communicate further with Dr. Osguthorpe concerning these darkly mysterious happenings as to whether they have relevance to the Dugway tests.

The articles referred to follow:

[From the Washington (D.C.) Sunday Star, June 15, 1969]

NEW INTEREST IN POISON GAS

(By Shirley Elder)

If a vagrant wind can sweep up a batch of invisible poison gas and carry it miles away to deal almost instant death to thousands of sheep grazing in a valley, what would happen if humans got in the way?

This immediate question (after all, 6,400 sheep died last year when deadly VX nerve gas was accidentally released from a low-flying plane) and other more speculative questions (such as what happens if a train carrying poison gas is derailed while rumbling through a city) have prompted Congress to take a new and searching look at this nation's policy on chemical and biological warfare (CBW).

Chemical warfare is the tactic of using poison gas to kill or disable an enemy. Biological warfare is the deliberate use of germs to infect an entire population with deadly contagious diseases. Unlike chemicals, germs have never been used in modern warfare.

In addition, chemical warfare experts have designed sprays that simply can strip the foliage from jungles and fields.

SABOTAGE CITED

Both can be delivered in shells, missiles and bombs. Germs, which are invisible, odorless and tasteless, also could be spread through sabotage of water and ventilating systems or detonated in mines offshore.

It is the first time in years that congressional concern has moved beyond the perfunctory level. The last real burst of activity came 10 years ago when the House Committee on Science and Astronautics held hearings on chemical and biological warfare development. The committee concluded that support for research in chemicals and germs should be increased. Annual costs now run between \$300 million and \$350 million.

Current hearings are moving in the opposite direction. Congressmen are alarmed over the vast stores of poisons. Most recently, the protests from Capitol Hill led to a halt, at least temporarily, of an Army plan to ship 27,000 tons of obsolete gases across the country for disposal at sea off New Jersey.

The Library of Congress, at the request of Sen. Edward M. Kennedy, D-Mass., has prepared a report on CBW that has just been printed and released by the Senate Labor and Public Welfare Committee.

KENNEDY'S SUGGESTION

In a letter accompanying the report, Kennedy suggested that laboratories now handling CBW research might better direct their talents into fighting disease and meeting other domestic needs.

"In the past," Kennedy wrote, "the subject of chemical and biological warfare has been shrouded in mystery and secrecy. The extent of United States participation in research and development is still largely unknown. Our use of and policy toward (CBW) has not been clarified.

"I am opposed to this secrecy and feel that the American public has a right to be better informed about what this nation is doing."

Kennedy called for the development of international controls. "The alternative," he said, "is the horrible prospect of widespread chemical and biological warfare, a situation no humane individual or government can allow to develop."

Congress is finding the "shroud of mystery and secrecy" difficult to penetrate. When, under sharp questioning recently, Rep. Henry S. Reuss, D-Wis., began to get some answers,

he was astounded at the military's calm appraisal of the death-dealing vapors.

"Doctor, you frighten me, you really do," Reuss told Dr. Martin Rothenberg, scientific director at the CBW test area in Dugway, Utah.

Witnesses from Dugway were trying to convince Reuss that they did not know the sheep had been killed by airborne nerve gases. At first, Army spokesman denied VX was even being tested. By the time the information was out, it was too late to administer any kind of antidote to the stricken animals.

A weather expert told the Reuss subcommittee the winds around Dugway are often swift and unpredictable.

Later, it was revealed by another congressman, Rep. Richard D. McCarthy, D-N.Y., that an area near Dugway listed on Army maps as contaminated actually was infested with anthrax, a germ normally fatal if inhaled. The Army says it constitutes no danger to the area.

The development of chemical and biological weapons is not new, but their use has been rare since World War I. Few realize, according to the Library of Congress study, how extensively gases were used in that war, however.

ROOSEVELT'S COMMENTS

Excluding some curious historical accounts of poisoned wine and sulphur fumes, chemical warfare is said to have begun with the German chlorine gas attack at Ypres in April 1915.

Inevitably, there was British retaliation and steady escalation as new gases were developed until, finally, 30 types of chemicals had been introduced into warfare. The climax came with blistering mustard gas started by the Germans in July, 1917, and the Allies a year later.

In an international meeting after the war, a Geneva Protocol was hammered out in 1925. All signatory nations agreed not to start germ warfare—a "no first strike" treaty. The United States did not ratify the treaty.

However, in 1943, President Roosevelt said: "Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them and I hope that we never will be compelled to use them. . . ."

Since then, this same view has been reinforced by both the Defense and State Departments. But, still, the Senate has not formally acted on the 1925 treaty. President Nixon has been urged by both Senate and House members again this year to resubmit the document for ratification.

Since World War I, only a few cases of chemical weapons use have been reported.

Chemical and biological weapons are two distinct developments. And, like many other products of science, they quickly become obsolete.

The chemical, GB, for instance, first developed by Germany, an odorless liquid that cuts off a man's breath when inhaled, now is obsolete. The Army wants to dump more than 440 railroad carloads of it into the ocean.

Also included in the dumping plan are more than 260 carloads of outdated mustard gas and some tear gas.

Germ warfare agents now available include anthrax, cholera, plague, typhoid, Rocky Mountain spotted fever, encephalitis, smallpox, yellow fever, botulism and coccidioidomycosis, among many others.

The problem facing Congressional critics is not only the secrecy that surrounds CBW, but also the difficulty, if not impossibility, of developing international controls.

As the Kennedy report states: "The nations, including some of the smaller ones, are already downstream too far."

"The larger arsenals for CB warfare may be restricted to the major powers, but there is little doubt that an increasing capability is proliferating to some of the smaller and developing countries.

"What used to be largely a picture of research has turned to development and development has turned to manufacturing and stockpiling. The subject is shrouded in secrecy and it is the secrecy which seems to provide a nonstop momentum . . . No one really knows what someone else may have ready for employment, in a military situation."

[From the Deseret (Utah) News, June 4, 1969]

DUGWAY TESTING ROLE DISTORTED IN HEARING
(By Gordon Elliot White)

WASHINGTON.—The record now public on chemical warfare, and particularly the hazards of testing at Dugway Proving Ground, was so badly distorted at last month's hearings before the Reuss subcommittee that a concerned citizen who simply wants the facts must be considerably confused. Neither the Army Materiel Command, which controls Dugway, nor the Anti-CBW Forces have given an unbiased picture of chemical warfare and the possible effect that Dugway's work might have on the citizens of Utah.

The Army's failure to alert state and local officials to the danger of a nerve gas accident last year led to the loss of 6,000 sheep, and only good fortune can be credited for the fact that there were no human deaths. The Army CBW officers, here and at Dugway, have been grossly obtuse in answering reasonable questions about their work.

When asked in March 1968, if there had been any biological tests at Dugway which might have affected the Skull Valley sheep, Dugway officials said "No." When it later became apparent that there had been a nerve gas test which went awry, the Army said blandly, "But you didn't ask us if there had been a chemical test."

On the other hand, the record in recent months has been badly muddled by such people as Rep. Richard McCarthy, D-N.Y., who charged that "1,700 cows" had been killed in the March accident, and that "100 square miles" of range land suffered long-term contamination. Told by Rep. Sherman P. Lloyd, R-Utah, that both charges were groundless, Rep. McCarthy nevertheless repeated them to the subcommittee and for national television.

Other charges flowed here, making headlines for a few members of Congress but adding nothing to public enlightenment. The tone of the debate is indicated by a sampling of the allegations:

(Rep. McCarthy)—"The Army has tested biological warfare agents in the open air at Dugway and has created a permanently contaminated area about 10 miles in diameter in western Utah."

(Rep. Henry Ruess, D-Wisc., chairman of the Investigating House Subcommittee): "The Army is testing chemical agents in the atmosphere before it knows how toxic they are;"

(Rep. McCarthy): "The military laboratories that work with biological agents have a poor safety record over the past two decades;"

(Rep. McCarthy): "The Army is field-testing Venezuelan equine encephalomyelitis (VEE) at Dugway."

Confidential Army sources, cross checked here, indicate that there is more demagoguery than fact in those charges. Utah officials, including Dr. D. A. Osguthorpe, the Logan veterinarian who has helped lead the attack on the Army, said flatly there were no cattle involved in the nerve gas accident last year. If anyone lost any cows, he has not cared enough to ask the Army to pay for them.

The U.S. Bureau of Land Management certified Skull Valley as uncontaminated last October and the area is now being grazed with no ill effects to sheep or any other form of life that anyone has been able to notice.

That 10-mile circle supposedly contaminated by biological testing was outlined by Rep. McCarthy himself with a ballpoint pen, during the subcommittee hearings, to mark a very small area on a map so that it would be visible to television cameras. The Army, of course, had denied to Rep. Lloyd that there was such an area. When they admitted that, yes, there was a two-acre tract where anthrax had been placed 15 years ago, Rep. Lloyd was embarrassed and the facts never caught up with Rep. McCarthy's charges.

From all the data that can be found here, there is no truth to Rep. Reuss' charge that un-tested chemical agents are released in the air over Dugway. Army technicians claim that they exhaustively test all compounds for toxicity, particle distribution, spray cloud behavior, and other factors before testing outside of laboratory chambers.

Rep. McCarthy's charges about safety records at CBW laboratories were apparently based on a 1965 doctoral thesis written by G. Briggs Phillips of the safety staff at Ft. Detrick, Md., Phillips documented 3,300 "incidents" between 1954 and 1962, many of them as minor as test tubes which were dropped but did not break. McCarthy used the "3,300 incident figure" as though most of them involved deadly hazards to workers and the surrounding population.

In fact, from 1943 through 1968, there were 420 accidental infections at Ft. Detrick, 370 of them prior to 1960. Since then only 19 cases have required hospitalization, and the lab's safety record, with highly-dangerous biological agents, has been far better than for all other federal civilian employes, by a factor of nearly 10 to 1, on a basis of work hours lost.

The Army is less willing to discuss encephalomyelitis testing: it says strongly that it has not tested VEE and does not plan to, but leaves doubts about other strains of encephalomyelitis by its failure to disclaim testing of any but VEE. The VEE report, however, almost certainly came from a garbled version of a University of Utah study that identified VEE antibodies in wild animals in the state.

The garbled attacks of CBW critics, sometimes on grounds that are patently false, like the report here two weeks ago that 1,700 cows had been killed by Dugway, are only befogging the real issues of Dugway safety and the role of CBW in modern American defense.

[From the Salt Lake City (Utah) Tribune, June 1, 1969]

REDS PUBLICIZE SHEEP DEATHS TO GAIN DATA?

Communists may be deliberately magnifying the death of 6,400 sheep at Dugway Proving Ground to gain information on United States chemical warfare testing.

"I believe there is some Communist element in this," Dr. D. A. Osguthorpe said Saturday. The Salt Lake City veterinarian testified May 20 at congressional hearings in Washington, D.C.

Repeatedly publicizing the sheep deaths and chemical and biological warfare testing is a way "for Communists to get more information . . ." he added. "Every time this is aired a few more people (connected with CBW) are brought into the open."

Dr. Osguthorpe also contradicted some reports that he is a "critic of chemical and biological warfare testing."

INTERNATIONAL POSITION

"I'm not against doing this kind of research because I know we have to keep our place internationally. But I am against the Army not keeping the public informed of its mistakes."

He blamed the 1968 Dugway incident on the failure of a plane gate to close, resulting in the accidental spraying of an organic phosphate compound into the atmosphere.

"From March 13 to 22 (of last year) the Army denied it happened. Gov. (Calvin L.)

Rampton called a meeting on the 22nd and told them they were responsible for the death of the sheep."

Dr. Osguthorpe said the Army subsequently spent at least \$500,000 for an investigation that would prove the Army wasn't responsible. In addition the federal government paid more than \$350,000 in reparations for the dead animals.

The veterinarian said if the Army had immediately admitted responsibility, at least three-fourths of the sheep could have been saved.

CREDIBILITY GAP

"The total loss could have been only one-tenth of the million dollars eventually spent."

This incident also caused a "credibility gap," he said. "Until the commanding officer at Dugway was told he could admit the mistake, he had to deny it."

Dr. Osguthorpe said it took too long for decisions to filter down from the highest levels of government to Dugway.

But he said President Richard M. Nixon has appointed a special information officer to help avoid similar events.

Commenting on reports that his Washington hotel room was searched, Dr. Osguthorpe said, "The Army couldn't have searched my room. They already have the information that I do. I don't know who searched my room. . . It had to be someone who was watching my activities pretty closely."

SEARCHED PRIVATE PAPERS

He said he had told no one where he was staying after arriving in Washington on the evening of May 18.

One evening after he left his hotel by cab, someone entered his room and searched through his private papers, he said.

"I was supposed to have breakfast with a few congressmen the next morning. I planned to give them some papers, which I placed on my bed so I could easily find them. When I returned the papers had been removed from the bed." The next day he located the missing papers in a book he'd taken along.

While he was in Washington someone also pried a lock from the Salt Lake International Airport hangar where he keeps a private plane.

"I flew to Washington on a United (Air Lines) flight. The day I left I stopped at the hangar to get some papers and everything was fine. But when I returned the hangar had been broken into and the place searched. There could have been some connection between the two searches. This is the first time that I have had any trouble at all." The plane was not damaged.

DAY AFTER HEARING

He said the hotel room searcher might have been someone who attended the hearings and who would know what he looked like. The day after the hearing, someone appeared "to be watching me the whole time. I was on the Capitol grounds."

He said the persons who searched his room—and apparently ignored expensive cameras and money—were "interested in this chemical thing. It could possibly be, I think, someone connected with the Communist Party."

Dr. Osguthorpe added that the classified information he had in the hotel room was in a locked suitcase, which he doesn't think was opened. The suitcase was delayed in arriving because of a plane mixup.

MORE VALUABLE

He now believes his notes "are more valuable than I had thought." And his papers are now kept "under lock and key."

The doctor said he reported the hotel incident to the subcommittee conducting the hearings but was advised that such incidents were not uncommon in Washington and little could be done.

He said he did not report the hangar entry as he desired to maintain watch himself.

Electronic warning devices also were installed, he said.

[From the Salt Lake City (Utah) Tribune, May 29, 1969]

DUGWAY DENIES ANTHRAX AREA HUMAN THREAT—DISPUTES CLAIM BY NEW YORK SOLON

The threat to humans and animals represented by a small plot of Dugway Proving Ground contaminated with anthrax germs 15 years ago is practically nonexistent, according to health, research and Army authorities contacted Wednesday.

Brig. Gen. John G. Appel, commander of Deseret Test Center, confirmed Wednesday that a 100-square-yard area was contaminated with about a teacup full of anthrax bacteria in 1954 in a test "to determine how long it might present a hazard."

Anthrax germs can be fatal to animals or humans if the viable organisms are inhaled into the lungs or contact a cut in the skin.

AREA NOT DANGEROUS

General Appel said, however, that the contaminated area is not dangerous to man or animals as charged Tuesday by Rep. Richard D. McCarthy, D-N.Y., in a letter to Health, Education and Welfare Secretary Robert H. Finch.

Rep. McCarthy asserted the contaminated area was a circular plot, nine miles in diameter, about 15 miles west of the proving ground. The congressman added that the British tested anthrax on the Scottish Island of Gruinard early in World War II, that investigations by scientists in 1966 showed the island was still contaminated and "probably will remain contaminated for 100 years."

Both Gen. Appel and Dr. G. D. Carlyle Thompson, state health director, described the contaminated area as "being very small, marked with signs and fenced off," and located in the remote and practically inaccessible western end of the desert testing area.

"There is practically no animal life in the area, about one rodent per square mile," Gen. Appel explained. "There is no air contamination in the area, and there was none when the anthrax bacteria were placed in the area in 1954."

CLOSELY WATCHED

Dr. Thompson said the anthrax area has been closely watched by scientists and that none of the bacteria has been found in any wildlife in the area.

"The place can be reached only by vehicles with four-wheel drive," he said.

In his letter to Secy. Finch, Rep. McCarthy said, "It is obvious that this anthrax-ridden area in Utah poses hazards to wildlife and to humans moving in and out of the area."

Peter F. Olson, research ecologist, University of Utah, engaged in research at Dugway, said Wednesday there is no wildlife in the area and absolutely no vegetation to sustain any. He added that the contaminated plot of ground is far from any public thoroughfare and "no persons are just going to stumble on it."

"It's in a remote section of the Salt Flats—pure crystalline salt—with no vegetation and no wildlife. And a person would have to have a specially-built vehicle like a Trackmaster to even approach it," Mr. Olson said. "And if he did, the signs would warn him off."

After weighing the potential hazard now existing—considering the amount of anthrax applied to the area, its deterioration in 15 years in the unusually harsh environment and his knowledge of the organism, Mr. Olson said Wednesday:

"I would gladly go to the center of the contaminated area now and set up camp there for two weeks, if I thought it would prove anything. There may not be spore left there now."

Although the anthrax was applied to the area before Mr. Olson took the research position, he said he assumes the germs were ap-

plied to the surface of the salt bed in "an atomizer operation, sprayed on like you would with perfume."

"There would be very little spreading by the wind. The anthrax bacteria was in the spore stage when it was applied, and if any still exist there, they would still be in the spore stage. In other words, they are dormant, they do not propagate or multiply and the majority would die or become inviable in the harsh environment as time goes by. That salt reaches a temperature of 160 degrees.

"Anthrax germs enter the dormant, spore stage as a protection from an unfavorable environment. They would not change and start multiplying again unless they found an animal host or environment," Mr. Olson continued.

He said much mention had been made of pulmonary anthrax, the lung infection resulting from breathing in the germs. Actually, the scientists said, cutaneous anthrax, with the bacteria infecting a skin lesion, is the commonest form of the infection in humans—and human infection is rare.

"There were only three cases of human anthrax infection in the nation in 1968. None of them were in Utah," he added.

Referring to Rep. McCarthy's reference to contamination of the Scottish Island for "100 years," Mr. Olson said Wednesday it was possibly true that anthrax spores could survive for a century "under ideal environmental conditions."

"But the Salt Flats are far from an ideal environment," he commented.

[From the Salt Lake City (Utah) Deseret News, May 28, 1969]

DEADLY ANTHRAX CONTAINED IN DUGWAY SECTION

(By Steve Hale)

A small section of Dugway Proving Ground is contaminated with anthrax germs, which can cause an often fatal lung disease in humans, the state health director disclosed today.

Dr. G. D. Carlyle Thompson, the director, described the area as being "very small, marked with signs, and fenced-off."

He said it is located in the western end of the Army area that deals with chemical and germ warfare weapons.

The health director said the anthrax area has been closely watched by scientists on the lookout for any signs of the disease in wildlife there. The place can be reached only by vehicles with four-wheel drive, he added.

No anthrax has been found in animals around the area, he said.

Dr. Thompson said the area has been contaminated for about 15 years.

Brig. Gen. John G. Appel, commander of the Deseret Test Center, said little animal life is found in the area—about one rodent per square mile.

The matter came to light when Rep. Richard D. McCarthy, D-N.Y., pinpointed the germ and the area Tuesday.

"This is the same disease which the British tested on the Scottish island of Gruinard early in World War II," McCarthy said. "Investigation by scientists in 1966 showed that the island was still contaminated and probably will remain that way for 100 years."

"It is obvious that this anthrax-ridden area in Utah poses hazards to wildlife and humans moving in and out of the area," the congressman said.

Gen. Appel took exception to that statement.

"The only kinds of animals in the area are transient animals like coyotes," he said. "The fence keeps coyotes out of the area."

He termed the Congressman's statement "emotional and exaggerated."

Gen. Appel said anthrax has been found in some Utah animals—but before Dugway area was contaminated. He said one domestic

animal was found with anthrax in the 1934-38 period, two in 1939-43; and one in 1946.

As for human anthrax, Dr. Thompson said Utah had three cases in 1944 and one unconfirmed case in 1958.

The general said humans can become infected with the anthrax bacteria in two general ways—by contacting the germ at a break in the skin or by breathing anthrax germs. Skin anthrax is usually a relatively harmless ailment, but pulmonary anthrax is often fatal, he said.

Pulmonary anthrax is described by medical reference works as a rare form of anthrax contracted by inhaling virulent organisms. The pulmonary form first causes a mild cough and fever; but several days later the disease progresses to the point where the victim may die within 24 hours.

"There is no air contamination in the area, and there was none when the anthrax bacteria were put in the area in 1954," said Gen. Appel.

He said 100 milliliters of anthrax germs—about a teacup full—were placed in the 100 square yard area in a remote part of the Dugway Proving Ground.

He said the bacteria were placed in the ground there "to determine how long it might present a hazard."

Anthrax germs, he said, are spore-formers that have exceedingly long lives.

"I daresay you can find anthrax germs in soil anywhere in this country," Gen. Appel said, "but that doesn't mean they're going to go anywhere but there."

[From the Salt Lake City (Utah) Tribune, May 24, 1969]

ALL DUGWAYS ACCOUNTABLE

Closer questioning of U.S. military activity by civilian authorities is overdue. After almost a decade during which the country has stood in awe of national defense needs, elected representatives are asking for better explanations. Effects from this change of heart were abundantly clear at recent hearings conducted in Washington, D.C., on implications of Army germ and gas warfare testing.

Most information was testimony confirming that atmospheric tests of lethal gas at Dugway Proving Ground in mid-March, 1968, were mishandled from start to finish. Not only were nerve agents permitted to drift over nearby pasture land, but the Army prevented veterinarians from knowing the type of poison so antidotes could be administered to infected sheep. And when 6,000 sheep died as a result, the Army adopted the odd stance of not confessing blame while compensating the owners for their loss, at a price, one hearing witness alleged, far above the animals' actual value.

The Dugway sequence was indeed bungled, and if it has made distant congressmen as well as local officials and residents apprehensive about the installation's ability to handle dangerous substances that shouldn't be surprising.

It is not clear that all military aspects of germ and chemical experimentation should be discontinued. It was not shown during the Washington hearings that Dugway is a constant threat to surrounding communities. Neither this phase of the national defense program nor all precautions connected with it were totally discredited.

Repeatedly disclosed by this and other recent investigations is a disturbing lack of accountability within national defense and defense oriented organizations. Once launched, military projects seem to develop a momentum that neither excessive costs nor public opinion are allowed to interrupt. And when errors get glaring it takes a congressional hearing to find where the fault lies. Any wonder public confidence is shaken?

Dugway management does not deserve a wholesale indictment. Its personnel are aware of their responsibility to conduct as-

signments with the utmost care. But it is apparent that past policy was not sufficient to deal with accidents having effects beyond the test center.

The Washington hearings were helpful. It was reiterated that better communication between Dugway and state officials has been established and that the surgeon general of the U.S. has written additional safety measures for the facility. Moreover, congressmen forcefully asserted the civilian prerogative for determining this country's national policy. It's a particularly good season for stressing that principle.

[From the Salt Lake Tribune, May 23, 1969]
RAMPTON REFUTES HIGH PERIL IN NERVE GAS TESTS

(By Douglas L. Parker)

There is no "clear and imminent" danger from nerve gas testing at Dugway Proving Ground, Gov. Calvin L. Rampton said Thursday.

It's proper to be concerned about testing operations at the Tooele County Army facility, the governor added, "but I don't want to see it resolved in an atmosphere of public hysteria."

He noted that additional precautions, described to him by federal officials, were taken in the wake of last year's death of approximately 6,000 sheep in Skull Valley following an Army nerve gas test.

These precautions cannot prevent another accident entirely, of course, Gov. Rampton said, but they should make recurrence of such an accident much less likely.

He said he was "somewhat disappointed" that the Army still declines to publicly admit that last year's testing caused the death of the sheep, although tacitly acknowledging this issue by paying damage claims to livestock owners.

"That reticence might somewhat undermine the faith of the people," the Utah chief executive said.

The transfer of nerve gas storage containers from Denver to the Dugway Proving Ground hasn't "deeply concerned" him, the governor said.

SUBSTANTIAL PRECAUTIONS TAKEN

Substantial precautions have been taken, and there's not much more of a hazard than from many commercial chemicals maintained in the state, he added.

The governor's comments came during his monthly press conference televised over KUED educational television station at the University of Utah.

[From the Salt Lake City (Utah) Deseret News, May 17, 1969]

BAN THESE WEAPONS

President Nixon should not only resubmit the 1925 Geneva Protocol on gas warfare to the Senate, as he has been urged to do, but the measure should be ratified.

Approval would not preclude the U.S. from manufacturing or stockpiling of chemical, bacteriological, or radiological (CBR) arms. The document merely calls upon all nations to agree formally not to initiate "The use in war of asphyxiating, poisonous, or other gases or bacteriological methods of warfare." The U.S. and Japan are the only major nations that have not ratified the document.

The death of 6,300 sheep following nerve-gas tests at Dugway in 1966, and more recent facts about CBR drive home the potential terror of such warfare. For example, Rep. Richard McCarthy, D-N.Y., charged recently that the Defense Department has stockpiled enough chemicals in Colorado and Utah alone to kill more than 100 million people; that gas from a single bomb the size of a quart jar could kill every living thing for a mile around.

Because CBR weapons are cheap and can be produced in secrecy at a fraction of the

cost of nuclear weapons, their spread is even more difficult to control. That is all the more reason for all nations agreeing not to start a war with such weapons, whether or not they choose to manufacture or stockpile them.

The horror resulting from using gas in World War I, moreover, has already brought continuing tacit agreement with the Protocol. President Roosevelt in 1942, for example, pledged that the U.S. would not use gas-germ weapons, except in retaliation. The nation's leaders also have since expressed support for the principles of the Protocol.

Because proliferation of CBR weapons is virtually uncontrollable, the only way to prevent their use appears to be by agreement and the threat of retaliation against any country which first uses CBR.

[From the Salt Lake City (Utah) Tribune, May 9, 1969]

EVIDENCE INCONCLUSIVE, MEDIC SAYS—DUGWAY VIRUS MAY NOT BE VEE

Because of technical difficulties in telling one virus antibody from others in the same general group, the antibody reportedly caused by Venezuelan equine encephalitis (VEE) in animals near Dugway Proving Ground may have been the product of another virus, Dr. Louis P. Gebhardt, head of the University of Utah department of microbiology, said Thursday.

Dr. Gebhardt has been consultant to a U group with which the Army contracted in 1952 to study the ecology of the Dugway area to determine what microorganisms might occur naturally in the fauna of the area.

Antibodies are disease fighters formed when man or animal is exposed to disease-causing agents.

NO FIELD TESTS

Rep. Sherman P. Lloyd, R-Utah, Thursday in Salt Lake City released the text of a letter he received from the Army in response to his inquiry about an article in the current issue of Ramparts Magazine.

The letter stated: "The Deseret Test Center has not field-tested the viruses (VEE) at Dugway Proving Ground, nor has it any plans to do so in the future."

"Since 1961, the University of Utah has cooperated with the Dugway Laboratories in a routine examination of the wildlife of west-central Utah for evidences of certain types of pathogenic viruses. This examination resulted in the detection of antibodies against these viruses in 22 rabbits and rodents along the southwest periphery of the Great Salt Lake Desert."

FOUND IN RABBITS

"Results of the investigations have identified seven of the pathogenic viruses, among them VEE. These viruses were isolated or detected in rodents, carnivores, birds, cattle, sheep and mosquitoes."

Dr. Gebhardt said the U. of U. group obtained suspected VEE antibodies from "three or four rabbits"—none from birds as reported in the magazine article—in 1957 during routine tests by the ecologists.

Dr. Gebhardt explained that this is one of the Group A arboviruses, those which are transmitted by mosquitoes, ticks, etc. In testing them against known antibodies in the same group, there might have been a cross reaction, he said.

Dr. Gebhardt, who supervised the testing, said: "We didn't do all the required tests and we are not sure this was a true VEE antibody, although it was as close to this as to others."

He declared the VEE virus has never been isolated in Utah. The Western equine encephalitis virus (WEE) does exist in Utah, and when injected by insects into man causes what is known as sleeping sickness, Eastern encephalitis virus (EEE) is found less frequently here.

EASILY TRANSMITTED

Dr. Gebhardt said the VEE virus, common in South America but rare in the United States, causes no more serious illness than either WEE or EEE virus, although it is more easily transmitted from animal to man.

The finding of virus antibodies in animals near Dugway is totally unrelated to the death of 6,400 sheep last year, which was attributed to emissions of a lethal nerve gas.

Since the WEE virus is known to have existed in Utah for many years, the antibodies reported to have been caused by WEE virus may have been caused by the native virus.

Brig. Gen. John G. Appel, commander of the Deseret Test Center, said Dugway has never experimented with the VEE organism and has done nothing to change the ecology of the area. He said the contract with the U. may lapse in October, and the Army may advertise for bids to continue the work, since the university is now opposed to conducting classified research of this type.

NO CLASSIFIED WORK

Dr. Thomas C. King, U. provost, said, "The university has gone on record as being opposed to performing classified work. But," he added, "this does not preclude allowing individual investigators who require access to classified information to get it."

Press wire services, meanwhile, reported that Rep. Richard D. McCarthy, D-N.Y., said Thursday in Washington he had been informed that the Army was "testing a lethal strain of encephalitis at Dugway."

In a letter to Secretary Robert H. Finch of the Department of Health, Education and Welfare, McCarthy also said the nerve gas not only killed the sheep but destroyed 1,700 head of cattle and contaminated 100 square miles of pasture land outside the proving ground for as much as two or three years.

SAFE FOR GRAZING

The Defense Department denied that any cattle were killed. It also said the Bureau of Land Management certified last Oct. 17 that all adjacent range land was safe for livestock grazing.

McCarthy asked Finch to begin an immediate investigation of the Pentagon's entire biological and chemical warfare testing program "and its possible implications for United States health."

Tuesday, Rep. Henry F. Reuss, D-Wis., head of the newly formed House government operations subcommittee, announced his group will begin hearings May 20 on Army testing of technical and biological warfare agents.

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

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

Mr. SIKES. I have had an opportunity to see the comments which are being made by the distinguished gentleman from Utah (Mr. LLOYD). I am highly impressed by the realistic and sensible approach shown by him in his comments on this important subject. He is rendering a constructive service to the House by the logic which he is advancing here today. This is a most important subject. Unfortunately, it has been subjected to a great many sensational statements which did not convey the facts and which have not revealed the importance of chemical and biological warfare in the defense of America.

I feel, as the gentleman from Utah does, that it is an important and a very useful thing that the President has ordered a study on this subject, which can help to clear the atmosphere. Again I commend the distinguished gentleman

from Utah for his contribution here today.

Mr. LLOYD. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Military Construction of the Committee on Appropriations.

VIETNAM DEESCALATION TO SOME PLACE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Thank you, Mr. Speaker.

Mr. Speaker, I welcome the recent announcement by President Nixon in which he stated that 25,000 American troops will be withdrawn from Vietnam by this coming August. To say that this decision is long overdue would be an understatement, the decision has finally been made and the country should be thankful. Thankful for a start in any case. I fervently hope this move is the beginning of a phased withdrawal of all combat troops from the Vietnam engagement within a politically and militarily legitimate time frame—within the next year or preferably as Clark Clifford is stating tonight in 6 months.

Former President Johnson often said that we must "bite the bullet." While Mr. Johnson was referring to continued escalation of this conflict when he made this statement, it is particularly applicable to President Nixon's announcement. It is my fervent hope that President Nixon has indeed decided to "bite the bullet" and end this disastrous war.

I am particularly pleased that President Nixon, in his elaboration of the Midway accord, stated that the reduction in American forces—the 25,000 troops originally brought home—will be combat troops. The type of troops to be disengaged from the conflict is as important as the number itself. My original thought upon hearing of the troop reduction was that it might encompass only support units—the bakers and cooks. The clarification, however, convinces me that the President is serious in his motives and has made a forthright step toward peace in Southeast Asia.

Let the RECORD show that today, June 18, 1969, there are more than one-half million American soldiers and sailors in Vietnam—538,500 to be exact. This breaks down to 360,000 Army, 36,000 Navy, 500 Coast Guard, 81,000 Marines, and 61,000 Air Force. A reduction of 25,000 Army troops takes on more importance in that this is a reasonably sizable percentage of the 360,000 Army total to be removed in a 2-month period. Of course, we must realize that there are over 1½ million total allied personnel in Vietnam at present. This includes the United States, ARVN, and small contingents for New Zealand, Australia, Korea, and Thailand. The South Vietnamese Army—ARVN—is the most sizable single force and hopefully will soon be in a position to take over the war in fact as well as in fiction. For many years I have been briefed on the continuing improvement in the quality of the ARVN forces. Unfortunately, these briefings

were uniformly optimistic. The ARVN forces are large and reasonably well supplied—far better equipped than the Vietcong or North Vietnamese—yet the level of troop leadership has formerly been of such low quality as to render the South Vietnamese Army inefficient at best and counterproductive to the whole effort generally. President Nixon and President Thieu clearly stated that the ARVN forces will soon be in a position to take over the major brunt of the war effort, and I rely on that representation.

I should also like to cite some other troop reduction figures at this time. One year ago, before the bombing halt north of the 19th parallel, military intelligence estimated that there were approximately 190,000 North Vietnamese troops in South Vietnam. Last October, the Secretary of the Navy called me and advised in light of the fact that 20,000 to 30,000 North Vietnamese had withdrawn, that we were totally halting bombing in North Vietnam. The latest figures indicate that the North Vietnamese have further reduced their troop level down to an estimated 150,000. This is a sizable reduction both in gross number and percentage of the total—nearly 25 percent. We should clearly recognize that this troop reduction by the enemy has taken place and should look to the reasons with a sound perspective. At a time when bombing has been considerably diminished above the DMZ, we see a reduction in North Vietnamese troops. Since they easily could have reinforced their garrisons and raised the number of troops crossing the border, but in fact have reduced their strength, I think we must view this as a clear signal. Whether it is a response to our bombing halt, or an invitation for mutual withdrawal, I do not know. In either case the prospects for a settlement have been enhanced. It can be argued that the troop reduction is in part attributable to the massive casualties we have inflicted, but this does not account for the concentrations of troops and supplies north of the DMZ.

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

Mr. LEGGETT. I am pleased to yield to my distinguished colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I wish to thank the gentleman from California for yielding and to commend the gentleman for bringing to our edification a very important and timely subject.

It seems to me that contemporaneous with his remarks, the former Defense Secretary Clark Clifford, as the gentleman has previously indicated, has made statements that are quite compatible with the outline that the gentleman is now making in connection with this continuing war in Vietnam.

I would like to point out that the former Defense Secretary has also agreed very clearly with the gentleman in the well and has spoken toward a withdrawal of 100,000 troops before the end of the year. He has further criticized very highly the South Vietnamese Government, picturing its leaders as having a big stake in the continuing war.

I think, if I may point out to my colleague from California who is now in the

well, that this is quite compatible with the report that I just joined in with a number of others who formed the U.S. Study Team on Political and Religious Standards in Vietnam.

Mr. LEGGETT. I am acquainted with the great work that the gentleman from Michigan and the very distinguished group of Americans have done on that team by making a personal, on the spot investigation with respect to political and religious freedoms in Southeast Asia.

Mr. Speaker, I would ask the gentleman if he would briefly tell us what was found out in that investigation.

Mr. CONYERS. If the gentleman will yield further, I would point out to the gentleman that, first of all, we found that many thousands of persons are being arrested in South Vietnam and are denied all procedural protection. The arrests are made by a variety of local and national officials, district police, special security forces, military forces, and intelligence units, each exercising what we found to be relatively unfettered discretion.

May I further point out that the question of political and religious freedom has a great bearing on the ability of that government to form a popular and stable government.

It is my personal impression as a result of my first trip to Vietnam with the very distinguished group of members who comprised the study team that we must begin to speak of the increasing number of political repressions that are going on, and the religious persecution that obtains.

We found, for example, Mr. Speaker, that the Thieu-Ky government's widespread and increasing use of the extra-constitutional military field tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them all fundamental elements of a fair hearing, and often failure to serve prior notice of the charges against them.

May I point out to the gentleman that, although it is not as obvious and as violent as under the Diem government, it continues to be pervasive and brutal.

We found out, for example, that under the Thieu-Ky government—and I am sure the gentleman in the well is going to make some reference to this—that the use of the words "communism," "neutrality," and "coalition" have been used to silence dissent and weaken political and religious opposition.

Student peace movements, Buddhist pleas for nonviolence, and a "third solution" and the freedom of the press have been systematically suppressed by an insecure government that relies more on police-state tactics and American support. I am sorry to say, than upon true representation and popular support of its own image.

Mr. Speaker, may I finally point out that only today in the New York Times we find the very latest instance of the kind of repression that is emanating from the Thieu-Ky regime, when one of the very well-known constitutional attorneys, Tran Ngoc Lieng, one of the lawyers who defended one of the political candidates who was a runnerup in the election of 1967, was recently, in the last

few hours, arrested and held for interrogation. This adds to the number of distinguished and perhaps unknown South Vietnamese citizens who are political prisoners, in very simple point of fact.

Mr. LEGGETT. It is a practical matter that Truong Dinh Dzu is still a political prisoner, sentenced to 5 years at hard labor. Is that correct?

Mr. CONYERS. The gentleman is correct.

I might point out that the committee visited him in his prison confinement, as we made visits throughout the rest of Vietnam, speaking not only to the President of South Vietnam, members of the cabinet, members of the legislature, but also to prominent lawyers, businessmen, religious leaders, working Vietnamese, and even to the prisoners and ex-prisoners.

Mr. Speaker, at this time I ask unanimous consent to include in my remarks the report of the U.S. Study Team on Religious and Political Freedoms; the New York Times article of today's date to which I have just referred; and also the wire release on the remarks of former Defense Secretary Clark Clifford.

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

There was no objection.

The documents referred to follow:

FINDINGS ON TRIP TO VIETNAM. U.S. STUDY TEAM, MAY 25 TO JUNE 10, 1969

INTRODUCTION

Background

The U.S. Study Team was sent to South Vietnam by an ad hoc committee organized in late 1968 by a group of well-known churchmen concerned about the war and the repression of those religious and political forces in South Vietnam who urge an end to hostilities. This committee has wide national interreligious representation. The officers named were: Chairman, Barton Hunter, Executive Secretary of the Department of Church in Society of the Christian Church; Secretary, Gerhard Elston of the National Council of Churches; Executive Director, Allan Brick, Associate Secretary for National Program of the Fellowship of Reconciliation, who also served as a member of the team.

The sponsoring committee defined the team's goals as follows: "First, they will seek to identify the variety of religious forces in South Vietnam and the range of political expression existing there. They will seek to investigate the situation of religious groups and the extent of the imprisonment of leaders of nonaligned groups who represent potentially important political sentiment. The team will be interested, for example, in visiting both Mr. Dzu and Thich Thien Minh. Second, the team will seek to investigate the situation of all prisoners in South Vietnam. Recognizing the difficulties of doing this in a wartime situation, the team will nonetheless attempt to obtain realistic information."

Team members

Members of the team were: Bishop James Armstrong of the United Methodist Church, Dakotas Area; Mrs. John C. Bennett, Protestant church woman; Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation; Hon. John Conyers, Jr., M.C. of Detroit, Michigan; Robert F. Drinan, S.J., Dean of the Boston College Law School; John de J. Pemberton, Executive Director of the American Civil Liberties Union; Rabbi Seymour Siegel, Professor of Theology at the Jewish Theological Seminary; and Rear Ad-

miral Arnold E. True, United States Navy (retired).

Summary

A report issued by the team following the Vietnam trip documents police and military suppression of religious and political expression in South Vietnam under the Thieu-Ky Government. The chief findings of the team are:

1. Many thousands of persons being arrested in South Vietnam are denied all procedural protection. Arrests are made by a variety of local and national officials—by District police, special security forces, military forces and intelligence units—each exercising "relatively unfettered discretion."

2. The Thieu-Ky Government's widespread and increasing use of the extra-constitutional Military Field Tribunal has been responsible for the sentencing and imprisonment of additional thousands of persons, denying them the fundamental elements of a fair hearing and often failure to serve prior notice of the charges against them. Many of these prisoners remain without trial in the hands of the arresting authorities while the remainder have been removed to prisons by administrative action without charges or trials.

3. The Study Team agrees with those who say that repression, though not as obvious and violent as under the Diem Government, continues to be pervasive and brutal. While some persons visited appear to reflect modern notions of penal administration and certain prison officials seemed sensitive to the needs of inmates, the sheer weight of witnesses' statements concerning physical abuse seemed overwhelmingly conclusive. It became clear that whatever amelioration appeared in the formal correctional institutions, torture and brutality are widespread in the arresting and interrogation process.

4. Without question the Thieu-Ky Government uses the words "communism", "neutralism" and "coalition" to silence dissent and weaken political and religious opposition. Student peace movements, Buddhist pleas for nonviolence and a "third solution", and the freedom of the press have been systematically suppressed by an insecure government that relies more on police state tactics and American support than upon true representation and popular support. As one Vietnamese attorney phrased it: "One cannot fight for freedom without insuring freedom at home."

I. LIMITATIONS ON RELIGIOUS AND POLITICAL FREEDOM IN SOUTH VIETNAM

The eight member U.S. Study Team met with President Thieu, Minister of Interior Tran Thien Kiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and, (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way

opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive than the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers". After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and reopened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex of carefully guarded government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured in 1966 by a hand grenade, said to have been thrown by a V.C., he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968, Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five

years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials in the United States, Mr. Dzu has not yet been released.

In a national election that denied certain candidates the right to run¹ because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American 'presence' in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-Communist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and advocating direct talks with the N.L.F., he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hao Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969 Nguyen Lau, publisher and owner of the Saigon Daily News was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngo Hiem, the agent, Lau had refused to supply the information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immensurably by Confucianism, family ties and friendship are revered. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in the government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the New York Times quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without

experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence," however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence."

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutrality." The Study Team talked with Au Truong Thanh in exile in Paris.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissenters, so-called "militant Buddhists", students and intellectuals, political opponents and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest, Pigneau de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 1,000,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution". They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." There are other Catholics who seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January, 1968, all of the bishops

of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam: the "moderate" government-authorized faction of Thich Tam Chau, and the "activists" faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Theravada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing the charter of the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khắc Sửu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups. During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet, Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than a caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September, 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had par-

² The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

¹ General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutrality". The Study Team talked with Au Truong Thanh in exile in Paris.

participated in the meeting. Thirty persons, mostly students were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmas Eve, responding to the Pope's plea for peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Can Lao party, the Dal Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 election.²

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They argue that unity and independence cannot be achieved under present circumstances. One of them said, "We

² The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimized and participate in the democratic process of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the more highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.⁴ Nguyen Thanh Tai a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed.

"Let us imagine for a moment that those people are given a chance. What would they do?"

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home."

Many, not all, of the nationalist leaders with whom the Study Team talked believed that a continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative. One student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no truly representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F. in the wake of an American withdrawal. Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by mem-

⁴ See: New York Times, March 24, 1969.

bers of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

II. DETENTION, INTERROGATION, IMPRISONMENT AND TREATMENT OF PRISONERS

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners." Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong." Legally speaking, they are properly prisoners of war—although they are kept in a separate category from military prisoners. Others are "civilians related to Communist activities"; i.e., V.C. agents, and are accurately classified as such. Still others, many of them detained without hearing or trial, should be classified differently. Some of these have been picked up in "search and destroy" sweeps and are innocent of anything save being present in an area of military operations. Others are clearly political prisoners. They are nationalists and not Communists, but are seen by the government as inimical to its continuing control. In the official statistics very few "detainees" and "political prisoners" are so classified. The government places the vast majority of prisoners in either the "communist" or the "criminal" category.

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16.98
Communists	64.25
Civilians related to Communist activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Colonel Sanh said that there are 35,000 prisoners in these Correctional Centers. The senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitated. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and detention agencies.⁵ It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for periods of time up to two years. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations; e.g., "Operation Phoenix", the 18 month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents.

Doubtless the total number of political prisoners in South Vietnam—including those held as prisoners of war by intelligence agencies and in military prisons, as well as those in the correctional institutions and those held by various other arresting agencies—far exceeds the official statistics and estimates. Due to the wide range of arresting

⁵ See Section III, B.

and detention agencies, and the inadequacy of statistical methods, no accurate count of prisoners can be made.

In addition to the provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Phu Nu in Thu Duc (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They were also shown through the interrogation center at National Police Headquarters.

The following statistics, provided by prison officials, further illustrate the government's desire to de-emphasize the so-called "political prisoner" category.

Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, this prisoner classification:

	Percent
Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political-non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son, of whom:

984 were soldiers who committed political offenses (helped or sympathized with the V.C.),

2700 were civilians who had worked directly with the V.C.,

769 were soldiers who committed criminal offenses,

252 were civilians who committed criminal offenses, and

2316 were detainees, never tried or sentenced.

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Thu Duc (women's prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, explained the prison's operation and enabled members to see what they requested. The administration of the prison seemed commendable in many respects. The dispensary was reasonably clean. There were two large rooms filled with power sewing machines where the inmates made military uniforms. There were sewing classes, classes in English and other educational opportunities provided.

The cells and large prison rooms were over crowded. This was especially hard on nursing mothers and those with small children. Fifty women, some with babies, lived in a crude building 40' by 30'. Sanitation was primitive and inadequate. There was evidence that some prisoners had not received needed medical attention.

Team members were especially concerned about the large number of prisoners who had not been sentenced after many months of detention, the looseness and inaccuracy

of prisoner classification, the inhumanity of some sentences (one slight old woman who, according to her dossier had passed V.C. letters, had served ten years of a fifteen year sentence), and the extreme youthfulness of many of the inmates. Governor Minh told the Team that there were fifty children from birth to 13 years of age in prison (the very youngest, of course, belonged to the women prisoners), and forty young offenders from 13 to 17 years.

To judge from both interviews and official explanations, the circumstances of many classified as "Communist" did not justify this classification. Two students who were called "Communist" were found by the Team members to be unsentenced detainees. Their dossiers said that they were being held because they had exhibited "leftist tendencies" and had written for a Saigon University paper which was later suspended. In another building twenty percent of the women said they had not been tried or sentenced. It seemed obvious that prisoners who had been accused of "leftist tendencies" or who had not yet been tried could not justly be categorized as "Communist". Yet they were and were forced to live with persons who were considered "hard core Communists".

Chi Hoa

Chi Hoa is often referred to as the "show-case prison". Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes, at worship, and enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

The Warden said that there were about 5,000 men and boys now in prison of whom 40% were "Communist" and only .6% were "non-Communist political" prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not yet been tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever they went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40' by 25', there were 47 children under 8 years of age. One child 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked inadequate. The children seemed to be well physically. When the Team entered, the children left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. All, even the 4 year old, stood at at-

tention and did not move or speak; only their eyes followed the visitors' moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section, the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1,000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political". In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. There was a failure to observe even a minimum amount of due process in the overwhelming majority of cases. The same circumstances were recited over and over by the prisoners; they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military action in their village and were held. Others were students who had indicated their support for peace.

The tour had been carefully arranged by prison officials. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (there out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages," reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied). One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place."

The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway (funded and supervised by the U.S.A.) which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only 10 out of the 7021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explained this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

A disturbing aspect of the prison situation in Vietnam is physical abuse of prisoners. U.S. officials (there are American advisors at every level of Vietnamese bureaucracy) agree that there is torture, but insist that it does not take place in the correctional centers but in the interrogation and detention centers where the prisoners are taken first. Accounts by ex-prisoners verified the fact that torture in detention and interrogation centers is general procedure.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. However, many informants said that the types and extent of torture administered in some of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Colonel Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All prisoners are oppressed by conditions of overcrowding. Sometimes, however, many prisoners are stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed.

Beating is the most common form of abuse. Intellectuals appear to receive "favored" treatment and seldom are subjected to torture other than beating. This is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain

is said to particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is re-applied. In related form, water is pumped into the nose.

The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up", it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then", explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

A respected physician told Team members that recently police brought a dead girl from an interrogation center to a city hospital and asked the Doctor there to certify to death from natural causes. On examination of the cadaver, the Doctor found signs of beating and sexual violation. He refused to so certify. Pressure was brought on the head of the hospital to issue the certificate. Such incidents are not unusual.

III. LEGAL STANDARDS AND PROCEDURES

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure, even by the most generous measure of allowance for the exigencies of civil and guerrilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used de-

liberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear with good reason retaliation for expressing their views.

Naturally, the particular kind of war being waged in South Vietnam bears upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerrilla war activities—sabotage, espionage and the organization and support of the National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted. We cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, the need for procedures to permit speedy imprisonment without exposing the government to the risk of further warlike activity on the part of the arrested persons must be conceded.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency: the suspension of the writ of habeas corpus during the Civil War, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

Loose and inadequate standards and procedures do not represent concessions to those wartime exigencies. Minimization of risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists who advocate forming a coalition government with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a "confession" which will warrant detention.¹

In fact, imprisonments of this kind create the unnecessary risk of alienating loyalties; a hazard made doubly severe by the highly political character of a war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team of one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of South Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team suggests that the number of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

¹ Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources. (See Section II)

A. Standards

Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"The search of private houses, both by day and night;

"Fixing the place of residence of those elements judged dangerous to national security;

"Prohibition of all demonstrations or gatherings harmful to public security and order;

"Prohibition of the distribution of all printed matter harmful to national security;

"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security". Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, with little, if any legislative guidance or control. In fact, it was determined that students with nothing more than the notation in their files that they exhibited "left-wing tendencies" are being incarcerated in national prisons whose administrator classified them in his census as "Communists"; i.e., in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrests expected to extort bribes as conditions for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form.

"(2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure

1. Arrest, detention and interrogation

Because of the long periods for which in-

dividuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard most often occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially nonexistent at the arrest and interrogation stage. Arrests are made by a wide variety of local national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerrilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply.

Such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality the Team encountered occurs.

Despite the constitutional provision that:

"(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation."

the Team was unequivocally assured by Colonel Mau, Chief of the Special Branch of the National Police Force, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned residence" by Provincial Security Councils

An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a remarkable admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political pris-

oners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khlem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

When a Team member shared with Minister Khlem a preliminary sketch of team findings; i.e., loose prisoner classification, denial of due process and the arbitrary action of military field courts, he agreed that these were concerns he and his staff had been considering.

But these steps only sweeten a system that is intolerable. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a type-written list of the names of the individuals whose cases were being considered; approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime conditions, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

3. Military field tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and in a shocking number of instances, without even apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to persons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down. In the event of doubt, the court will rule in favor of the accused."

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimization of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103-107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that:

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. The "Military Field Courts" are not really courts at all.

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregarded the Constitution in several respects and, relying on "a state of war", undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionally qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

IV. APPENDIX

A. U.S. study team on religious and political freedom in Vietnam

James Armstrong, Bishop of the United Methodist Church, Dakotas Area. Bishop Armstrong received his A.B. from Florida Southern College, a B.D. from Emory University, and D.D. from Florida Southern and DePauw University. Elected to the episcopacy in 1968, James Armstrong is the youngest United Methodist Bishop in the United States. He taught for eight years at the Christian Theological Seminary (Disciples of Christ) in Indianapolis, served for ten years as minister of the Broadway United Methodist Church in Indianapolis. Known for his interest in public affairs, he was a board member of the Community Service Council, the Urban League and the Indianapolis Progress Committee, and was singled out as "one of the leaders who builds cities" by Time-Life in its book *The Heartland*. He himself is the author of the book, *The Journey that Men Make*, published by Abingdon Press.

Mrs. John C. Bennett (Anne McGrew Bennett). Mrs. Bennett received a B.Sc. in Education from the University of Nebraska and M.E.E. from Auburn Theological Seminary. She taught for several years in country schools in Nebraska, was married in 1931 to John C. Bennett, now President of the Union Theological Seminary in New York City. Mrs. Bennett has been active in denominational and interdenominational affairs for many years. She is a member of the U.S. Inter-Religious Committee on Peace, a former board member of the Council for Christian Social Action of the United Church of Christ, and served from 1960 to 1964 on the General Board of the National Council of Churches.

Allan Brick, Associate Secretary for National Program, Fellowship of Reconciliation. Dr. Brick received an A.B. from Haverford College, an M.A. and a Ph.D. in English from Yale University. A former professor of English at Dartmouth and Goucher Colleges, Dr. Brick served as Peace Education Director for the American Friends Service Committee, Middle Atlantic Region, from 1966 to 1968. He has published articles on English and American literature, as well as articles

on student and protest movements and is co-author of *The Draft*, a report by the American Friends Service Committee, published by Hill and Wang, New York.

John Conyers, Jr., Representative in Congress of the First Congressional District, Detroit, Michigan. Congressman Conyers received his B.A. and his law degree from Wayne State University. Currently serving his third term both as a Representative and a member of the Judiciary Committee, he has been an active supporter of civil rights legislation in Congress. In this capacity he has made trips to Selma, Charleston, Mississippi and other places to investigate cases of civil rights violations. Prior to election to Congress, Mr. Conyers was a labor and civil rights lawyer, also serving as Director of Education for Local 900 of the United Auto Workers, an executive board member of the Detroit NAACP and an advisory council member of the Michigan Civil Liberties Union. During the Korean conflict, he served as a Second Lieutenant in the Corps of Engineers.

Robert F. Drinan, S.J., Dean, Boston College Law School, and Professor of Family Law and Church-State Relations. Father Drinan received his A.B. and M.A. from Boston College, his LL.B. and LL.M. from Georgetown University Law Center, an S.T.L. (Licentiate in Sacred Theology) from Gregorian University in Rome. He is author of several books, the latest of which is *Democracy and Disorder*, published in 1969 by the Seabury Press, and is a contributor to many publications, including *Commonweal* and the *Harvard Law Review*. Father Drinan has served widely in legal, civic and education organizations and committees. He is a former vice-president of the Massachusetts Bar Association, is currently chairman of the M.B.A.'s Committee on the Administration of Justice and chairman of the Advisory Committee for Massachusetts to the United States Commission on Civil Rights.

John De J. Pemberton, Jr., Executive Director of the American Civil Liberties Union. Mr. Pemberton received his B.A. at Swarthmore in 1940, an LL.B. *cum laude* at Harvard in 1947. As a student at Harvard Law School, Mr. Pemberton served on the board of editors of the *Harvard Law Review*; after graduation, taught commercial and bankruptcy law at Duke University until 1950. From 1950 to 1962, he practiced law in Rochester, Minnesota, as a member of the firm of Pemberton, Michaels, Bishop and Seeger. In Rochester, he served on the Minnesota Advisory Committee to the United States Civil Rights Commission and the Minnesota Fair Employment Practices Commission. An active member of the ACLU since 1950, Mr. Pemberton was appointed its Executive Director in 1962.

Seymour Siegel, Professor of Theology in The Jewish Theological Seminary of America and Assistant Dean of its Herman H. Lehman Institute of Ethics. Dr. Siegel graduated from the University of Chicago. In 1951 he was ordained by the Jewish Theological Seminary and in 1958 received the Seminary's degree of Doctor of Hebrew Literature. As representative of the World Council of Synagogues, Dr. Siegel has traveled widely to Jewish communities abroad; in 1962, he became the first Visiting Professor from the Seminary to serve at the Seminario Rabbinico Latinoamericano in Buenos Aires. He is a member of the editorial boards of *Conservative Judaism*, *Jewish Heritage*, and editorial consultant to Benziger Brothers Publishing Company. Now completing work on his second book, *Jewish Theology Today*, he has also contributed many articles and reviews to both scholarly and popular journals, among them the *Saturday Review* and *Commentary*.

Arnold E. True, Rear Admiral, United States Navy, Retired; Professor Emeritus of Meteorology, San Jose College. Admiral True re-

ceived a B.S. at the U.S. Naval Academy in 1920, and M.S. from M.I.T. in 1931, and graduated from the U.S. Naval War College in 1939. He served in the United States Asiatic Fleet in the Far East, commanded the *USS Hammann* and two destroyers in World War II, and was on the staff of the Commander-in-Chief of the United States Atlantic Fleet between 1944 and 1946. During the Battle of Midway he received injuries which necessitated his retirement. From 1947 to 1967 he was professor of meteorology at San Jose College. Admiral True recently presented testimony to the Senate Armed Services Committee concerning budget requests of the Department of Defense.

The Reverend Peter Jenkin, of Congregational Church, Wimbledon, England and Treasurer of Eirene International Christian Service for Peace Organization, met the team in Paris and accompanied them to Saigon.

CABLE FROM U.S. STUDY TEAM TO PRESIDENT NIXON

SAIGON, June 5, 1969.

PRESIDENT NIXON,
Washington, D.C., U.S.A.:

The Independent Study Team on religious and political freedom in Vietnam has completed its study here and is preparing a detailed report. The team met with South Vietnamese and United States officials, various Buddhist and Roman Catholic leaders, representatives of other principal sects, members of the National Assembly, attorneys and other specialists in jurisprudence as well as numerous private individuals, including some prisoners.

The team inspected prisons in Saigon, Thu Duc and Con Son. Our final report will be related to the following firm impressions:

The Government of South Vietnam does not presently exemplify at least one of the goals set forth in your May 14th statement. (Quote) there should be an opportunity for full participation in the political life of South Vietnam for all political elements that are prepared to do so without the use of force or intimidation. (Unquote.)

Religious and political suppression is widespread. Speaking for peace or in any other way opposing the government easily brings the charge of Communist sympathy and subsequent arrest. Long detention without trial is frequently the result.

The number of political prisoners continues to increase.

There must be no illusion that this climate of political and religious suppression is compatible with either a representative or stable government.

We respectfully request that you consider this in weighing any commitments to the Thieu Government.

On behalf of the study team on religious and political freedom in Vietnam,

HON. JOHN CONYERS, JR.,
Member of Congress.

U.S. STUDY TEAM

(Organizational associations listed for purposes of identification only)

James Armstrong, Bishop, United Methodist Church.

Anne M. Bennett.

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Peter W. Jenkins, Pastor, Congregational Church, Wimbledon, England.

John de J. Pemberton, Executive Director, American Civil Liberties Union.

Seymour Siegel, Rabbi, Professor of Theology, Jewish Theological Seminary.

Arnold E. True, Rear Admiral, U.S.N. (Ret.)

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terence Smith)

SAIGON, SOUTH VIETNAM, June 17.—At least four members of a liberal opposition group that recently called for the formation of a "government of reconciliation" were ordered tonight to report for questioning by the National Police.

Summonses were delivered this evening by police officers to four members of the newly organized Progressive Nationalist Committee, a left-of-center group of students, intellectuals and members of the professions. They were ordered to appear before the chief of the special police at 9 o'clock tomorrow morning.

The summonses appeared to be the first step in a widely expected Government campaign against liberal political groups and persons.

In the last few days there have been reports from South Vietnamese sources that the Government was planning to take steps against groups that have been publicly calling for a softer negotiating position in the Paris peace talks.

President Nguyen Van Thieu warned of such a crackdown in a news conference last week on his return from Midway Island where he conferred with President Nixon.

"I WILL PUNISH THEM"

"From now on," the President said, pounding his fist for emphasis, "those who spread rumors that there will be a coalition government in this country, whoever they be, whether in the executive or the legislature, will be severely punished on charges of collusion with the enemy and demoralizing the army and the people. I will punish them in the name of the Constitution."

At the same time, President Thieu warned that action would be taken against any newspapers that distorted the news in a manner that would demoralize the nation. On Saturday, the leading English-language paper, *The Saigon Daily News*, was closed on such a charge. It was the 32d paper shut down by the Government for political reasons in the last year.

According to reliable South Vietnamese sources, the Government is planning to subdue the more militant elements of its opposition by issuing warnings to some politicians, and by arresting others suspected of maintaining contacts with Communists. More newspaper closings are expected.

The Progressive Nationalist Committee is headed by Tran Ngoc Lieng, the lawyer who defended Truong Dinh Dzu, a former presidential candidate now in prison for advocating a coalition government with the National Liberation Front, or Vietcong.

The committee first appeared on June 4, just four days before President Thieu was to confer with President Nixon. In a public statement, it called for the formation of a government of reconciliation that would be composed of "nationalist elements acceptable to both sides."

The purpose of the reconciliatory government, according to the statement, would be to "prepare and organize elections to determine the political future of South Vietnam."

THIEU REPORTED UPSET

The statement was reported to have irritated Mr. Thieu, who was said to have felt that it was an effort to undercut his position on the eve of the Midway meeting.

At his news conference following the meeting, Mr. Thieu was asked if he planned to take any action against Mr. Lieng or members of his committee. He declined to answer the question with the explanation that he had not read the committee's statement, but he promised that he would look into the matter.

The summonses issued tonight were de-

livered to two deputy chairmen of the committee and to two members. Mr. Lieng did not receive one.

At his home tonight, Mr. Lieng said in an interview: "If the Government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole nationalist movement will suffer as a result."

Mr. Lieng said he would be surprised if he did not eventually get a summons. "They called me in once before, in February," he said. "That was when we had just begun to put the organization together. They questioned me for several hours and then released me."

Mr. Lieng said that his committee was not in favor of the formation of a coalition government as such. "The members of the reconciliatory government would not be Communists," he said. "They would be true nationalists acceptable to both sides."

The secretary general of the committee, Chau Tam Luan, a militant young professor, objected bitterly to the Government's action tonight. "The object of these summonses is to suppress opposition," he said, "to make people afraid to join us. This is a way of warning people, letting them know that if they join us they can expect a call from the police."

NEW YORK.—Former Defense Secretary Clark Clifford says the United States should order a reduction of fighting in South Vietnam and remove all its ground combat troops by the end of 1970.

In a statement Clifford blisters the South Vietnamese Government, picturing its leaders as having a big stake in continued war.

"As the Saigon authorities saw it, the longer the war went on, with the large-scale American involvement, the more stable was their regime and the fewer concessions they would have to make to other political groupings," he said.

His statement, appearing in *Foreign Affairs*, Quarterly of the Council on Foreign Relations, is the most outspoken comment on the Saigon regime to come from a recent U.S. Government official at this level.

The article is likely to play an important role in the continuing American debate on the war.

He makes these proposals:

1. As a first step, the United States should announce it will withdraw 100,000 troops before the end of this year.

2. "We should also make it clear that this is not an isolated action, but the beginning of a process under which all U.S. ground combat forces will have been withdrawn from Vietnam by the end of 1970."

3. "Concurrently with the decision to begin withdrawal, orders should be issued to our military commanders to discontinue efforts to apply maximum military pressure on the enemy and to seek instead to reduce the level of combat."

4. "While our combat troops are being withdrawn, we could continue to provide the armed forces of the Saigon government with logistic support and with our six resources."

Clifford contends that a policy of applying maximum military pressure has resulted in continuing high U.S. casualties "without any discernible impact on the peace negotiations in Paris."

He says a decision to shift the combat burden to the South Vietnamese "would confront North Vietnamese leaders with a painful dilemma."

"Word that the Americans were beginning to withdraw might at first lead them to claims of victory," he wrote. "But even these initial claims could be expected to be tinged with apprehension. There has, in my view, long been considerable evidence that Hanoi fears the possibility that those whom they characterize as 'puppet forces' may, with

continued but gradually reduced American support, prove able to stand off the Communist forces.

"As American combat forces are withdrawn, Hanoi would be faced with the prospect of a prolonged and substantial presence of American air and logistics personnel in support of South Vietnam's combat troops, which would be constantly improving in efficiency. Hanoi's only alternative would be to arrange, tacitly or explicitly, for a mutual withdrawal of all external forces."

As U.S. forces are withdrawn, he adds, Saigon would "recognize, probably for the first time, that American objectives do not demand the perpetuation in power of any one group of South Vietnamese." As long as the Americans seem prepared to stay indefinitely, he adds, the Saigon regime is unlikely to dilute its control and make room for other elements.

Clifford foresees no adverse impact on the Paris talks from this plan. He sees better chances for bargaining on political realities which "are in the final analysis both beyond our control and beyond our ken; moreover, they are basically none of our business."

Speaking of the period last fall when Hanoi accepted participation of the South in the Paris talks in return for a bombing halt, Clifford recalls what happened after Saigon was so informed.

"The cables from Saigon were stunning," he said. "The South Vietnamese Government suddenly and unexpectedly was not willing to go to Paris . . . as fast as one Saigon obstacle was overcome, another took its place. Incredulity turned to dismay. I felt that the President and the United States were being badly used. Even worse, I felt that Saigon was attempting to exert a veto power over our agreement to engage in peace negotiations."

It took three weeks to get Saigon's regime to Paris "and still additional weeks to get their agreement on seating arrangements," he writes.

"The goal of the Saigon government and the goal of the United States were no longer one and the same, if indeed they ever had been. They were not in total conflict, but they were clearly not identical," he says. "We had largely accomplished our objective for which we had entered the struggle. There was no longer any question about the desire of the American people to bring the Vietnam adventure to a close."

Last July when he made a trip to Saigon, he reports he found Saigon officials "too complacent when the facts were laid before them." He recalls asking Vice President Nguyen Cao Ky about the high desertion rate among South Vietnamese soldiers. He says Ky replied this was because the men were not paid enough and "suggested that we could cut back our bombing, give the money thus saved to the Saigon Government and it would be used for troop pay."

"He was not jesting," Clifford adds. "His suggestion was a serious one."

Clifford says the visit left him depressed with the "pervasive americanization of the war," and "worst of all, I concluded that the South Vietnamese leaders seemed content to have it that way."

"Nothing we might do would be so beneficial or could so add to the political maturity of South Vietnam as to begin to withdraw our combat troops," Clifford says. "Moreover, in my opinion, we cannot realistically expect to achieve anything more through our military force, and the time has come to begin to disengage. That was my final conclusion as I left the Pentagon on Jan. 20, 1969. It remains my opinion today."

Mr. LEGGETT. I think the gentleman has made an outstanding contribution, as I have already stated, and I want to thank him very much for his remarks at this time.

Mr. Speaker, I do wish to discuss one or two more items. We, of course, must wait for the next move. Hopefully, President Nixon's "open door to mutual de-escalation" will be seen by the enemy. I know the reaction by the North Vietnamese and Vietcong in Paris was one of cynicism. This might be because Asiatics do not fight or negotiate according to Marquis of Queensbury rules. We have long experienced a series of tirades from the enemy after each piece moved on our part. I believe we should ignore the spoken word and rely on actions of our adversary to determine their true response. The North Vietnamese reductions I have already cited are an example of response we might anticipate. If the reductions continue on both sides—ours publicly and theirs privately—I think we are on the road to peace. If American reductions matched the North Vietnamese reductions over the past year, already we should have withdrawn 140,000 men—a 25-percent reduction.

However, I doubt that American presence in South Vietnam will totally evaporate until there is a thread of political settlement in the south.

It is possible that President Nixon has finally found a way out of the deadlock. The President's televised message on May 14, 1969, prior to the Midway Conference, contained a number of suggestions which could, if seriously implemented, start the final settlement. The suggestions, I feel, that have merit are as follows—as taken from the transcript of the President's speech:

In this spirit, let me be explicit about several points:

We seek no bases in Vietnam.

We insist on no military ties.

We are willing to agree to neutrality if that is what the South Vietnamese people freely choose.

We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.

He means here that the SVN Constitution must be revised.

We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

He means here that we must have a new Constitution, and new election.

We have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion.

He means we do not support the existing SVN Constitution.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. CONYERS. Mr. Speaker, I want to compliment the gentleman for his very timely presentation. I remember quite well it was in the early spring of 1968 that the distinguished Member from California directed a letter to former President Lyndon Johnson, which had to do with this war, and I hope that the gentleman will include that letter in his comments this evening.

I would just like to point out one of

the problems, that he has very accurately put his finger on. That is the fact that we have heard from our own President that there is a desire for us to bring together in a popular government in Vietnam all of the peoples who are willing to come together who will not use force.

But I want to report to the gentleman that in my visits to the American Embassy in Saigon, and in my discussions with the Deputy Secretary of State and discussions with many others in the Government since I have returned, I do not feel that this particular phrase he has cited which the President has used is being given very full implication. I think therein is the rub.

When I talked to the president of South Vietnam, he made it very clear as do the newspaper accounts of arrests that are happening in Vietnam today, that the talk of coalition and neutralism and of a third force is considered to be in violation of the Constitution and is considered to be subversive.

Of course, that makes it impossible for us to have a rational and intelligent discussion among the Vietnamese people about government, about politics, and about their own destiny.

It seems to me that, as the gentleman has pointed out so ably, until others hear this part of our President's remarks, it is going to be impossible for us, no matter how much money and how many troops we pour into Vietnam—and I only hope that the reverse will become the truth—it will be impossible for us ever to form a stable government because of the fact that we find so much political repression going on, and that we are, in the final sense, propping up a very unpopular and unstable government that can only maintain its control because of our support.

I commend the gentleman for making this a part of the broader understanding that is necessary for the administration, for the Congress, and, indeed, truthfully, for the American people in general.

Mr. LEGGETT. I thank the gentleman again for his very pertinent remarks and his allusion to the fact that, in order for us to get a new constitution, the existing government will have to resign in Vietnam. If they can be reelected by a popular government, God bless them, as far as I am concerned, but they will have to let everyone participate. We will have to have a full and complete election.

I recall getting some statistics in the last few days indicating total enemy casualties. Deaths in Vietnam over the past 6 years have been 500,000. If the proportion of wounded is anything like our wounded, which are running 3 to 1, I assume we must be talking about another million and a half that have been wounded and have left the field of battle. That is 2 million breadwinners, which relate probably to families of five per family, and we might be talking about 5 or 10 million people that those dead people represent, considering the connection with the injured.

So this is a very considerable faction in South Vietnam, and they are not all infiltrated from North Vietnam. I think that is a great figment, and we have to

let these people breathe. If we would persist in this "never-never land" of a political philosophy in which the Communists have to evaporate, withdraw and die, I think we would have "Vietnams" in Italy, France, and many other countries in Western Europe, where 30 to 35 percent of the people are part of the Communist Party.

I would like to conclude by referring again to President Nixon's statement, in which he said on the 14th of May that he has no objections to reunification. If that turns out to be what the people of North Vietnam and South Vietnam want, we ask only that the decision reflect the free choice of the people concerned.

Again, I think that this means that they have got to have a new constitution so that they can have that kind of election.

Then the President concluded by saying:

To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam also in accordance with a timetable.

I would like to restate again that they have withdrawn 25 percent of their forces and that now the action is up to us.

Continuing the President's remarks:

Our offer provides for a simultaneous start on withdrawal by both sides; agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.

If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurances that they will not return.

This has happened.

The remaining U.S. and Allied forces would move to complete their withdrawals and the remaining North Vietnamese forces were withdrawn and returned to North Vietnam.

Hopefully, this would be accomplished in 12 months.

An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

An excellent item for Paris agreement:

This international body would begin operating in accordance with an agreed timetable, and would participate in arranging supervised ceasefires.

As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

And under a new SVN Constitution:

Arrangements would be made for the earliest possible release of prisoners of war on both sides.

All parties would agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia, and the Laos Accords of 1962.

A broad representative government is an absolute necessity in South Vietnam. The present Thieu-Ky regime is not representative of any but one side of the civil strike taking place in the South. Our administration—with the exception of Ambassador Bunker—does not be-

lieve that the present Thieu-Ky regime is representative.

I include at this point in the RECORD the Government of Vietnam explanation of why Truong Dinh Dzu was convicted for 5 years for a political crime after the last election:

EMBASSY OF VIETNAM,
Washington, D.C., September 20, 1969.
HON. ROBERT L. LEGGETT,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR SIR: In answer to your letter of August 16, 1968, I wish to inform you that Mr. Truong Dinh Dzu was tried on July 26, 1968, by the Military Court of III Corps Area and sentenced to five years of hard labor for having violated the provisions of Decree Law 49/67 of July 1965. This law brings condemnation to any Vietnamese citizen who acts with a view to publicizing the policy, slogans, or instructions of communists or persons controlled by the communists, and to any citizen whose actions have the effect of undermining the will of the nation to oppose communism and of being detrimental to the anti-communist fighting spirit of the people and of the army. The same Decree Law also provides for the condemnation of people who publicize, distribute, sell, display, or hide any printed matter, pictures, or other means of propagation that would bring about the same above-mentioned effects.

I also wish to point out that a basic provision of our Constitution (Article 4, Chapter I) declares that—

The Republic of Vietnam opposes communism in any form, and

Every activity designed to publicize or carry out communism is prohibited.

The fact that Mr. Dzu was a presidential candidate, as he is usually referred to here in the United States, had absolutely nothing to do with the decision of the Military judges who condemned him in August 1968, any more than did the majority decision of the Civilian Court which found him guilty of charges of passing bad checks and of illegal transferring of funds abroad, on September 15, 1967, twelve days after our Presidential elections. These latter charges were brought against him months before he decided to enter the political arena, but trial for which had been deliberately postponed in order to allow him to run for the Presidency.

With regard to your question concerning the newspaper which was closed down temporarily by order of the Government, the decision to that effect was taken by the Ministry of Information for the newspaper in question (Song), as well as for the other three (Saigon Post, Saigon Moi, and Dong Nai) subsequently affected by similar measures, because these newspapers had published information from a foreign source which was absolutely false and groundless, and conducive to damaging the prestige of the leaders of the nation and the honor of the Armed Forces of the Republic.

Such decision was taken only after a number of warnings had been issued by the Ministry of Information asking those newspapers to check their information before publication, so as to avoid carrying false reports; detrimental to the interests of the nation.

The same Ministry has already lifted its ban, however, and all incriminated newspapers have resumed normal publication.

We appreciate your bringing your questions to our attention, and are happy to assist you in any way we can.

Sincerely yours,

NGUYEN HOAN,
Counselor.

Mr. Speaker, even President Thieu does not bore us with the fiction that his

is a representative government. The administration has continually stated that they are not wed to any particular party or group in South Vietnam. For the last few weeks the possibility of a hybrid government has been publically discussed and not negated by the administration.

In their joint communique, after the Midway meeting, President Nixon and President Thieu stated the following:

President Thieu informed President Nixon that his government was devoted to the principle of social and political justice for the people of South Vietnam. The policy of national reconciliation had been adopted with this in mind. His offer to negotiate directly with the "National Liberation Front"—without conditions—had been inspired by this principle. If the other side is genuinely interested in finding peace, it should be possible to create an atmosphere in South Vietnam in which all the people of South Vietnam can participate in the life of a free, viable and prosperous state.

I doubt however that President Thieu was referring to a new constitution.

President Thieu has already proclaimed an alliance of factions within South Vietnam which is supposed to be representative of the diversity of political thought within the land. These are enviable motives as expressed, but what does the current alliance consist of. To quote the Washington Post:

It is as if an American government headed by Everett Dirksen announced a new political party including the following groups: the delegates to the 1964 Republican Convention; the Rotary Clubs of America; the Ladies' Hadassah of Wyoming; the American Baptist Convention; the Sports Car Club of America; the Society of Former FBI Agents; the National Association of Manufacturers; and the National Indignation Convention.

There is a saying that two Vietnamese constitute a political party and three Vietnamese constitute a political party with a dissident faction. These are the political facts of life in South Vietnam and they must be recognized. It is misleading for President Thieu to give quasi-support to a viable government based on coalition principles and then come up with what amounts to a mutual admiration society of the right. The Washington Post editorial was a concise statement of the problem and bears reprinting at this time!

[From the Washington Post, May 27, 1969]

A COALITION IN SAIGON

It is questionable whether President Thieu's new political alliance (called, in the manner of all such amorphous associations, the National Social Democratic Front) is the "beginning" of anything in South Vietnam, except more confusion and a marginal shoring up of the military regime. The alliance meant to be the banyan tree under which all anti-Communist elements in South Vietnam may squat. Its components, besides senior military officials, are:

The Greater Union Force, the political arm of militant Roman Catholic refugees;

The Social Humanist Party, a re-birth of Ngo Dinh Nhu's secret society, Can Lao;

The Revolutionary Dai Viet, a conservative grouping of erstwhile anti-French nationalists;

A faction of the Hao Hao, a Delta-based political-cum-commercial-cum-religious sect whose politics defy description;

A faction of the Vietnamese Kuomintang and the People's Alliance for Social Revolu-

tion, a pro-government bloc formed last year in the wake of the Tet attacks.

There is an old Vietnamese saying (doubtless invented by the Americans) which holds that two Vietnamese make a party and three Vietnamese make a party plus one faction. It is difficult to characterize these groups (all of whom have quarried or are quarreling with one another) to make them comprehensible to a Westerner. A very wise commentator once ridiculed the device of analogy in South Vietnam, observing that to call Nguyen Cao Ky a fascist (for example) was as absurd as calling Walt Rostow a Cao Dai. But the tendency is irresistible. It is as if an American government headed by Everett Dirksen announced a new political party including the following groups: the delegates to the 1964 Republican convention, the Rotary Clubs of America, the Ladies' Hadassah of Wyoming, the American Baptist Convention, the Sports Car Club of America, the Society of Former (FBI) Agents, the National Association of Manufacturers, and the National Indignation Convention.

It is not what you might call a broadly based coalition. It contains few of the names traditionally associated with South Vietnamese politics, and of course none of the men or groups associated with a settlement of the war. Still, the Americans in Saigon appear heartened by evidence, however slight, of unity. One of these was quoted yesterday as saying, "It's a great achievement . . . Two years ago it would have been impossible to get all these people under the same roof."

True enough, we suppose, as far as it goes. They are under the same roof, and in the euphoria of the moment perhaps may even stay there for a month or two. Sooner or later, however, General Thieu and the leaders of his government are going to be obliged to contemplate their collective future after national elections, if that is what is decided at Paris, or a restructuring of the government to include members of the National Liberation Front. The alliance that General Thieu announced yesterday is a collection of men with no stake in either national elections or coalition government. One index of this is found in the results of the presidential election in 1967. The candidates of all the parties now under President Thieu's roof pooled a total of 48 per cent of the votes.

It is a fact of life that not all elements in South Vietnam are loyal to the Thieu-Ky regime. No doubt many of these dissident groups are Communist. One of the major current problems of full government participation by all is the South Vietnamese law which reads substantially as follows:

DECREE LAW 93, FEBRUARY 1, 1964

Article 1.—Are hereby outlawed those individuals, political parties, organizations or associations which put into effect, either directly or indirectly, communism or the pro-communist neutralist thesis.

Article 2.—Are considered as pro-communist neutralists all elements involved in propaganda activities in favour of the neutralist thesis. These acts will be identified with acts of disturbance of public order.

Article 3.—All elements who violate Articles 1 and 2 will be prosecuted under Articles 2 and 3 of the Military Code. In flagrant delicto, the culprit shall be tried before the Military Court with no preliminary inquiry and judged according to the emergency procedure provided for in Ordinance No. 8 of May 16, 1954.

Article 4.—Sentences applied by the Military Court will be those provided for in the Military Code, the penal code and the specific laws, not below minimum punishment.

Article 5.—The Military Court judges without appeal, its decisions cannot be appealed against for cassation. In case of capital punishment the sentence can be carried out

immediately after dismissal of petition for mercy.

Article 6.—The provisions of the Penal Codes regarding extenuating circumstances and reprieve are not applicable.

The South Vietnamese Constitution contains similar provisions.

President Nixon in his public statements has clearly announced that we are not wedded to the present regime. I hope this will be implemented by acts as well as words.

Since 1965, the Vietnam war has been a haunting refrain. The dates may change and the numbers may change, but we play the same tune over and over again.

I find it hard to understand how we can make the same mistakes over and over again. We continue the same tactical blunders. We continue the same strategic blunders. For a while we kept seeing light at the end of the tunnel. It was always a pitch black tunnel. We then were continually on the verge of turning a corner. Every time we turned a corner we escalated. The Westmoreland policy of search and destroy was discredited, and we inherited General Abrams. General Abrams gave us Hamburger Hill. That stirring production that ended where it began—Nowhere.

As I read over my past statements and letters on the war, I see that they are as valid today as they were 2, 3, or 4 years ago. We have poured funds into our commitment at the rate of \$40 billion a year for the past three years with 35,000 dead Americans as the result. The Central Intelligence Agency says the total outside investment in North Vietnam, military and civilian, during the past 15 years is no more than \$4½ billion. I hope the troop reduction by President Nixon is a portent for the future.

Two years and 1 month ago, almost to the day, I delivered a speech entitled "Escalation to No Place." Some of the numbers and names have changed but the melody lingers on, and I feel it deserves repeating today not only because I, in all modesty, think it was a good delineation of the problems in 1967, but more importantly because those same statements are equally applicable to the present situation. The speech is as follows:

ESCALATION TO NO PLACE

Mr. LEGGETT, Mr. Chairman, I want to voice my support for the pending 412 defense authorization for fiscal 1968. My expression is with some trepidation. My concern stems from several areas which I would like to review.

To begin with, we are authorizing one of the largest armament programs in history as part of a \$76 billion defense budget next year. It has been estimated by ranking Members in the other body that even this budget must be augmented next year in excess of \$5 billion. We have come a long way over the past year proving that the U.S. military machine is not a paper tiger. We have certainly proved, however, that it is an expensive tiger.

In a manner our total effort in Southeast Asia is schizophrenic. Our tactical operations appear to be programmed almost for the indefinite future. Our high budget strategic operations on the other hand appear to anticipate the war's termination every year. Expressly the budget this year was conditioned on the war's ending next month. The large defense supplemental appropriation of

\$12.5 billion this year led many to believe that there was a credibility gap. I do not think there was a gap so much in our information as there was in our planning. The right hand many times does not know what the left hand is doing. It was this gap in our planning that allowed the United States to be cascaded over the past year into one of the most colossal of foreign encounters in our history. We started off calendar 1966 by approving a \$4.8 billion authorization bill for South Vietnam that is ending up at nearly the \$3 billion a month rate at the present time by a simple budget differentiation subtraction. The proof of the arithmetic is in the fact the Department of Defense has withheld approval of Department budget requests that would increase the 1968 defense budget by one-third.

The American people in a measure are being torn apart at the seams. Sixty-three percent support the President's foreign policy on the last poll—many because of convictions—many because it is the patriotic thing to do or because of the obvious benefits of a unified foreign policy right or wrong. I hope that same 63 percent will voice support to the administration next year.

Our overall policy is fraught with a number of problems. In our effort to buy off the war overseas quickly we are almost breaking the bank at home and it is arguable that our military efforts today have done little but stimulate an equal but opposite enemy force.

On the economic side we have programed this year a \$9.7 billion deficit. The Pentagon in making its plans seems to care little that the deficit envisions raising the national debt not only the \$2 billion last July and the \$6 billion last February, but also \$8 billion next month. Nor is it readily apparent how the bills get paid if we fail to raise taxes at least \$4 billion next year and fail to allow for the sale of \$5 billion more of our paper assets in the form of participation certificates. Nor is it now apparent how a further unplanned supplemental defense deficit would be funded. Washington economics was fraught with disaster last February when we absolutely had to have the votes on the floor of the Congress to pay our bills the following week.

Unfortunately I see little real blue sky on the horizon during 1968. The problem simply is not credibility gap but the fact that the Bureau of the Budget simply is not geared to provide oversight of the Department of Defense. What is needed is some agency actually able to exercise heavy restraint on Defense spending such that the size and nature of our foreign military operations could be controlled.

I mentioned that while our war financing was almost panic on an annual basis of the war's duration, that tactical operations are to the contrary. If this was true a year ago I think that it is true in spades today. Actually at one time last year I saw a type of victory on the horizon—not so today, largely because of escalation.

I firmly believe we have escalated to no place. In the face of continuous recommendations from General Westmoreland that the war will go on indefinitely, I have failed to understand the theory of escalation. When we in the States have assumed that our force level at 150,000 or 250,000 was at the outer limit considering that a \$750 billion economy was fighting a \$1 billion economy without modern transportation, a Navy or air power, we have always assumed that the large buildup had some kind of foreseeable victory in mind.

General Westmoreland has recently addressed the Congress and the country is now brought to realize that even with 450,000 men and an expenditure rate of \$3 billion per month, that this is not enough.

I think that it is easy to move blindly ahead, every soldier or Congressman relying

on the man ahead and ultimately on the Commander in Chief. When things go wrong or not as anticipated we blame the Russians, the Chinese, the Congress, the President, or the vocal minority. I think that it is time to lose a little of the Notre Dame football team spirit and take dead aim on where we have been and where we are going.

Our bombing is marginally effective. We are panicking to get a better night fighter and anti-SAM device. Our effort overall reminds me of a giant trying to swat a gnat on a sheet of balsam wood with a sledge hammer becoming very nervous in the endeavor. The largest importer into North Vietnam last year was not the Soviet Union but the United States when we dropped better than 1 million tons of bombs. It is possible that as a Great Society we are trying to solve a war problem with technology of infrared and kindred devices giving at all times too little consideration to the people problem and human nature. If we intended to break the back of the north with our bombing we have been unsuccessful. The morale of the North Vietnamese is better today after having knocked 534 of our multimillion dollar machines from the sky than it was a year ago. I am sure that they are longing to get a shot at our 14 million TFX-F-111's—that are now rolling off the runway. Neither would I classify our B-52 program as a howling success. I know when I hunt duck that unless I pick a bird out of the flock my game bag will be empty. Likewise to bomb a jungle on course and distance is noisy but little else.

While we stated a year ago that we needed to beef up our troops because there were 10,000 North Vietnamese troops in the south and that we needed at least a 10-to-1 overkill ratio to handle guerrillas in the bush—today while the United States has raised its level by 150,000 the North Vietnamese raised its level to better than 100,000. While we were fighting 225,000 solid core enemy a year ago, we now admit their numbers to be 278,000 and we frankly admit also that there is no magic in these numbers.

The casualty levels also have been a modified success story. We have talked too often about 10-to-1 kill ratio in our favor.

In the 1964 elections we had lost 450 Americans. Today we have lost 9,445 American boys and 56,327 have collected Purple Hearts and will collect pensions. In addition, last year the South Vietnamese lost 13,154 and 29,597 were wounded. Other allied losses are 845 dead and 2,330 wounded—all as of last week. Total casualties on our side of 102,062 last year alone then must be measured against 84,430 Vietcong dead and 126,645 estimated wounded. Since Vietcong casualty figures must be discounted by unidentified civilian casualties counted in the overall numbers it is readily apparent that an enemy casualty ratio of 1 to 2 would be optimistic.

And how are we doing on the ground. When last year the I Corps and the Mekong were well in hand—this year they are both opened areas. Army troops which should have been programmed to pacify the Mekong bread basket are now all tied up on the demilitarized zone.

In addition, we should take stock of attitudes outside of Vietnam. The Soviet Union to date with a gross national product half the size of the United States has engaged in the war only modestly. The 120 Soviet ships that called on Haiphong last year is but a few percent of the U.S. sailings to Saigon. The Soviet Union has expended in North Vietnam to date in 15 years about the dollar amount that the United States expends in the south in 15 days. The Soviet Union is now considering a more ambitious program and it is no wonder since the United States indiscriminately calls every enemy peasant casualty a "bloody Communist."

The Soviets of recent date are holding support rallies for North Vietnam. But for the accident of the Sino-Soviet cleavage the

United States might have had the "fat in the fire" already. With Soviet opinion hardening I see nothing but a foreboding future for United States-Asian policy.

And how about opinion at home. Admittedly draft conscientious deferments are running 4 to 1 of previous encounters. Dr. King and Black Muslim Clay cannot now be considered as isolated objectors. The college community with serious reservations in the past will have calamitous reservations in the coming year. The Republican policy position recently disclosed statement in a measure indicates the possibilities for some men's logic. As more butter and bread are cut out of domestic programs in the coming year, more Americans will be introspectively quizzical of our policy.

What does this dissent mean? It means that the opinion is entitled to respect. In local school bond elections the rule of thumb is that bonds cannot be issued to levy a tax on all unless two-thirds of the voters assent. We can't remove a man from Congress once seated under the Constitution unless two-thirds of the Members so vote. Yet we subject every young person not deferred to the draft while 63 percent of the people of the country only have subscribed in a poll to our foreign policy.

Legally the United States can pursue its present foreign policy course. Not to be concerned with the respectable minority, however, is foolhardy.

I would say then that the better part of valor at the present time would be for the administration to be deadly serious with itself as to where we have been and where we are going. It will profit us little as a nation if we exhaust ourselves economically on North Vietnam only to find that our curtailment and lack of attention to the rest of the world, including the Americas, has allowed a Communist foundation to be dug on our hemispheric mainland. While our policy in Vietnam at one time was a matter of choice, at the present time it is monumentally compulsive. We criticized last year the U.S. AID program in South Vietnam as a conglomeration of confusion. If the situation is any better today I am unaware in spite of a major AID effort at reorganization. The South Vietnamese revolutionary cadre system of 30,000 men has suffered high casualties over the last year and is now reputed to be ineffective. What this all really means is that the war on poverty for the world's deprived and underprivileged must be fought offensively through effective AID programs in a time of peace rather than defensively at a time of war. Because people are bound to wonder if the United States does not care for any political future at a time of peace, why do they care at a time of war with communism? I sincerely hope that one day we will realize that American wealth was given to us for a purpose. If we would help our neighbors but 25 percent of the magnitude of our military assistance, there might truly be a hope for peace in our time. The fact that AID and poverty programs are ineffective for reasons other than money is another story.

Finally I would like to offer my views looking toward resolution of the Vietnam issue.

How should the United States resolve our current international dilemma? First, we should recognize that we are escalating to nowhere. We should resist escalation at all costs unless we know the escalated result. We have played too much blind man's bluff on a major scale too long. We should unilaterally scale down our cost and size of operations in South Vietnam and keep the burden of the conflict on the Vietnamese themselves. We should recognize, I believe, that the alternative to being pushed into the Tonkin Gulf in 1965 is not wholesale, all-out war in 1967 especially when our commander in the battlefield has no predictions

for victory whatsoever in the foreseeable future.

If actions were scaled down and if our war budget could reapproximate the \$5 billion level, then we would be postured as a nation to wait out the hardheadedness of Ho Chi Minh. He sees us now restless in our Great Society and today his patience is better than ours.

In some encounters in the past perhaps we had not the option to reason why, only to do and suffer the consequences. Today we are involved in a new kind of undeclared war which is concerned not so much with a mad dictator's lust for power, but with a surge of people to better their plight. While we can destroy a dictator, you cannot destroy a whole people.

It is inevitable, therefore that the present conflict be concluded with some kind of an accommodation by the people on both sides of the encounter looking toward their mutual development. The United States has been, perhaps, too ready with the olive branch in the past and now grows weary of offering to negotiate. In time I believe tensions will relax to the point when Ho Chi Minh will talk. It is to American interests that the balance of the world, free and Communist, not become too exercised or alarmed in the meantime.

Mr. Speaker, some prior views on the Thieu-Ky position on alternative governments for South Vietnam may be gained from the following statement of Mr. Thieu last month:

The clearcut limitation of this outburst of political expression is the government's ban on any public or published advocacy of a "coalition" government with the Communist led National Liberation Front. That is a "betrayers peace" in the eyes of the Vietnamese government.

Have Thieu and Ky changed. I am personally doubtful, but possibly political realities have finally impugned on their monomaniacal view of life.

On August 19, 1968, I spoke before the Democratic platform committee meeting here in Washington, D.C. I made a plea for deescalation at that time. The midway announcement is in accord with my recommendations of a year ago. At this platform hearing I also outlined what I consider to be an intelligent policy to follow in Southeast Asia in conjunction with our military disengagement, I would like to repeat those suggestions now, as they are still viable and very opportune:

REMARKS AT PLATFORM HEARING

What I am concerned with, Gentlemen, are the 2,000 little red marks on the classified briefing maps in South Vietnam where our intelligence indicates the people support the Viet Cong. What do we offer these people to lay down their arms? I say the South Vietnamese tall has simply got to stop wagging the American dog. How do we regroup so that the South Vietnamese will be conditioned to compromise which is currently lacking in their posture.

I spoke on this matter on the House floor November 16, last as follows:

"I say the solution is simple: Retract our American Goliath posture and de-escalate to Vietnamese proportions. Sell the war back to the South Vietnamese by slowly retracting and reducing our troops and dollars. North Vietnamese fanatics can only be stopped by South Vietnamese fanatics. Save American boys' lives and U.S. fiscal solvency and redevelop American cities with workable programs with the surplus that remains. The effect of this retraction might allow all the Vietnamese to work their will in the Tonkin Gulf; would cause the Soviets to retract their shipping to Haiphong, which has increased

50 percent in the past 9 months, and if nothing else might form the basis for negotiations which the American people now want by the polls 2 to 1."

Specifically what kind of policy action am I suggesting we take? If a new policy is not determined the electorate and the Democratic convention will erupt.

To outline the policies that we can't pursue, I believe is to indicate our course of action.

1. Though General Lemay and others wanted to shock bomb North Vietnam four years ago, this alternative is no longer open. Bombing in the North exceeds World War II levels but considering that their economy is equal to Arlington County only there are no targets. Large bombers would be SAM vulnerable. We could bomb towns and people with nuclear bombs and invade North Vietnam, but only a few percent of the American people support this alternative. This alternative does have global consequences.

2. I frankly believe that a cut and evacuate the area theory likewise could be disastrous. To evacuate might create a Southeast Asia vacuum that would draw in many unfriendly imperialist types.

3. I likewise believe it grossly unwise to continue to spend \$40 billion per year as we are doing buying the South Vietnamese into corruption, complacency and uncompromising idealism, ill-suited for the times.

4. The alternative is to stage down. Colonel William Corson, U.S. Marine Corps retired, just concluded several years commanding a 6,000 man battalion in Vietnam and he also spent six months in Vietnam analysis in the Pentagon. He recommends as do I that we back off the war to a \$5 billion level selling the war back to the Vietnamese. (Today the Colonel suggests forthwith withdrawal.) The Colonel spells out in Chapter 12 of his book "The Betrayal" of the political and economic war how this can be done. I believe an \$850 billion economy can fight a \$1 billion economy at an effective rate for \$5 billion per year. The difference would reduce the deficit and be used to enact better domestic programs.

1. Corson suggests we halt most of the bombing in the North since the results outlined by Westmoreland have occurred—we've drummed up a hornet's nest.

2. Stage down our troops in half and force the war back on the Vietnamese.

3. Regain complete control in the United States of all AID and military pay and allowances in Vietnam removing control from the Vietnamese Army.

4. Develop a government that represents all factions in South Vietnam, such that we might have true "self determination."

For the review of the Committee I have permission of the author to attach to my statement his Chapter 12 with a further elaboration of the revised posture program I believe we need to pursue.

I believe that the Democratic Platform could well reflect many of these views and thereby give our Paris negotiators the tools to effect a proper agreement.

PROPOSED DEMOCRATIC PLATFORM: A NEW DIRECTION FOR THE 1970'S

We recognize that the promotion of Democratic institutions in Vietnam has been extremely difficult under siege of war. However, we believe that the prolongation of the war has been abetted because of the inability of the Vietnamese to achieve a complete democracy. We believe that an incomplete democracy in Vietnam during the past five years at least has created divided loyalties in that country and frustrated attempts to develop a meeting of the minds compromise of the warring factions in that country.

We believe that the causes of the incomplete democracy stem from:

- (1) The war;
- (2) American wealth intervention that

has been unreasonable in size compared to the economy of Vietnam;

(3) Corruption at most levels of Vietnam government activity, the same being abetted by American assistance;

(4) Factionalism among religions in Vietnam;

(5) The exclusion from the election process of all factions including 80 percent of the rural area of Vietnam that are not strongly supportive of the ruling party;

(6) The domination of the government by military leaders;

(7) The absence of an Allied Unified Defense Command.

We recognize that an agreement with the warring factions will be extremely difficult in Vietnam. We further recognize that statements such as this, while they may interfere with the Paris negotiations, will also form the basis for a true set of principles upon which we can negotiate.

The North Vietnamese and South Vietnamese we recognize as sovereign entities. This fact should not hamstring a modification of American policy. Further American aid to the South Vietnamese should be properly subject to new conditions. *New conditions* should vastly improve the ability of the South Vietnamese to accustom that country to compromise. Many of these conditions can be unilaterally insisted upon the United States.

(1) Further American economic aid will be disbursed by American forces by direct distribution to the people.

(2) Land reforms and inequitable rent collection in areas receiving our aid will immediately come in for reform and effective modification.

(3) Military forces will be unified under a joint command.

(4) Military pay and police compensation will be administered by the United States when we are the source of funds.

(5) American free speech guarantees shall forthwith control all areas subject to aid by the U.S.

(6) New elections and a new Constitution will forthwith be promulgated, allowing all parties and factions to enter candidates on a one-man, one-vote basis.

(7) Negotiations will forthwith be undertaken between all conflicting factions in North and South Vietnam.

(8) Conditions agreed upon by an all Vietnam faction conclave shall forthwith form conditions for further American aid.

(9) Pending implementation of these new conditions, bombing North of the D.M.Z. will forthwith be staged down very substantially; troop replacement will abate and alternative plans will forthwith be drafted for a *substantial reduction of American forces* and their replacement with all *Vietnamese forces*.

(10) International control supervisors shall be effectively implemented.

(11) American expenditures in support of the war will forthwith be reduced from a near \$40 billion annual level to an average annual expenditure of \$5 billion.

CHAPTER 12—TO STAY OR NOT TO STAY?

"Now let us assume that we lost Indo-China. If Indo-China goes, several things happen right away. The peninsula, the last little bit of land hanging on down there, would be scarcely defensible. The tin and tungsten that we so greatly value from that area would cease coming, but all India would be outflanked.

"Burma would be in no position for defense. . . .

"So when the United States votes \$400,000,000 to help that war, we are not voting a giveaway program. We are voting for the cheapest way that we can prevent the occurrence of something that would be of a most terrible significance to the United States of America, our security, our power and ability

to get certain things we need from the riches of the Indonesian territory and from South east Asia."—President Eisenhower at the Governors' Conference, August 4, 1953.

The national agony over Vietnam, with the exception of that felt by "liberals" like Mary McCarthy who can conceive of no reason for our presence in Vietnam, is derived from our failure to achieve readily and easily the goals we proclaimed for Vietnam. Mary McCarthy, unlike her heroines in *The Group*, who knew that storks don't bring babies, indicated clearly how she would resolve the complex problem of American involvement in Vietnam by saying, "I confess that when I went to Vietnam early last February (1967) I was looking for material damaging to the American interest and that I found it, though often by accident or in the process of being briefed by an official." Mary McCarthy is a brilliant, articulate author. Her book *Vietnam* is an accurate though limited and surface-bound indictment of what our current policies have produced. Unfortunately, Mary McCarthy and the others she mentions—Schlesinger, Galbraith, Fulbright, Kennan, and the congressional doves—would like us to get out of Vietnam but do not know how to do it. As the liberals' most effective spokesman on Vietnam, she portrays the dilemma thrown at those who advocate cut and run when she says:

"But now resting comfortably on this mountain of errors, he (the American official) looks down magnanimously on the critic and invites him to offer a solution. He is confident that the critic will be unable to come up with one. And in a sense he is right. If you say 'Get out'—the only sane answer—he pounces. 'How?' And he sits back smiling he has won. The tables are turned, and the critic is on the defensive. If he tries to outline a plan for a rapid withdrawal (conscious that 464,000 troops, plus their civilian supporting services, cannot be pulled out overnight—and what about the loyal Vietnamese—should they be left behind or do we owe them an airlift to Taiwan?), the plan inevitably appears feeble and amateurish in comparison with the massed power and professionalism of the war actually being waged."

Mary McCarthy falls for one of the oldest strategies in the debater's handbook, i.e., the false dilemma. The Administration has used this technique most effectively in the past several years by making the critic argue that there is no alternative to present policy except massive escalation of the war or unilateral American withdrawal. Any other alternatives have been disposed of by sleight of hand to indicate that they are minor variations of what he is doing. As we have seen, the Other War has been betrayed as military strategists have pursued one fruitless escalation after another. The Administration has for four years produced neither military victory nor peace negotiations. Administration policy is stuck on dead center, though, as will be discussed below, it is teetering on the edge of a major disaster.

Going back to President Johnson's statement at Johns Hopkins University on April 7, 1965, when he said we were in Vietnam "to strengthen world order . . . to slow down aggression . . . to improve the life of man in that conflict-torn corner of the world" and that "our objective is the independence of South Vietnam and its freedom from attack. We want nothing for ourselves—only that the people of South Vietnam be allowed to guide their own country in their own way." Let us see how any or all of these goals can be achieved in spite of three years of grievous error. To do this I propose to examine the explicit and implicit *how* which is essential to be able to make a choice in the "to stay or not to stay" dilemma. Either course is feasible and can achieve the basic goals. It is important at the outset to realize that the choices available to America are not con-

fined to "cut and run" or "burn, baby, burn." President Johnson's goals are not unreasonable, nor is it unwise to pursue them on a realistic basis.

The leverage to get GVN acquiescence for our strategy exists, though like any of the steps set forth below it requires guts to use or implement. There is an entire spectrum of leverage available to the United States to accomplish the features of *how* to stay or not to stay. The important thing to remember about leverage in dealing with the GVN is that our actions do not have to be preceded by "May I?" Too often in the past we have played the role of Uriah Heep to avoid offending the tender sensibilities of our hosts. It is time to act like a mother-in-law. The means of leverage will be discussed after we look at the various steps in both the "to stay" and "not to stay" strategies.

First let us consider the to stay horn of the dilemma. I assume that in order to stay it is mandatory to lower the political pain of the war to our nation. The emotional, physical, and dollar costs connected with our presence must be reduced to a level where they can be tolerated. This can be done, and at the same time we can move toward the goals set forth by President Johnson. Six separate but closely related steps can be taken simultaneously. Each step produces a gain, reduces costs, and promotes a greater likelihood of success in achieving the goals. General MacArthur contended that "there is no substitute for victory." In a simpler time and place MacArthur's dictum made sense, but in Vietnam "victory is defeat"—that is, to pursue a MacArthur type of victory would put us in a situation like the one the doctor described when he said, "The operation was a success but the patient died." In reference to Vietnam, the patients may very well include both the United States and Vietnam. The first step (to be taken simultaneously with the others) is to stop all aerial warfare against North Vietnam except reconnaissance overflights. There are many reasons to justify this step. In the jargon of the Pentagon, the bombing of North Vietnam is not cost-effective. We are spending annually between \$6 and \$8 billion to continue the air war in North Vietnam. The justification for stopping the bombing is that bombing does not produce the advertised results in stopping or slowing infiltration. At no time has the aerial circus in North Vietnam been worth the price of admission. In fact, it has enhanced Ho Chi Minh's political control and has paved the way for the North Vietnam hawks to reject the substance of peace initiatives by the United States. The immediate cry of our air-power enthusiasts to proposals to stop the bombing is that "our soldiers and airmen would be perilously exposed." Baloney! Crocodile tears over the plight of ground forces are eyewash to cover up a vain desire to get more planes, more pilots, and more appropriations. The truth of the matter is that our troops suffer more from the bombing of North Vietnam—due to the lack of suitable airpower in South Vietnam—than does the enemy. The paid statisticians are quick to point out how much air power is available to support our troops in the South, in an effort to prove that there is no "shortage." The statistics lie. Tactical close air support for U.S. and ARVN troops in Vietnam is a tragedy. What tactical close air support is available is over-used and improperly applied.

The air war in North Vietnam is a costly fraud. A very small number of Air Force generals and Navy admirals with the unwitting assistance of congressional leaders have gained a great deal of power at the expense of the American public. It is interesting to speculate on what might have been done to avert the United States riots in 1967 and 1968—and perhaps those still to occur in 1968—with the money and resources wasted in the skies over North Vietnam.

The doves who advocated stopping the bombing have done so primarily on humanitarian grounds. This is admirable, but not really relevant. Until April 1968 the Administration dismissed the doves' argument by pointing out that previous pauses in the bombing did not produce a response from Hanoi. In this rebuttal the Administration again used the false dilemma to clear advantage. However, when the political disenchantment with the war was manifested by Senator McCarthy's successful challenge to the President's position, an open-ended though limited bombing pause was announced. This action clearly told Hanoi that President Johnson is not totally unresponsive to domestic political pressure even though in the past he responded like a puppet on a string held by the Joint Chiefs of Staff and Walt Whitman Rostow in impugning the motives of the doves who advocated stopping the bombing. This is the smoke screen the air-power enthusiasts have used to cover up an objective appraisal of their actions. It has been a slick operation. When Admiral Ulysses S. Grant Sharp (Commander in Chief, Pacific) and General John C. McConnell (Chief of Staff, U.S. Air Force) appeared before Senator Stennis' Senate Preparedness Subcommittee in August 1967 to sell more bombing, their testimony was a beautiful exercise in illogic. Sharp and McConnell played the "target" game to the hilt.

Announcing a bombing pause may gain the President some political advantage, but there is another, even more politically effective, tactic: just stop! Stop all bombing. No fanfare, no announcements. When the press gets around to asking why, a simple, truthful answer can be given: "Because the bombing does not promote our objectives in Vietnam." Let our friends and foes make of our actions what they will. Predictably, the enemy will use our action for propaganda purposes, but in their inner circle there will be confusion. Our "friends" will be forced to cease criticizing. Curtailing the domestic and foreign noise level about bombing *has* to be a plus.

To sum up and re-emphasize, the main reason for stopping the bombing is: *it does not work!* The political capital, both foreign and domestic, which can be acquired by stopping all bombing is ancillary to the main reason, though by no means unimportant. To his credit, Secretary McNamara tried to point out the facts to Senator Stennis' subcommittee, but to no avail. The air-power case is specious, but like clever trial lawyers its pleaders used emotion, not reason, to win their case.

The second step is literally more down to earth. It is: eliminate all illegal land rents and agricultural taxes in Vietnam, which would do more to strangle the GVN personnel who feed on corruption than any single course of action we could adopt. Getting the GVN to go along with the idea would require the kind of politicking (not necessarily originated in the United States, but a type we understand quite well) we have avoided up to the present time in Vietnam. Proceeding on the valid assumption that all politicians like to cut taxes, it is possible to use the Upper and Lower Houses of the GVN to force Thieu and Company to do what we want. Support for legislation to eliminate illegal land rents and agricultural taxes can be bought cheaply, much more cheaply than our own congressmen are bought. To deny that ours or theirs cannot be bought is to deny reality and history.

The legislation needed would be simple and relatively easy for the United States to enforce. The bill must call for a popularly elected hamlet or village council to pay the legitimate land rents and associated charges to the land owner. In this sense, the elected council would serve as the broker for the peasant and could be counted on to observe

the statutory 25 per cent limitation on land rent. Because money would change hands, the GVN must be kept out of the transaction. The problem of determining an accurate estimate of the total crop can be solved by including in the bill a positive incentive for production. This second aspect of the bill would replace the agricultural taxes levied against the farmers. Since they are unfair, difficult to collect, and an unreliable source of revenue, these taxes fall all three of Adam Smith's canons of taxation. Out of the total revenues collected by the GVN only 11 or 12 per cent is provided by the agricultural taxes and yet the plastric value of the taxes collected is almost equally offset by the cost of collecting them because of the graft and the expensive overhead of the tax-collection system. Needless to say, the Vietcong make excellent propaganda use of the GVN agricultural tax irregularities.

In order to avoid agricultural taxes the peasant would be required to sell his rice to a private outlet at a competitive price, and then he would be given a receipt indicating how much he had sold and what price he had received. He would then present the receipt to his hamlet council in order to receive his production bonus, which would be based on how much he would have paid the GVN in taxes for that amount of production. Furthermore, the more rice sold, the greater his production bonus. Instead of being penalized, the peasant would be encouraged to increase his crop, thereby offsetting the decline in rice production that has made it necessary for the United States to export larger and larger amounts of rice to South Vietnam at considerable expense to the U.S. taxpayer.

In addition, inventory control would be possible because the sales receipts could be totaled to find out how much rice is actually available in South Vietnam. In the past we have had no way of knowing how much rice was on hand because we depended on GVN statistics. As a result we have exported tremendous amounts of rice, which has ended up in the hands of the Vietcong or been sold to Communist China. And finally, by providing a record of the peasants' rice production, the receipt slips could be used to determine the amount of rent he must pay to the landowner. Furthermore, the hamlet council's disbursements to the peasant for his marketed rice could be used to provide a rational and realistic figure for U.S. economic assistance to the hamlet. In other words, the total production bonuses paid by a hamlet council would equal the amount given to the hamlet for economic assistance.

Central to this entire idea is an open and above-board activity conducted by the elected representatives of the local people. Historically in Vietnam there are ample precedents for this action. The old saying that the emperor's edict stops at the hamlet gate derives from the fact that hamlet improvements were generated by the people themselves from the proceeds of a "common" piece of land to which the residents donated some of their labor and resources. The honesty of the peasant in dealing with his neighbors is sufficient to make the plan work. From a cost standpoint, if this program were applied it would produce an annual reduction of \$85 to \$100 million in current U.S. economic assistance. By making the peasant's production-bonus payment directly through the hamlet council and providing the hamlet council with the funds for development it would be possible for the first time in the history of American foreign aid to get 100 cents on the dollar.

Obviously, the decision how to use the economic-assistance money should be left to the people of Vietnam, who sensibly made this kind of decision without the benefit of a central government for thousands of years before we stuck our nose into their business. Certainly this idea does not "promote" or

"pave the way for the GVN." On the other hand, it does achieve LBJ's goal of allowing the Vietnamese people to "guide their own country in their own way."

The third step addresses the problem created by the lack of upward social mobility in South Vietnam. As we have seen in the discussion about the GVN, anyone who comes from the rural or urban poor is unable to get a better job, be promoted beyond the rank of sergeant, attend high school, and so forth. In the Viet-cong the opportunity to go as high and as far as their talents will take them is a powerful recruiting incentive among the rural and urban poor. The educational elite which dominates the GVN/ARVN is a reactionary clique, and it has consistently foiled all our attempts to "humanize" or to make the GVN responsive to the just demands of the citizenry. Somehow this domination must be broken if any sort of nation is going to emerge out of the carnage in Vietnam. I propose to achieve a "countervailing" power to break this domination.

As always in trying to achieve a goal, the mechanics of "how" are crucial. Simply stated, the proposal entails the establishment of fifty high schools, junior colleges, and technical schools with at least one per province and a minimum of 1,000 students per school. Tied in with this program there should be a system of scholarships, grants, and so forth to provide the children with advanced education at U.S. colleges and universities. This is one thing we do know how to do. America's capacity to educate youth has the highest applicability for Vietnam, although it has scarcely been used; instead, our aid to education has consisted of building schools which in turn have merely served to provide recruits for the Vietcong.

Immediately the critics will say that such a program cannot be accomplished. There are barriers of language, selection of students, and physical facilities. To the critics, I say that not only can it be done, but that the United States, in an equally hazardous and complex situation, has done it before. The case I have in mind is the "pacification" of the Philippines at the turn of the century. America can take pride in how the Philippine insurrection was quashed or why we became involved. It was a brutal application of military power. However, one feature of our effort is noteworthy and is appropriate to our present difficulty in Vietnam, and that is the education of the Philippine youth. At the insistence of William Howard Taft, who was the first U.S. governor of the Philippines, American soldiers served as teachers in the rural schools from 1899 to 1901. English was the sole medium of instruction. This program was so successful that Taft urged President McKinley to send a thousand teachers to the Philippines to teach the future leaders. McKinley agreed, and in the spring of 1901 a thousand American civilian school teachers arrived in the Philippines aboard the U.S. Navy transport, USNS Thomas (the teachers were henceforth known as the "Thomasites").

The people of the Philippines enthusiastically embraced education for their children. Rural schools were built on private initiative with private funds. The result of this effort was the training of future leaders of the Philippines, who were able in 1946 to run their own country—and to defeat, without U.S. help, a Communist-inspired insurgency.

I propose that we do the same thing again—that is, train and educate the most promising children of Vietnam without regard to their economic status or the political ideologies of their parents. The physical plants to house the students already exist in the form of the many base camps which have been vacated since the Communist Tet offensive. As in the Philippines, the medium of instruction should be English—American English. It is the language of commerce, the

language of capitalism, and more importantly the language of free political institutions. Each CAP presents an eloquent testimonial to the linguistic capabilities of the peasant children, and no fancy testing devices are needed to locate the brightest children. Even the most mediocre teacher is able to identify the brilliant pupil. And as for the teachers, it is not unreasonable to suppose that, from among the stateside dissenters and the International Volunteer Services a sufficient number of intelligent people might be recruited for such a program. If President McKinley could round up a thousand Americans who were willing to teach in the Philippines at the turn of the century, it is not unlikely that LBJ or his successor could do the same today.

An American-trained "infrastructure" is capable of defeating the Vietcong and successfully opposing the predatory incursions of the GVN. Lest the reader think that this idea has value only in the long run, it is necessary to point out some of its short-term advantages. The history of warfare is filled with examples of "son swapping" to keep the peace between warring tribes, and in Vietnam, the hamlet children would literally become "hostages to the future." The peasant parents of a child invited to attend our schools would incur an obligation, not by any demand on our part, but due to the cultural code of their society. Providing education for the peasant child is not like giving away a bar of soap. This feeling of obligation could be exploited to provide us with intelligence about the enemy. Security would have to be provided for the school compounds, but this would be neither impossible nor unworkable. If the peasant's child were in the school there would be a high likelihood of getting the few informants needed to foil the Vietcong if they should choose to destroy the school. Furthermore, if the Vietcong should succeed in destroying one of the schools, the subsequent alienation of the peasant could also be exploited against the Vietcong.

Mary McCarthy might deplore the Machiavellian approach, as she has before, but babies aren't brought by storks. Furthermore, history indicates clearly that feudalism was finally broken due to training which created craftsmen who gained a measure of power because they became essential to their feudal masters. Until the people of Vietnam have sufficient power they will remain subject to the whims, caprice, and power ploys of whatever elite exists to exploit them. Education is not a panacea for the ills of Vietnam, but without the type of education I have described President Johnson's goals are useless political rhetoric.

The imperative to undertake an educational program can be observed in any Vietcong hamlet. In those hamlets all children attend school. The Vietcong are preparing now for their future control of Vietnam by attending to the education of the children in the "liberated" areas. Education in the rest of South Vietnam is a travesty. The GVN policy of selective education is inadequate to provide capable, intelligent leaders in sufficient numbers to govern South Vietnam. The GVN has adopted their present policy because they seek control of, not support of, the people. I might add that during World War II one of the first things the Japanese did when they occupied various countries was to close the schools. The Japanese know—as do the GVN—that it is much easier to control an uneducated population than one able to evaluate, consider, and reject authoritarian government.

The fourth step entails an acceptance by the United States of the responsibilities for the refugees and the civilian casualties which have resulted from our improvident application of military force. Indiscriminate defoliation, artillery, and bombing create refugees and cause casualties. It would be reassur-

ing to our military establishment if this were not so, but unfortunately it is true—and the Vietnamese people know it. The GVN is intellectually, emotionally, and physically incapable of coping with this problem. It does no good to play the "trickle down through GVN channels" game to discharge our responsibility to the innocent civilians, and to do so is to deny everything our nation represents. The refugees and casualties are our mistakes, and if we are not to lose the war by default we must pay for those mistakes. We have under our control military-engineering resources capable of building suitable, sanitary, warm, and dry housing for a million refugees in less than thirty days. This action would be small recompense for the mess we have made of their lives. "Refugee renewal" or construction of housing would be but the first step, to be followed by other measures such as the establishment of cottage industries to help the refugees regain their health and dignity as human beings. We would have to run the effort, as the GVN cannot be counted on to look after their own people. There are those who will argue that this would make it more of an American war. The point is academic. The relevant fact is that failure to do what is human will make it a lost American war. Obviously Dr. Que, who is the head of the Relief and Welfare Ministry, should be invited to participate, along with his minions, but their participation or lack thereof is not an operational consideration. With American leadership and direction it would be possible to get at least seventy-five cents value on the dollar from the thirty million appropriated by Congress to aid the refugees as opposed to the current two to three cents return. If our national image and pride could sustain the results of incarcerating the Nisei (Japanese Americans) in concentration camps during World War II, we certainly can live with the opprobrium of keeping the GVN and Vietcong from exploiting the refugees. It may not have been our policy to create refugees, but we did it; and if staying in Vietnam is to have any meaning, this group of people must be cared for.

The related problem of civilian casualties also requires action. At the present time there are only approximately 750 doctors in Vietnam and more than half of them are on duty with the ARVN. The magnitude of civilian casualties due to the war is hard to grasp. The number of civilian fatalities and casualties in Vietnam requiring medical attention beyond first aid—that is, treatment at a hospital—is proportionately comparable to thirty-five million Americans. This problem is not going to be solved overnight. Many private physicians from the United States and other free-world countries are doing what they can, but their efforts are clearly inadequate. Vietnamese doctors are available, but to get them to come to Vietnam to treat their countrymen the U.S. must guarantee to protect them from the GVN. For example, there are 1,200 Vietnamese doctors practicing medicine in Paris and another 800 to 1,000 elsewhere in the world. They are unwilling to live in Vietnam subject to the caprice and whim of Thieu and Ky and their warlord generals.

The hospital facilities to support the "repatriated" Vietnamese doctors are available if U.S. casualties are lowered and are treated in a somewhat different fashion from the current method. This point will be discussed in conjunction with the appropriate military actions for the "to stay" strategy.

The fifth step involves taking control over direct American aid, USAID through CORDS, currently turns American economic and material assistance over to either a GVN ministry or to a province chief. This system does not work. If our aid is to be meaningful we must insure that projects are completed and that resources are not diverted to line the GVN's pockets. In step two I outlined a method for funding local budgets which would generally be confined to hamlet areas

that are reasonably secure or can be made so. Keeping in mind the picture of security as a series of concentric circles, direct American aid could be applied in increasing amounts as we moved out from the center of the circles, for that is where the action is and where the Other War must be fought and won or lost. Food production in the outer rings will remain inadequate as long as the Vietcong remain a credible threat. This gap must be closed if the people are not to be lost by default. Quite obviously the devastation occasioned by the Communist Tet offensive in the cities must be repaired, but in a much different way than we have used before. Simply stated, instead of taking the GVN on faith, our assistance should be conditional. There is no need for the United States to underwrite or subsidize the efforts of "Operation Recovery." What needs to be done is to apply a grant-in-aid approach to the GVN's rebuilding effort. For example, the GVN announced that each family whose home was destroyed by the Vietcong or the U.S./ARVN military forces would be given \$40 to \$86 plus materials to rebuild their home. Leaving aside the equity of the subsidy, I propose that our support be limited to 50 per cent of the amount expended by the GVN and that reimbursement for our share take place after the construction is completed. This means we would help, but we would not pay until the job was done. Failure to maintain this type of control over U.S. funds and assets will leave the cities in a protracted state of chaos. As sure as the sun rises in the east, if we provide funds to the GVN for rebuilding the cities it will never be done. Unless we are prepared to turn our back on the suffering caused by our and the Vietcong's actions it is necessary to be hard to be human.

Related to this step is the necessity to gain control over the funds we provide to maintain the GVN budget. As a starter in this area the ancient Oriental skin game—the pay list—must be eliminated. Currently the ARVN Corps commanders receive the plasters to pay their troops on the basis of a "head count, i.e., the Corps commander says he has so many colonels, majors, captains, sergeants, and privates—no names, just numbers. The "phantom battalions" this system produces are well known yet rarely acknowledged by our authorities.

If we are to stay, each ARVN soldier must have a pay book. In this pay book his name, rank, serial number, and authorized pay must be noted. The book would be the property of the individual, who would have to present it to receive his pay. This "system" could be established by our Saigon military bureaucracy rather easily if they would get up out of their overstuffed chairs. If the military bureaucracy does not know how to do it, it is suggested they look up how General "Vinegar Joe" Stilwell did it with the Chinese armies under his command in World War II—and his total paymaster force numbered less than fifty persons. Stilwell's experience in dealing with Oriental troops has never been fully appreciated by our army, but it is not too late to learn from the successes of the past. Parenthetically, it should be noted that the Chinese forces under Stilwell fought well because they were properly led and received the material benefits to which they were entitled. In the ARVN, outside of the "palace guard" units, the pay, to put it mildly, is irregular. Regularizing the pay of the ARVN is worth the effort, and the beauty of the action is that we would be able to turn the process back to the ARVN in two or three months. Once the ARVN trooper, be he from the regular army, Regional Forces, or Popular Forces, received his due pay, he would be unlikely to stand for swindling. As long as a person does not know his rights it is easy to swindle him, but once he knows his rights

and receives them it is well-nigh impossible to withdraw them.

The sixth and final step is the adoption of a realistic military strategy that takes account of the political realities in South Vietnam and is designed to promote our stated political objectives. This strategy would include the following:

(1) Reduction of our force level in Vietnam to 250,000 troops.

(2) Closing ten of the twelve tactical high-performance aircraft bases and redeploying three-fourths of the aircraft and supporting personnel to the United States with the remaining one-fourth transferred to Thailand.

(3) Moving three of the four U.S. Navy aircraft carriers from "Yankee Station" off North Vietnam to the waters of South Vietnam to provide tactical close air support, and redeploying the fourth one back to the United States.

(4) Turning over, to provide the initial increment, seventy of the one hundred-plus "base camps" to house the refugees.

(5) Closing seven-eighths of the massive post-exchange system operating in Vietnam.

(6) Immediate redeployment of one full division each to Okinawa, the Philippines, and Korea to establish a strategic reserve.

(7) Immediate deployment of forty-five of the remaining seventy-plus U.S. maneuver (infantry and air cavalry) battalions to mobile positions in the countryside to provide protection to the rural population.

(8) Retaining approximately three full divisions as a mobile reserve in South Vietnam to exploit tactical situations on the security periphery.

(9) "Adopting" and taking over direct control of forty-five ARVN battalions to assist in the security of the population periphery. These battalions would operate as an integral element of the U.S. maneuver battalions.

(10) Merging and placing the Regional and Popular Forces under direct U.S. command to form a massive Combined Action Program with a U.S. contribution of approximately 60,000 troops. This force would be used to provide relevant and credible military security in 3,500 to 3,750 of the so-called "C" "D" and "E" hamlets.

(11) Using the remaining Regional and Popular Forces (approximately 30,000) to provide security for the refugee camps.

(12) Turning over the responsibility for the DMZ to the ARVN.

(13) Leaving the responsibility for security in the cities to the National Police.

LIEUTENANT COLONEL CORSON ON LIEUTENANT COLONEL CORSON—MARINE WITH REVOLUTION ON HIS MIND

(By Shelby Coffey III)

Lt. Col. William R. Corson is a retired Marine who looked back in anger, wrote a book on Vietnam in 1968 called *The Betrayal* and thereby pitched the Pentagon into a flurry of threats and promises. He's more. He's also a child of the tough side of Chicago who entered college at 15. He has led Marines in combat in three wars, is getting a Ph. D. in economics, and was one of that special, romantic breed of tough idealists who quietly fought the Cold War in Asia. He is one of America's leading experts on revolution. He still consults for the Pentagon on "matters of national security" but refuses to take a fee. Glittering names sprinkle his conversation like fragments in a meteor shower. . . . "And then I told Jack Kennedy in the White House" . . . "Fermi told me I'd never be a physicist because I was too pragmatic" . . . (on the phone) "Tell Gen. (Maxwell) Taylor to shove it . . ."

A friend calls him "one of the hardest sons of bitches ever to come down the pike" and Corson quotes him approvingly.

If it weren't for the bitterness and the "many prices I paid" the whole tale of William Corson would read like a chapter out of

some Captain America fantasy, complete with cape and M-16, with intellectual brilliance and barracks curses.

When Bill Corson, 43 and filled with irony and anger and even hope, reviews what has gone before, these are among the things he enumerates as having part of it:

He carried the fuse of the first hydrogen bomb in the trunk of his car from Port Chicago to Oakland, California in 1953.

He was in charge of Marines assigned to guard American negotiators at Panmunjon, in case the enemy tried to overrun the negotiations.

He played golf on a monthly basis with one of the top communist espionage agents in the Far East.

He was one of the first Americans to tour Hiroshima and Nagasaki after the atomic bombs fell and this "had a great effect" upon him.

He led the Marine "Combined Action" pacification program in Vietnam which produced what his admirers claim to be our only victory in that war. The 78 hamlets that Corson's troops worked with held fast during the major Tet offensive in 1968. As far as anyone can tell.

At the moment, Bill Corson lives in comparative quiet in Chevy Chase, Md. with his second wife and two sons. Dark crescents of fatigue usually underline his gray eyes. He smokes heavily, dresses in somber suits, refers to Robert E. Lee as his military hero and thinks Jesus Christ was a perfect man, "even though I'm not a Christian."

He is getting his Ph. D. in Chinese money policies (from American University) and has been lecturing at Howard in economics. But there again controversy has tinged his position as it has much of his life.

His voice has the texture of pouring sand, an officer's voice at a briefing of apple-cheeked second lieutenants.

And sometimes, just to make sure you remember who you're talking to, the voice will slide into something like "I could kill you in eight seconds . . . But I don't have the instinct for that sort of thing anymore."

"The colonel, though sometimes scary and what he might call Machiavellian, is not a Spook."—Mary McCarthy in her book *Vietnam* after visiting Corson.

Sorry about that, Mary. But Bill Corson was Spookier than Halloween. A "Spook", in common parlance, is a CIA agent. Not long after the Korean conflict, Corson took a "quick course in Chinese" and began to fulfill special assignments for "the Company." Six, nine, twelve-month assignments in "Asia—that's all anybody needs to know—as far west as Pakistan."

Now and again, lecturing to classes and different groups, he will use examples from those days, like the Nationalist Chinese team of commandoes which was questioned so thoroughly by personnel bureaucrats just before their mission that, shaken into Hamlet-like self-doubts, they were all captured behind the Bamboo Curtain within 24 hours.

And Corson will illustrate how selective terrorism can quash a revolution by remembering the actions of Ngo Dinh Diem's secret police in the Vietnam of the late 50s. He remembers how the police would come into a village, line up every 20th man against a wall and—seemingly with no malice or reason—shoot them to death. The enemy National Liberation Front, Corson says, could make little headway with the thoroughly cowed population.

There are hints of more personal violence, mentions of men who had their hands chopped off in order to seize briefcases locked onto their wrists. Corson alludes, evades, remembers. You conjure images: . . . "I told Jack Kennedy" . . . the Chambers of Might in the Pentagon . . . quiet brutal reports to graying policymakers in the CIA . . . the striking of Satanic bargains in the Orient . . . the sheer endless labor of the new languages, the unreliable contacts . . . Corson

lets the images grow one minute. He knocks them down the next.

"We were whores," says Corson, staring gloomily into a glass of cheap bourbon and water at home, "cleaning up the garbage of America's mistakes."

The brutal imagery of the ambivalent lover. The almost flirtatious hints of what really went on.

One acquaintance who has known a number of the military men who carried out "special assignments" for the CIA sees them as a type. The greatest public success achieved by any member of the group was Air Force Maj. Gen. Ed Lansdale's discovery in 1952 of Ramon Magsaysay in the Philippines. (Magsaysay was President of the Philippines when the Communist revolt there was crushed.)

A lot of the military-Agency men in Asia through the 50s tried to duplicate that success, tinkering with revolution and counter-revolution in different countries. The acquaintance feels that this type had the almost cliched qualities of idealism, romanticism and cynicism in common. "As much as they might like to curse everything and threaten to quit or threaten to write a book, they'd be back up in the hills in a month if they thought it would accomplish anything."

But beyond this deadly business that baffles and intrigues, serious personal consequences could result. For example, when Corson was off on the half-year and year-long tours in Asia, his family didn't know where he was, didn't know if he was dead or alive. Corson was divorced from his first wife in 1964, and he counts the marriage as "a casualty of the Cold War . . . that was just one of the prices many people playing games with the Communists in Asia paid. One of the prices for keeping this country afloat."

Looking surprisingly like a scaled-down George C. Scott with his broken nose, thin lips, and high forehead topped by graying curly hair, Bill Corson is explaining the intricacies of being a slumlord to his economics class at Howard. The class sits in rapt attention while he shows how two men can keep selling a \$100,000 house back and forth to each other and clear over \$60,000 every two years. Corson is not an orthodox teacher. Metaphors sprinkle his discussion of abstracts; he constantly tries to relate theory to "the real world."

He is not professionally popular with the economics teachers at Howard, and they recommended that his one-year contract as a lecturer not be renewed. But after the class several students stick around to talk about the economics of the ghetto.

"I'm a slum kid myself," says Corson. "I can understand what they're talking about."

But Bill Corson was a very special slum kid who had a powerful angel. His parents were divorced when he was 2; he spent some of his childhood with his grandparents in Chicago and had a newstand at the age of 10. When he was 14, he took off for a year of banging around the country, a year of picking fruit and learning how to gamble. As a migrant worker, he met a number of blacks and considers it possibly "the most revealing period" of his life. Finally, Corson relates that he was carved up in a knife fight in which a good friend, dying in Corson's arms, told him to go back home and fight things out.

Corson went to work for the *Chicago Daily News*, where publisher Frank Knox, later Secretary of the Navy, started a reclamation program on the bustling young man. At Knox's urging, he took an examination and became a scholarship student in math and physics at the University of Chicago, where Knox was on the Board of Trustees.

When World War II broke out Corson joined the Marines as a reaction against his

Phi Gamma Delta fraternity brothers, who were all taking the "clean sheet route," joining the Navy, traditional wartime haven for the upper crust.

He served as an enlisted man in the Pacific campaigns in Guam and Bougainville, became a Gunnery Sergeant, and was part of a commando team designated to pick up Japanese atomic scientists—until it was found out that the Japanese were still laboring in the Dark Ages of nuclear development.

After the war Corson went back to the University of Chicago and concentrated on economics for a year, after Dr. Enrico Fermi helped him decide physics was not his field. Suffering from malaria, picked up in the Pacific, he went to the University of Miami to teach and study economics and became embroiled in another controversy as a result of the "Joe McCarthy influence" that was frightening academics during those years.

Corson says he never meant to be a crusader but was somehow the leader of a group that refused to be intimidated by such over-reactions as a Florida State Legislature ban on discussing segregation in the classroom.

After writer Mary McCarthy (who later went to Hanoi at the invitation of the North Vietnamese) visited him in the hills above Danang in 1967 to see what his pacification program was up to, she quoted him as telling her that he had thrown a newspaperman down the stairs in Chicago for "calling me a Communist and a Fascist in the same breath." Actually, he says, that happened in Florida and helped lead to Corson's rejoining the Marine Corps in 1950. Corson says Miss McCarthy may have gotten her facts wrong because during the course of their conversation he asked her to stay the night with him. She refused and he accused her of lacking the proper romantic spirit. "She would have enjoyed it," laughs Corson today, "but she trotted back to safety in Saigon."

Not long after, an incident occurred that gave Corson "the reason to get up at 5 a.m. every morning" to write his own book on the war. A young Marine in the pacification program—"a fine monument of a man"—was mortally wounded, and Corson was with him as he waited for the evacuation helicopter.

"He said to me, 'Colonel, doesn't anybody care?' I told him they did. He asked me why someone didn't tell them the truth about the war. I said I would. And he grabbed me by the arm and said 'Colonel, do it!' Then he died, right there in my arms."

Upon return from Vietnam, Corson had planned to retire but was asked to serve in the Pentagon because of his Asian experience. When he finished *The Betrayal*, he filed it with the Department of the Navy, which passed it along. Then what he calls "the treatment" started.

"People would tell me I was a shoo-in for General, there was a medal in the mill, I was slated to go to the War College . . . then they started to get nasty and some apple-cheeked lieutenant would start to make threats . . . Then they threw the Big Knife and tried to hold up my retirement."

The "crunch was on," and Corson's new wife and children were worried. But not Bill Corson. He slept well. "When you've been The Enforcer, you know how the game is played. Generals forget the rules. They think they can do anything."

He broke the story to *The Washington Post*. As embarrassing national stories bedeviled the Pentagon, the Pentagon retreated. In July of 1968 he became a private citizen. Five days later his book was published, to generally high praise. In a concise style, sometimes Menckenesque in its rage, he blasted the Vietnamese government, American involvement and Army strategy. Some of the conclusions about subjects of which he did not have first-hand knowledge are reputed to be dubious, points to quibble over. But the book made something of a splash. As one Marine still in the Pentagon

puts it, "He ought to thank the Corps for helping publicize the damn thing."

Corson, for his part, says that certain figures in the Johnson Administration were the ones who really didn't want to see it published, men whose careers depended on the Vietnam war going well. He claims that the book was brought up in one of the "ad hoc Security Council" meetings and was finally dismissed as not being too harmful since, as one of the members reputedly put it: "Nobody reads books anymore."

Growing heated over what is happening in the Pentagon, over vested interests at large and the men who can think of nothing except to "cover their asses," Corson calls the building "a bucket of vomit."

Gesturing to huge rows of white paperback books in his den, Corson says, "There are all the Chinese books on revolution. In Chinese. I've read them . . ."

The subject of revolution is still one of Corson's major concerns. The jargon of revolution and mathematics sometimes clutters his conversation. He thinks America may be in the embryonic stages of a revolution and is in fact working on a new book about students and blacks and how they fit into the social elements necessary for revolution.

Mr. Speaker, again, I want to emphasize that we have been calling for such steps for years. On February 2, 1966, I made a direct plea to President Johnson for a settlement of the Vietnam issue. This was followed by another letter on June 28, 1966. During this time the escalation continued. On January 30, 1967, I made still another plea. This was again followed by a fourth letter on August 8, 1967. As before, the same policy of more and more fighting with fewer and fewer results was followed by the President. On March 14, 1968, I addressed my last letter to President Johnson. Seventeen days later President Johnson announced his pending retirement. Unfortunately, our disastrous Vietnam policy did not retire, however, and as the Paris talks stumbled at the start, the military solution was still foremost in our plans.

On July 19, 1968, I addressed my first letter to Vice President Humphrey under the assumption that he would be the next Democratic presidential candidate. This was followed up by a second letter on September 10, 1968. I would now like to insert relevant excerpts from all of these letters—excerpts which clearly show the frustration of many Members of Congress during the past few years.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1966.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: * * *

1. Our bombing in North Vietnam has been reasonably ineffective, so certainly an abatement for a while longer would not jeopardize our troops in the South. It might even help since there is evidence to indicate that the North bombing stimulated troop movement to the South.

2. We should utilize the United Nations to assist in bringing the Communists to the conference table. I am pleased to see our current action in this regard, and we should hang in and fight for a hearing. In the alternative, we should urge the Geneva Conference of 1962 to arbitrate.

3. We have involved North Vietnam in this matter as they should be. There is no reason now why we should not directly recognize as a fact the Viet Cong as the dominant enemy force in South Vietnam of 3/4 of the country-

side and a substantial minority of the population—any force which can potentially tie up a half million American men deserves to be formally beckoned to the council table.

The next steps are obvious. Since we don't have total victory in mind in South Vietnam, we must work toward the development of a peaceful workable Administration. This necessarily means a coalition type of government where all factions can be represented. If we're not working for self-determination and representative government, we've got no business being where we are.

Since coalition government is, therefore, the inevitable foreseeable chess move on the table of peace, I would think that the Administration's next move would be to develop a projected workable program among our allies, our various American constituencies and the constituencies which are fighting on our side in South Vietnam.

I would liken to some degree, the situation in Vietnam with the Civil Rights movement in this country. Certainly the spirit of the southern Negro here would not have been kindled had it not been for substantial northern influence, infiltration and leadership. That spirit certainly will not die if that northern infiltrating force is now removed since there are many southern souls which have been seared. Likewise in Vietnam, certainly the Communist force is the antithesis of Civil Rights. However, it is a doctrine of hope for some who have never known our type of liberty and justice. We have to face the fact that it is more probable than not that many people in South Vietnam have had their poverty stricken souls burned with zeal and hope of communism and to think that we can bomb this hope out of their system is not in accord with human nature.

This does not mean that we have to forsake Southeast Asia for Communism. It means that we have to make our Foreign Aid programs work. We have to make meaningful programs within the framework of private enterprise development in foreign lands and if we are unable to succeed given a reasonable chance, we can't banish people to poverty and warlord domination forever in an effort to protect only ourselves from what we consider to be a contaminating worldwide philosophy.

We can overcome Communist threat only by developing workable international programs that will, in fact, give all people a reasonable measure of the economic success of mankind.

We're to adopt and spell out this very workable American philosophy which underlies, but is not expressed in most of our foreign policy, I believe we could consolidate nearly all Democrats behind the Administration in International affairs. I know you must feel ill at ease having all of the enemies of your Great Society, such as the Young Americans for Freedom, beat the drums so loudly for current foreign policy actions.

In a word, we need a new massive effort by only you to further articulate our foreign policy. The Country yearns to give you full support.

Very truly yours,

ROBERT L. LEGGETT,
Member of Congress.

JUNE 28, 1966.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I certainly wish to commend you on the open forum meeting you scheduled in the Cabinet Room last Wednesday afternoon. The conference was productive for several reasons; it was small; members were present not in our normal committee packing order when all conversation by tradition necessarily emanates from the top; you honored each member present by expressly soliciting his opinion; and finally you followed the exchange by an uncanned

spontaneous rationale of our current posture and you were great. I do believe that you have a considerable group in the Congress of enormous mental horsepower, which horsepower is employed unutilized running tread mills a large part of the time. The normal awesome chasm between the White House and the Congress makes this horsepower unavailable to you unless you solicit it out.

Considering that nobody really knew why we were called to your office in advance. I thought the conference went well and was spontaneous. Some could have done better if forewarned of the subject matter.

You received suggestions which on the whole were more aggressive than passive. Suggestions were made to blockade Haiphong and the Mekong, take out Hanoi-Haiphong P.O.L., some expressly made no suggestions relying on your leadership. Reasons for increased activity were based mainly on impatience of the folks back home.

You partially concluded by observing that really not many legitimate new options were presented to you at the meeting. You pointed out that the political and military war phases had taken an upswing. Economically you mentioned the devaluation of the Piaster and that Diplomatically all was negative.

You are concerned about slipping national support for our Vietnam foreign policy. The rightness of any position does not depend on 51% support on any one particular day, but on the average it is imperative that you keep the people behind you.

JANUARY 30, 1967.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Having just returned from my District, I am compelled to advise you of a growing concern in California about our domestic budget.

Last year, as you know, the Congress evidenced a strong feeling that—with our escalating commitment and casualties in Southeast Asia—unless we had substantial "butter" augmenting the Great Society budget, our overseas military effort would lose popular support. I want to caution you that the same reasoning that militated last year in favor of a balanced "guns and butter" budget prevails this year. Frankly, it was all I could do last week to keep half a thousand Poverty Program aides from rebelling against our Viet Nam program which is forcing such drastic curtailment of our domestic programs. Their real concern is that the coalition now controlling the Congress will not authorize nor fund even the meager programs you call for.

Unfortunately, we were slow to realize last year that in spite of our efforts for a domestic budget, the war budget escalation was spiraling upward astronomically. As you recall, a preliminary effort to balance the budget, raising \$4 billion, occurred when the Administration requested and obtained an abatement in excise tax reductions and our economy was placed more on a current "pay-as-you-go" basis. A second preliminary effort toward balance was conceived in the program of Participation Sales Certificates to liquify our mortgage assets in the amount of \$4 billion. This program tended to confound the normal business economy and was abated until the last few months. In July an effort to increase deficit spending by \$4 billion was held down to \$2 billion as the Debt Limit was set at \$330 billion. Next followed the panic effort to withhold \$3 billion of appropriated funds for domestic programs and the suspension of the Investment Tax Credit to recover \$1 billion-plus during this fiscal year. I was amazed to discover this morning that in your effort to withhold \$3 billion, you were actually withholding \$4.5 billion of appropriated funds. We are just now feeling the effects of your action in the country. In

addition, during the year we disposed of better than \$1 billion of surplus stockpile materials. Just to satisfy an escalating Viet Nam budget, therefore, we borrowed, transferred, taxed and diverted better than \$16½ billion.

Your current grave dilemma was created last year when the \$57 billion Defense Budget was deliberately limited to cover only a war program to end this June 30. Such an early termination of hostilities, of course, was only a remote, long-shot possibility at that time. This possibility has now faded to the vanishing point and the partial result of last year's defective planning is the \$12 billion Defense Supplemental Appropriation request you submitted last week. As long ago as last February, the necessity for an augmentation was anticipated. My newsletter of October 17, 1966 (copy enclosed) outlines the budget problem as I viewed it in lay fashion last year. Our present position is that, while the budget was nearly in balance at year's end, with the current Defense Supplemental we will be \$12 billion out of balance. A real crisis is approaching since the Debt Limit will be exceeded next month by current spending less receipts.

I do not want to support a tax on a tax increase and leave an \$8 billion deficit. Nor can I, in good conscience, support an increase in the Debt Limit because I strongly believe that my children's children should not be saddled with the responsibility of paying for the Viet Nam "police action."

Likewise, I cannot endorse further marketings of our domestic paper assets, though I will not object to the sales that were approved last year.

I believe I can offer a solution vastly preferable to the drastic reduction of spending in the domestic sector you have just proposed; that is, withhold spending in the military sector.

You will recall that our Defense Budget stood at \$41.2 billion in fiscal 1960. Primarily because of our Viet Nam commitment it will mushroom to \$75.5 billion, including pay increases, in fiscal 1968. Secretary McNamara's cost reduction program, including the closing of unneeded military bases, should offset the portion of this mammoth increase which was caused by the wage-price spiral. Thus, as I see it, the \$34.3 billion increase must be attributed directly to Viet Nam. I realize it would be next to impossible to cost account the Viet Nam effort; therefore a budget differentiation is the only practicable yardstick. Since we had a defense budget escalation for the last fiscal year in the magnitude of \$10 billion and since both the '66 and '67 budgets had to be supplemented at midyear by more than \$10 billion, we have no reason to believe that the '68 defense budget will not similarly require augmentation, bringing Viet Nam war costs to substantially more than \$3 billion per month. I am not satisfied that this nation or the Communist world really believes that the United States is prepared to wage this kind of an endeavor indefinitely.

Since the United States represents a \$750 billion economy and Viet Nam, North and South together, but \$1 billion, it would seem reasonable to me that we should cut our defense budget substantially in half for the war in that country.

The effect of saving \$12 to \$18 billion would be to bring into balance our budgets for the next two years. We would still have a 1,000 per cent overkill capability in the war theatre and, since real estate there is not important, a substantial contraction of our land war and bombing efforts might be the very "olive branch" that would demonstrate that the greatest nation on earth is not entirely mesmerized at the prospect of totally squashing this Southeast Asian ant.

As I view it, in spite of Pentagon economics, we have all of the faucets opened full tilt and there is no one who can predict

the flow—this because we are trying to fight a "Great Society" war. One year ago we had a "green force" of fighting men in the field. The same condition prevails today because of General Westmoreland's one year rotation policy. I personally support the one year rotation policy and giving our men all of the support and comforts possible. *Unfortunately, this is all very expensive.* By the extravagant flexing of the American purse, we have bought the war away from the South Vietnamese and turned the effort into an American war, hoping to bring it to a conclusion quickly. According to Harrison Salisbury's account, even if we annihilate Hanoi, the North will persevere. I believe we must take a dramatic new tack to show them that suicide is not their only course. Our military machine apparently is prepared to fight everything except the "suicidal proclivities" of the Orient. If a man is perched on the ledge of a building, ready to leap, I don't think a prudent policeman would storm out on the ledge with all the weaponry at his command. You would use a multifaceted approach to the situation, with much trepidation, using reasoning, negotiation and, at the appropriate moment, perhaps force in proper proportion.

The alternative to contraction in Southeast Asia is rather *dismal*. We're not going to withdraw. To wipe out the Northern urban areas would have little effect but to increase the fanaticism in the South. Neither is it sensible, in my view, to continue our present course because I foresee a substantial stalemate at least until the '68 elections. If such is the case, the party in power will be stampeded out of office and, unfortunately, the new President might regard his victory as a mandate to level the Northern urban areas. This could easily lead to World War III. But *it need not happen.*

I have predicted in the past that 1967 can bring a substantial end to Viet Nam hostilities. This will not happen automatically. We must not be hypnotized by the numbers game. Though the United States-Viet Nam dead ratio is now running more than a favorable 1 to 12, the figures are more like 1 to 3 when you average in the South Viet Nam dead. *If you average in 25,000 Americans wounded last year as compared to the few enemy wounded who are evacuated, it is subtly apparent that Allied Forces have as many people carried off the battlegrounds as do the Communists.* We have annihilated better than 50,000 persons identified as Viet Cong during the past year. The unidentified Viet Cong dead and wounded undoubtedly surpass this figure considerably. Unfortunately, though, the enemy forces are heavily augmented by the activities of infiltrators and others engaged in covert activities which have resulted according to Secretary McNamara in a net buildup of 25,000 enemy forces to 275,000 over the past year.

I believe our efforts in the Mekong Delta in 1967 will bring us close to victory over the enemy in the South. When the Mekong sweep is over I would support our gradual withdrawal of great land forces, returning the initiative to the South Vietnamese lest we get bogged down for two decades in mop-up and rehabilitation operations.

I think there is real merit in the contraction program spelled out by Senator Fulbright and Bernard Fall. The smallest nation in Southeast Asia is having real sport whipping the largest nation in the world. If you recall, our purpose in moving heavily into Viet Nam was merely to keep from being pushed into the Tonkin Gulf and to reinspire the South. I think we have now accomplished this objective. With a proper balance of Asian forces, I believe a peace could be determined.

In retrospect I think we can also say that were we to foresee two years ago our present circumstance we would have chosen perhaps Thailand for the all out war against com-

munist. I say this considering that the war is primarily responsible for the political tide at home and the loss of Great Society programs. We are also apparently fighting for a deceitful, non-nationalistic, undemocratic and basically an irreligious group in South Viet Nam who would sooner desert an army or profiteer than stand up for principle. I believe in our effort to affix responsibility on Hanoi, we have totally underestimated the boiling domestic civil strife which is a substantial causative factor of the current turmoil.

As I see it, the consensus of thinking Americans is ebbing toward these views.

I respectfully remain,

Very truly yours,

ROBERT L. LEGGETT,
Member of Congress.

AUGUST 8, 1967.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you once again to express to you my reservations concerning the direction in which you are leading our Great Society.

After achieving a pinnacle of performance in 1964 and 1965 we have plummeted from a sensational record of performance for people to a myopic obsession with our commitments to an obscure country in Southeast Asia. As we attempt to prove our point in Vietnam with American bodies and dollars, our once supreme influence in the balance of the world appears to be floating from our grasp.

From an original police action involvement based on a philosophy of support for South Vietnam main action units, we have evolved into a full scale commitment of our own forces. Today we no longer hear of ARVN main force units at all.

Where are the 600,000 ARVN forces we have praised so strongly? I understand that they are now primarily involved in pacification—50 battalions of them? An ARVN battalion averages only 300 to 400 men. Thus the major pacification effort of the ARVN army could only involve about 17,500 men. Where is the rest of the army? I am certainly not satisfied that these forces are being utilized in any way approaching satisfactory.

I was concerned early this year that we were escalating to no place in Vietnam. *Certainly we are chalking up military victories—but they are the types of military victories that could continue for 12 to 15 years according to the best informed—our General Lew Walt—without bringing the war to a successful conclusion. And this is the official prognosis.*

In last Thursday's tax message to the Congress you stated that this Nation has a solemn pledge that its sons and brothers engaged in the conflict shall never lack all the help, all the arms and all the equipment necessary for their mission. With that you announced that at least 45,000 more men will go to Vietnam this fiscal year, but you know very well that General Westmoreland, who is now leading our strategy has asked for two or three times this number. It is only a matter of time before his request will be granted in full.

You stated in your message that for the reasons set forth expenditures in Vietnam may now exceed our earlier estimates. In this regard I would refer you to ten pages of Secretary McNamara's testimony before our House Armed Services Committee last January. The Secretary apologized profusely for the \$12 billion budget error of fiscal 1967, but pointed out that this was done in an effort to avoid over budgeting and further because last summer (1966) the full dimensions of Southeast Asia were not known. He stated that there was then a wide range of uncertainty and we could not determine with precision the number of men required,

plus aircraft, materials, etc. The Secretary continued that now, with several years of combat experience, we have a much better understanding. In contrast he stated that when the 1968 budget was prepared we could look forward to the leveling off of our forces. He stated that since we now can project our requirements with confidence, we are programming until fiscal 1969 funds will be available.

Though I think Secretary McNamara is the best administrator the Department of Defense has had, I didn't believe the Secretary really had the situation in hand in 1965, and his prognosis turned out to be in error by \$11 billion. I didn't believe the prognosis in 1966 and neither could I accept the statements referred to at the time they were made.

In January of 1966 I asked Secretary McNamara if he had developed contingency budgets in the event that the war did not end as planned in June of 1967. He replied at Page 7431 of our declassified hearings "the answer is NO . . . The level of operations that can be supported by this budget through fiscal 1967 is quite high. I'm not at all sure that we will meet it. If we don't we will have asked for more money than we needed." Despite this positive statement we were called upon to provide \$12 billion in Southeast Asia supplemental funds early this year.

I was amazed when, in your tax statement last week, you pointed up in spite of the foregoing that Defense expenditures for Vietnam are up \$4 billion plus wage increases for the current fiscal year, that we had overestimated our '68 income by \$7 billion generally, and that we underestimated our total expenses by \$8.5 billion. We are making these revised estimates just 30 days into the new fiscal year!

On the basis of our past inability to control our budget escalation I would project that by the middle of the current fiscal year, in January, we will again be considering a \$10 billion increase over your current negative projection, with a total Defense cost of \$90 billion. Directly or indirectly Vietnam, I am sure, accounts for 50 percent of our Defense expenditures and this is provable both by the supplemental budgets and by the billions omitted from our regular Defense budget.

I know that it has been your continuous position that the American economy can withstand much more of a Defense expenditure. I don't think so. I remarked on this situation in a speech a few months ago when we enacted the Defense Authorization Bill.

MARCH 14, 1968.

HON. LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: For the sixth time in three years I want to give you my views on the state and future state of our economy. From a situation 10 years ago when the United States was floundering in Life Magazine looking for a national purpose, we now find ourselves 10 years later with so many national purposes and programs, domestic and international, that not only are our young people bewildered, but so is the Congress of the United States.

We have survived economically over the past year by in fact borrowing the price of the war. Our debt limit is at near maximum. We cut highway trust fund expenditures under a guise of controlling inflation while we have record construction unemployment—that Treasury purchases government securities funding the debt with surplus annual trust funds is a measurable "information gap".

As a member of the Presidential Delegation pledged to your re-election in California, I want to be reassured on a continuous

basis of the course of our Nation. The guide posts of near doom which I see for our Administration in the foreseeable future can be catalogued as follows:

1. Over the next 60 days you will probably elect to double up on your bet in Viet Nam increasing our force level to 625,000, or more, paying little heed to the fact that the odds and cards are stacked against you.

You will plunge ahead on an iron will formula little noting that 49% of the Nation is expressly not with you and many can't make up their mind. You will ignore the fact that you have three incurable problems.

(a) a substantial cleavage in your American war support.

(b) a substantial cleavage of support in Viet Nam for the Saigon government.

(c) no unified Defense Command in Viet Nam.

Only by controlling freedom of expression can this situation be modified.

The stock market will further tumble and so will your national support.

Charges of politics will confuse some issues. In August without Secretary McNamara closely managing and curtailing. Defense expenditures and with the escalation which undoubtedly I see as inevitable, you will suddenly announce to the country that national economics are in bad shape. * * *

In September the Viet Cong will blast away again and refugee ranks will swell to 3 million. Our assessment of their "line of battle" has not changed over the past 4 months in spite of the fact that they suffered 43,000 dead as of last week with at least twice that number permanently injured in the TET surge. The reason as General Wheeler said in the press "these V.C. forces could have been recruited in December and January". For years we have never shown any deterioration in the ranks of the enemy for death and wounds, nor for those defectors in the Rallier Program. The reason is possibly because the V.C. and civilian forces are so hopelessly confused that it makes little sense to try to bookkeep something that doesn't exist.

Over the past 60 days one-half of the 100 plus U.S. A.I.D. teams, one-half of the 600 plus Revolutionary Cadre teams and one-half of the ARVN pacification battalions (numbering 54) are in the cities dislodged from position or not accounted for.

As I understand, refugees have increased over 100,000 in every corps sector in excess of 650,000 total, evacuating 75,000 destroyed homes over the past 60 days—swelling total refugees to over 2 million or nearly 15% of the population.

General Westmoreland knows the enemy can do this again, and the only uncertainty today is "when".

We started escalating back in '63 when we were expending \$10 million per week and the ARVN had a near balance of power. We started bombing when we noticed 10,000 North Viet Nam troops in the southland and we were stalemated. Last month we ran 28,000 sorties and spent \$3 billion. Last year we dropped 12 tons of bombs for every square mile in North and South Viet Nam and our best estimate today is that the North have over 60,000 troops in the south, 50 tanks and over 100 pieces of tracked equipment. We dropped more total tons of bombs last year than the total tonnage by ship through Hanoi and Halphong. In my newsletter this week I diagnosed the war as follows:

"I also told the press and other media that the war in Vietnam would not terminate in our favor until there was a 'balance of fanaticism'—the fanaticism certainly was not about to come from American boys deployed 180 degrees from America for 12 months; the fanaticism must come from the South Vietnamese themselves. Until General Thieu and Ky can purge themselves of corruption (a big order) and stimulate fanatic belief in Democracy in the people

equal to Viet Cong zeal, we are destined to failure. We achieve this 'fanaticism balance' then I think by slowly strengthening the responsibility of the South Vietnamese. They must make representative government work, purge themselves of corruption, stop political censorship and persecutions, learn to live without the \$3/4 billion American AID dollars, defend their own cities and fight their own battles. We can give them the supplies they need, but not our boys!

"If an Asian balance of forces were established only then would we be in a position to talk peace.

"After using primitive weapons for 15 years, the Viet Cong now receiving new Soviet bombers, Soviet tanks and Soviet rockets really don't want to talk peace today.

"This balance of fanaticism might be very difficult if not impossible to create, particularly, considering that better than one half of the AID teams, revolutionary cadres, and one half the ARVN South Vietnamese Army have evacuated the rural areas to save the cities.

"The Soviets match American might in South Asia with \$1 for every \$10 we expend—on this basis we're not winning and we might as well admit it—this is not the kind of a poker game in which you double up when you lose.

"It profits the United States very little to win (if we could) the Communist war in Vietnam over a \$1 billion economy, and lose the war by default in the Arab world and South America where we also have commitments.

"It will gain us little to desecrate our own economy and young manpower over the next ten years only to later recognize that the Soviet Navy and Merchant Marine is dominant in the Mediterranean and around the world.

"While the United States has become mesmerized in the Far East, the Middle East Arabs have polarized around the Soviets. While the United States has over invested in Vietnam, our lack of attention to Europe has caused a major weakening of NATO and caused the British to withdraw from the Far East placing an inexorably heavy burden on American forces.

"Hawks in Washington today are urging a naval blockade of North Vietnam. This action will result not only in confrontation, but Naval major engagements with the Soviets. The Soviet submarine force can virtually nullify our ship supply line to South Vietnam in a few months. We could reciprocate, but the strategic consideration is that ships are absolutely required to support our 1/2 million American boys—to my knowledge the Soviets have no boys involved.

"To support our boys by a land invasion of the north would likewise be foolhardy and a contradiction of the advice of Ike and MacArthur. Such an invasion could only be supported with nuclear weapons and then the war zone would automatically become intercontinental . . .

" . . . This does not mean that the United States has to knuckle under to the Soviet bloc, because by past experience we are able to surpass them militarily or economically on a direct confrontation. What I do mean is that when we challenge the Soviets vicariously, we are only as good and strong as the intermediary country we support . . ."

Through March of 1968 we have lost 19,800 American boys in the Viet Nam battle and 119,700 wounded—exceeding the 33,629 Korean battle deaths and 103,000 wounded.

As a result of the new Viet Cong successes and new refugees your policy will come under further attack. Massive party defections threaten! McCarthy zooms! The South Vietnamese government will de facto collapse. Newsweek, Wall Street Journal, New York Times, Life, Time and Saturday Evening Post all warn you of the consequences of your commitment hypnotism.

Near the end of September, the hot summer will be over, the Nation will have experienced more riots, more demonstrations because of poverty, jobs, failure of Congress to act on the draft, national convention delegates, teachers salaries than ever before in history.

Provisions of the Riot Commission for \$2 billion monthly expenditures and other promises to rectify the same will fall on deaf ears as Congress socks in under Republican leadership to once again limit spending to \$139 billion. An und., privileged nation rises up and marches on a "do nothing" Congress. Gold stores deplete \$5 billion below the level considered dangerous!

The elections will be held in confusion, issues will be obfuscated and an eruption might occur against the party in power.

As a result of the United States holding to commitment, it is concluded that:

(1) Over-emphasis of United States on Asia resulted in curtailment of United States interaction with Europe—deterioration of NATO.

(2) NATO deterioration misled Soviets who misled Nasser that resulted in Israeli War and polarization of Arab Nations around the Soviets.

(3) This action including the closing of the Suez caused Britain to contract east of the Suez. The United States lost its biggest SEATO partner.

(5) Nations of the world viewing the \$1 billion David, bringing the American Goliath to its knees, gain a new respect for communism and civil wars are viewed as such. United States is subject to economic ridicule around the world!

(6) Johnson goes into martyred isolation. You could hopefully make me wrong.

Very respectfully,

ROBERT L. LEGGETT,
Member of Congress.

JULY 19, 1968.

HON. HUBERT H. HUMPHREY,
Vice President,
The White House,
Washington, D.C.

DEAR MR. VICE PRESIDENT: With small doubt, you will be nominated by the Democratic Party for President next month. Three days before he died, I was campaigning with Bob Kennedy in California. He expressed concern about your ability to win as our nominee next November. I suggested that if someone of international stature, who had a reputation for a staged down balanced commitment in Vietnam and the rest of the world joined you on the ticket, we might be able to get the party back together. He didn't disagree.

As far as Vietnam is concerned, you recall I wrote you several weeks ago indicating that General Westmoreland had testified before my House Armed Services Committee that infiltration of South Vietnam was taking place at the rate of 240,000 to 360,000 men a year. If this is so I must say that the letter from General Abrams read by the very fine Hale Boggs at the convention was totally fraudulent when he said that "all Hell would break loose" if we stop the bombing.

I say if you can believe General Westmoreland the only way that infiltration could increase would be for us to send Liberty ships to the north to help them out.

I say, therefore, that it is incumbent upon you to prevail upon the President to totally terminate the bombing in the north; risk the consequences; start meaningful negotiations, and if meaningful negotiations are undertaken it is possible that the American people will not want to disturb the progress by changing Administrations. I am sure this is what Ambassador Goldberg is saying.

In conclusion, at this time and on the face of the current record, I want to congratulate President Nixon for the enunciation of principles he has made thus far. I believe the principles stated are different than those enunciated by the last administration. The President is associated in the middle of a bad law suit—fortunately, I believe he is developing a new theory of the case.

The President must remember that time is not on his side. The GVN will pull every trick in the book to avoid making the hard decision that will mean a new constitution for SVN. If possible, they will seduce you, Mr. President, away from your declared principles. I would hope that you develop over the next 60 days a meaningful schedule of disengagement.

As opposed to the escalation to no place and later disaster of the last administration, I wish you well as we deescalate to some place hopefully.

(Mr. LEGGETT asked and was given permission to revise and extend his remarks and to include extraneous matter.)

PATENT LAW REVISION

(Mr. BOB WILSON asked and was given permission to extend his remarks at this point.)

Mr. BOB WILSON. Mr. Speaker, in September 1959, I introduced H.R. 9190, to clarify the authority of the Commissioner of Patents to compile, publish, and disseminate certain information relating to patents, and reintroduced this legislation in 1961 as H.R. 3472. Reports received at that time from the Departments of Commerce, Justice, and Navy, and the Atomic Energy Commission indicated that these agencies were favorably disposed toward this legislation.

The last major revision in the patent laws was more than a decade ago, and having long been interested in the question of general patent law revision, I am glad that the House and Senate Judiciary Committees in the past 2 years have held extensive hearings on omnibus patent revision bills. Such legislation has been introduced in the Senate this year by Senators McCLELLAN and DIRKSEN. I am very pleased that section 11 of chapter I of these bills, S. 1246 and S. 1569, contains the language of my 86th and 87th Congress bills and am today introducing a companion House bill to the Dirksen and McClellan bills.

PAPER MESS IN THE FINANCIAL COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, as a member of the Banking and Currency Committee of this House, and as one deeply interested in matters affecting our economy, I am becoming more and more concerned over the "paper mess" that is apparently strangling the financial community.

This logjam has been the cause of the stock exchanges' decision to curtail

trading to various extents since August of 1967.

There are uncleared transactions in the financial community of an estimated \$3 billion or more.

Only recently some \$3 million of securities were "lost" for several days.

There is increasing fear on the part of the public of the possible theft of securities in the community. This concern is so pressing that thought has been given to legislation for the fingerprinting of employees.

Nowhere do I find that the financial community repudiates these allegations, and it is ironic to me that this lack of capacity to cure the problem falls within that segment of our economy that acts for the public and in fact solicits the public to invest its money in American industry. Among these are the very industries that should solve the problem.

When I talk to the financial industry, I talk to the whole cycle from the underwriter to the corporate transfer agent to the trading broker and I find that this entire industry has been woefully lacking in handling its administrative problems. In fact, there has been very little articulation between the banks and brokers for the proper handling of the securities throughout the pipeline of activity under existing technology.

There is a need for reliable and efficient handling of data as well as for the free flow of securities. Stock certificates have been a way of life for our investing public for as long as any member of this House can recall. They have been an accepted instrument of legal ownership and monetary value and are in fact a legal document which security holders have held with pride as their documentary evidence of ownership and participation in the economic growth of this country. At best estimates, there are nearly 30 million people who own stock in American enterprises. The stock certificate has been an emblem of pride that the investing public has in its partnership in the American dream.

Obviously, what is needed is the adoption of that technology which can handle the data extraction process for the financial community. That technology exists today and for the foreseeable future in optical scanning. Along with that it is imperative that the present stock certificates be made, in the words of the people consulting in this field today, "Machine Readable."

Much time has been wasted in this direction with emotionalism, gimmickry and even, I suspect, self-interest to propose "Mini Certificates" and other impractical substitutes for the present untold millions of certificates now outstanding. These alternatives would serve no useful purpose. They would merely compound the problem and debase the safety of our present securities. It would add an impossible burden of cost and time to replace the untold millions of certificates outstanding.

The solution to me is obvious; the need is immediate and the "requirements for standardization within the financial industry to accelerate the flow of data and securities is imperative." The technological means exist and certainly in a coun-

try as progressive as ours, the intelligence for implementing the solution certainly exists.

It seems a travesty to think that the segment of our economy that so freely recommends to the public ways and means of investing their money in our way of life can be so incapable of seizing upon a quick and economical solution to these urgent problems.

I warn that the concern of the public will intensify as the delays from uncleared transactions continue. Further, I warn that unless remedial action is taken in good conscience and with common sense, this Congress will feel impelled to investigate the matter on its own initiative.

It is unthinkable that such a condition should continue for even one more day.

BILL TO STRENGTHEN GOVERNMENT ROLE IN MANAGING THE QUALITY OF OUR ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEN) is recognized for 30 minutes.

Mr. FARBSTEN. Mr. Speaker, I am introducing two bills today, H.R. 12264 and H.R. 12265, which will strengthen and broaden the Federal Government's role in managing the quality of our environment.

The purpose of these two bills is to help establish in the Executive Office of the President and the Congress a new set of priorities in national policy, emphasizing the creation, restoration, and maintenance of a habitat in which people can live more healthful lives and better enjoy their physical surroundings.

A new set of priorities is needed not because sound economic growth is less important, but because our past industrial productivity and recent technological advances have been so successfully applied that we have overreached our ability to control their environmental side effects. As population continues to grow—demanding more and more goods and services—there is constant increase in pollution, noise, destruction of scenery, clogged streets, and cluttered neighborhoods.

America is strongly committed to a high level of material well-being. But I firmly believe she is just as strongly committed to living conditions which include fresh air, quietude, easy access to the beauty of the countryside, and broader cultural experiences in our cities.

The two measures, which I today introduce, would: First, create in the President's Office a new Council of Environmental Advisers to assist the President in formulating environmental policies; and, second, establish a counterpart Joint Committee on Environmental Quality in the Congress which would study critical resource problems and recommend to appropriate standing committees the most practicable means of fostering an environment of quality.

By the year 2000, the population of the United States will reportedly rise from the present 200 million to somewhere between 300 and 340 million. Ac-

ording to a report of the National Academy of Sciences, this magnitude of growth poses a serious environmental challenge:

To accommodate [this population] will require, by the year 2000, additional urban facilities equivalent to all of those already in existence. . . . This calls for an entirely different view of our cities and their resource requirements than if we think only of ameliorating specific rises step-by-step as they arise. Complete urban renovation, the creation of new and better living clusters throughout the country, and better and more diversified use of suburban and rural space are a big order; but it is an order that is practicable, necessary and urgent. There is no simple "best" solution. A variety of solutions must be tried, and for all of them the resource component (including clean air and water) will be central.

The future needs we must obtain from our environment seem almost limitless.

First. In 1950 there were less than 17 million acres of land included in urban areas. By 1960 this number had increased to over 21 million acres, and it is expected to be double that amount by the year 2000. Roughly 80 percent of the population is expected to live in urban areas by 1980. This expansion will place open land for beauty and communion with nature and witnessing the change of seasons at a premium, unless we can develop a national land planning procedure which gives equal weight to recreation, transportation, residential and industrial land uses.

Second. The 300,000 miles of electric power transmission lines in service today occupy nearly 4 million acres of land. If the present pattern of construction continues, by the turn of the century both the old and new lines will require roughly 7 million acres of land, together with wide rights-of-way. There undoubtedly will be community dissatisfaction over the environmental impact of these additional lines unless agreement can be reached beforehand on the establishment of protected utility corridors.

Third. There are presently over 3.5 million miles of roads and streets in the United States, representing about 1 mile of road for every square mile of land. The total land area covered by these roads and their rights-of-way is estimated to be about 24,000 square miles—equal to the area of the State of West Virginia. The 41,000-mile Interstate System now under construction will consume a land area approximately the size of Rhode Island. Apparently this is only the beginning, and we can therefore foresee greatly increased competition for space between highways, men and their cars.

Fourth. Federal surveys have shown that about one-fourth of all outdoor recreation is and will continue to be dependent on water. Participation in swimming, fishing, boating, ice skating, and water skiing accounted for 2.8 billion activity days in 1965 and is projected to increase to 7.7 billion by 2000. Nationwide there would probably be enough water to serve the recreation needs beyond 2000 if the supply were equally available to all the people. But, as anyone living in a metropolitan area realizes, there is a serious imbalance in the location and types of recreation water and the concentration of population. For

example, in recent hearings on the development problems of San Francisco Bay the head of the California Resources Agency indicated that of 276 miles of shoreline only about 10 miles are open to the public.

Fifth. One of the most serious "environmental offenders is noise from all sources, but particularly from trucks, motorcycles, sports cars, helicopters and private as well as commercial aircraft. In a recent study of noise in Boston schools, a mean reading of 78 decibels was recorded in a school playground in downtown Boston. In Wellesley, a suburb, the noise level was only 58 decibels. Thus, children in city schools are exposed to noise intensities much greater than the suburban children. A number of surveys have established that the control of downtown noise is one of the most troublesome problems in achieving more satisfactory living conditions in our urban areas.

These are only a few of the issues of environmental deterioration to which serious consideration is now due. As shown in a recent edition of the Saturday Review entitled "The Fouling of the American Environment," the catalog of problems goes on and on.

Every day the nation's automobiles spew into the air enough pollutants to equal in weight a lane of cars stretched bumper-to-bumper from New York to Chicago.

Not a single river system in the entire United States is free of pollution.

Even the remotest national parks are beset by major traffic problems.

The editors rightly claim that these and thousands of other pieces of evidence are danger signs "enough to persuade even the most skeptical citizen that the American environment is being subjected to a vast debasement from which literally no one can escape."

Mr. Speaker, there are many aspects of air and water pollution with which the Congress and executive branch are already deeply involved. But the overall environmental crisis is so far-ranging, and inclusive of all resources, that nothing short of a broad new effort by the Federal structure can meet the American concern for improved physical surroundings—from the ghetto to the shores of Santa Barbara.

It is noteworthy, I think, that the Brookings Institution in a volume entitled "Agenda for the Nation" recommended to the President a major strengthening of administration machinery for environmental policy review. Perhaps because of this prestigious influence, President Nixon has now established by Executive order a Cabinet-level Environmental Quality Council, which he has indicated will coordinate and direct a government attack on all forms of environmental pollution. Mr. Nixon will head the Council himself, and other members will include the Vice President and the Secretaries of Agriculture; Commerce; Health, Education, and Welfare; Housing and Urban Development; Interior; and Transportation.

This was a commendable step by the Nixon administration, but I fear that it falls far short of the type of action contemplated by the Brookings Institution. The shortcomings of the Council also

were clearly spelled out in testimony received by the Senate Interior Committee during recent hearings on several councilor bills.

Neither the President nor his Cabinet Secretaries have the time and energy to serve effectively on additional interdepartmental councils. What the President's Office needs instead is an advisory body which—free of other responsibilities—can gather advice and information and then present the President and his Cabinet with alternative solutions to critical as well as long-range problems.

If my first bill, H.R. 12264 is enacted, it will establish a council composed of three independent members who as a result of their training and experience, and with the help of adequate staff, could analyze and interpret environmental data of all kinds on a wide number of problems, appraise ongoing programs and activities of the various Federal departments and then recommend national environmental policies designed to restore and maintain an environment of quality and productivity for all Americans.

A concerted attack on environmental problems requires effective coordination between the executive and legislative branches. Therefore an effective channel of information exchange and comparative study must exist. If my second measure, H.R. 12265, is enacted it will establish a corresponding joint congressional committee for similar purposes, thus enabling the two branches to interact on an equally sophisticated basis.

In conclusion, Mr. Speaker, it is my judgment that these two measures are complementary and will provide the Federal structure with the kind of new machinery needed to meet the burgeoning challenges and environmental crises that are so clearly demanded by the times.

PRISONERS OF WAR: GENERAL AMNESTY

(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, in recent weeks there have been a number of newstories about the 75-year-old Rudolf Hess, former Deputy Chancellor of Germany, now serving a sentence of life imprisonment at Spandau Prison—a sentence passed by the so-called war crime tribunal following World War II.

In a statement to the House on the subject of "Historical Blackout" on April 24, 1969, I described Hess as possessing the most important historical disclosures of any man now alive concerning the second great war. This belief invites two questions: Why has not the American Historical Society secured his testimony concerning the history of World War II? Why has not our Government taken the initiative in bringing about a general amnesty for all prisoners of war in various countries suffering prolonged imprisonment, in many instances under dubious circumstances of trial and morality of sentence? More importantly, why not liberate the truth?

Today our eyes are focused upon our boys languishing in North Vietnamese prison camps. But, we must not forget those men still being held as prisoners from the Korean war and World War II.

For background on this crucial subject, I urge reading a notable resolution adopted in 1962 at the annual meeting of the American Coalition of Patriotic Societies that makes specific requests of the President of the United States in the premises.

In view of our recent experience as regards the *Pueblo* in North Korea and in Vietnam, the indicated resolution is more applicable today than when first adopted. Certainly, the time has come to end the points of discord among Western nations over so-called war criminals by means of a general amnesty.

Everyone who has investigated the so-called war crimes trials of 1945-46 and thereafter understands full well that in many cases the accusers included among their number persons who were more chargeable with crimes against humanity than those whom they sentenced.

More than 5,000,000 civilians, mostly women and children, vanished in the Soviet march toward Berlin in 1944 and 1945. Subsequent to this Soviet butchery, for which none were charged—let alone convicted, vast numbers of fugitives from the Baltic countries, who had fled into the American zone as a supposed sanctuary, were turned back at bayonet point into Soviet hands, many to be executed and others to face lifelong slavery. Although the circumstances of the Katyn massacre of thousands of Polish officers in cold blood by Soviet executioners were definitely established by competent United States and neutral investigators, no Soviet officials were ever brought to trial for that or any other comparable crime. Instead, they sat as judges and accusers at Nuremberg and at other so-called war crime tribunals.

Mr. Speaker, now that our country has a new administration seeking ways to improve international relations and to restore the laws of civilized international dealings, the time is opportune for action by our Government in bringing about a general amnesty.

In making this recommendation, I do so as one who not only fought in Europe as a soldier in World War II, but also as one who had the experience of being a prisoner of war in a German prison camp, fortunately my country was victorious.

The indicated resolution follows as part of my remarks, including an article by F. J. P. Veale of Brighton, England, distinguished lawyer and authority on the laws of war. Also a newsstory from Time magazine:

WORLD WAR II PRISONERS OF WAR: GENERAL AMNESTY

Whereas, In the 19th Century and early 20th, the patient work of the Congress in fostering international law codifications and digests and the contributions of such distinguished scholars as Francis Leiber and John Bassett Moore made the United States preeminent in movements to civilize the laws of war; and

Whereas, Since 1917 progressively reckless actions within the Executive Branch of our

government in the conduct of foreign relations has served to sacrifice that long-continued preeminence; and

Whereas, World War II ended more than 15 years ago with the peoples of all lands pleading for a "lasting peace", but instead of peace the strongest nations face each other in undisguised hostility which makes harmonious relations among the nations of the West imperative; and

Whereas, Focal points of discord in the form of numerous World War II prisoners of war in various countries undergoing cruel and unusual punishment, including slave labor, serve to impair these relations; and

Whereas, The "war crimes tribunals" that tried so-called "war criminals" after World War II were not impartial courts but agencies of vengeance, created and operated by victor governments through the influence of elements desiring to flout lawful procedure by the "trial" of the defenseless vanquished, which "trials" trace back to Stalin's barbarous proposal at Teheran in 1943 for the mass murder by firing squads, as soon as captured, of the leadership of the only country in Europe capable of keeping out the communist hordes; and

Whereas, The operations of some of the so-called "war crimes tribunals", bound neither by the salutary rules of evidence nor the principles of justice embodied in the U.S. Constitution, were marred by revolting reversions to the most primitive savagery as well as appalling miscarriages of justice, for which the tragic case of Major Walter Reder is but one example; and

Whereas, Those "war crimes tribunals" not only failed to fulfill the hopes placed upon them but, on the contrary, created pernicious precedents for despotic governments in justifying the extermination of all those under their jurisdiction who venture to oppose, in any way, their tyrannical hand and, unless formally repudiated, these "trials" will remove all restraints from the most brutal and ruthless conduct of war in the future, as has been tragically illustrated in Korea, East Germany, Poland, Hungary, Africa and Cuba;

Resolved, That the American Coalition of Patriotic Societies:

1. Deplores the dreadful retrogression into barbarism, illustrated by post-World War II "war crimes tribunals" and "trials", especially those at Nuremberg and Tokyo, as a form of vengeance antagonistic to Western civilization, contrary to the enlightened conscience of mankind, and counter to an informed understanding of the laws of liberty; and

2. Demands repudiation of the post-World War II "war crimes tribunals" and "trials" to prevent the ultimate destruction of civilization through progressive reversion to primitive warfare; and

3. Respectfully requests the President of the United States to:

a. Grant an immediate amnesty to all persons who may still be suffering imprisonment under United States jurisdiction as the result of "war crime trials";

b. Urge the good offices of our government to secure a similar general amnesty on the part of all World War II Allied Powers, both West and East;

c. Urge the precedent of post-World War II "war crimes tribunals" "trials" be repudiated unilaterally;

d. Use the good offices of our government to secure a similar repudiation on the part of all other countries involved; and

4. Urges the associated societies of the Coalition to give serious consideration to the grave implication of the precedents set by post-World War II "war crimes tribunals" and "trials", for which study two books by F. J. P. Veale, *Advance To Barbarism and War Crimes Discreetly Veiled* (Devin-Adair Co., 23 East 26th Street, New York 10, New York) are commended.

[From the Social Justice Review, February 1968]

A SOLUTION OF THE RUDOLF HESS MYSTERY: WHY DID CHURCHILL WRITE: "HESS CAME TO US WITH SOMETHING OF THE QUALITY OF AN ENVOY"

(By F. J. P. Veale)

The most sensational mystery of the Second World War concerned the question of Rudolf Hess' motivation when in May 1941 he appropriated a fast military plane and absconded to Britain. This baffling mystery is now being replaced by the equally baffling mystery why his release after twenty-seven years in captivity should still be met by such unyielding opposition.

The strength of this opposition can be estimated from the strength of the appeals for justice for Hess which to date it has successfully withstood.

During his lifetime no man had greater influence on public opinion in the Western World than Sir Winston Churchill who a couple of years after the end of the war made his opinion on the subject clear in the second volume of his book, *The Second World War*, in which on Page 49 he wrote:

"Reflecting on the whole of this story, I am glad not to be responsible for the way in which Rudolf Hess has been and is being treated. He came to us of his own free will and, although without authority, had something of the quality of an envoy."

Since these words were written several decades ago, the demand for justice for Hess has been frequently expressed in the newspapers controlled by the late Lord Beaverbrook, the most powerful Press Baron in Britain, and in many other influential newspapers. Hess' release was urged on widely different grounds, legal and humanitarian. Among those who appealed was the able Jewish journalist, Bernard Levin, who pointed out in the *Daily Mail* of March 2, 1965, Britain could not disclaim responsibility for Hess' continued captivity because for three months out of every twelve he was in British custody, so that during this annual period of three months, the British authorities had always been able to release Hess on their own initiative.

In spite, however, of repeated reminders of the subject and in spite of the veneration with which the views of Sir Winston Churchill are held by his countrymen, the British public has remained callously indifferent to Hess' fate. This is indeed strange in a land where a profound regard for justice is loudly expressed and where retribution as a purpose of punishment is dismissed as a relic of barbarism. The indifference of the German people to Hess' fate is more understandable because so many Germans find it impossible to feel sympathy for a man who was an intimate friend of Adolf Hitler whose career brought down on them so many woes.

NOT GUILTY, BUT

No one of course either in Britain or Germany now professes to believe that Hess was guilty of any crime. The collection of legal mountebanks known as the Nuremberg Tribunal felt itself bound to acquit Hess of all the charges brought against him except the charge of having planned and waged a war of aggression. And no one any longer regards this as anything more than a pseudo-offence invented in 1945 to provide a pretext for putting to death the leaders of the vanquished, the reason being that this alleged crime has since 1945 been committed by such still respected statesmen as Sir Anthony Eden when he ordered the invasion of Egypt in 1956 and by the late saintly pacifist Pandit Nehru when he attacked Goa in 1965. If Rudolf Hess is a justly condemned war criminal because he planned and waged a war of aggression, then these two gentlemen should have been sent to join him in "the very

harsh and inhumane conditions" of Spandau Prison.

In view of the now tacit agreement that Hess is an innocent man, those who oppose his release have prudently preserved an unbroken silence to all appeals that he should at least receive justice. We are thus left to guess the motives which inspire their stubborn resistance. The popular opinion is that it is feared that if Hess were released he would disclose the plans which he had made when he flew to Britain in 1941 which would embarrass or implicate many people of high rank living in Britain.

This explanation is utterly inadequate to account for such adamant opposition to Hess' release. Most of the people in Britain known or believed to be opposed to a continuation of the war in 1941 whom Hess might have intended to visit in that year, have long since died. It is impossible to believe that anyone now feels deep concern to preserve the reputations of a few obscure and elderly men.

ET TU . . .

Sir Winston Churchill in the passage of his book quoted above describes Hess as having flown to Britain with somewhat of the character of an envoy. This suggests that by the time of writing he had learned that Hess came to Britain on the invitation of someone with authority. *The essence of the problem therefore is, who invited him to come?*

To answer this question, it is necessary to bear in mind what has long been the distinctive characteristic of the British Secret Service.

In the times of Queen Elizabeth, her great minister, William Cecil, Lord Burghley, organized a wonderfully efficient secret service to protect her against Roman Catholic plots. When Mary Queen of Scots sought refuge in England from her own subjects, Burghley surrounded her with a network of spies and agents provocateur. Many historians believe that the celebrated Casket Letters which provided the basis of the charges against Mary were forgeries of Burghley's secret service. It has even been suggested that the signature on the warrant for Mary's execution was a forgery. If this were so, it would certainly account for Elizabeth's indignation when she learned that the execution had taken place: it is a fact that for weeks she shut herself away and refused to speak to Burghley or any of her ministers.

From the earliest times the leaders of the English secret service have always allowed themselves the widest latitude in interpreting their orders. Believing that Elizabeth's life and throne would never be safe so long as her cousin Mary was alive, from loyalty to Elizabeth they disregarded her scruples and in her interests relentlessly sent the unfortunate Queen of Scots to her death.

This is not to say that the English secret service was more unscrupulous and ruthless than the contemporary secret services on the Continent. Mendacity and perfidy have always been the stock weapons of the secret service agents of all nations. The only distinctive characteristic of the English Secret Service is the freedom it exercised in interpreting its orders in accordance with the spirit rather than the letters of these orders. During the Protectorate under the leadership of the brilliant organizer, John Thurlow, the English secret service was raised to a level of unrivalled efficiency. It is said that the fullest details of the plots of the Royalist refugees on the Continent were frequently reported to Oliver Cromwell before the first steps could be taken to carry them out.

THE BOOKMAKERS

We know beyond question that their traditional right to use their own initiative was exercised by the leaders of the British Secret Service during the First World War. When in 1916 the Irish patriot, Roger Casement, was condemned to death, to foil the efforts being

made to secure a reprieve Sir Basil Thomson and Sir Reginald Hall, the heads of British Naval Intelligence, entirely on their own initiative circulated copies of passages which they said they had found in a diary among Casement's possessions listing various people with influence, including the King, the Prime Minister, Mr. Asquith, and leading members of his cabinet, the Archbishop of Canterbury, and the American ambassador, Mr. Page.

The fact that all applications to examine this alleged diary were rejected for over forty-three years supports the view, still maintained by some, that these passages were forgeries. If accepted as genuine, these passages showed that Casement was a homosexual. Thomson and Hall adopted this subterfuge in order to show that Casement was unworthy of sympathy and by blackening his reputation to prevent posterity from revering his memory as a martyr for Irish liberty.

THE MAPMAKERS

The British Secret Service during the Second World War acted with similar freedom from control by its executive government. On the 27th of October, 1941, President Roosevelt delivered a widely-publicised speech in Washington in which he announced that there had recently come into his possession a secret Nazi map of South America disclosing Hitler's plans for the invasion and conquest of that continent. Whatever may be the truth of the Casement Diary, there can be no question that this map was an impudent fake. Roosevelt himself never referred to its existence again and it was not produced in evidence at the Nuremberg Trials where it would have established the charge that the Nazi Government was plotting wars of aggression in even the most remote parts of the world.

Whether this map ever existed outside Roosevelt's imagination remained a mystery until 1963 when the well-known British author, Montgomery Hyde, published a book *The Story of British Intelligence during World War II*, (New York, Farrar, Straus & Co., 1963) in which he claimed that the American President was bamboozled by the British Secret Service with a clever forgery and the story that this map had been stolen from a courier of the German Embassy in Rio de Janeiro by a British agent.

At that time Churchill's hopes of being able to entangle the United States in the war depended entirely on his being able to retain Roosevelt's goodwill. It is impossible to believe that he would have approved this trick because if the truth had come to light Roosevelt would naturally have been furious at having been led to make a fool of himself just before a presidential election. There can be no doubt that in this matter the British Secret Service played this trick on Roosevelt entirely on its own initiative.

Bearing in mind the story of Hall and Thomson's dealings with the alleged Casement Diary and the story of the faked map of South America, it is not difficult to suggest an explanation why years after the end of the Second World War Sir Winston Churchill should refer to Hess' coming to Britain in 1941 "with something of the quality of an envoy."

THE "ENVOY" MAKERS?

When Hitler assumed power in 1933 Germany was honeycombed with communist cells, by various so-called Leftist "resistance" movements and by groups of officers of the Reichwehr hostile to the Nazi regime. When war broke out in 1939 the British Secret Service covered Europe with a network of agents who naturally spared no pains to contact all these underground groups in order to weaken Germany's powers of resistance. Early in 1941 the rumor spread that Hitler had decided to invade the Soviet Union in spite of the opposition of many of his colleagues, led, so it was said, by his intimate

friend and adviser, Rudolf Hess. We have only to assume that a successful effort was made by a British secret agent, through some German traitor in a high position, to contact Hess.

The strength of a chain is the strength of its weakest link. Some may think that Hess would have been an unlikely choice for the role planned for him. His devoted loyalty to Hitler and the National Socialist Party was well known: his integrity was unquestionable. He was known as a man of indomitable courage, strong-willed and obstinate, reserved and secretive. By many he was regarded as eccentric. Once such a man had been convinced that by visiting Britain with peace proposals he would be serving the true interests of Hitler, of the Party and of Germany, nothing would turn him from his resolve. The thought of the personal dangers he would face on such a mission and the risk he would run of being misunderstood by his colleagues and friends would act on him as an incentive. He was of the stuff of which martyrs are made: he was a political fanatic to whom self-sacrifice for itself would appeal.

No doubt the conspirators had to play their cards skillfully. They were aided by the fact that Hess was as profoundly ignorant of the political situation in Britain as Hitler himself or any of his colleagues. Hess had met several members of the British peerage at the Nuremberg Rallies and was easy to convince that the Duke of Hamilton, for example, exercised political influence. We know from Hess' book that he intended to visit the Duke and made a crash landing in a field in Scotland near Dungavel, the Duke's country seat.

Probably a letter was conveyed to Hess from some member of the Scotch peerage whom he had met suggesting that he should visit him and assuring him that the British Government would carefully consider any proposals for a peace settlement he might bring with him. More probably perhaps a forged letter in these terms was conveyed to him. In either case Hess was led to believe that a visit by him to Britain would be welcomed by the British Government. Regarding this invitation as a challenge to his courage, utterly ignorant of the political situation in Britain and obsessed with an urge to self-sacrifice, Hess appropriated a fast plane and set forth for Scotland. On landing he was immediately arrested and subjected to a ruthless examination regarding Hitler's plans to invade the Soviet Union. Thereafter he was kept in strict military custody until he was sent to Nuremberg to be "tried" as a war-criminal.

It is quite certain that neither Churchill nor any member of his cabinet knew anything beforehand of the invitation made to Hess to visit Britain to discuss a peace settlement. When after the end of the war Churchill learned that Hess had flown to Britain as an unofficially invited envoy, he felt that the whole story was highly discreditable, and expressed his thankfulness that he had not been in any way responsible.

In official circles in Britain at the present time it is feared that if the full truth came to light most people would share the view of Sir Winston Churchill. True, Hess had only his own credulity and self-willed folly to blame for the grim fate which he has suffered. Still this provides no excuse for pretending that Hess was a war-criminal and keeping him in captivity for twenty-seven years, long after this pretence had been abandoned. It was decided therefore that Hess must be prevented from disclosing the full truth which could only be achieved by keeping him in prison until the deliberately contrived "very harsh and inhumane conditions" of his captivity (to quote Churchill's description of them) led to his death.

JUSTICE IN OUR TIME?

If this explanation be accepted, it is no longer a mystery why Sir Winston Churchill

should have referred to Rudolf Hess as having something of the quality of an envoy and why all efforts to obtain belated justice should have been so strenuously resisted.

[From The Time, Sept. 16, 1966]

WEST GERMANY: THE COST OF INCARCERATION
Something was dead in each of us,
And what was dead was Hope.

—BALLAD OF READING GAOL.

Nearly two decades ago, seven men stepped hopeless from a van in the red brick forecourt of Berlin's Spandau Prison. They were the senior survivors of the 22 Nazis brought to trial for major war crimes at Nürnberg. Their compatriots in crime—among them Luftwaffe Boss Hermann Göring and Wehrmacht Chief Wilhelm Keitel—had escaped imprisonment by either suicide or the noose.

Today only three of Spandau's original postwar prisoners remain: Youth Leader Baldur von Schirach, 59; Armaments Minister Albert Speer, 61; and the most mysterious of Hitler's odd coterie, Deputy Führer Rudolf Hess, 72. To keep this trio confined, Russia, France, Britain and the U.S. still maintain a special four-power commission, and on a monthly rotation send 79 civilians, officers and men to run Spandau.

The annual cost of operating the six-acre complex is \$106,750—a tab that is picked up by the Bonn government as war reparations. That is a high price per man to pay for incarceration, but at midnight, Sept. 30, the cost will rise even higher when Speer and Von Schirach are released after completing their 20-year sentences. Only Lifer Hess will remain in the costly keep.

Happy to Try. Tall, hollow-eyed Rudolf Hess has been a prisoner ever since the night of May 10, 1941, when he shocked the world by parachuting from a Messerschmitt fighter onto the Duke of Hamilton's estate in Scotland. His mission, he claimed, was to end the war between "the great Nordic nations" Britain and Germany. Hess did not have the approval of Hitler for his pacemaking mission, and indeed was quickly denounced by the Führer as "crazy." Hess remains convinced of the sacredness of his mission. "True, I achieved nothing," he wrote. "I could not save the people, but it makes me happy to think that I tried."

Thinking is about all that Hess does these days. Unlike Speer and Von Schirach, who busied themselves in the Spandau garden and read voluminously (Speer raised exemplary gladioli; Von Schirach memorized passages from Dante's *Divine Comedy*), Hess, for the most part, lies on the floor of his 7-by-10-ft. cell, clad in grey shirt, brown corduroys and wooden clogs, and practices yoga. During exercise periods, he marches listlessly about the yard in a black overcoat with a white numeral 7 stenciled on its back. Sometimes he reads the Frankfurter Allgemeine or the Communist Neues Deutschland.

Though allowed to see his family, Hess adamantly refuses to do so. He does, however, write a permitted 1,300 words a month to his family. "It is beneath our dignity to meet," he explained by letter to Wife Ilse, 66, who runs a small *Gasthaus* in Bavaria's Allgäu Alps. Belatedly, Hess has become a freedom lover. "I would never again put a bird in a cage," he wrote to Ilse. "Only now do I fully understand why the Chinese and Japanese, when fate is especially kind to them, go to the market, buy a bird, open the door of the cage and let him fly away. One day I will do this too."

Not very likely. The Western Allies have proposed that Spandau be closed and Hess transferred to a less costly jail. But the Russians have a veto, and in their wariness toward the West are not likely to sympathize with moves to reduce the costs of incarceration.

DARTMOUTH STUDENT GATHERS PETITION OF 2,000 NAMES ON BI- AFRAN POLICY

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

Mr. CLEVELAND. Mr. Speaker, I was visited this morning by a student from Dartmouth College who had come to Washington to find out what the United States is doing to bring about an end to the war between Biafra and Nigeria, and what more we could be doing.

This student, whose name is Chester Husted, carried with him a petition listing three areas in which the Federal Government could be doing more to alleviate the suffering in this area. The petition was signed by more than 2,000 persons from the small town of Hanover, N.H., and from several surrounding communities.

Mr. Speaker, I would like to include the text of the petition in the RECORD at this point. Quite a number of resolutions have been introduced in the House expressing Congress' concern over the course of events in Biafra and Nigeria, including my own resolution, House Concurrent Resolution 127, introduced with the gentleman from Ohio (Mr. LUKENS) and others. It is my own belief that the Government can do more to reduce the hunger and starvation of these people, without getting militarily or politically involved in the conflict.

A SEARCH FOR SOLUTIONS—STUDENT'S ATTITUDE REFRESHING

A word of praise is also due to Mr. Husted for his efforts to get support for the petition, and to see if the U.S. Government might more effectively bring about an end to the war. The concern which he has shown reaffirms my belief that despite the disorders on many campuses today, most of the younger generation of students are still actively interested in finding the solutions to the problems which face our Nation and the world.

Text of petition follows:

The war in Nigeria/Biafra is now in its twenty-second month. Because the Biafran people have proved that they are prepared to fight to the last man rather than submit, the war may last interminably, resulting in an even more acute famine that has reached huge proportions because of the Nigerian blockade. Statistics show that thousands of men, women, and children are dying daily of starvation and malnutrition.

We, the undersigned, believe that a massive effort on the part of every sector of the United States government and the United Nations should be undertaken to save the people of Nigeria/Biafra. We realize that it is within the capabilities of the United States in cooperation with other nations, within or without the United Nations, to alleviate the mass suffering that is taking place as a result of the conflict. We are aware that our government has been considering the situation, as evidenced by the following: the State Department has sent representatives to Nigeria/Biafra to obtain facts on the war; members of Congress have visited the area on fact-finding missions; resolutions have been drawn up in the House and Senate, and individual statements have been made by several members of Congress calling for

greater U.S. initiative in the direction of promoting a cease-fire. Furthermore, a limited amount of financial support and cargo aircraft has been provided by our government to the relief organizations such as the Red Cross and Joint Church Aid.

However, these efforts have not been sufficient, because the people of Biafra are still dying by the thousands. It is time that our government take immediate positive action to a much greater extent. Our government can work in cooperation with other nations in a number of ways:

1. Launch a massive airlift of food and medical supplies into the distressed areas. Many of the obstacles to relief flights have been removed by Lagos and Biafran authorities, and international cooperation can erase the remaining barriers.

2. Confer with and apply diplomatic pressure upon the nations who are supplying arms to either side to initiate an agreement among them, in particular Great Britain, the U.S.S.R., and U.A.R., and France concerning a cessation of arms shipments and other military aid as a logical step toward a cease-fire.

3. As mentioned above, seek international agreement on settling the crisis through the United Nations General Assembly. The United Nations has shown a hesitation to act that parallels the failure of the United States to take sufficient measures to save the civilian victims of the Nigeria/Biafra conflict.

There is no longer time to hesitate. In the interest of humanity, immediate action is imperative.

HIGHWAY SAFETY: COMMENTARY NO. 5

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

Mr. CLEVELAND. Mr. Speaker, as the fifth in my series of commentaries on Highway Safety, I wish to present the following statistics on highway fatalities. These figures represent death. They illustrate the urgent need for drastic action to make our roads safe.

In 68 years since the invention of the horseless carriage, almost 2 million people have lost their lives in auto accidents. This count does not include the millions of people maimed for life with physical or mental injuries.

Mr. Speaker, I present the following table for the benefit of my colleagues and the other readers of the RECORD, with the hopes that their reactions will result in a more concerted, constructive, and effective effort to reduce this needless carnage:

Special Subcommittee on the Federal-Aid Highway Program

MOTOR VEHICLE DEATHS	
Year	Total deaths
1912	3,100
1913-17 (average)	6,800
1918-22 (average)	12,700
1923-27 (average)	21,800
1928-32 (average)	31,050
1933	31,363
1934	36,101
1935	36,369
1936	38,089
1937	39,643
1938	32,582
1939	32,386
1940	34,501
1941	39,969
1942	28,309
1943	28,823
1944	24,282
1945	28,076

Special Subcommittee on the Federal-Aid
Highway Program—Continued

MOTOR VEHICLE DEATHS—Continued	
Year	Total deaths
1946	33,411
1947	32,697
1948	32,259
1949	31,701
1950	34,763
1951	36,996
1952	37,794
1953	37,955
1954	35,586
1955	38,426
1956	39,628
1957	38,702
1958	36,981
1959	37,910
1960	38,137
1961	38,091
1962	40,804
1963	43,564
1964	47,700
1965	49,163
1966	53,041
1967	53,100
1968	55,200

Total 1900 through 1968... 1,721,000

Source: National Safety Council.

THE PRAYER BREAKFAST: A TIME
FOR SPIRITUAL RENEWAL

(Mr. HORTON was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, spiritual decay is a symptom of our times. All of us—our colleagues in the House, men in business, and those who attempt to keep attuned to the hectic pace of modern life—find it almost impossible to squeeze a moment of solitude and quiet into our schedules.

Each day is a rush, from the moment we awake to the moment we go to bed. And yet, a great urgency for spiritual renewal is becoming more important. We feel a need for meditation, for a chance to take stock of ourselves as men, for a perception into the chaos around us.

A man who realized this and encouraged gathering together for prayer was Abraham Vereide, who died May 19. Abraham Vereide has been called the father of the prayer breakfast. Dr. Vereide knew of men's need to seek spiritual direction and guidance in their personal and business lives.

Here on Capitol Hill, the Senate and House have various prayer breakfast groups. I was privileged as were many of my colleagues to attend one on April 27, headed by Abraham Vereide, possibly the last before his death.

At a time when the need for prayer is becoming more and more important, I think it appropriate to share with my colleagues the remarks of Abraham Vereide on that occasion as he spoke on the concept of the prayer breakfast:

REMARKS BY DR. ABRAHAM VEREIDE,
APRIL 27, 1969

This enterprise was an idea, a concept, that came to me after considerable prayer on behalf of the nation and my own City of Seattle in 1935. Leaders must lead by precept and example. A leader must be led and in order to be led aright he must be led by God. Said St. Paul, "As many as are led by the spirit of God, they are the sons of God,"

and so we began to pray meaningfully, "Our Father, who art in heaven..." It meant the yielding to God and discovering Him as our Father and each other as brothers—as members of the same family—who would surrender our own stubbornness and our own wills to the will of God and become harmonized and unified in His plan and purpose, saying, "Thy kingdom come..." His reign, His will, must be the ultimate everywhere. About Jesus it was said, "The Word became flesh and dwelt among us."

Words, ideas, concepts became a living reality in Jesus and as we became alive and vitalized both in mind and spirit, in right identification with Jesus, we began to concretize the spiritual direction and to close the gap between theory and practice. City leadership, county and state, became God's agents for a new city and a new state, beginning with the individual and his own enterprises. We found God's way to be the workable way. We found God's plan to be a solution everywhere to the degree that men would follow it and yield to Him and the invasion of His spirit into human personality.

From concepts to demonstration—we are here today with the Senate and the House, Republicans and Democrats, the Executive Department and men of affairs, as well as these representatives from Spain, all telling the same story and joyfully sharing their experiences and passing on the good news to others.

Similar groups on every continent bear witness to the efficiency of the idea of teamwork with God and men to make the impossible possible and the human dreams and aspirations the happy solution in every clime, nation and in individuals.

The following item I frequently mention as the historical and Biblical background for the Breakfast Groups:

The first Breakfast Group was inaugurated beside the Sea of Galilee with a group of fishermen and discouraged businessmen. They were greeted by Jesus who inquired about their success and then gave them the instruction to "cast their nets on the right side of the boat"—doing business the right way—when a huge success was accomplished.

He invited them for breakfast having prepared that breakfast himself and built a fire that they might warm themselves and find the physical comfort needed. Then in congenial fellowship he asked them the searching question, "Do you love me?" This he asked three times and then gave them the challenge, "Feed my sheep," referring to childhood, youth and maturity.

The real text of life is love and this love must be manifest. The evidence of love is the right attitude expressed in service and helpfulness. The motivating force in life must be love."

Mr. Speaker, on May 19 columnist David Lawrence had an excellent article in the Washington Star on Abraham Vereide which vividly demonstrates his "lasting legacy in the form of prayer breakfast groups." The article follows:

PRAYER BREAKFASTS ARE A MEMORIAL
(By David Lawrence)

Abraham Vereide—The father of the prayer breakfast movement—who helped to create hundreds of prayer groups throughout the United States and in 70 countries of the world, has just passed away at his home in Washington at the age of 82.

Few men in American history, inside or outside the church, have exercised as much influence as did Dr. Vereide through the banding together of laymen of all religions to seek spiritual guidance in their personal and business life.

Dr. Vereide was responsible for the establishment in 1941 and 1942 of the Senate prayer breakfast and the House prayer break-

fast, each of which meets weekly while Congress is in session. There are no sermons preached by ministers, but a member of the group acts as the leader at each meeting. All discussions are off the record.

The Senate and House groups hold a presidential prayer breakfast each year, which is attended by several hundred guests, including the President of the United States and high officials from all branches of the federal government.

There are gubernatorial prayer breakfasts annually in 47 states. In a number of states, regular gubernatorial prayer breakfasts are held similar to the weekly meetings of groups in the Senate and House.

Abroad, the movement has taken hold on every continent. In recent years, the chief of state has participated in annual prayer breakfasts in countries like Canada, Brazil and Korea.

The groups are nondenominational and nonsectarian. Persons of all faiths are invited to join in the prayer breakfasts. While the spread of the movement has been facilitated by the International Christian Leadership organization, founded by Dr. Vereide, each breakfast group in every city, state or country is spontaneously organized and operates on its own.

Dr. Vereide served for a number of years as a Methodist minister, and was for four years associate general superintendent of the Goodwill Industries of America. It was in 1935 that he put into motion the idea of the prayer breakfast group, setting up the first one in Seattle, Wash. As the movement spread, the International Christian Leadership was founded in 1947 as an instrument to encourage formation of the groups worldwide. Its basic budget of less than \$80,000 dollars a year is provided by contributions from individuals who are in the groups.

Today there are in the City of Washington alone about 40 prayer breakfast groups. Many of them are in the federal agencies, where the staff of a commission or department organizes a weekly prayer breakfast meeting. In groups throughout the country, members include judges as well as business and professional men and state and city officials. The attendance varies somewhat from week to week, but generally between 15 and 25 persons are present. This affords an opportunity for an intimacy of expression between individuals such as is not ordinarily developed.

The meetings usually begin at 8:30 a.m., and during the first half-hour of breakfast, there are conversations back and forth across the table. Both Republicans and Democrats participate. At 9 o'clock, the member who has been designated to lead presents a paper for 15 minutes, after which there is 15 minutes of discussion followed by a closing prayer.

Over the years, some close friendships have been built up in these meetings, including a better knowledge and understanding of each other between members of opposite parties. Frankness prevails, and the emphasis is on conscience and adherence to moral principles.

Even after some members of the House and Senate have left office, they frequently come back to the prayer breakfast meetings. The same experience is reported by those who attend the prayer breakfasts in the executive branch of the government here as well as in several of the parliamentary governments of the world.

Dr. Vereide's achievements have been known to a relatively small number of people, but he has left behind a lasting legacy in the form of prayer breakfast groups. It is likely not only to live on, but to grow as the movement continues to expand among the people on every continent of the globe.

Last February I drew the attention of my constituents to a renewal of prayer services in our Nation's Capital and I

would also like to share those sentiments with you:

[From the weekly column for Feb. 9, 1969, by Congressman FRANK HORTON]

PRAYER IN THE CAPITOL

"... May it be our aim, as we meet daily in this historic chamber, to meet the needs of struggling humanity, to strengthen the ties that bind free men together, and to find the way to peace among the nations of the world..."

With these words, Reverend Edward G. Latch, Chaplain of the House of Representatives, recently opened a legislative day in the House. Prayer is a traditional part of both Houses of Congress, just as it is a part of American heritage.

The First Amendment to the Constitution says, "Congress shall make no law respecting an establishment of religion..." This phrase was designed, not to discourage religion, but to assure the equal freedom of worship to all.

Unfortunately, many people have taken this phrase to mean that God has no place in our Government.

While the Constitution does prohibit the establishment of any religion by Government, it in no way precludes those in Government from expressing their personal religious beliefs and exercising religious rights.

The Constitution does not require the government to turn its back on religion, to the point where prayer and religious beliefs have no place in the lives and ceremonies of public officials.

Down through the years our leaders in Congress and in the White House have prayed in the manner of their choice for inspiration and guidance in carrying out their responsibilities.

Prayer was offered at the convention in Philadelphia which produced our Constitution. Prayer is offered as each house of Congress opens its daily session.

In 1955 Congress provided its members a special non-sectarian chapel. This room, with an accent on simplicity, gives the men and women who must make the gravest decisions for America and the world a place to worship.

The chapel is designed for private meditation and prayer, not for a general assembly.

The focal point of the chapel is a large stained glass window which shows George Washington kneeling in prayer. The altar and prayer bench are of white oak.

With all the turmoil in our country today it would be well to look to the words of our First President:

"While just government protects all in their religious rights, true religion affords to government its surest support."

President Nixon's inauguration was one of the first times since George Washington that a full-scale worship service has been a part of the inaugural program.

Prior to the swearing-in ceremonies on the Capitol steps, about 750 persons attended a prayer service at the State Department Auditorium.

Mr. Nixon also has initiated a Sunday worship service at the White House. The President's efforts are an example all of us can follow in bringing about a spiritual renewal in our country.

Another monumental spiritual event was the annual Presidential Prayer Breakfast which Mrs. Horton and I attended. The President and Vice President and their wives attended along with a large majority of Congressmen and Senators.

A notable aspect of the breakfast was that, for the first time, every one of the newly-appointed Cabinet members attended with their wives.

Reverend Billy Graham was the main speaker at a subsequent Presidential break-

fast the same morning attended by 2,000 invited guests.

The past few weeks in Washington have brought a refreshing injection of spirituality and perspective into an America which has suffered from chronic shock, crises and tragedy for more than a decade.

"To a crisis of the spirit," Mr. Nixon said inauguration day, "we need an answer of the spirit."

The country is in need of spiritual therapy. The renewal of worship and prayer in the routine of government is most encouraging.

REDUCTIONS IN DEFENSE SPENDING

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

Mr. SIKES. Mr. Speaker, there is widespread discussion on the subject of cuts in military expenditures. There are those who would make drastic reductions in defense programs. Such a proposal has been debated in the Democratic caucus. It is very desirable to find ways to save money in all agencies of Government—not just in Defense. I would hope that the entire Congress can work together toward that end. I feel that more could have been accomplished heretofore had a keener interest been shown in this subject by the membership when appropriations bills were under consideration. It is an inescapable but unfortunate fact that few Members attend House sessions which are considering appropriations measures, and fewer still make an effort to reduce expenditures when these bills are under debate.

It would appear from some of the statements that are now being made that the record of the House on savings is not good and that we have, to an extent, failed in our responsibility. This is not borne out by the facts. The recommendations of the Appropriations Committee have consistently reflected reductions in budget estimates. Last year, the Appropriations Committee of the House cut \$15 billion from expenditures; \$5 billion of the reduction was in Defense spending. This agency sustained one of the highest percentage cuts among all agencies of Government.

To those who now wish to direct efforts for reductions in expenditures primarily toward the military, let me point to the fact that, taking into consideration the Vietnamese war and the higher costs of defense due to wages and inflation, we actually have the smallest level of defense spending we have had in years. Defense spending without these added factors is less than it was in the early 1960's, in times of comparative peace. As a result of this situation, badly needed modernization of ships and aircraft has been delayed for several years. This is a dangerous delay which is becoming more aggravated with each passing day.

The Russians have not made a corresponding reduction in their level of defense. They spend approximately twice as great a percentage of their gross national product on defense as we do. They are spending about as much in dollar value as we spend, and Russia, by virtue of lower wages and better control of in-

flation, gets more for a defense dollar than we do.

It must be pointed out—and this statement will be sustained at the highest levels in the Pentagon—if large arbitrary cuts are made in the current defense budget, there is no alternative but to accept substantial troop cuts. This would necessarily mean that U.S. commitments worldwide would have to be reduced. Or would also mean further delays in modernization. I would hope that those who insist on large reductions in defense costs at this time would do us the kindness to enumerate what specific U.S. commitments should be dropped and where retrenchments in modernization should be made. Failure to do this would leave us in a most irresponsible position which I think would be unbecoming to Congress.

Let me reiterate: Congress does not need to apologize for its record in saving money. The House has faced up to its responsibilities as a legislative body. We cannot control the actions of the other body of Congress, nor can we administer the funds which Congress appropriates.

We should not be asked to accept blame for cost overruns or even for waste where other agencies of the Government have direct responsibility for administration of programs and we have none.

We can investigate; we can uncover facts; we can write limitations and we can hold appropriations to the lowest level consistent with proper operation of Government agencies. In this area we can strive to do a better job, but let us not assume the blame for acts beyond our responsibility.

STUDY ON CHEMICAL AND BIOLOGICAL WARFARE

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

Mr. SIKES. Mr. Speaker, the study which has been ordered on chemical and biological warfare by President Nixon can serve a useful purpose, and its desirability was concurred in by Army officials in charge of the program in the Pentagon. The study can produce needed information and help to clear the atmosphere. There have been some responsible statements on the subject, some loose talk, and many sensational articles, some of which undoubtedly were based more on imagination than fact.

It would be a highly desirable thing if conferences also could be held with the Russians in an effort to curtail or eliminate chemical and biological warfare programs. This, of course, is a possible outgrowth of the President's study. Russia is the world's leading power in chemical and biological capability.

The Russians ratified the Geneva Conference against the use of poison gases, but did so with the reservation that it was not binding if other nations, presumably the United States, failed to ratify the treaty. We have not done so.

For some strange reason, it has been extremely difficult to get simple facts set forth on chemical and biological war-

fare, and in those instances where the facts are made known, it is doubly difficult to get them printed. For years there has appeared to be a conspiracy of silence about the need for capability in this type of warfare for the defense of the United States. But throughout this period, any horror story applicable to chemical and biological agents could be certain to receive front page scare headline treatment.

I do not question the motives of those who are genuinely concerned about this problem, but sometimes I wish they would also familiarize themselves with the facts. The facts are important both to the proponents and opponents of chemical and biological warfare. These are dangerous agents and they must be handled with care. Equally important is the fact that without both knowledge and capability in their use, America's defenses could be jeopardized.

The current testing program is the smallest in years. The figure of \$330 million, which has been used as the level of U.S. participation in C-B activities, is made up largely of munitions; that is, tear gas and defoliants for use in Vietnam. It should be emphasized that U.S. studies in this field are aimed principally at the development of incapacitants which neither maim nor kill.

All warfare is terrible and it is something which should be avoided wherever possible with honor. But there seldom appears to be concern about the horrors which attend other kinds of warfare comparable to the concern expressed about the use of chemical and biological agents. Napalm is used extensively in Vietnam with results which are brutal and terrifying. Those not killed maybe horribly burned. By contrast, tear gas, which is a chemical weapon in use in Vietnam, has not killed a single person, but its use has made it possible to save the lives of women and children and others who were hostages of the Vietcong, and it has saved the lives of Americans who, by using tear gas, were able to force out Vietcong who were dug in or who were hiding in tunnels, thus avoiding exposure of our own forces to enemy fire. The catastrophe of death and destruction which would be rained by nuclear weapons is not even under question. Apparently there are no headlines to be gained by attacking this type of warfare.

Symbolic of the scare stories that circulate and which are picked up and repeated without regard to accuracy is the current one that we could have been subjected to the risk of hundreds of thousands of deaths by a tired railroad engineer's misjudgment of a curve in the track or an aimless shot at a passing freight train by a boy testing his new rifle. This refers to the proposed disposal of outdated nerve gas. A train wreck, even if it occurred despite the triple and quadruple safety precautions which would be taken during cross-country shipment of nerve gas, would not have one chance in a hundred of releasing nerve gas on the countryside. A rifle shot from a boy or a saboteur or a fool would have no effect because it would not penetrate the containers in which the gas would be transported. In-

centally, there have been cross-country shipments of gas munitions before and nothing happened. The danger is in keeping, not in disposing, of outdated or obsolescent nerve gas.

One writer has warned of the danger from chemical munitions stored at Denver 3 miles from the end of a runway at the civilian airport, a runway which was not there when the munitions first were stored. In the same breath, he complains because the Army wants to remove the chemicals for disposal. This is typical of the inconsistent statements which have been directed at the program.

The reason for the proposed disposal of the outdated gas is simple enough. We do not need it. It is old gas. It is obsolescent and is becoming dangerous to store. Depositing it in old hulls in the bottom of the sea far from shipping lanes is the safest and cheapest way to dispose of it permanently.

All the questions about the disposal of the surplus nerve gas have been carefully researched. It is not a simple problem but the answers about procedures and safety are convincing enough to any reasonable person who is interested in facts.

The story is repeated apparently with gloating by some horror seekers that we possess enough nerve gas to kill every person in the world a thousand times over. We do possess enough to kill every person once, but they would have to be lined up and inoculated one by one—a most unlikely occurrence. No such mass kill could possibly occur even in war.

By the same token, we possess enough bullets to kill every human being in the world several times over, but no one seems to be apprehensive about such an occurrence. We have expended enough munitions in Vietnam to have killed every person in the world had each round been destructive to its full capability. Yet there seem to be a great many North Vietnamese and Vietcong left even in that small part of the world. Perhaps I should also touch on the deaths that could be wrought by atomic explosions from weapons now in our arsenal. They could also kill every person on earth several times over, and are much more likely to do so than chemical or biological weapons.

The one point which those who would have us eliminate chemical and biological weapons from our defense inventory almost never touch upon is Russia's capability in this field. It is estimated by those who are experts and who have possession of the facts—and I stress fact rather than rumor—that Russia has 10 times the capability in this field than we have. If we fail to continue our testing in this field, and if we further weaken our relative capability, we expose ourselves more and more to danger of attack with these weapons. I have seen nothing which provides assurance that Russia may not someday bypass the very obvious risk of mutual destruction through nuclear war and gamble on something different and cheap and very effective like chemical and biological weapons. A 10-to-1 ratio of superiority in attack capability must be considered more tempting than a 1-to-1 ratio as in the case of nuclear weapons.

LITCHFIELD, CONN.'S, 250TH ANNIVERSARY

(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, from July 3 to July 6 the Connecticut town of Litchfield—one of the Nation's oldest and most historic communities—will celebrate its 250th anniversary. From 1958 through 1964 I had the honor to represent Litchfield in the Congress, and as the town's 250th birthday approaches, I think the time is appropriate to consider national as well as local commemoration of the Litchfield heritage.

Litchfield's contributions to our national experience reflect that community's remarkable affinity for order and careful planning. From the date of original settlement in 1719, the citizens of the town committed their full energies and resources to the harmonious development of American business, American religion, American education, and American politics. The fruit of their good works constitutes a proud and unique heritage. For example, Litchfield's Tappan Reeve Law School, founded in 1744 as the Nation's first professional law school, produced in its 59 years of existence no less than two Vice Presidents, six Cabinet officers, 26 U.S. Senators, 90 Members of Congress, six Governors of Connecticut, 10 Governors of other States, three Justices of the U.S. Supreme Court and 10 chief justices of State supreme courts. The stamp of a Litchfield education on the Nation's growth can also be seen in the contributions of such men as Vice President John C. Calhoun, educator Horace Mann, inventor Samuel F. B. Morse, and artist George Catlin. All these men and the Nation as well were the beneficiaries of Litchfield's social commitment to higher education and a higher public morality.

The following article written by John P. Conway and published in the Waterbury Republican's Sunday magazine narrates in greater detail Litchfield's historic past and its anniversary program:

LITCHFIELD GIRDS FOR BIRTHDAY CELEBRATION (By John P. Conway)

Historic Litchfield with its wide, tree-lined streets, its black-trimmed, white colonial houses on carefully-tended lawns, a New England showplace of about 7,500 year-round residents, typically quiet and serene . . .

But from July 3 through July 6 Litchfield will explode with excitement. With some anxiety officials expect 75,000 persons to pour in to help celebrate the town's 250th anniversary, an event that has been planned for the past year and a half.

Other historic homes in Litchfield include the Julius Deming Home, built in 1793 with palladian window over portico; the Benjamin Hanks Home, built for the clockmaker in 1780; the Ephraim Kirby House, built in 1773; the house of Lynde Lord, Sr., high sheriff of Litchfield County, built in 1771.

Perhaps one of the most photographed buildings in Litchfield is the historic Congregational Church, built in 1829, the third Meeting House of the First Ecclesiastical Society. This was erected apparently from the designs by Levi Newell of Southington. Abandoned in 1873 to make room for a fourth church, this is a Gothic structure. It was eventually returned to the original site and carefully restored. It is considered one of the

finest examples of early 19th Century architecture.

Even Litchfield's jail is historic, and, perhaps, the only jail in the country with a bank attached to it. This dignified and well-kept, building at the junction of North and West Sts., was built in 1812 of the same type brick used at old Newgate Prison in Granby. The first town jail, of hewn logs, was on the north side of East St. beyond the Torrington Rd. British prisoners were confined in the old jail during the Revolution.

Special services at all churches in Litchfield on July 6 will recall the influence of the clergy throughout the town's history. The most famous was the Rev. Lyman Beecher, pastor of the Congregational Church from 1810 to 1826. His sermons attracted wide attention including his famous series known as "Six Sermons on Intemperance," delivered in 1826. The first Temperance Association in America was formed in Litchfield in 1789, and Beecher's later sermons carried the message of this association, setting the country thinking.

Said Rev. Beecher: "I wrote under such power of feeling as never before or since. I didn't set up for a reformer any more than this: When I saw a rattlesnake in my path, I would smite it." Rev. Beecher was the father of Henry Ward Beecher and Harriet Beecher Stowe who wrote "Uncle Tom's Cabin." His homesite is marked on North St.

Another colorful minister in Litchfield, during the Revolution, the Rev. Judah Champion, more than lived up to his name. At one point in the war the entire country was alarmed with news that Lord Cornwallis with a fleet was beating toward the American coast.

Col. Tallmadge happened to be passing through Litchfield at the time with a cavalry regiment. He and his troops attended Sunday service and heard Rev. Champion invoke the wrath of heaven thus:

"O Lord! We view with terror the approach of the enemies of thy holy religion. Wilt thou send storm and tempest, to toss them upon the sea, and to overwhelm them upon the mighty deep, or to scatter them to the uttermost parts of the earth. But, peradventure, should any escape thy vengeance, collect them together again, O Lord, as in the hollow of thy hand, and let thy lightnings play upon them."

Taking a deep breath, the minister continued: "We beseech thee, moreover, that thou do gird up the loins of these thy servants who are going forth to fight thy battles. Make them strong men that 'one shall chase a thousand, and two shall put ten thousand to flight.' Hold before them the shield with which thou was wont in the old time to protect thy chosen people. Give them swift feet, that they may pursue their enemies, and swords terrible as thy destroying Angel, that they may cleave them down when they have overtaken them. Preserve these servants of thine, Almighty God, and bring them once more to their homes and friends, if thou canst do it consistently with thine high purposes. If, on the other hand, thou hast decreed that they shall die in battle, let thy spirit be present with them, and breathe upon them, that they may go up as a sweet sacrifice into the courts of thy temple, where are habitations prepared for them from the foundations of the world."

Litchfield also claims another Revolutionary War hero as a son, Ethan Allen of Ticonderoga fame. Allen spent much of his youth and early manhood around Cornwall and Salisbury and was involved in iron mining. About 1765 he went to New Hampshire.

The hardy band of pioneers formed an organization called the Green Mountain Boys and appointed Allen the commander. Early in the Revolution the strategists planned the capture of the British fortress on Lake Champlain and by common consent Allen was chosen to lead the assault.

It was a peaceful May morning in 1775 when Allen and his small band of marauders entered the fort at Ticonderoga, and thundered at the door of the commander that he surrender the garrison. By whose authority? "In the name of the great Jehovah and the Continental Congress," shouted Allen, waving a sword and threatening the commander with instant death.

Again in the Civil War, Litchfield men answered the call and trained at the now peaceful Camp Dutton on Chestnut Hill. The 19th Conn. Regiment later known as the Second Conn. Heavy Artillery, was recruited and trained on Chestnut Hill.

In 10 battles this regiment gave a good account of itself but suffered bloody losses at Cold Harbor and Manassas. Of 280 men from Litchfield 77 died. Each week the sad tidings were delivered through the village. Three sons of the Wadhams family, living on Harris Plains, were killed within 14 days.

From war to banking, Litchfield is steeped in history. The First National Bank, attached to the jail, dates back to 1814 when a charter for a bank was sought in Hartford. The town gave its support and this became a hot issue.

Political feeling ran high in Connecticut at the time and the promoters of the project enlisted the strong Federalist feelings to get the branch of the Phoenix Bank of Hartford established in Litchfield with Col. Tallmadge the first president. Thus in 1864 the First National Bank, the sixth oldest bank in the state, was incorporated. And the history of this, and other, banks "from wampum to credit cards" will be recalled during the celebration.

For months leading up to this observance, men around town have grown beards which will be judged the afternoon of July 4 at the White Memorial Foundation grounds. Other events scheduled that day include bell ringing at 2 p.m., followed by a band concert at the foundation grounds; "Know Your Town" tours and the massive fireworks display on Chestnut Hill at 9 p.m. Rudolph J. Schaefer of the brewery, who had a farm in Litchfield for about 20 years, donated \$1,000 for the fireworks, along with red and white uniforms for beer garden waiters at various points.

A big opening dance at 9 p.m. July 3 will help kick off events at Community Field. Two huge floors under canvas are set up for a costume ball for older residents and a regular dance for younger people. Two bands will play and a central buffet between tents with beer garden will cater to everyone. Other events July 3 include the opening of the industrial and agricultural exhibit; the DAR fashion show on the foundation grounds; the Connecticut Furniture exhibit at the historical society.

A children's parade will be held at 9:30 a.m. July 5 with the larger parade "Cavalcade of Yesterday and Today" scheduled for 2 p.m. Exhibitions will continue and there will be a square dance jamboree at 8 p.m. and a baseball game played at 6 p.m. at Community Field.

Family picnics are planned on July 6 from noon until time for the community sing and concert on the foundation grounds from 2:30 to 4:30 p.m. A polo game will be played at Keefe's Stables starting at 2 p.m. Events will taper off toward late afternoon to end the four-day observance.

Along with events, many souvenirs will be offered at shops and stores including beer mugs, plaques, hats and pennants. According to Mrs. Newell Rogers, in charge of publicity, a cookbook of old Litchfield County recipes, which has been on sale since June 1, will also be sold in town. Some recipes date back to the early 19th Century.

The official Central Committee of the town planning the event faced many staggering problems; food and lodging for instance. According to Fisher, professional caterers

will set up stands at all major sites to feed the crowds expected.

Lodging, though, is another thing. The Westleigh Inn, built in 1760 as a private home, now operated as a private hotel-dining room, has but 12 guest rooms and three dining rooms capable of serving 150 persons at a sitting. The building, incidentally, still has the original hand-hewn wood-pegged beams. Since 1954 it has been operated by two New York men. Scenes of Litchfield, including several by A. Sheldon Pennoyer, are displayed in the inn.

Said Fisher, "We expect to have a map pin-pointing towns within a 25 mile radius where rooms will be available." Visitors who intend to stay a few days will have to travel to outlying cities like Hartford and Waterbury for hotel accommodations.

Traffic should be bumper to bumper through the town during the celebration and State Police have been working to solve this headache. Special traffic patterns have been set up with parking areas marked off. Town residents will have special stickers, or other identification, to permit them to drive to their homes.

Said Fisher, "This has been a total town effort and there has been wonderful cooperation. We worked with an official Central Committee of 25 and an Executive Committee of seven. We were fortunate in getting some very astute people to help. And all this has been planned to remind us of our long heritage."

Fiercely proud of its legacy, a tasteful mixture of past and present after 250 years, Litchfield plans to pull all the stops for four days to boast of this legacy and visitors are more than welcome.

From early indications and from events scheduled, the celebration will be long remembered in and around Litchfield. It should certainly surpass the 200th anniversary celebration held in 1920 when 10,000 persons including Gov. Marcus H. Holcomb came to join in the observance.

In 1920, His Worship, the Mayor of Litchfield, England, Henry G. Hall, the cathedral sister city of the Northwestern Connecticut town, regretted he could not attend the celebration but sent a resolution of congratulations on vellum for the observance.

But Mrs. A. G. Millard, present mayor-council of Litchfield, England, will be on hand for this bash in new ceremonial robes, accompanied by her husband, and Col. Sir Stuart M. Mallison, the lord lieutenant of Essex. She will take part in all events, ride in a stagecoach with First Selectman Leonard W. Hutchinson, review the big parade and be honored with a 15-gun salute. Danbury's British Colonial-dressed guard, "The Fourth of Foot," will be on hand to escort Mrs. Millard.

Already, thousands of silver and bronze medallions, struck for the celebration, have been sold and more will be auctioned off in shops and stores. Designed by Capt. Herbert S. Jones (USN-Ret.) and Postmaster S. Woodruff Clark, the medallions bear the town seal on one side and the figures of an Indian and proprietor on the other side.

The new official town flag, deep blue trimmed in gold, displaying the town seal, will be carried at the head of the big parade July 5, another will fly over the Town Hall during the observance, and a third will be flown at the 3,500-acre White Memorial Foundation grounds where many special events will be held.

The four-day event will feature agriculture and industrial exhibits, a DAR fashion show, an early Connecticut furniture show, a concert, a community sing, bell ringing, town tours, square dance jamboree, a massive display of fireworks on Chestnut Hill near Camp Dutton, the Civil War training grounds, and, of course, services in all churches.

Actually, anyone who visits Litchfield on

July 3 when exhibits open at 11 a.m., on White Memorial Foundation grounds, can take in continuous events through four days right up to late afternoon of July 6.

The observance is being held this year instead of next because though the town was settled in 1720, permission to settle was granted in 1719 to Lt. John Marsh of Hartford, Deacon John Buell of Lebanon and others. Actually, as early as 1715 Buell explored the area in the southern foothills of the Berkshires north of Waterbury and west of Farmington.

The name Litchfield has been translated to mean "field of the dead," traced back to the Dioclesian persecutions of the Christians in the Fourth Century. Litchfield, Conn., still retains the "T" in the name though the English town dropped what was considered the "quaint spelling" many years ago.

Though there are at least 100 historic houses in Litchfield they will not be open during the four-day celebration. However, the annual open house for the benefit of Litchfield Junior Republic will be held July 13. "Houses will then have markers outside and will be pinpointed on a map, said Robert L. Fisher, committee member. "We couldn't very well ask people to open their homes with up to 75,000 people expected in town."

Theme of the big parade from South St. to Community Field will be "Cavalcade of Yesterday and Today." The parade will step off at 2 p.m. with 24 bands scheduled to march, including the popular Mattatuck Fife and Drum Band. Among the 24 floats entered will be one depicting the early days of the Tapping Reeve Law School, claimed as the oldest school in the country; another based on Miss Sarah Pierce's Female Academy for Women, and others entered by towns in the county.

Some 70 pieces of furniture having a history of manufacture or use in Northwestern Connecticut between 1750 and 1850 will be exhibited at the Litchfield Historical Society Building. Several pieces are attributed to Silas Cheney, early 19th Century Litchfield cabinetmaker. Many are documented by entries in surviving account books kept by Cheney from 1799 to 1821. Also shown will be furniture made at Norfolk, Woodbury, New Milford, New Hartford and Barkhamsted. An illustrated catalog will be on sale at the society headquarters.

A continuous four-day exhibition, mainly agriculture and industrial, will be held at the White Memorial Foundation grounds. Called "Panorama of Change," it will consist of "action exhibits showing the evolution of all factors of life in Litchfield over the past 250 years. It will feature the evolution of power from the ox and waterwheel to combustion and atomic engines," said Henry Krebsler, Litchfield County 4-H Club agent and chairman of the exhibit.

Said Krebsler: "There will also be exhibits on transportation, illumination, electric power, communication, water systems, banking, Indian culture, and a complete saw mill operation. The banking exhibit will cover everything from wampum to credit cards."

The town, especially that section around the Village Green designated a historic landmark by the General Assembly in 1959, will be decked out in flags and bunting donated by several area firms. The store fronts have been all spruced up with boxes built by boys from the Junior Republic containing red, white and blue flower patterns planted by members of the Litchfield Garden Club.

From its settlement in 1720, when it was called Bantam, a corruption of an Indian name Litchfield has shown an affinity for order and careful planning. Henry Ward Beecher, one famous son, wrote: "They laid out their streets and staked off the village common with such generous breadth that they remain the delight of the residents and

the admiration of strangers to this day. They made such liberal provision for education and religion that the settlement soon became noted for the excellence of its schools and the commanding influence of its pulpit."

Earlier, the Rev. Dan Huntington, who came from Yale in 1788 to become third pastor of the Congregational Church, wrote: "A delightful village on a fruitful hill, richly endowed with its schools, both professional and scientific, with its venerable governors and judges, with its learned lawyers and senators and representatives, both in the national and state departments."

Indeed, it seemed for years the legal brains of the nation all were honed at Litchfield and the Tapping Reeve Law School. Founded in 1744 by Judge Tapping Reeve, the school operated for 59 years. From 1798 when Reeve was appointed a judge of the Superior Court, James Gould from Yale, a former student of Reeve, continued its operation through 1833. During those years some 1,100 young men were prepared for the bar.

Some famous graduates included Aaron Burr and John C. Calhoun, both Vice Presidents of the United States; Horace Mann, the educator who reorganized the public school system in the country; Samuel Finley Breese Morse, inventor of the telegraph; Junius Smith, father of transatlantic steam navigation, and George Catlin, the Indian painter. He began as amateur artist while at the law school.

Other distinguished graduates included six Cabinet officers; 26 United States senators; 90 members of Congress; six governors of Connecticut; 10 governors of other states; three justices of the Supreme Court and 10 chief justices of states.

American law was in its formative stages when Reeve and Gould were teaching at the school. A comprehensive curriculum, covering the entire field of jurisprudence, was later divided into 48 titles or subjects. The school set the pattern for legal training through daily lectures, periodic examinations and the moot courts. The school, a one-room building a few hundred feet from Reeve's house, was considered the fountainhead of lawyers in this country.

Though its claim to being the first law school in the country is disputed by a claim from the College of William and Mary in Williamsburg, Va., in Litchfield the local claim is accepted as fact. The law school was closed in 1833. In 1930 a group of lawyers, including Chief Justice William Howard Taft, bought the property, restored the one-room school then gave it to the historical society.

Another famous school in Litchfield during that golden era was the Female Academy operated by Miss Sarah (or Sally) Pierce. Opened by Miss Pierce in 1792, the academy attracted thousands of women from all parts of the country. Miss Pierce ran the school for 40 years and it did not long survive her retirement. She had devoted her life and energies to the Academy.

Her school and its popularity rivaled that of Judge Reeve's Law School. The presence of so many law students in town must have attracted many of the young women to Litchfield. One law school student quoted Mrs. Reeves as saying: "The young ladies all marry law students." Then she added: "But it will take two or three years for the young crop to become fit for the harvest."

Early maps of Litchfield show streets still in use today, although the names have changed. The main streets, North, South, East and West Sts., intersect at the Village Green, originally the site of the Meeting House, the court and the school. Around this center the town developed.

Until 1751 Litchfield grew slowly. But then it was chosen as the county seat and from that year until 1873 all the courts of the county met there. In 1873 there were changes in the judicial system. Yet as the county seat, Litchfield had become important from

a legal, commercial, social and educational standpoint.

During the American Revolution Litchfield was an important military depot and a natural point for changing horses, the crossroads between Boston, Hartford and Albany, and New York City, New Haven and Albany. Washington made several trips through Litchfield on his way to Wethersfield and Newport for consultations with the French, stopping once at the Shedon Tavern, and again at Oliver Wolcott's.

Oliver Wolcott, one of the signers of the Declaration of Independence, will be honored July 4 at a 10:30 a.m. observance on the Village Green. A governor of Connecticut, Wolcott is credited with masterminding the toppling of the lead statue of King George III at Bowling Green in New York aided by the Sons of Liberty, then hauling it to Litchfield by oxcart where it was melted down in his orchard. Records show that 42,088 musket balls were cast by Litchfield women who "melted majesty to fire at the king's troops." Wolcott's house still stands in Litchfield.

It was his son, Oliver Wolcott, Jr., also a governor of the state, who planted 13 sycamores shortly after the Revolution and named them for the original 13 states. One designated Connecticut stands today in front of St. Anthony's Church on South St.

Another historic home, now privately owned like most of the others, is one on North St., once occupied by the dashing Col. Benjamin Tallmadge, classmate and intimate friend of Nathan Hale at Yale, and chief of the Secret Service during the Revolution. Built in 1775 by Thomas Sheldon, a short distance from the tavern, this house was occupied by Tallmadge in 1782. A successful merchant after the war, he also, represented Connecticut in Congress for 16 years. It was Tallmadge who took charge of and escorted British Maj. John Andre to his execution for complicity in the treason of Benedict Arnold, a duty that troubled him.

The square house with mansard roof, built by Elisha Sheldon in 1760, was later operated as a tavern by his son, Samuel. It was here Washington stayed during one of his trips through town. Later the house was owned by Dr. Lemuel Hopkins, the eccentric physician and one of the "Hartford wits." Uriah Tracy, Federalist politician and U.S. senator from Connecticut, added the entrance porch with palladian window under the direction of William Spratt, pioneer Connecticut architect-builder.

TAX SHARING ACT OF 1969

(Mr. BUSH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BUSH. Mr. Speaker, I am introducing today the Tax Sharing Act of 1969 which provides for proportional annual payments from Federal tax revenues to the States on virtually an unconditional basis.

The expenditures of the States keep increasing but their sources for revenue are becoming less and less. So we are faced with a choice—an exciting opportunity—to strengthen the Federal system by restoring the climate in America where creativity and problem solving is encouraged at the State and local level.

For years we have been following the same unimaginative methods of solving our domestic social problems, advancing the basically ineffectual idea that if a highly centralized program failed, the next step for achieving success would be

through doubling the expenditure. Yet, despite an ever-increasing commitment, we have not made significant inroads into the solutions of our problems. And, at the same time, we have forced prudent State administrators to follow Federal priorities rather than their own and we have robbed the States of their best talent by bringing their best administrators to Washington.

There is an alternative. We could encourage the States to become a viable and equal partner in the problem solving. We could create a climate whereby local people would address themselves to the most urgent local problems and not to those problems that appear essential to this level. And, if we do this we will be spending the estimated \$40 billion needed for Federal aid to the States in the 1970's more efficiently.

I am always hearing, "Oh, but in the 1930's the States failed when it comes to States responsibilities." And these people have a point. But, should we say, "Let's junk our whole system" because of some weaknesses or should we redouble our efforts by working to support an enlightened federalist system?

We have the talent. We have the resources. We have the will to solve our domestic problems effectively, but to do so requires local answers. This bill in providing the States with some of the resources they so desperately need will help get them on the road toward providing the services their residents expect of them.

JOE McCAFFREY'S BROADCASTS

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

Mr. HALEY. Mr. Speaker, I am happy to have the opportunity to say for the public record something I have said in private on many occasions and that is that if one really wants to know what is going on—or why something is not going on—in the Congress of the United States, the simple way to find out is to tune in on Joe McCaffrey's broadcasts.

If there is in all of Washington a newsman who knows his subject more thoroughly, and who reports on it more accurately and more concisely, than Mr. McCaffrey, I certainly am unaware of his or her existence. And I say in all earnestness that those of us in the Congress are fortunate that Joe McCaffrey's specialty subject is the Congress itself. We are fortunate because there are too many members of his profession who do report on congressional activities, but who do so sketchily and frequently inaccurately because, for one reason or another, they do not have full knowledge and full understanding of the Congress itself. This kind of reporting is responsible in large degree for the fact that the Congress is misinterpreted and misunderstood by the people at large and for the fact that its prestige as one of the three coordinate branches of the Government has been diminished in recent years.

But it is not this kind of reporting that we get when we listened to Joe McCaffrey, who is observing the 25th anniversary of his entry into the broadcast

news field in Washington. We get from him—and I hope we will continue to get from him for many more years—thoroughly knowledgeable, completely factual reporting, based not only on his detailed knowledge of his subject but on the fact that he is a working reporter who does not attempt to cover his beat by telephone, or reading and rewriting wire service reports, but instead comes to the Capitol every weekday, contacts his wide variety of sources, assembles his own information, and writes his own copy.

I happily commend Joe McCaffrey for his diligence and competence and say sincerely that his career in Washington might well be a model for every newsman who undertakes the task of covering the complex business of the Congress or the other branches of our Government.

ACTIVITIES OF THE HOUSE REPUBLICAN TASK FORCE ON EARTH RESOURCES AND POPULATION

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

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am privileged to be chairman has addressed itself to the many problems related to the future demands on our resources as a result of the fantastic population growth facing us in the remainder of this century and the health, education, and welfare of our citizens in learning to cope with the financial, social, and psychological stress that this population explosion exerts.

My colleagues, Messrs. CARTER, FREY, FULTON, GUBSER, HORTON, LUKENS, McCLOSKEY, MOSHER, PETTIS, POLLOCK, REID, VANDER JAGT, WOLD, and I have held informal hearings with Dr. Philander P. Claxton, special assistant to the Secretary of State for population matters; Dr. Donald Dunlap, assistant and science adviser to the Secretary of the Interior; Dr. William Pecora, Director, U.S. Geological Survey; Dr. J. L. McCue, Acting Director, Office of Marine Resources; Dr. S. Fred Singer, Deputy Assistant Secretary for Science, Department of the Interior; Dr. Gary London, Director of Health Services, OEO; and Dr. R. T. Ravenholt, Director, Population Service, AID. We held these hearings and will hold more in order to learn what programs now exist in our various agencies that are attacking the problems of world population and the depletion as well as the pollution of our resources. We have also learned about some of the future plans these agencies are programing and what congressional support will be needed in order to combat the human suffering and smothering of economic growth that will result if action is not forthcoming in the immediate future, preferably this 91st Congress.

As a result of our preliminary explorations into these problem areas, we have been inundated with books, periodicals, and articles as well as letters pertinent to the subjects. We have accumulated quite a library and I offer any of the material to my fellow colleagues.

We have been told that overpopulation is more of an economic and political

problem than a medical problem and that most people talk of the population problem in terms of food when the most important point is the effect of population growth on economic development. We learned about family planning on a worldwide basis; that only 10 to 12 countries now have an efficiently functioning family planning program. In the United States a study of 5 million women who were below the poverty index who were not seeking pregnancy was made. Adding together all services by OEO, HEW, and each State, these 5 million women are just under 80 percent of the women who are not being serviced by anyone. Of 3,000 counties in the United States, only 1,000 report some type of service. Of these 1,000, there are 3.7 million women, but only 2.9 million women are being helped. Seventy-five percent of all services are in seven counties and 50 percent in eight counties.

There is a major problem with unwanted births because of the lack of education, availability of services, and the distribution of materials pertaining to sexual intercourse, prenatal care, and the responsibilities of parenthood. This lack can no longer remain a void in our efforts to improve man's pursuit of happiness. This void must be filled. The work and studies that have already been executed by AID, OEO, HEW, the Ford Foundation, the Rockefeller Foundation, the Pathfinder Fund, the Victor Fund, the Milbank Memorial Fund, the Hugh Moore Fund, and others show that by filling this void the largest and most significant element of our population problem can be practically eliminated. Certainly this is not the panacea to the problem but it is the most direct thrust we can make with the best results for our efforts.

Our hearings with the Department of the Interior and the materials available from the subcommittee hearings on advanced research and technology of the Committee on Science and Astronautics, the subcommittee hearings on oceanography of the Committee on Merchant Marine and Fisheries, the subcommittee hearings on conservation and natural resources of the Committee on Government Operations and the ad hoc Subcommittee on Urban Growth of the Committee on Banking and Currency, plus the myriad of articles accumulating in our task force office all point toward the inevitable frustrations experienced by Alice in Wonderland having to run fast in order to stand still.

All of our brightest hopes for future food supplies from marine, mineral, and other resources; for the anticipated applications of our technological advances realized from our earth resources satellite program to better manage our land and oceans; and for the advances in reclamation and recycling of our existing resources will barely sustain the demands of our population by the turn of the century if our present rate of population growth continues.

We owe ourselves and future generations a strong economic growth and a better standard of living for each and every citizen. We on the task force recognize these problems and have just begun

searching for innovative and creative solutions.

ARMS TALKS AND MIRV

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

Mr. ANDERSON of Illinois. Mr. Speaker, on Monday of this week, in a speech before this body, I expressed concern over the delay in strategic arms talks with the Soviets and what this might portend for the arms race. I pointed out to my colleagues that we stood at a very critical juncture in the arms race and that now was the time to sit down and call a halt to any further escalation.

What especially bothers me are Soviet and American intentions to develop a MIRV missile, a sophisticated multiple warhead weapon that will signal a new escalation in the arms race and make any future arms agreement immensely more difficult if not impossible.

Mr. Speaker, we must act and act now to check any further arms spiral. This week the President is meeting with the National Security Council to discuss our bargaining position and set a date for commencement of talks. I would hope that the President, in his wisdom, will decide that we can begin talks on July 31. Any further delay may put us beyond the point where an agreement on MIRV could be reached. I would further urge the President to seriously consider the proposal for an immediate and mutual moratorium on MIRV testing with the Soviets pending a formal agreement. And finally, I would urge our negotiating team to the talks to put MIRV at the top of the agenda.

Mr. Speaker, at this point in the RECORD I wish to insert an editorial and article from today's Wall Street Journal on MIRV and arms talks. I think both the editorial and article present a forceful argument for the case I have attempted to make.

The articles follow:

[From the Wall Street Journal, June 18, 1969]
THE ARMS RACE AND MIRV

In nearby columns the reader will find an attempt to untangle some of the skeins of the debate over strategic nuclear posture in general and multiple warheads in particular. One does not need to run with the outspoken doves to recognize that MIRV is a highly dangerous technical development and a very special case.

As a matter of fact, we have never subscribed to the fuzzy notion that the key to progress on arms control is for the U.S. to demonstrate its good faith. Rather, we think the chance of a really meaningful arms agreement rests on a strictly hardnosed bargain between the U.S. and the Soviet Union.

Nor do we think much of the vaunted "action-reaction cycle" as the ultimate explanation of the arms race. Certainly it's true that both the U.S. and the Soviets despair sense each is reacting to the inexorable advance of technology. The "action-reaction" explanation is not one that can be turned on its head; who will say straightaway, as this talk so often hints, that if the U.S. unilaterally stops its developments the Soviets will automatically do likewise?

We do strongly believe, however, that the

U.S. and the Soviets must do whatever they can to stop the arms race. Even allowing that the actual chances of an eventual agreement can be improved by a certain amount of preparation, we have not been happy with the Administration's apparent slowness in completing arrangements for Soviet-American arms talks. It is encouraging that the U.S. has now reportedly proposed a starting date of July 31.

MIRV would be a logical first item in any arms talks, since future stability depends on both sides possessing a secure deterrent, and MIRV is a large step toward the ability for each to destroy the other's deterrent forces. But the U.S. development of MIRV is already in its final flight tests. Once the tests are completed, a MIRV limitation agreement would be vastly complicated by inspection issues. Thus a number of Senators have asked that the Administration halt the tests pending the forthcoming negotiations.

In reply, Dr. John S. Foster, Pentagon research chief, has argued that the U.S. needs to proceed with its present MIRV schedule because the Soviets might upgrade their aircraft defenses into a full-scale ABM. Yet such upgrading surely would require some amount of lead time, and apparently we already can start to deploy MIRV within a few months.

Defenders of MIRV also argue that a mutual moratorium might have been a good idea at one time, but that it is now too late to stop at a point where both sides are confident the other does not already have the weapon. While there is some disagreement about the precise status of the Soviet MIRV program, everyone seems to agree the U.S. is substantially ahead. At this point, in other words, it is the Soviets who would suspect that the U.S. has perfected the weapon.

That means that the U.S. could experiment with an announcement that it is suspending its tests for a limited period contingent on Soviet reciprocity. It could also stress that, whatever its progress in separating and targeting the warheads, it has not experimented with multiple warheads of the huge size necessary to attack Soviet deterrent forces. In this situation, the Soviet reaction would tell us whether it's already true that "the genie is out of the bottle."

Thus we think the Senators trying to shift the debate away from ABM and toward MIRV has a strong case. If the political obstacles to a MIRV holdback prove too high, indeed, they may want to consider offering to defer to the Administration's judgment on ABM provided it postpones the MIRV tests. Because of its huge destabilizing potential, MIRV is the truly urgent issue.

For multiple warhead technology is more dangerous than other arms developments now on the public horizon, and at the same time one on which a suspension seems reasonably feasible. The United States has a lead in the key technology. As long as development remains in the testing stage, a moratorium by mutual example could be unilaterally supervised merely by watching Soviet tests. Since arms talks are about to start, an announced moratorium could be for a limited period, pending formalization through negotiations.

We do not think much of the prospects of disarmament by mutual example as a general rule, and still less of unilateral holdbacks as a method of arms control. But the case for a carefully designed exception is seldom likely to be stronger than it is regarding MIRV.

[From the Wall Street Journal, June 18, 1969]

MISSILE DEBATE: THE REAL VILLAIN IS MIRV
(By Robert L. Bartley)

The great missile debate of 1969 has been a debate about the wrong missile.

Or anyway, that's the strongest impression that sticks as a journalistic onlooker comes up for air after immersion in the literature the strategic controversy has engendered. Prospects of avoiding a nuclear exchange between the United States and the Soviet Union are not directly menaced by defensive antiballistic missiles. From the standpoint of avoiding this holocaust a far more serious threat arises from the offensive multiple warhead missiles both sides apparently are developing.

This week multiple warheads have finally been brought to the forefront of the strategic debate, at least momentarily. A halt in U.S. tests of MIRV (for multiple independently targetable re-entry vehicles) is being sought by a group of Senators led by Clifford Case and Edward Brooke. At best, though, MIRV remains a side issue in the ABM debate, which has spawned political, emotional and personal impediments that seem to make it unlikely any MIRV decision will rest on especially rational grounds.

The problem is that it's not enough to work the wonder of stopping the nuclear arms race; the additional trick is to stop it at a level conducive to future stability. It will make an enormous difference, to take a pointed example, whether nuclear arms are frozen when both sides have second-strike capability, or when both have first-strike capability.

UTTER DESTRUCTION

Mutual second-strike capability, the current posture between the U.S. and USSR, means that each side can absorb the worst nuclear blow the other can mount, then still retaliate overwhelmingly. Since a first blow would be suicidal, this posture helps promote stability.

Mutual first-strike capability, by contrast, would mean each side could so utterly destroy the other that the attacked power could not even effectively retaliate. Each would know that if it shot first it would win, but that it would lose if the other got off the first salvo. That deterrence that has so far helped prevent nuclear war would no longer pertain; in any crisis the present pressure toward stability would be quite reversed.

To preserve any pretense of deterrence in such a situation, each side probably would have to adopt fire-at-warning policies, threatening to fire its retaliatory forces in the 15- to 30 minutes between when a first strike would appear on radar and when it would hit. This constant state of alert would involve an obvious and destabilizing increase in the risks of nuclear war by accident.

The distinction between these postures is by no means academic, for it appears there's a real chance that the advance of technology will take us out of the area of mutual second-strike capability and into an era of mutual first-strike capability. If anything like this does happen, the principal villain will not be ABM but MIRV.

With MIRV each rocket launcher would have, say, three warheads. Thus it could attack three of the enemy's launchers. In other words, one missile with three warheads could take out three missiles with nine warheads. Theoretically, two sides with equal numbers of missiles could wipe out the other's retaliatory missiles with only a third of its own force. Whoever fired first would win.

In practice, to give things for small favors, a first strike is scarcely so simple. Since no missile system works perfectly, for one thing, such a blow would require many more missiles than simple arithmetic suggests. Opponents of the ABM have argued that because of unreliability and other factors, the possible mid-1970s force of 500 Soviet SS-9 missiles with MIRV would not be enough for a first strike against the approximately 1,000 U.S. Minutemen.

Such calculations, though, have been impressively attacked by Albert Wohlstetter, a leading strategic specialist at the University of Chicago. He notes, to take one example, that ABM opponents have ignored that most missiles that prove unreliable do so either at launch or shortly thereafter. So a power mounting a first strike would know almost immediately which missiles failed, and could quickly send a second salvo against the remaining targets. Thus he calculates only 5% of the 1,000 Minutemen would survive an attack by 500 SS-9s, an impressive testimonial to the essential effect of MIRV.

Even total destruction of the Minuteman force, however, would not in itself prevent retaliation. The U.S. deterrent forces are "mixed," including not only land-based Minutemen, but also aircraft and Polaris submarines. This mixed posture is specifically intended to complicate any attacker's problems, and also to guard against sudden breakthroughs in any one field. A true first strike against the U.S., as Dr. George W. Rathjens has recently written, would require not only that the Soviets destroy the Minutemen, but also that they be "highly confident of also destroying the other components of our retaliatory strength essentially simultaneously, a possibility that is all but incredible."

Faced with such argument, Secretary of Defense Melvin Laird has retreated somewhat from his earlier invocations of a Soviet first strike. He now says that if the Russians continue their present developments, "the survival of two of the three major elements of our strategic offensive forces, namely the bombers and the land-based ICBMs, could be gravely endangered. To rely on only one of the three major elements would, in my considered judgment, be far too risky, considering the stake involved, which is the very survival of our nation."

In other words, the Secretary currently argues that the U.S. cannot ignore a threat to the Minuteman missiles if it wants to preserve the full stabilizing effects of a mixed force. If Minutemen were neutralized, a technical breakthrough in anti-submarine warfare would open thoughts of a successful first strike. The mixed force is in jeopardy because one of its components, the land-based missiles, is already obviously subject to that kind of destabilizing breakthrough, which is MIRV.

MR. PACKARD'S TESTIMONY

To be entirely precise, MIRV is a large step toward first-strike capability only when combined with warheads large and accurate enough to attack hardened launcher silos. While the U.S. is ahead in MIRV technology, the multiple warheads it's developing for Minuteman III and Poseidon missiles are apparently not large enough to be especially useful as a counterforce weapon. In Congressional testimony, Deputy Defense Secretary David Packard said the Minuteman is not a first-strike weapon with or without MIRV, and elaborated, "some of the considerations involve estimates of accuracy and weapons size, and I would be very glad to go into that with you in detail. I cannot do it in open session."

The Soviet SS-9 missile apparently can carry a warhead load some 25 times greater than the Minuteman can. Estimates of a MIRV system for SS-9 center on three warheads, each of 5 megatons, or 250 times the size of the bomb dropped on Hiroshima. The Soviets have other smaller ICBMs, and apparently U.S. intelligence once mistakenly expected them to taper off SS-9 deployment. Since the 5-megaton warheads would seem superfluous in a second strike against cities but ideal for a first strike against missile silos, Defense Department planners find continued deployment of the SS-9's highly threatening.

Both sides have long known how to make larger rockets and larger warheads, though, and the technical key to a first strike against

land-based missiles is MIRV. Senators now starting to stress a curb on MIRV developments also stress its inspection difficulties. At present, with both sides still testing MIRV, each can monitor the other's efforts. A moratorium could be easily supervised. But once the systems are perfected, no agreed limitation could be easily enforced without unlikely on-site inspections. MIRV would be a reality, and all of its destabilizing effects would be upon us.

The missile debate has not concentrated on MIRV, of course, but on the ABM. The effects of ABM on stability are far less clear-cut. An all-out defense of cities is uniformly considered destabilizing, because it could facilitate a strike by shooting down the few retaliatory missiles to survive an initial onslaught.

Proponents of the ABM nonetheless consider a light city defense a stabilizing factor, because it would guard against attack by a minor nuclear force such as Mainland China is expected to develop by the mid-1970s, and against a small accidental launch. An ABM can also be considered stabilizing if it protects missile forces, as the current Safeguard is supposed to do. Indeed, ABM proponents believe it would help offset the destabilizing three-for-one effect of MIRV, because an attacker would have to insure penetration of the defense by targeting several warheads on each of his enemy's launchers.

Opponents of the ABM often agree that defense of the deterrent would not upset the strategic balance. But they contend the Safeguard program is not actually adapted to that end, because it is a carryover from city defense plans and tries to combine defense of the deterrent with a light shield over cities. They seem to feel any defense of the cities is destabilizing for one thing, it would force the other side to counteract it by developing MIRV.

The latter argument, in a sense, only stresses that the emphasis in the strategic debate has been misplaced. The reasons ABM became the focus of the debate seem largely political and personal. MIRV was the cost-effective pet of former Secretary of Defense Robert McNamara, whom the ABM critics generally consider an ally of sorts. Secretary McNamara also proposed the first ABM deployment, but with an obvious distaste that hardly prevented his congressional friends from attacking it.

More generally, critics of the ABM actually are less interested in any particular missile system than in establishing effective Congressional control of the Pentagon budget. They want to demonstrate that Congress can intelligently review and even reject Pentagon proposals. MIRV, an ongoing program for some time, would be an inconvenient target for such a demonstration. ABM development is not so far along, and the attack on it was all the more convenient because of suburban displeasure with ABM sites under the old Sentinel program.

Some leading ABM foes do not want to sacrifice the momentum they have gained on that issue by taking on MIRV as well or instead. Sen. William Fulbright recently told the Washington Post that the ABM has "become a symbol of this body's attempt to control the spending on arms." Rather than confuse the issue with MIRV, he suggested, "we should stay right on the ABM until it's disposed of."

A PRESIDENTIAL TEST

On the other side of the debate, President Nixon seems to have permitted the ABM issue to shape up as a test of his Presidential leadership. A suspension of the MIRV tests with the ABM vote still pending would make it look as if the President had been faced down. It might endanger his prospects in the ABM fight, as opponents of the system would probably assume the Soviets would reciprocate with their own MIRV slowdown, and

would use this as an argument against the ABM.

MIRV has become prominent in the debate, in short, only after positions on both sides have been pretty well frozen. Yet if MIRV development continues both here and in the Soviet Union, it would seem that little stability will be gained by stopping ABM development. And if MIRV development is stopped by agreement of mutual example, the current mutual second-strike capability will be preserved regardless of what the two sides decide about limited ABM deployment for such reasons as protection against minor nuclear powers.

The ABM may be a technical flop and an enormous waste of money, as its opponents contend. But in promoting stability in the nuclear arms race, the ABM does not matter nearly as much as the intensity of the debate has suggested. What does matter is MIRV.

HOUSING BREAKTHROUGH

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I was pleased to read in today's New York Times about an historic agreement that will enable this Nation to move one step closer to meeting its housing needs. According to the Times report, the United Brotherhood of Carpenters and Joiners of America has signed an agreement with the Stirling Homex Corp., to allow journeymen to work at housing sites assembling units manufactured by the corporation. The union has also agreed to assist in the operation of centers to train workers for the company's housing factories.

This is the first time a national building trade union has agreed to supply labor for both a housing factory and housing sites. I think the United Brotherhood of Carpenters and Joiners is to be commended for altering its practices in light of our national housing shortage and the need for mass production. I would hope that the other building trade unions will follow suit so that HUD's Operation Breakthrough will become a reality. As Housing Secretary Romney has outlined it, Operation Breakthrough will profitably make use of the assembly line system, with its mass production techniques, to build hundreds of thousands of good quality, low cost units all over the country. But the success of Breakthrough is largely dependent on the effective cooperation of State and local governments—especially with respect to zoning ordinances and building codes—and labor and management—especially with respect to mass production techniques.

I would like to call to the attention of my colleagues the Times article to which I have referred, and also an article appearing in the June issue of Nation's Cities entitled "New Directions at HUD," by Secretary George Romney. The latter article discusses Operation Breakthrough and the model cities program.

The articles follow:

[From the New York Times, June 18, 1969]
BUILDING UNION AIDS MASS HOUSING DRIVE
(By William Robbins)

WASHINGTON, June 17.—Two small but significant steps toward meeting manpower

needs for the mass production of housing were taken today when the carpenters' union entered into a pair of agreements with a housing manufacturer.

Such mass production, experts say, is required to overcome the nation's housing shortage.

The president of the carpenters, who have traditionally resisted assembly line techniques, signed a contract to provide journeymen to work at housing projects assembling units manufactured by the Stirling Homex Corporation of Avon, N.Y. At the same time, the carpenters agreed to help operate centers to train workers for the company's housing factories.

The company produces houses in modular, or cubical, units that its representatives say can be coupled together at job sites in as little as three hours.

The contract was signed by Maurice Hutcheson, general president of the United Brotherhood of Carpenters and Joiners of America, and David Stirling, president of the company, at a news conference. George Romney, Secretary of Housing and Urban Development, made a brief appearance.

Secretary Romney termed the labor agreement a "significant national contract," and praised the carpenters for "modifying their normal practices."

Theodore W. Kheel, the New York labor mediator, who helped negotiate the contract, termed it a historic agreement. He noted that this was the first time a national building trades union had obligated itself to supply labor for both a housing factory and sites.

The carpenters' union, under a contract signed last September, already represented workers in the company's factory in Avon, a suburb of Rochester.

Under the new contract, the union is obligated to supply journeymen at job sites for work under its jurisdiction. For its part, Stirling Homex agreed to employ only union labor for carpentry and other trades and to pay at current wage scales in the areas involved.

Implying that the new contract was a pilot plan looking toward wider agreements, Mr. Hutcheson said:

"It is a real beginning of business and labor joining hands to provide the mighty weapon of private enterprise to help resolve the housing crisis."

Peter Terzick, treasurer of the union, later phrased the commitment more strongly. He said:

"This is the trend that is developing. We are in it, and we are in it to go all the way."

The first training center to be established under the plan will be set up at the Sterling Homex plant in Avon, Mr. Stirling, the company president, said.

The agreement providing for it is a tripartite arrangement, with the National Urban League entering into the planning and execution. Through the training center, Mr. Hutcheson and Mr. Stirling said, housing factories can draw workers from among area residents, including ghetto dwellers.

Manpower and costs have long been considered the two major obstacles to meeting housing needs. Union and company representatives at the news conference reported gains toward alleviating both problems.

The training centers, they said, would tap a new source of labor for housing factories, which require lower degrees of skills than conventional construction. Wage rates in the Avon plant now average \$4 an hour, which is likely to be attractive to the untrained and unemployed, but are considerably lower than scales in most areas for the skilled trades.

Stirling Homes is now producing two-bedroom to four-bedroom houses at costs of \$10,000 to \$13,500, exclusive of land, Mr. Stirling said.

[From Nation's Cities, June 1969]

NEW DIRECTIONS AT HUD

(By George Romney)

(NOTE.—George Romney is Secretary of the U.S. Department of Housing and Urban Development, a former governor of Michigan, and one-time chairman of the board of American Motors Corp. This article is adapted from a speech which had been scheduled for delivery at the Fourth Annual Congressional City Conference of the National League of Cities in April. The conference was cancelled because of the death of former President Eisenhower.)

Last year Congress set a 10-year timetable for realizing the goal of a decent home in a decent neighborhood for every American family. Congress determined that the goal could be met by building or rehabilitating 26 million housing units in 10 years, including six million publicly assisted units for low- and moderate-income families. In response to that mandate, the National Municipal Policy adopted by the National League of Cities in New Orleans last December called for the beginning of 600,000 units in 1969.

I see no reason to challenge those figures in terms of need. But I have challenged some of the rosy claims that it will be a simple matter to meet the need.

And I am also convinced that one of our greatest opportunities for a breakthrough in urban development lies in the specific field of housing. This is an opportunity not only for HUD. It is an opportunity for the nation.

Housing, more than almost any other area of the economy, offers the greatest potential for job creation, business development, economic growth, environmental improvement, and human betterment.

Congress has given HUD a large kit of useful tools—some old, some new—some proven, some untried. We will use them. They may, in time, require some refinements, and later we may need some new ones.

But producing an economic and technological breakthrough of the magnitude our housing needs require will not be easy. It cannot be accomplished overnight. We will have to stop and then reverse some damaging, even crippling trends.

For the hard fact is that we, as a nation, have been failing to keep up with our annually increasing needs for more housing—let alone cutting into the backlog of our unmet accumulated needs.

In the last three years, 1966 through 1968, we needed over five million new units of nonfarm housing to take care of the increased number of families, to offset losses from the housing supply, and to meet migration demands. We needed five million more units—but we started less than four million.

The result is a three-year net deficit of more than one million housing units. We aren't even building enough to stand still.

One answer to the problem is within our grasp. Through the combined efforts of government and the private sector, we must learn to apply modern management practices and advanced technology to the production of housing.

Why couldn't we profitably make use of the assembly line system, with its mass production techniques, to build hundreds of thousands of good quality low cost units all over the country?

Before we go to the national corporations and ask what they can produce, we are asking each major city and state how many units are needed. By pooling those figures we should be able to bring together a sufficient volume of demand to attract the interest of private corporations on a national scale.

In the past, laws and customs limited production to one building at a time. The housing industry was prevented from applying modern management and modern technology because of the fragmentation of the housing market into a lot of little local markets.

Of course, a major obstacle to mass production of housing is the differing zoning ordinances and building code restrictions in various parts of the country—indeed, within the same metropolitan area. It will be necessary for the participating states to bring about greater uniformity or flexibility so that a housing corporation can use the same set of standards to produce units acceptable in any state or city—perhaps performance standards rather than specifications of materials.

To initiate this program—which I believe capable of producing from 250,000 to 350,000 additional units a year within a couple of years—I held a meeting of governors and major city mayors on May 8. I do not believe this housing effort will require strong centralized direction once it has been given momentum. Nor do I visualize that the proposal would involve federal spending beyond that already planned for the mortgage interest subsidy program voted last year. Outside of administrative costs, federal spending would be limited to subsidy payments to keep the mortgage interest rate for home purchasers down as low as 1 per cent—depending upon their family incomes.

As you know, the Nixon Administration is taking rigorous action to curb inflation. Eventually, I am confident that the steps we are taking will lower current interest rates. Otherwise, of course, the \$200 million proposed in the '69-'70 budget for interest payments would subsidize fewer units than we need.

This proposal is not our only approach to the housing problem. HUD is also initiating a new housing research project authorized by the 1968 Housing Act. Called Section 108, the program specifically directs the secretary to select five communities where innovative housing techniques will be used to build 1,000 units annually for five years. The act directs that the housing be built on government-owned land, thus freeing the experiments from building codes and other constraints.

If successful, the experiment could also contribute significantly to meeting our national housing goal.

I firmly believe that industry and government face a new era in housing. Our housing needs are acknowledged to be of such a dimension, and the relationship of housing to other phases of urban life so interwoven, as to make imperative a coordinated effort and understanding and contribution on many levels. This will involve industry, research organizations, social scientists, state, and local authorities, the federal government, and above all, the people who will live in the houses we build.

The traditional mainspring of American progress is individual initiative, where each man is free to develop himself and reach his full potential.

We must move decisively to make that tradition a living reality for all Americans—not just most Americans. And within the spirit of that tradition, we must combine national-state-local legislative mandates and government resources with the resources of the private sector.

By private sector I mean more than industry and business. I mean also the cooperation and participation of voluntary associations such as the National League of Cities. I mean individual Americans: responsible, concerned, and actively sharing in the activities that will determine their futures. I view these groups and individuals, perhaps, as our most neglected resource.

When we talk about participation by all levels of government and by the private sector, it is not a question of "either/or." It must be "both/and!" It cannot be a diversion of resources.

We in this Administration—with your support and understanding—are seeking to develop a mutually reinforcing partnership among governments, the business community, and Americans as individuals.

Government has the responsibility to encourage, catalyze, and stimulate private, voluntary effort—but never to replace it. Our goal is to open wide the channels through which Americans, on a self-help basis, can more fully meet their own needs and solve their own problems. In doing this, they will in large measure be solving this nation's urban problems.

In his Inaugural Address, the President stressed the great need "to reach beyond government, to enlist the legions of the concerned and the committed."

Under his leadership a new national effort is underway to encourage voluntary action in a range of critical areas. This program, as it emerges, will be no substitute for government action. But it will generate a dynamic involvement of those who were previously uncommitted. It will create and expand a massive national resource—too long neglected and under-utilized.

It will mean, we believe, an increment in our available resources that can make the difference between losing ground and going forward. It will be a program that both reflects and capitalizes diversity of Americans.

This voluntary action approach exemplifies the type of solutions sought by the President to fundamental problems that confront the Nation. He is carefully and prudently seeking paths which do not rely chiefly on the centralization of power and action in the federal government.

Too frequently, in the past, the most appropriate roles of the various levels of government have not been clearly understood or respected. Nor have some jurisdictions assumed their full responsibility and most effectively deployed their resources.

First of all, it should be recognized that the modern federal system calls for constructive and candid cooperation, involving a partnership with other levels of government in mutual problem solving. The tendency for each level of government to go its separate way had to be overcome. In large part, I think this has been accomplished. This spirit of cooperation, when moved beyond rhetoric and into practice, promises to ease many of the frustrations we all have experienced in transmitting urban programs from the federal to the local level—which is in the homes and streets of the cities.

In the words of your League—"The city is the urban system." It does represent government closest to the people—in fact, our first and still most organized system for citizen participation. It is, in the last analysis, the city that must define and adopt community goals or objectives and go about achieving them.

The city, however, needs help. The federal government is doing a great deal—and we will do all we can to see that it does it better. State government, after years of neglect, is now becoming more responsive to urban needs. We intend to encourage greater state participation and recognize their partnership with us in support of your efforts.

As the states participate more fully in urban problem solving, they will inevitably become more responsive to the demands of our changing environment. Their resources will become more available to urban concerns in urban areas. They will, increasingly, free the cities from statutory restrictions on local authority and relieve unreasonable revenue limitations and debt ceilings. Problems of the city fully shared by the state will lead to enlightened state behavior toward its cities.

Frequently, cities and people far from the state and national capitals feel their voices are muted, or go unheard. Let me reassure you on that count.

First, I can report that there is a sincere spirit of accommodation and willingness to cooperate among all members of the Council for Urban Affairs. We want to be alert to your voice, and to be responsive. In this

connection I want to re-emphasize what I said in January at my "advise and consent" hearing: "I visualize my principal responsibility in the Nixon Administration as the one who will speak out for the needs of the cities" with consistency and force.

Second, I want you to know that at the Department of Housing and Urban Development your needs and interests and views will always be considered. We will attach great significance to your reactions to proposed new regulations. But we want to do more by way of direct consultation on the administration of HUD programs and policy matters that affect your cities.

Because of the breadth of our urban concerns, and the urgency of the problems we deal with, I am convinced no other department in government has a greater, more promising opportunity than ours.

When we talk of expanded production and increased economic opportunity, however, we cannot think in terms of numbers alone. We must think in terms of people—especially the citizens of the inner city.

The problems of the inner city and its people can no longer be separated. Nor can they be contained within neighborhood boundaries. The problems have an impact on the entire city—indeed, the entire metropolitan area. Our solutions, therefore, cannot be centered merely on the slums.

I do not subscribe to the view, held by some, that we should not try to rehabilitate the ghetto. Many families simply do not want to leave the homes of their fathers, and the neighborhood in which they were born. Rather than suffer the pains of dislocation, every effort should be made to make their homes and environment more attractive and livable.

At the same time, however, we must step up the pace of de-concentrating low-income housing. Cities must be able to lease housing for low-income families throughout the metropolitan area, especially where there are job opportunities.

Here in Washington, we are cooperating with the Department of Transportation in planning an urban and interurban transportation network which will maintain a number of options to the inner-city resident. He will have some choice—which he has not had before—in selecting the place where he lives, works, educates his children, and enjoys his leisure hours.

We must implement this kind of activity as we continue to upgrade our older and blighted neighborhoods. In effect, we must carry water on both shoulders—not stress one approach at the expense of the other.

I am well aware of the criticism and doubts which have been expressed about the Model Cities program. We have recently issued some new guidelines [see accompanying article] to eliminate some of its drawbacks, including the limitation to 10 percent of the population. The guidelines should strengthen the program and make it more effective.

To be successful, we recognize, of course, that it must have the full support of a strong and competent local government, and a more than token participation of the people living in the area. This is the "widespread citizen participation" mandated in the law.

Let me emphasize this point: A Model Cities program must reflect a true partnership among city government, local people who have an intimate knowledge of local needs, plus the people from the wider community whose resources and skills can help to revitalize the area.

A successful Model Cities program requires not only public investment—federal, state, and local—but also the visible commitment of financial and manpower resources from the private sector.

The department has examined the Model Cities program in depth, and President Nixon

has given to the Urban Affairs Council direct responsibility for interdepartmental policy.

We ask you to support and endorse the changes we have made in the original concept. With your help and guidance we can realize its impressive potential in developing the capacity of local governments to understand and solve problems on a systematic basis.

Many critics have pointed to the absence of a national system of priorities as one of the major factors contributing to the urban crisis. They argue that this nation needs—and at this time in history demands—a uniform policy for urbanization which is both acceptable and practical.

I do not dispute this contention.

I agree that if we are to allocate the nation's resources fairly and fruitfully, we do need a National Growth Policy. No one contests the elements that would constitute such a policy. The greatest problem now is the undisciplined and unstructured growth of existing metropolitan areas.

At this juncture, I do not think it would be useful to get into a discussion of a national land use policy. But I do think we ought to give high priority to such problems as internal migration, the concerns of small towns and the creation of new towns, as well as the problems of the inner city.

The development of an orderly national plan to meet accepted goals is another test of the intergovernmental process. In the words of your own Municipal Policy, unguided urbanization is a most pressing challenge to the nation.

The directions we adopt are critical. They must be sound, yet flexible. They must be balanced, yet viable.

I believe President Nixon's decision to create the Council for Urban Affairs is a significant step toward the development of a sound national policy. It is a strategic forum to consider the various alternatives, and to determine how best to focus on our priorities.

The establishment of the White House Office of Intergovernmental Affairs under Vice President Agnew is another indication that we are heading in the right direction—and that we mean what we say!

To say that we are now ready to submit firm recommendations would be premature. But we can examine some ideas that I believe to be valid in a discussion of a national urbanization policy.

One is the Appalachian concept of growth centers. We must learn to integrate fundamental principles of economic geography into our public policy. The Appalachian program has demonstrated that it can be done.

We also need to define more clearly the roles government can play at its various levels. And we need to tighten and strengthen our delivery systems to help local governments. This is true of all federal assistance programs, not excluding my own department.

HUD was organized primarily through statutory authorization rather than on a functional basis. We are now carefully reviewing the organization process with a view to consolidating related programs to increase the effectiveness of their impact and the speed of their delivery.

An example of this effort is the realignment of federal regional offices. The locations were selected specifically on the basis of how the federal government can best serve the cities.

This is our goal—to serve the cities best. We do not intend reorganization to stand in the way of progress. We want to be able to do more with what we now have. To provide greater service and assistance is the watchword of this Administration and of my department.

It is important to remember, however, that the federal government, including HUD,

is limited in the extent to which it can offer technical as well as financial assistance. But as we move ahead you can be sure that we in HUD will continue to utilize fully the expertise of our national and regional staff in our efforts to help the cities.

Further, we want to insure the continuity of technical assistance to local governments through the states by placing a firmer base under the Title IX program for urban information and technical assistance. We welcome your support of this and other projects, including the Urban Observatories.

Because of the unique relation of HUD with the National League of Cities, we not only look to you for support but for your continued counsel and guidance in seeking to transform the cities of America into models for a richer urban life.

SECRETARY ROMNEY'S STATEMENT ON MODEL CITIES

The Model Cities program is an ambitious effort. It seeks to coordinate a vast array of federal programs, to concentrate their impact on specific depressed urban neighborhoods, and to make local governments stronger and more flexible.

My Committee on Model Cities of the Council for Urban Affairs has been intensively examining the program. Its study has shown that the program's goals are sound, but that there have been critical deficiencies in its administration which call for immediate correction. Among them:

Federal agencies have not been sufficiently responsible to local proposals reflecting specific local conditions.

In developing their proposals, local authorities have been hindered by uncertainty as to the amounts of funds that would be available from the federal departments.

Few effective attempts have been made to secure the involvement of state governments.

Federal guidelines have forced cities to set "model neighborhood" boundaries that often have been arbitrary, and that have created unnecessary divisions among Model Cities residents.

The President has approved the recommendations of the Urban Affairs Council that the Model Cities program be revised in the following important respects:

(1) The Council for Urban Affairs will assume direct responsibility for interdepartmental policy affecting Model Cities.

(2) Secretaries of the departments involved will have personal supervision of their departments' funding of Model Cities proposals, and will reserve program funds specifically for that purpose. This will ensure the availability of departmental funds for Model Cities, and will give local authorities a better idea of the amount and kind of funds they can expect from the various departments for their Model Cities plans.

(3) Administration of the program will be fed into the reorganization of the regional federal offices, now underway. One effect of this will be to facilitate interdepartmental coordination at the regional level. In the past, variations among the federal offices in program procedures, headquarters locations, and structures of authority, have handicapped well-intentioned federal officials and confused local officials, thus seriously compromising the Model Cities program at the city level.

(4) Greater efforts will be made to involve the state governments in the Model Cities program. Lack of state involvement has proven a critical deficiency because many of the federal funds needed for Model Cities are administered through state agencies. Our aim will not be to add another administrative layer between the cities and the federal government, but to make better use of the states' resources, experience, and perspective. Model Cities is intended to be and will remain a local government program centered

upon the mayor's office with a continued requirement for adequate citizen involvement.

(5) The 10 per cent population restriction on the size of the target neighborhoods will be dropped. This guideline has been administered haphazardly in the past and has hindered progress at the local level. Eliminating this guideline does not mean that the program will be expanded citywide within each city. Its purpose will remain that of focusing resources on particularly poor and blighted neighborhoods, but local officials will be given greater latitude in drawing program boundaries that conform to local conditions.

(6) Priority consideration will be given to those cities that successfully enlist the participation of private and voluntary organizations in their Model Cities plans. The increased flexibility in establishing program boundaries will make it easier for these organizations to contribute.

(7) Local governments will be asked to establish clear priorities in developing their Model Cities proposals, and to strive for "comprehensiveness" only in the programs' five-year planning cycle. Many cities have interpreted Model Cities legislation and administrative guidelines requiring a local "comprehensive" plan of attack on blight and poverty in their target neighborhoods as requiring proposals to immediately attack every conceivable problem with these neighborhoods. This obviously would be unworkable; what is important is that city governments set clear priorities for attacking their problems so that they can make rapid and substantial progress toward solving their most urgent problems, rather than dissipating their resources in a vain effort to solve all. This Administration will completely scrutinize applications to eliminate unwise or unnecessary proposals.

With these revisions, I feel that the Model Cities program can help us to achieve two important goals—a more rational and creative federal-state-local system, and city governments that are more flexible and responsive to the needs of their citizens. We must realize that elimination of blight and poverty in our central cities cannot be accomplished overnight. It will be a hard and often frustrating struggle, but Model Cities does offer us the means of better using our present resources, and thus taking an important step in that direction.

LEAVE OF ABSENCE

By unanimous request leave of absence was granted to:

Mr. KLEPPE (at the request of Mr. GERALD R. FORD), for June 19, on account of official business with House Committee on Agriculture.

Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. ZWACH (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. ST. ONGE, for June 18, and 19, 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. LEGGETT, for 1 hour, today; to revise and extend his remarks and include extraneous matter.

Mr. HARSHA, tomorrow, for 10 min-

utes; to revise and extend his remarks and to include extraneous matter.

(To the following Members (at the request of Mr. KLEPPE), to revise and extend their remarks and to include extraneous matter to:)

Mr. WEICKER, for 30 minutes, on June 24.

Mr. HALPERN, for 5 minutes, today.

Mr. MESKILL, for 60 minutes, on July 2.

(The following Members (at the request of Mr. PRYOR of Arkansas), to revise and extend their remarks and include extraneous matter:)

Mr. FARBERSTEIN, for 30 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. FARBERSTEIN, for 30 minutes, on June 19.

Mr. TUNNEY, for 60 minutes, on June 25.

Mr. DIGGS, for 30 minutes, on June 25.

Mr. FLOOD, for 60 minutes, on July 16.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOELSON.

Mr. HECHLER of West Virginia and to include extraneous matter.

Mr. LENNON, in the Committee of the Whole today, immediately following Mr. FOUNTAIN on the last amendment offered by Mr. ADAMS.

(The following Members (at the request of Mr. KLEPPE) to extend their remarks and include extraneous matter:)

Mr. POFF.

Mr. ZWACH in two instances.

Mr. DERWINSKI.

Mr. WYATT.

Mr. STANTON.

Mr. AYRES.

Mr. SCHWENDEL.

Mr. JOHNSON of Pennsylvania.

Mr. WYMAN in two instances.

Mr. MCKNEALLY in two instances.

Mr. KING in three instances.

Mr. BUCHANAN.

Mr. DON H. CLAUSEN.

Mr. CLEVELAND in two instances.

Mr. VANDER JAGT.

Mr. DAVIS of Wisconsin.

Mr. COLLIER in three instances.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous matter:)

Mr. CABELL.

Mr. EILBERG.

Mr. LONG of Maryland in two instances.

Mr. FRASER in five instances.

Mr. CULVER in two instances.

Mr. MOORHEAD in four instances.

Mr. GAYDOS in three instances.

Mr. MATSUNAGA in two instances.

Mr. EDMONDSON in three instances.

Mr. PHILBIN in six instances.

Mr. FARBERSTEIN in six instances.

Mr. LOWENSTEIN in six instances.

Mr. POWELL in three instances.

Mr. RARICK in four instances.

Mr. BIAGGI.

Mr. BOLAND.

Mr. JACOBS.

Mr. PATTEN.

Mr. NICHOLS.

Mr. HUNGATE in two instances.

Mr. ANDERSON of California.
 Mr. GILBERT in two instances.
 Mr. GIBBONS in two instances.
 Mr. KOCH in three instances.
 Mr. CELLER in two instances.
 Mr. GONZALEZ in three instances.
 Mr. STEED in two instances.
 Mr. CONYERS in five instances.
 Mr. DONOHUE.
 Mr. CLARK in two instances.
 Mr. TUNNEY in two instances.
 Mr. MOLLOHAN in two instances.
 Mr. BOLLING.
 Mr. ROGERS of Florida in five instances.
 Mr. BYRNE of Pennsylvania.
 Mr. DULSKI in three instances.
 Mr. MANN in three instances.
 Mr. FOUNTAIN in two instances.
 Mr. HAGAN in two instances.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 123. Joint resolution to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates; to the Committee on Veterans' Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen; and

S. 1531. An act for the relief of Chi Jen Feng.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolution of the House of the following titles:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes.

H.J. Res. 782. Joint resolution making further continuing appropriations for the fiscal year 1969, and for other purposes.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Thursday, June 19, 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:

864. A letter from the Chairman, Board of Trustees, Legal Aid Agency for the District of Columbia, transmitting the ninth annual report of the Agency for the year June 1, 1968, through May 31, 1969; to the Committee on the District of Columbia.

865. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; to the Committee on Interior and Insular Affairs.

866. A letter from the president, National Safety Council, transmitting a report of the audit of the financial transactions of the council for 1968, pursuant to the provisions of section 15 of Public Law 259, 83d Congress; to the Committee on the Judiciary.

867. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program administered by the Office of Economic Opportunity by the Pinal County Community Action Program, Inc., Coolidge, Ariz., under title II of the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

868. A letter from the Administrator of General Services, transmitting a revised prospectus proposing construction of the Federal Bureau of Investigation Academy at Quantico, Va., pursuant to the provisions of section 7a of the Public Buildings Act of 1959 (73 Stat. 480); to the Committee on Public Works.

869. A letter from the Administrator of General Services, transmitting prospectuses which propose acquisition of space under lease arrangement pursuant to the provisions of Public Law 90-550 (82 Stat. 944); to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 12237. A bill to provide a code of ethics for Federal judges, including Supreme Court Justices, by amending chapter 11 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BARRY:

H.R. 12238. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance; to the Committee on the Judiciary.

H.R. 12239. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 12240. A bill to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as "wilderness"; to the Committee on Interior and Insular Affairs.

By Mr. HAGAN:

H.R. 12241. A bill to end discrimination in the availability of Federal crop insurance; to the Committee on Agriculture.

By Mr. HANLEY:

H.R. 12242. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUTCHINSON:

H.R. 12243. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a

definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts:

H.R. 12244. 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.

By Mr. MESKILL:

H.R. 12245. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. MOLLOHAN:

H.R. 12246. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 12247. A bill to prescribe standards for congressional redistricting, and for other purposes; to the Committee on the Judiciary.

H.R. 12248. A bill to provide for the protection of children against physical injury caused or threatened by those who are responsible for their care; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 12249. A bill to amend chapter 34 of title 38, United States Code, in order to authorize educational assistance loans to veterans to supplement educational assistance allowances paid to such veterans under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Colorado:

H.R. 12250. A bill to amend sections 2, 17, and 38 of the Bankruptcy Act with respect to the discharge of debts; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 12251. A bill to provide for nationally uniform minimum standards and eligibility requirements for public assistance and for a supplemental family allowance program; to the Committee on Ways and Means.

By Mr. STANTON:

H.R. 12252. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Arizona:

H.R. 12253. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 12254. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 12255. 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.

H.R. 12256. A bill to impose an excess profits tax; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 12257. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BRINKLEY:

H.R. 12258. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

By Mr. BUSH:

H.R. 12259. A bill to provide for the sharing with the State and local governments of a portion of the tax revenues received by the United States; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 12260. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

By Mr. CONYERS:

H.R. 12261. A bill to amend the District of Columbia Election Act to permit individuals 18 years of age or older to vote in elections held in the District of Columbia; to the Committee on the District of Columbia.

H.R. 12262. A bill to amend the Voting Rights Act of 1965, and for other purposes; to the Committee on the Judiciary.

H.R. 12263. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 12264. 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.

H.R. 12265. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. FRIEDEL (by request):

H.R. 12266. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier safety programs to insure the safe operation of commercial motor vehicles and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 12267. A bill to amend the Interstate Commerce Act to strengthen and improve the enforcement of Federal and State economic laws and regulations concerning highway transportation; to the Committee on Interstate and Foreign Commerce.

H.R. 12268. A bill to amend the Interstate Commerce Act to provide assistance to the States in establishing, developing, and administering State motor carrier programs to enforce the economic laws and regulations of the States and the United States concerning highway transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 12269. 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. JACOBS:

H.R. 12270. A bill to amend the Internal Revenue Code of 1954 to provide that a portion of an individual's wages, salary, or other income shall be exempt from levy to enforce the payment of Federal taxes; to the Committee on Ways and Means.

By Mr. MAYNE:

H.R. 12271. 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 Storm Service; to the Committee on Interstate and Foreign Commerce.

By Mrs. MINK:

H.R. 12272. A bill to amend the U.S. Housing Act of 1937 to increase by \$1,000 per room the statutory limit on the cost of a low-rent housing project; to the Committee on Banking and Currency.

H.R. 12273. 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. MORTON:

H.R. 12274. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. MURPHY of Illinois:

H.R. 12275. 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. PODELL (for himself, Mr. BARRETT, Mr. BELL of California, Mr. BLACKBURN, Mr. CAFFEY, Mr. CHAPPELL, Mr. DINGELL, Mr. EDWARDS of Louisiana, Mr. FULTON of Tennessee, Mr. GONZALEZ, Mr. GROVER, Mr. GUDE, Mr. HAYS, Mr. KLUCZYNSKI, Mr. KYL, Mr. MESKILL, Mr. MICHEL, Mr. MONTGOMERY, Mr. MOSHER, Mr. PATTEN, Mr. PREYER of North Carolina, Mr. VANDER JAGT, Mr. WALDIE, Mr. WHALEN, and Mr. YATES):

H.R. 12276. 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. RYAN:

H.R. 12277. A bill to amend the Economic Opportunity Act of 1964 to permit the use of funds, services, and personnel in connection with programs assisted thereunder for voter registration activities; to the Committee on Education and Labor.

By Mr. STEIGER of Arizona:

H.R. 12278. A bill to provide for adequate annual financing of deficit operating costs which accrue to the Grand Canyon Hospital by the provision of hospital services and facilities to park visitors and employee-residents within Grand Canyon National Park; to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY:

H.R. 12279. A bill to promote the orderly adjustment of tobacco production and marketing; to the Committee on Agriculture.

By Mr. BOB WILSON:

H.R. 12280. A bill for the general revision of the patent laws, title 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 12281. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

H.R. 12282. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

H.R. 12283. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (for himself, Mr. WATKINS, and Mr. SCHADEBERG):

H.R. 12284. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 12285. A bill to establish a National Commission for Protection of the Environment, and for other purposes; to the Committee on Government Operations.

By Mr. ROGERS of Florida (for himself, Mr. SIKES, Mr. PEPPER, Mr. KYROS, Mr. BARRETT, Mr. HATHAWAY, Mr. WYMAN, Mr. BRINKLEY, Mr. WHALEY, Mr. BROOMFIELD, Mr. McCLOSKEY, Mr. DONOHUE, Mr. CHAPPELL, Mr. VAN DEERLIN, Mr. HAMILTON, Mr.

HECHLER of West Virginia, Mr. BLANTON, Mr. MOSS, Mr. ADAMS, Mr. FRIEDEL, Mr. GETTYS, Mr. MADDEN, Mr. BURKE of Florida, Mr. FULTON of Pennsylvania, and Mr. TUNNEY):

H.R. 12286. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish further standards for the humane care, handling, and treatment of laboratory animals in departments, agencies, and instrumentalities of the United States and by recipients of grants, awards, and contracts from the United States; to encourage the study and improvement of the care, handling, and treatment and the development of methods for minimizing pain and discomfort of laboratory animals used in biomedical activities; and to otherwise assure humane care, handling, and treatment of laboratory animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.J. Res. 783. 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. BRASCO:

H.J. Res. 784. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CONYERS:

H.J. Res. 785. Joint resolution authorizing the President to proclaim August 20, 1969, as "Afro-American Heritage Day"; to the Committee on the Judiciary.

By Mr. MURPHY of Illinois:

H.J. Res. 786. 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. LIPSCOMB:

H. Con. Res. 291. Concurrent resolution to provide for the printing of inaugural addresses from President George Washington to President Richard M. Nixon; to the Committee on House Administration.

By Mr. CASEY (for himself, Mr. GROSS, Mr. PICKLE, Mr. HALL, Mr. CABELL, Mr. WAGGONER, Mr. GRIFFIN, Mr. KUKENDALL, Mr. GETTYS, and Mr. RARICK):

H. Res. 442. Resolution relating to the recovery of Government funds improperly expended for private purposes by Adam Clayton Powell, Representative in Congress from the State of New York; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULTON of Tennessee:

H.R. 12287. A bill for the relief of Daniel Dumuk Agulla and his wife, Norma Agulla; to the Committee on the Judiciary.

By Mr. HAWKINS:

H.R. 12288. A bill for the relief of Magdalena C. Benedictos; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 12289. A bill for the relief of Mr. Caleb Carter; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

148. The Speaker presented a petition of the Board of Supervisors, Chautauqua County, N.Y., relative to taxation of State and local government securities, which was referred to the Committee on Ways and Means.