# HOUSE OF REPRESENTATIVES—*Tuesday, June 24, 1969*

The House met at 11 o'clock a.m.

Rabbi Alfred Cohen, Young Israel of Canarsie, Brooklyn, N.Y., offered the following prayer:

*How good and how pleasant it is for brethren to dwell together in unity.*—Psalms 133: 1.

Our Father in Heaven, source of all goodness and truth, cause Thy countenance to shine upon us, that we may be able to follow the path of righteousness. Give us strength to champion the cause of justice and to act with loving-kindness to all men.

May it be Thy will that all men be united for good, that suffering and evil be stricken from the face of this earth, and that all your creatures live in peace, harmony, and tranquillity.

Bestow Thy blessing of wisdom upon our President and Vice President and upon the Members of this august body. Let their deliberations bring glory to this wonderful land; may they serve as a beacon of light for others, illuminating their path, standing as a source of strength for those who may falter or fall.

Grant them success in their endeavors. Let peace prevail, and grant an abundance of joy and contentment in the hearts of all our brethren, that they may praise Thy name for evermore. 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 a resolution of the following title:

S. RES. 214

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. William H. Bates, late a Representative from the State of Massachusetts.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

## CHICKEN-IN

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

Mr. LANDRUM. Mr. Speaker, the Honorable ROGERS C. B. MORTON and I are cosponsoring a bipartisan "Chicken-In" from 5 to 7 o'clock this afternoon in the House caucus room. We are inviting Members and their staffs to flock to the party which will feature new hotdogs containing chicken meat.

We do not expect, however, that congressional consumers will be able to tell the new product from the old. In fact, this is the point of the whole affair. Hotdogs containing poultry meat are just as tasty and just as nutritious as other hotdogs.

After attending our "Chicken-In" we believe that others will agree that good, wholesome chicken with all of its protein is a worthy ingredient for an all American favorite which should not be treated differently from other meats.

While the presence of chicken should certainly be included on the ingredient label, it would be a rank discrimination and confusing to housewives to require that the product label or name indicate the presence of chicken. A new product would seem to be offered—when in fact, the hotdog is still the same hotdog.

## COORDINATION OF TRANSPORTATION FACILITIES

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

Mr. WEICKER Mr. Speaker, I am introducing into the House today a bill entitled "The Federal Transportation Act." It specifically relates to two areas of greatest need, that being coordination of our transportation facilities, and a permanent fund from which to finance the improvements so needed in this area.

I draw the attention of my colleagues to a special order which I have requested for later today on this subject.

The fact remains that there has been no coordination between our rail, highway, air, and water facilities in the United States. There is much talk of voluntary coordination, and yet whether at the State level or at the Federal level, this coordination has not come to pass. The time is now to use the power of the purse at the Federal level to emphasize coordination rather than just expansion.

The essence of this bill is to see that there will be no Federal funds granted for any particular transportation project unless it is part of an overall plan.

## H.R. 1412, THE PUBLIC BROADCASTING ACT

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

Mr. WALDIE. Mr. Speaker, on Thursday, June 19, 1969, I made a statement regarding H.R. 4212, the Public Broadcasting Act, before the Subcommittee on Communications and Power of the Interstate and Foreign Commerce Committee, which I would like to submit for inclusion in the RECORD. It follows:

STATEMENT OF CONGRESSMAN JEROME R. WALDIE

Mr. Chairman, members of the subcommittee: I would urge you gentlemen to give favorable consideration to H.R. 4212 extending the Public Broadcasting Act.

Knowing of the value of public television and the service it performs in my own area which is served by Station KQED in San Francisco, I would also urge that the Subcommittee approve the appropriation of $20 million for the Corporation of Public Broadcasting as an absolute minimum for facilities under the Public Broadcasting Act covering the period 1971 to 1975.

James Day, President of KQED, recently wrote to me and made an eloquent statement which I would like to be included in the record:

"The social needs and opportunities for public television increase with each passing day but our abilities to satisfy these demands remain severely circumscribed by limited funding. Expansion of facilities is a major need of all existing stations. The Corporation for Public Broadcasting has already made notable contributions to public service and is certain to do far more with financing more in accord with its mission of nationwide service."

Mr. Chairman, I agree wholeheartedly with Mr. Day's statement and I do hope that this Subcommittee approves H.R. 4212 and the appropriation of $20 million.

## SHOE FACTORY SHUTS DOORS

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

Mr. BURKE of Massachusetts. Mr. Speaker, in this morning's Boston Herald there was a story headed "Shoe Factory Shuts Doors." The article reads as follows:

HAVERHILL.—Two hundred and fifty employes of the Kramer Shoe Co., 24 Essex St., encountered locked doors yesterday morning when they reported for work, ending a 35-year operation.

The firm had been engaged in production of women's novelty shoes.

The company will not reopen, according to attorney Philip Strome of Salem, who represents the creditors.

The closing was described as a complete surprise by P. Joseph McCarthy, manager-treasurer of the Haverhill local of the United Shoe Workers of America, AFL–CIO, who said many of the workers will be absorbed by other companies in the area.

McCarthy said he and other union representatives met Friday with Barton Kramer, company owner, to discuss provisions of the contract.

Mr. Speaker, I bring this to the attention of the House because this is happening every week throughout our entire Nation. Small shoe factories that are usually family owned firms, which have been in operation 30 or 35 or 40 years, are finding the competition of the foreign imports too much. These factory people are going out of business and the employees are losing their jobs. When the defense contracts slow down in this Nation, we are going to find out that the textile industry and the shoe industry as well as many other industries are not going to be in operation.

This Nation needs an economic cushion to fall back on once our defense work slows down.

Last week the cochairman of the Ad Hoc Committee on Footwear—our former late beloved colleague, the Honorable William Bates, of Massachusetts, and I sent a message signed by 305 Members of Congress to Presiednt Nixon. Shoe imports have been increased by 600 percent since 1960. Let us all hope the message we have sent to the White House will accomplish some good.

## NEAR RIOT AT DULLES

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

Mr. VAN DEERLIN. Mr. Speaker, apparently it takes a will of iron and the stamina of a fullback to travel these days on some air carriers.

This morning I received a telephone call from a constituent, who reported she had been waiting all night at Dulles International Airport, with 250 other passengers, to depart on a vacation trip to Europe.

She was highly upset, not so much by the delay as the fact that the carrier, Overseas National Airways, had not bothered to tell the passengers what was wrong or to make any effort to ease their discomfort.

I checked with the airport manager, and was told that for about 3½ hours, between 2:30 and 6 a.m., some 450 passengers from at least two Overseas National flights were milling around Dulles. At that time of night, the airport snack bar is manned by a single employee. All other eating facilities are closed, and I understand that frustrated passengers were on the verge of rioting.

Although the carrier never told the passengers this, failure to assemble a complete flight crew apparently was responsible for the delay. By the time a flight engineer could be located—in Buffalo—and brought to Dulles, the duty time of other crew members had expired, thus forcing the plane to remain on the ground.

As I see it, chartered airlines, like Overseas National, have a good thing. Perhaps too much of a good thing. They are guaranteed full passenger loads, and they squeeze their customers in like sardines—250 on a single plane.

Perhaps they should show a little regard for the fare-paying passengers in return. Many of the people making these chartered trips are elderly citizens who have scrimped and saved for years for their tickets.

What a way to begin the vacation of a lifetime—dumped at Dulles like so much excess baggage.

## PERMISSION FOR SUBCOMMITTEE ON ACCOUNTS, COMMITTEE ON HOUSE ADMINISTRATION, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Accounts of the Committee on House Administration may be permitted to sit today during general debate.

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

There was no objection.

## THE 10TH ANNIVERSARY OF OPENING OF ST. LAWRENCE SEAWAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 17

Whereas the Saint Lawrence Seaway, as a joint project of Canada and the United States, has been of inestimable benefit to the United States and the entire North American Continent; and

Whereas the tenth anniversary of the official opening of the Saint Lawrence Seaway occurs on June 26, 1969; and

Whereas the Governors of the eight States bordering on the Great Lakes plan to sponsor appropriate ceremonies during the period from June 26, 1969, through July 7, 1969, to observe the tenth anniversary of the Saint Lawrence Seaway: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress recognizes the great benefits the Saint Lawrence Seaway has provided in stimulating economic development and prosperity not only within the region of the Great Lakes-Saint Lawrence Seaway system, but throughout the entire United States and the North American Continent, and commends the celebration, during the period from June 26, 1969, through July 7, 1969, of the tenth anniversary of the opening of the Saint Lawrence Seaway to all Americans.

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 1 strike out all "whereas" clauses.

The amendment was agreed to.

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

Mr. ROGERS of Colorado. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I simply want to know if there is any expense to the U.S. taxpayers involved in this concurrent resolution?

Mr. ROGERS of Colorado. No, sir; there is not.

Mr. HALL. I thank the gentleman.

Mr. McEWEN. Mr. Speaker, it gives me great pleasure to support this resolution.

My congressional district contains all of the American facilities of the St. Lawrence Seaway, including the headquarters of the St. Lawrence Seaway Development Corporation located at Massena, N.Y.

Our late, beloved President Eisenhower rated the passage of the legislation which authorized this mammoth project and its subsequent construction among the highest achievements of his administration.

It is most fitting, and a source of deep personal joy to me, to know that President Nixon will travel to Massena to participate in the 10th anniversary ceremonies to be held there on June 27. It was 10 years ago that Mr. Nixon, the then Vice President, joined with Queen Elizabeth II in dedicating the International Friendship Monument at the Moses-Saunders power dam which links our country and Canada and which has now been operated as a joint project by these good neighbors for so many years. This time Mr. Nixon will join with Canadian Prime Minister Pierre Trudeau for this wonderful occasion.

Thus, I am proud and delighted to support this resolution in which Congress marks the 10th anniversary of the opening of the St. Lawrence Seaway.

The SPEAKER. The question is on the concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## CONTINUING APPROPRIATIONS, 1970

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of June 19, 1969, I call up House Joint Resolution 790, making continuing appropriations for the fiscal year 1970 and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 790

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1970, namely:

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1969 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1970:

Department of Agriculture and Related Agencies Appropriation Act;

Treasury, Post Office, and Executive Office Appropriation Act; and

Independent Offices and Department of Housing and Urban Development Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision (except a provision authorizing the filling of positions) which is included in an appropriation Act enumerated

in this subsection but which was not included in the applicable Appropriation Act for 1969, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Department of Defense Appropriation Act, 1969;

activities for which provision was made in the District of Columbia Appropriation Act, 1969;

activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969: *Provided*, That not to exceed $8,100,000 shall be available from the appropriation for the fiscal year 1970, granted under the heading "Elementary and secondary educational activities" in such Act, for use by the Department of the Interior under section 103(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as amended;

activities for which provision was made in the Legislative Branch Appropriation Act, 1969; except activities provided for in subsection (c) of this section;

activities for which provision was made in the Military Construction Appropriation Act, 1969;

activities for which provision was made in the Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969;

activities for which provision was made in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1969;

activities for which provision was made in the Department of Transportation Appropriation Act, 1969;

activities for which provision was made under section 307 of the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969;

activities of the Civil Aeronautics Board;

activities of the Interstate Commerce Commission;

activities under the Foreign Military Credit Sales Act;

activities under the Juvenile Delinquency Prevention and Control Act of 1968;

activities of the American Revolution Bicentennial Commission; and

activities of the National Water Commission.

(c) Such amount as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1970.

(d) Such amounts as may be necessary for continuing activities for State administration under title III, part A, and title V of the National Defense Education Act of 1958, and under title II of the Elementary and Secondary Education Act of 1965, as amended, but at a rate for operations not in excess of the current rate: *Provided*, That the amount made available in this paragraph for such activities shall be charged to such appropriations as may be made available for the fiscal year 1970 for the purposes of grants to local educational agencies under titles I and III of the Elementary and Secondary Education Act of 1965, as amended.

(e) Such amounts as may be necessary for Federal and non-Federal administrative expenses under the appropriation for "Grants and expences", Office of State Technical Services, Department of Commerce, but at a rate for operations not in excess of the current rate.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity or (c) October 31, 1969, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds, or authority in any manner which would contravene the provisions of title IV of the Second Supplemental Appropriation Act, 1969.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1969.

SEC. 107. Any appropriation for the fiscal year 1970 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

Mr. MAHON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the joint resolution be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

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

There was no objection.

## CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I am reluctant to interpose a point of order, but I believe this is of such interest, even though we meet under constrained circumstances today to expedite the business, having delayed yesterday out of respect for our deceased comrade, that we should have a quorum present for the consideration of House Joint Resolution 790; so 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. 86]

| | | |
|---|---|---|
| Alexander | Gallagher | O'Hara |
| Anderson, Calif. | Green, Pa. | Passman |
| Blatnik | Harvey | Pepper |
| Brasco | Hathaway | Poage |
| Brown, Calif. | Hébert | Powell |
| Carey | Ichord | Pryor, Ark. |
| Celler | Kirwan | Purcell |
| Clark | Kluczynski | Reifel |
| Clay | Lennon | Ronan |
| Corbett | Lipscomb | Rostenkowski |
| Corman | McClure | Roybal |
| Dawson | McDonald, Mich. | Ryan |
| Eckhardt | Macdonald, Mass. | Satterfield |
| Ellberg | Mailliard | Stokes |
| Fallon | Mills | Stuckey |
| Fish | Murphy, N.Y. | Symington |
| Foreman | Nedzi | Thompson, N.J. |
| Fulton, Tenn. | | Vigorito |
| | | Wold |

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

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

## PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION TO SIT DURING GENERAL DEBATE TODAY

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries be permitted to sit for the purpose of taking testimony this afternoon during general debate.

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

Mr. TAFT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this has been cleared with the ranking Republican minority member of that committee?

Mr. DINGELL. In reply to the inquiry of the gentleman from Ohio I will state that the matter has been cleared with the leadership on that side of the aisle, and with the very distinguished and able ranking minority member, the gentleman from Washington (Mr. PELLY).

Mr. TAFT. I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

## PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

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

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

There was no objection.

## CONTINUING APPROPRIATIONS, 1970

The SPEAKER. The gentleman from Texas (Mr. MAHON) is recognized.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, almost since the memory of man runneth not to the contrary, it has been necessary in late June of each year to pass a continuing resolution making it possible for the Federal Government to have funds with which to operate at the beginning of the new fiscal year, July first.

This resolution provides funds for the operation of the entire Federal Government. Without it, the functions of Government would come to a screeching halt next Tuesday. If this resolution is approved by Congress it will govern the pattern of Government spending in the interim between the 1st of July and the enactment of the applicable Appropriation Acts for fiscal 1970, on October 31.

### WHY THE DELAY?

The question might be asked: "Why the necessity for a continuing resolution?" The answer is simply that this year, particularly, Congress got off to a slow start with legislation and appropriation bills. The budget of the outgoing administration was submitted on time in January, but the new administration had to have some time in which to evaluate and revise the budget, formulate its legislative and fiscal recommendations, and present them to the Congress.

On April 15, the present administration submitted a revised budget, thus putting the Committees on Appropriation of the House and the Senate in position to proceed with certainty as to the needs and requirements as the new administration saw them. We had already been in the process of holding some hearings for several weeks, but with the new budget we were able to better proceed.

### BILLS RECEIVED TO DATE

Mr. Speaker, as of this date, five appropriation measures have been passed by the House; three of them were supplementals for fiscal 1969, the other two were regular bills for fiscal 1970. As to the latter, one was the Treasury-Post Office bill, and the other was the Agriculture bill.

Later today, we are to have the appropriation bill of some $14 billion for the independent offices-Housing and Urban Development Department bill before the House.

### DELAYS IN ENACTMENT LAST 10 YEARS AND CONTINUING RESOLUTIONS LAST 20 YEARS

Let me further say that none of the 13 regular appropriation bills for 1970 will be enacted into law before June 30 next.

It has been said that this is the first time in history that we have not cleared through the House and Senate, and secured final enactment of at least one of the regular appropriation bills for the new fiscal year before the beginning of that year.

On the contrary, three times in the decade of the sixties, this same thing has happened. It happened in calendar 1964, calendar 1962 and calendar 1961. So there is nothing unprecedented about the pending resolution.

Under leave to extend, I include the statistical story on this point:

THE APPROPRIATION BILLS—LAST 10 YEARS

| Session and fiscal year | Signed into law before July 1 | Signed into law after July 1 | | | | | |
|---|---|---|---|---|---|---|---|
| | | During July | During August | During September | During October | During November | After November |
| 90–2 (fiscal year 1969) | 1 | 2 | 5 | 1 | 4 | | |
| 90–1 (fiscal year 1968) | 1 | 2 | | 1 | 2 | 6 | 2 |
| 89–2 (fiscal year 1967) | 2 | | 1 | 2 | 3 | 4 | |
| 89–1 (fiscal year 1966) | 2 | 2 | 2 | 3 | 2 | 1 | |
| 88–2 (fiscal year 1965) | | 1 | 7 | 3 | 1 | | |
| 88–1 (fiscal year 1964) | 1 | 1 | | | 2 | | 8 |
| 87–2 (fiscal year 1963) | | | 4 | 1 | 7 | | |
| 87–1 (fiscal year 1962) | | 1 | 6 | 6 | | | |
| 86–2 (fiscal year 1961) | 5 | 5 | 1 | 3 | | | |
| 86–1 (fiscal year 1960) | 2 | 5 | 4 | 4 | | | |

### CONTINUING RESOLUTIONS—REGULAR ANNUAL ACTS

For 1948: Section 102 of Public Law 122, 80th Congress, approved June 27, 1947, 61 Stat. 187; amended by section 2 of Public Law 161, approved July 3, 1947, 61 Stat. 245.

For 1950: Public Law 154, 81st Congress, approved June 30, 1949.

Extended by Public Law 196, 81st Congress, August 1, 1949; Public Law 246, 81st Congress, August 18, 1949; and Public Law 305, 81st Congress, September 8, 1949.

For 1951: Public Law 585, 81st Congress, June 29, 1950. Extended by Public Law 627, 81st Congress, July 31, 1950.

For 1952: Public Law 70, 82d Congress, approved July 1, 1951. Amended and extended by Public Law 97, 82d Congress, July 31, 1951; Public Law 132, 82d Congress, August 29, 1951; and Public Law 156, 82d Congress, September 28, 1951.

For 1953: No continuing resolution but obligations incurred between June 30 and date of enactment of Act ratified and confirmed by section 1414, Supplemental Appropriations Act, 1953.

For 1954: Public Law 91, 83d Congress, approved June 30, 1953.

For 1955: Public Law 475, 83d Congress, approved July 6, 1954.

For 1956: Public Law 123, 84th Congress, approved June 30, 1955.

For 1957: Public Law 658, 84th Congress, approved July 3, 1956.

For 1958: Public Law 85–78, 85th Congress, approved July 1, 1957. Amended and extended by Public Law 85–134, August 14, 1957.

For 1959: Public Law 85–472, 85th Congress, approved June 30, 1958. Amended and extended by Public Law 85–572, approved July 31, 1958.

For 1960: Public Law 86–76, 86th Congress, approved July 1, 1959. Public Law 86–118, 86th Congress, approved July 31, 1959. Public Law 86–224, 86th Congress, approved September 3, 1959.

For 1961: Public Law 86–569, 86th Congress, approved July 2, 1960.

For 1962: Public Law 87–65, 87th Congress, approved June 30, 1961; and Public Law 87–182, 87th Congress, approved August 30, 1961.

For 1963: Public Law 87–513, 87th Congress, approved July 1, 1962; Public Law 87–564, 87th Congress, approved July 31, 1962; Public Law 87–625, 87th Congress, approved August 31, 1962; and Public Law 87–724, 87th Congress, approved September 29, 1962.

For 1964: Public Law 88–55, 88th Congress, approved June 29, 1963; Public Law 88–109, 88th Congress, approved August 28, 1963; Public Law 88–162, 88th Congress, approved October 30, 1963; and Public Law 88–188, 88th Congress, approved November 29, 1963.

For 1965: Public Law 88–325, 88th Congress, approved June 29, 1964.

For 1966: Public Law 89–58, 89th Congress, approved June 30, 1965; Public Law 89–96, 89th Congress, approved July 30, 1965; Public Law 89–159, 89th Congress approved, September 1, 1965; Public Law 89–221, 89th Congress, approved September 30, 1965; and Public Law 89–256, 89th Congress approved October 15, 1965.

For 1967: Public Law 89–481, 89th Congress, approved June 30, 1966; Public Law 89–549, 89th Congress, approved August 31, 1966; and Public Law 89–611, 89th Congress, approved September 30, 1966.

For 1968: Public Law 90–38, approved June 30, 1967, continue to August 31, 1967. Public Law 90–75, approved August 29, 1967, continued to September 30, 1967. Public Law 90–102, approved October 5, 1967, continued to October 23, 1967. Public Law 90–134, approved November 13, 1967 (D.C. Appropriation Act), continued to November 9, 1967 (sec. 18). Public Law 90–162, approved November 28, 1967, continued to December 2, 1967. Public Law 90–218, approved December 18, 1967, continued to December 20, 1967.

For 1969: Public Law 90–366, approved June 29, 1968, continued to July 31, 1968. Public Law 90–447, approved July 31, 1968, continued to September 30, 1968. Public Law 90–541, approved October 1, 1968, continued to October 12, 1968.

### OPERATION OF THE RESOLUTION

Under this resolution, at midnight on the 30th of June, the camera will click, figuratively speaking, and the status quo under the resolution at that time would be maintained with respect to Government spending for the forthcoming fiscal year, until the applicable Appropriation Act is enacted.

The resolution provides that in cases where one House has passed a bill, but where the other House has not passed it, then the governing factor would be the 1969 rate or the rate provided in the bill as passed by the House, whichever is lower.

If, as is the case with 10 of the regular appropriation bills which have not yet passed either House, then the controlling factor would be the 1969 rate or the budget estimate, whichever is lower, with a few exceptions which I shall mention.

The SPEAKER. The time of the gentleman from Texas has expired.

(Mr. MAHON asked and was given permission to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, in case there is a program—and there are a few—which are ongoing programs, but for which there is nothing included in the revised budget, that is, if the budget estimate is zero, then we have taken care of those situations in a limited way so

as to permit the organizational setups to continue, but not to make grants.

So, Mr. Speaker, if I may say so, this is I believe a well-drawn, very fully considered, and in my judgment a very acceptable solution to the problem which confronts us.

The reason I have so much confidence in the accuracy and the wisdom of the provisions of this resolution is the fact that Congress has gone through this exercise so many times, and it has, insofar as I am aware, served every legitimate need as an interim solution to keep the Government operating pending enactment of the regular bills.

As I look down the dim corridors of time, I can foresee that this procedure may continue ad infinitum in view of the fact that it takes time to process the appropriations for this big Government. It takes time for the legislative committees to authorize—and the legislative committees are authorizing more and more and more and more.

If they do not bring their bills before us early in the year, they tend to slow down the processes of Government and delay adjournment. That is what we are threatened with this year.

Certainly, no one would want to deny the legislative committees full time—and we have only had 6 months time as of now, to consider these legislative proposals which are before them.

THE 1969 RATE FOR OPERATIONS

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

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. May I inquire, as to this continuing resolution, what effect it has upon the expenditure limitation placed by the last Congress on Government programs generally? Does that continue in the same manner as it has applied in the fiscal year 1969 which will expire on the 1st of July?

Mr. MAHON. The gentleman raises a very pertinent question. As I indicated, the Director of the Bureau of the Budget will be standing by on midnight on June 30, next week, and he will take a picture, so to speak, of the status quo, and the status quo will obtain for the next 4 months, or until Congress provides otherwise through enactment of the regular appropriations for the whole fiscal year.

The whole thrust, generally, is to continue at the lowest of one of two rates, as explained in the committee report, and where that rate is the fiscal 1969 rate, then that rate, as it has been affected by the current year expenditure limitation, will generally obtain.

And while the so-called expediture ceiling law will not continue, because it applies only to fiscal 1969, in effect it will have an impact on the various programs of the Government during this interim. It will, for the reason I mentioned, have some influence on the rate of obligation and spending.

I call the gentleman's attention to page 2 of the resolution, which states:

(4) whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate—

And the current rate was, in many, many instances, affected by the Revenue and Expenditure Control Act of 1968.

I continue to read—

or the rate permitted by the action of the one House, whichever is lower—

That applies when some action has been taken on a bill—and before the 1st of July the House will have taken action on three.

When no action has been taken on any appropriation bill, the language on page 3, line 11, would apply:

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1969 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

This applies generally to activities encompassed in the 10 bills still unreported. There are a few, a handful of items where there is no budget estimate, and for them separate subsections (d) and (e) of the resolution make special provision.

The SPEAKER. The time of the gentleman has again expired.

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

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

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. If I understand correctly, under the resolution it would not be possible for any new grants to be approved after July 1. I have in mind this situation: In my district the city and county of Denver is proposing a model cities program. If the application is acted upon before July 1, 1969, then the funds for fiscal 1969 would be available, but if the Director fails to approve it before July 1, could it still be approved under this authorization?

Mr. MAHON. The gentleman speaks of last year's money. This resolution provides that programs in operation may be continued, and the model cities program is a continuing program. In a sense this is not a resolution designed to start anything or to stop anything.

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

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. Responding to the inquiry of the gentleman from Colorado, if your project is only on the Secretary's desk, it would not involve the expenditure of any money during the life of this resolution. They are not that far along with the program.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Then, I take it, the answer that the gentleman from North Carolina has given is that if the application is on the Secretary's desk and it should not be approved before July 1, then the Secretary would still be in a position under this regulation to approve it?

Mr. JONAS. I would think so. There will not be any expenditure. They do not move that fast.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. MAHON. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. There is the provision in the resolution with relation to one House having approved an appropriation but the other has not. Later today I understand we will be considering an appropriation bill dealing with the Department of Housing and Urban Development. If we approve a certain amount, would that money then be available for approval by the Secretary of my model cities project?

Mr. MAHON. From the gentleman's explanation, I would say that "no year" as continuing money is involved, and the provision, as indicated on page 2, states: "but at the rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower."

In other words, the project may well involve funds previously appropriated. My off-the-cuff feeling is that the gentleman's project is not in jeopardy insofar as any effect the pending resolution might have upon it.

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

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

Mr. BOW. Mr. Speaker, I share in what the gentleman from Texas just said, that the gentleman's project is not in jeopardy because of this resolution, but I might say to the gentleman from Colorado that the House and the Congress do not approve individual model city projects. We simply approve the amount of money that may be used. It is then up to the Secretary of Housing and Urban Development to approve the project. The money is there and will continue to be available under this resolution. So I do not believe the gentleman's project is in jeopardy, but this is a matter for the Secretary to approve. I do not believe this will stop the gentleman's project if it is approved by the Secretary.

The SPEAKER. The time of the gentleman from Texas has expired.

THE APPROPRIATION BUSINESS OF THE SESSION

Mr. MAHON. Mr. Speaker, under leave granted, I include excerpts from the committee report on the pending resolution, setting forth in some explicit detail the status of the appropriation business of the session; an approximation of the expenditure impact of actions on the appropriation bills to date; the amounts of the revised budget for 1970 not yet reported upon; and related information:

THE APPROPRIATIONS BUSINESS OF THE SESSION

Three of the 13 regular annual appropriation bills for fiscal 1970 and 3 supplemental measures relating to fiscal 1969 have been reported to the House.

The regular 1970 bills are: Treasury-Post Office; Agriculture; and Independent Offices-HUD, which is on the calendar.

The 1969 supplemental measures are: Unemployment Compensation; Commodity Credit Corporation; and the Second Supplemental, which has passed both Houses.

The work of the Committee on Appropria-

tions was unavoidably delayed this year because of the change of administration. The former administration released its budget on January 15. This budget was reviewed by the present administration and the review was released to the Congress on April 15. Committee hearings on several of the bills yet unreported are completed; others are well along. Hearings have not commenced on two bills. Barring delays that may arise on account of delays in processing the annual reauthorization bills, the appropriations business should move right along.

*Session totals (House)*

In the 6 measures of the session, *including the Independent Offices-HUD bill as reported,* the House has considered new budget (obligational) authority requests of $30,062,696,606; approved $28,805,288,766; with consequent aggregate reductions of $1,257,407,840.

*Bills for fiscal 1969 in the House*

The 3 measures for fiscal 1969 processed through the House involved requests of $5,400,006,956 of new budget (obligational) authority and requests for release of $82,463,000 of reserves under Public Law 90–364. The House approved $4,819,212,766, plus release of $82,766,000 of such reserves. Thus the House reductions were $580,794,190 against new budget authority requests; there was an increase of $303,000 in the release of reserves.

*Bills for fiscal 1970 in the House*

In the 3 bills for fiscal 1970—including the Independent Offices-HUD bill as reported—the House has made net reductions of $676,613,650 in new budget (obligational) authority. The totals are: Requests, $24,662,689,650; approved, $23,986,076,000; reduction, $676,613,650.

*The 1970 expenditure reduction impact (House)*

Since the budget *requests* and the *bills* are stated on the basis of "new budget authority" it is of course easy to report comparisons of congressional actions on this basis. But for several reasons it is virtually impossible to make a precise translation of the effects of those actions on the budget estimates (not "requests") of 1970 outlays (expenditures and net lending). There are several imponderables not within the scope of the bills that can and do effect expenditure (disbursement) rates and timing. Carryover balances are involved. Uncertainties of deliveries; unforseeable administrative changes; construction schedule changes; lag of expenditures behind obligations for various research and other grants; and so on. All that can be done is to undertake reasonable approximations of the expenditure reductions.

Specifically, as to House actions in the 3 appropriation bills for 1970—again, including the Independent Offices—HUD bill as reported:

1. $676,613,650 has been cut from new budget (obligational) authority requests.

2. Based on tentative approximations, these would translate into net reductions of $99,000,000 from the projected budget expenditures (outlays) for 1970. (The 3 bills as reported, $202,000,000, less an offsetting floor amendment of $103,000,000—*not,* however, counting in any impact of the farm payments limitation). (Note.—In addition, Second Supplemental Bill, 1969 may have some impact, but this might be offset by slippage of time so as to throw some budgeted 1969 expenditures into 1970.)

For general reference purposes of Members and others, it may be of interest to call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on). One such report has been issued this year, and another is due shortly.

*Summary of bill totals to date*

A summary of the totals of new budget (obligational) authority on the appropriation measures for fiscals 1969 and 1970 to date follows:

SUMMARY OF APPROPRIATION BILL TOTALS OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, 91ST CONG., 1ST SESS.

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law, without further or annual action by the Congress]

| | New budget (obligational) authority | | |
|---|---|---|---|
| | Bills for fiscal 1969 | Bills for fiscal 1970 | Bills for the session |
| A. House actions: | | | |
| 1. Budget requests considered | $5,400,006,956 | $24,662,689,650 | $30,062,696,606 |
| 2. Amounts approved by House | 4,819,212,766 | 23,986,076,000 | 28,805,288,766 |
| 3. Change from corresponding budget requests | −580,794,190 | −676,613,650 | −1,257,407,840 |
| B. Senate actions: | | | |
| 1. Budget requests considered | 5,850,305,334 | | 5,850,305,334 |
| 2. Amounts approved by Senate | 5,495,669,644 | | 5,495,669,644 |
| 3. Change from corresponding budget requests | −354,635,690 | | −354,635,690 |
| 4. Compared with House amounts in same bills | [1] +676,456,878 | | [1] +676,456,878 |
| C. Enacted: | | | |
| 1. Budget requests considered | 1,036,000,000 | | 1,036,000,000 |
| 2. Amounts enacted | 1,036,000,000 | | 1,036,000,000 |
| 3. Comparison— With corresponding budget requests | | | |

[1] Includes substantial amounts based upon budget requests not considered by the House.

THE 1970 NEW BUDGET (OBLIGATIONAL) AUTHORITY AMOUNTS YET TO BE REPORTED ON IN APPROPRIATION BILLS

The 10 remaining appropriation bills yet to be reported from the Committee on Appropriations *presently* involve *specific* requests for new budget (obligational) authority *for 1970* of about $109,678,000,000, as follows:

| | |
|---|---|
| Interior | $1,390,000,000 |
| State, Justice, Commerce, Judiciary | 2,466,000,000 |
| Public Works-AEC | 4,177,000,000 |
| Labor-HEW | 18,588,000,000 |
| Legislative (excludes Senate items) | 305,000,000 |
| Defense | 75,278,000,000 |
| Transportation | 1,744,000,000 |
| District of Columbia | 184,000,000 |
| Foreign Assistance | 3,629,000,000 |
| Military Construction | 1,917,000,000 |

Several of these bills hinge to one extent or another on annual or periodic reauthorization bills.

THE 1970 NEW BUDGET (OBLIGATIONAL) AUTHORITY TOTALS NOW PENDING

Under the unified budget concept, the tentatively estimated total new budget (obligational) authority proposed in the revised 1970 budget released April 15, and relating to fiscal 1970, is $219,600,000,000, *gross,* and $205,900,000,000 *net* of certain transactions treated as offsets for budget summary presentation purposes only. Most of this would be in the technical form of what has always been known as "appropriations".

The revised 1970 budget also proposes $1,661,000,000 in advance new budget (obligational) authority for fiscal 1971 for title I elementary and secondary education grants, for mass transit grants, for the Appalachian program, and for the 19th decennial census.

The $219.6 billion breaks out as follows:

| *Category* | *Amount (rounded)* |
|---|---|
| Grand total, gross amount (Apr. 15 budget review) | $219,600,000,000 |
| *Deduct* amounts that arise from previous permanent-type legislation that does not *require* action in bills this session (interest, social security and other trust funds, etc.) | −80,700,000,000 |
| Remaining portion requiring current action | $138,900,000,000 |
| Deduct amounts acted upon by House (in the 3 appropriation bills for 1970) | −24,488,000,000 |
| Remaining portion still requiring current action | 114,412,000,000 |
| Consisting of: | |
| Amounts presently involved in specific budget requests pending in connection with the 10 unreported appropriation bills | 109,678,000,000 |
| Remainder (Amounts in revised budget for later submittal for supplementals under present law or upon enactment of proposed legislation; allowance of $2,800,000,000 in the overall total for July 1, 1969, civilian and military pay raise; allowance for contingencies; etc.) | 4,734,000,000 |

NOTE.—Excludes $1,661,000,000 of budget requests for advance fiscal 1971 funding in the 1970 bills.

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

Mr. Speaker, I join with the gentleman from Texas in urging the House to adopt this resolution. I think it is something that must be done in order to have an orderly and expeditious execution by various agencies.

I reiterate what the gentleman has said, that the rate of expenditures in the current fiscal year 1969 or the budget request for 1970 will apply where no action has been taken by either the House or the Senate—and if there are more restrictive provisions in some of the amounts approved by either the House or the Senate, then that lowest amount will apply. I would suggest that this is the proper manner in which to carry on.

No appropriations bills have yet passed both Houses.

This is the usual continuing resolution which we have had for a number of years because of Congress' inability to get Government programs funded by June 30.

The resolution permits continuation of government activities at the lowest of the following:

First, the rate of expenditures in the current fiscal year—1969;

Second, the budget request for fiscal 1970 where no action has been taken by either House or Senate; or

Third, the more restrictive amount approved by either House or Senate.

So far, no appropriation bill for fiscal 1970 has become public law. The House has acted on two, the Treasury-Post Office and Agriculture bills, and we anticipate debating the independent offices bill today. The other body has not acted on any 1970 appropriation bills.

The only variations in this resolution from those of past years are two: First, we have set a date of October 31 for expiration of the continuing resolution, and that seems a reasonable approach since Congress will be taking a summer recess from the close of business on August 13 to September 3. Second, either former President Johnson or President Nixon proposed some changes with respect to education and grants for State technical services, and until such time as Congress has resolved those proposals the continuing resolution would permit spending for administrative items in those areas at the current rate.

Specifically, these items are set forth in section 101 (d) and (e) and they provide respectively as follows:

(d) Such amounts as may be necessary for continuing activities for State administration under Title III, Part A, and Title V of the National Defense Education Act of 1958, and under Title II of the Elementary and Secondary Education Act of 1965, but at a rate for operations not in excess of the current rate: *Provided*, That the amount made available in this paragraph for such activities shall be charged to such appropriations as may be made available for the fiscal year 1970 for the purposes of grants to local educational agencies under Titles I and III of the Elementary and Secondary Education Act, as amended.

(e) Such amounts as may be necessary for federal and non-federal administrative expenses under the appropriation for "Grants and expenses", Office of State Technical Services, Department of Commerce, but at a rate for operations not in excess of the current rate.

I should point out that the Appropriations Committee, as has been the case in the past, is ready to report all of its bills in a timely fashion. However, we are delayed by the fact that much authorizing legislation must be enacted into law before we can properly fund programs requiring legislative extension.

The following programs require legislative authorization before proper funding by the Appropriations Committee can be provided:

*Recommended 1970 amounts requiring additional authorizing legislation*

[In thousands]

| | |
|---|---|
| FUNDS APPROPRIATED TO THE PRESIDENT | |
| Appalachian regional development programs | $112,500 |
| Military assistance | 650,000 |
| Economic assistance | $2,280,900 |
| Office of Economic Opportunity | 2,048,000 |
| Peace Corps | 99,800 |
| Total, funds appropriated to the President | 5,191,200 |
| COMMERCE | |
| Economic development assistance: Development facilities | 128,331 |
| International activities: | |
| Salaries and expenses | 166 |
| Export control | 5,358 |
| U.S. Travel Service: Salaries and expenses | 1,300 |
| National Bureau of Standards: | |
| Research and technical services | 3,480 |
| Special foreign currency program | 150 |
| Maritime Administration: | |
| Ship construction | 15,918 |
| Operating-differential subsidies | 142,177 |
| Liquidation of contract authorization | (52,223) |
| Research and development | 7,700 |
| Salaries and expenses | 5,174 |
| Maritime training | 6,164 |
| State marine schools | 2,040 |
| Total, Commerce | 317,958 |
| DEFENSE—MILITARY | |
| Procurement of equipment and missiles, Army | 2,587,460 |
| Procurement of aircraft and missiles, Navy | 3,235,500 |
| Shipbuilding and conversion, Navy | 2,631,400 |
| Procurement, Marine Corps | 57,800 |
| Aircraft procurement, Air Force | 3,775,200 |
| Missile procurement, Air Force | 1,486,400 |
| Research, development, test, and evaluation: | |
| Army | 1,849,500 |
| Navy | 2,211,500 |
| Air Force | 355,400 |
| Defense agencies | 500,200 |
| Emergency fund, Defense | 100,000 |
| Military construction: | |
| Army | 370,900 |
| Navy | 360,100 |
| Air Force | 355,400 |
| Defense agencies | 72,500 |
| Army National Guard | 72,500 |
| Air National Guard | 13,200 |
| Army Reserve | 10,000 |
| Naval Reserve | 9,600 |
| Air Force Reserve | 5,300 |
| Family housing, Defense | 607,800 |
| Homeowners assistance fund, Defense | 0 |
| Total, Defense-Military | 23,815,960 |
| HEALTH, EDUCATION, AND WELFARE | |
| Consumer Protection and Environmental Health Services: Air pollution control | 21,900 |
| Health Service and Mental Health Administration: Comprehensive health planning services | 18,000 |
| Office of Education: | |
| Elementary and secondary education | 9,397 |
| Education for the handicapped | 60 |
| Social and Rehabilitation Service: | |
| Assistance for repatriated U.S. nationals | 316 |
| Development of programs for the aging | $28,360 |
| Total, Health, Education, and Welfare | 78,033 |
| HOUSING AND URBAN DEVELOPMENT | |
| Fellowships for city planning and urban studies | 500 |
| INTERIOR | |
| Bureau of Commercial Fisheries: Construction of fishing vessels | 6,000 |
| National Park Service: Management and protection | 125 |
| Bureau of Reclamation: Construction and rehabilitation | 172 |
| Office of Saline Water: Saline water conversion | 26,000 |
| Federal Water Pollution Control Administration: Pollution control operations and research | 57,730 |
| Total, Interior | 90,027 |
| TRANSPORTATION | |
| Coast Guard: Acquisition, construction, and improvements | 82,800 |
| Federal Highway Administration: | |
| Highway beautification (contract authorization) | 85,000 |
| Traffic and highway safety | 23,000 |
| Total, transportation | 190,800 |
| ATOMIC ENERGY COMMISSION | |
| Operating expenses | 1,963,800 |
| Plant and capital equipment | 350,509 |
| Total, Atomic Energy Commission | 2,314,309 |
| National Aeronautics and Space Administration | 3,715,527 |
| Other independent agencies: | |
| National Science Foundation | 490,000 |
| Commission on Civil Rights | 550 |
| American Revolution Bicentennial Commission | 225 |
| Appalachian Regional Commission | 890 |
| Small Business Administration: Salaries and expenses | 5,000 |
| National Commission on Reform of Federal Criminal Laws | 260 |
| Total, other independent agencies | 496,925 |
| Grand total: | |
| Budget authority | 36,211,239 |
| Liquidation of contract authorization | 52,223 |

CHANGING THE FISCAL YEAR

Mr. Speaker, I would suggest I believe some study should be made to determine if a change in the fiscal year is needed. It has been giving me some concern, and I think we should make a very careful study. Each year we come in with requests for continuing resolutions every 30 or 60 days, and now until October 31. This means that until October 31 the Government agencies will not know what funds they have or how to plan. I think perhaps it would be well if the Congress

would make a study to see whether or not we should make a change in the fiscal year.

I do not know why we have the fiscal year starting in July. I think we should do something constructive in trying to get away from this question of these continuing resolutions. Perhaps a change in the date of the fiscal year would be the proper thing to do.

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

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

Mr. LANGEN. Mr. Speaker, I commend my colleague for the very appropriate remarks he has just made relative to the possibility of changing the fiscal year. This is a suggestion on which I had occasion to submit legislation last year, and I have resubmitted it again this year.

I think it is sheer folly that we expect the respective departments of Government to go on for sometimes 3 or 4 or even 6 months without any direction by Congress as to expenditures. This is what happens under the present system whereby we leave them in limbo as to whether or not we want them to expand their programs or we want to retard their programs. They are not therefore able to do any kind of planning as far as their expenditures are concerned.

I think millions of dollars could be saved in a more orderly administration and better planning, all to the benefit of domestic programs and the financial status of the country. It is for that reason that a year ago I introduced legislation to accomplish this purpose and have reintroduced it again this year. I agree that any study that would throw some light on the advantages that might be achieved by changing the fiscal year to begin on January 1 ought to be made.

Mr. BOW. Mr. Speaker, I thank the gentleman from Minnesota. He has been a fine member of our committee and has contributed much to some fiscal policies.

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

Mr. BOW. I yield to the chairman of my committee, the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I believe a great deal of merit is encompassed in the proposal that we consider—and I underline the word "consider"—changing the fiscal year. This is the 24th day of June, and a well-functioning, alert legislative branch, it seems to me should have been able, in an ordinary year—this is an exception, a new administration just coming into power—to move pretty far along in 6 months.

If we extended the fiscal year until October 1, would we be able prior to September 15 really to get going in high gear and get these bills handled?

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Bow was allowed to proceed for 5 additional minutes.)

Mr. MAHON. If we extend it to January 1, would we try to crowd into the period from Christmas until New Year the passage of much of the major legislation?

What I am trying to say is that we need to consider more than merely the date for the beginning of the fiscal year. We need to consider the adoption of better legislative habits. I believe the gentleman from Ohio would agree that the time has come when Members are so heavily involved in respect to many problems it is increasingly difficult for us to get our work done.

I do not have the answer to this problem. I know that reorganization proposals are pending.

We cannot now, within the standing rules, bring out of the Appropriations Committee some of the important measures because there is a lack of legislative authorization for them.

Will there be authorization by the 1st of July?

Will there be authorization by the 1st of August?

Will there be authorization by the 13th of August, when we are to take a recess?

It is impossible to say.

I would hope, when we come much nearer to the end of the year and certain appropriation bills have not been passed we will recall the discussion on this bill.

Mr. BOW. I would suggest to my distinguished chairman, on the latter point about the responsibility of the Appropriations Committee, I am sure the chairman realizes practically every subcommittee of the Appropriations Committee has completed its work and is now waiting for authorizations from legislative committees. I had as a part of my earlier remarks a list of the authorizations which are still necessary. There are some 39 or 40 of them. This shows that until we get these authorizations, unless we go and get a rule, we cannot bring in these bills.

I suggest again, I am not in favor of bringing in the appropriation bills with rules. It seems to me we have to bring them in with authorizations.

This is not a question of the Appropriations Committee not having completed its work, but of a great list of authorizations which are necessary.

The gentleman asked, can we get through? I believe we can. I can recall when the late and distinguished and beloved John Taber was chairman of the Appropriations Committee we completed all of our bills by May except one, and that was the foreign aid bill, and I believe that came out in July. There was a time when we were able to do this.

The authorizations are holding us up. The gentleman said we should consider this. I am not saying what we should do as to the fiscal year, but I agree with the gentleman that we should consider it. It is a matter having to do with the orderly process of government. It may be necessary to change the fiscal year so that the agencies will have some idea as to what their appropriations actually will be.

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

Mr. BOW. I yield to the gentleman from Texas.

Mr. MAHON. When the opportunity is presented I shall ask for unanimous consent to place in the RECORD certain pertinent information in regard to the record of the Congress in past year on this matter of securing continuing resolutions and on the status of the bills and so forth, which I believe will be illuminating.

I think we all need to take stock. There are portions of this report which I trust may receive the careful attention of the Members of the House.

I thank the gentleman for yielding.

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

Mr. BOW. I yield to the gentleman further.

Mr. LANGEN. I want to express my further agreement with the chairman of the full committee and point he has made. Certainly the problem which we face is not one created by the Committee on Appropriations. In fact, they are ahead with their work. But it is the authorizations that are holding us up.

In that connection I should add my further agreement to his thought that we might well speed up the work of this Congress by a little better attendance on Mondays and Fridays and lengthening the week in order to meet the demands of the Government.

The fact remains however that appropriations are not made on time year after year. Further emphasizing the need to change the fiscal year. I made some remarks on this subject yesterday. I shall include them in the RECORD at this point:

STATEMENT BY MR. LANGEN, JUNE 23, 1969

Mr. Speaker, it is time for the whole Congress to recognize that our present fiscal year is an obstacle to good government and public welfare. By having the fiscal year begin on the first of July we are raising the overall level of governmental spending, depriving the underprivileged and the poor of effective and efficient programs, delaying cooperative Federal programs by as much as a year and casting a certain doubt on the credibility of governmental statistics. I strongly urge immediate consideration of my proposal for a calendar fiscal year, which would cure these present deficiencies. Although change of a long-established custom is difficult to achieve in government, my proposal would not cause hardship on any governmental body or agency and would, on the contrary, alleviate or even eradicate difficulties and hardships now suffered by both government and the public. Early passage of this proposal would greatly facilitate the minor technical changes needed for the government and the public to adapt to the calendar fiscal year.

It has been a long-recognized fact that appropriations bills are seldom finalized by the first of July, which is the present legal beginning of the fiscal year. The Congress has, by a continuing resolution each year, authorized each program to continue spending at a level which would not exceed the lower of either the budget or the previous year's appropriations. Once a department or agency has begun spending money at this artificial level, it would experience difficulties in readjusting to a substantial decrease in appropriations from the artificial level set by continuing resolution. Naturally, "Parkinson's Law" would take care of any increase and the additional money would be spent—even if not wisely or efficiently. In either case tax dollars would be wasted in inefficient spending caused by inadequate or no advance planning. Efficient administration is clearly the key to seeing that every dollar spent on social programs will benefit the poor and the underprivileged to the greatest degree possible rather than being lost in a cumbersome bureaucracy due to lack of direction.

Let's take a hypothetical case to show just how failure to finalize appropriations bills before the beginning of the fiscal year would raise the overall level of governmental spending. Suppose that Program A had been appropriated $1,000,000 one year and the budget called for the same amount for the next year. However, although the Congress had indicated no particular controversy with respect to the program, the final appropriations passed in December was for only $500,000, that is, 50% of the spending level authorized by the continuing resolution. One can readily see that the administrators of Program A, counting on at least a continuance of the appropriations level of $1,000,000 would have spent by the end of December almost all of the $500,000 appropriated.

Even if the administrators eventually saw the possibility of a cut in appropriations they might choose to discount an appropriations cut and continue to spend on the basis of the resolution, counting on a supplemental appropriation if there is a cut. In a case of this type the administrators would have a clear case for a supplemental appropriation on the grounds that the Congress itself—by its failure to finalize the appropriations bill by the beginning of the fiscal year—caused the program to spend all its money with the fiscal year only half gone. If the Congress then wishes the program to continue, it will be forced to pass a supplemental appropriation for the remainder of the fiscal year, thus raising the overall spending level higher than the Congress originally intended. If the Congress is trying to keep to a budget ceiling, as it now is, some other program may then have to suffer in order to furnish funds for the supplemental appropriation. In this way and to this degree the Congress loses its control over executive spending and may exceed its own self-imposed fiscal limitations.

My proposal for a calendar fiscal year would eliminate this problem forever because the fiscal year would begin on the first of January *after* all the appropriations bills have been finalized prior to adjournment in December (or earlier). More importantly, with advance notice of the final appropriations each department or agency would have an opportunity to plan ahead efficiently for the increase or reduction of a program; and the tax dollar, being utilized more efficiently, will then produce the greatest actual benefit to those individuals the program was intended to reach.

Now we all surely want the greatest portion of each dollar appropriated for social programs to benefit the poor and underprivileged directly. However, we deprive the poor and the underprivileged of the maximum benefit of these programs—and thus raise the administrative costs of social programs—when we allow the whole Poverty Program to go without direction. The present authorization expires in about two weeks, a new authorization bill is not yet ready and funds cannot be appropriated to administrative agencies that no longer exist. What greater chaos could exist? Even with stopgap legislation, to continue the programs at their present level cannot restore the proper order or enough direction for efficient administration. With the fiscal year beginning on the first of July, it is almost impossible for the Congress to complete hearings and make appropriate changes in the bill for this most complex and vital program. When all of this is allowed to occur, the one to suffer the most is the one who most needs help: the poor and the underprivileged.

In most of the national social and public works projects, the nature of the legislation requires funding jointly from Federal, state and even local sources. Sometimes the state has to match Federal funds in a certain ratio or the Federal government has to reimburse the state for certain types of expenditures. In either case the particular project will probably be delayed. Detailed planning cannot be accomplished in the first case until the state or local community knows just how much money it needs for the project, while in the second case, the state or local community may not start the project until there are appropriated funds out of which they can be reimbursed.

Vocational schools thought that they had found a way out of the latter situation by budgeting grants to students under the Vocational Education—Work-Study Program at the beginning of each fiscal year. Naturally, they expected to be reimbursed from funds for that purpose which had been appropriated regularly each year. In fiscal year 1968 such funds were given to the Neighborhood Youth Corps in the Department of Labor and earmarked for distribution by the Office of Education. However, in fiscal year 1969, although sufficient funds were appropriated to the Department of Labor for use in the Vocational Education—Work-Study Program, the funds were not earmarked and were to be administered by the Neighborhood Youth Corps itself under an administrative reorganization. The vocational schools could not get the funds from the Office of Education as before and were left with the idea that no such funds existed. Only recently—and after most of the funds had been expended—were some schools able to determine the true facts and obtain partial reimbursement. The primary cause of this problem can be laid to the July first fiscal year and the inability of Congress to finalize appropriations bills by this deadline. Otherwise the schools would not have had to anticipate the Federal funds in their own budgets each year and make themselves subject to possible loss of their operating funds if funds for the program were not available.

Having the fiscal year begin on the first of July also makes programs subject to certain physical environmental factors which can cause delay in the execution of the program. Construction projects, particularly in the northern states, cannot be started in the winter months—which may last as long as from October to April. Some of these projects, such as road construction and buildings, require a substantial part of the primary construction to be completed before the winter months if the whole project is not to be started anew in the spring. In fact, they may not be started until the following spring even if the appropriations were finalized by the first of July, since considerable advance planning is needed and sometimes the primary construction itself cannot be completed in four months. However, in all of these cooperative efforts there would be adequate time for advance planning to be completed and for construction to be started if the funds were made available for a calendar fiscal year. Seasonal problems and delays could then be avoided.

While upsetting basic economic and social planning, the July first fiscal year also casts doubt on the credibility of government statistics. Most of the government is geared to the fiscal year and has a tendency to collect figures which pertain to the fiscal year and not to the calendar year. Individuals and private concerns rarely put out facts and figures for public consumption unless they cover a calendar year. Corporate annual reports, for instance, are required by law to cover the calendar year. When faced with the need to correlate and make sense out of all the thousand types of figures available, even an expert may throw up his hands in dismay. Even in the government itself the Department of Agriculture generally uses the July first fiscal year for its foreign trade statistics while the Commerce Department employs the calendar year for the same statistics. Who is truly able to reconcile these two sets of figures or even determine whether they are in agreement? A calendar fiscal year would solve most of this problem and help avoid costly duplication of fiscal year versus calendar year figures.

My proposal, Mr. Speaker, for a calendar fiscal year would not only lead us out of the difficulties I've just described but would also save the Federal government millions of dollars. The types of difficulties are not hypothetical, but represent very real problems which face our government each year. Much money could be saved by the orderly administration and clear direction which a calendar fiscal year would bring, and the Congress would have more time for deliberations on the complexities of fiscal matters and on administrative regulation. Most legislation is far too complicated to be started and finished within six months. The plain fact of the matter is that when the Congressional leadership provided for an August recess, it tacitly said that it did not expect to finish conducting its business before August. Nevertheless, almost all pressing business is completed prior to adjournment—be it in October, November, December or earlier. The money saved and the efficiency gained by giving just those six months is so valuable and so important that we cannot afford to wait to pass this legislation.

Do we want our programs to accomplish all that they were originally intended to do? Do we want to save millions of dollars in efficient administration? If we do, then now is the time to give all governmental bodies the fiscal certainty which is necessary for sound planning and for orderly, effective and efficient administration.

Mr. BOW. Mr. Speaker, I am delighted to yield now to the gentleman from Illinois (Mr. PUCINSKI).

EFFECT OF LOWER INTERIM RATES ON FINAL APPROPRIATIONS

Mr. PUCINSKI. Mr. Speaker, I believe both the distinguished chairman of the committee, the gentleman from Texas (Mr. MAHON), and the gentleman from Ohio, the ranking minority member (Mr. BOW), have made a very compelling case for support of this resolution. The question which I would like to pose to either of the gentlemen is if we say in this resolution that these agencies will continue for 4 months at their 1969 level, can we then expect the Committee on Appropriations to reduce the 1970 appropriation by a comparable amount? In other words, these agencies that ask for a substantial increase in their appropriations for 1970—can we expect a reduction from the Committee on Appropriations for them for the 4 months that they are going to be instructed to operate at the 1969 level, or are we going to give them their original request for 1970 and give them a windfall for the remaining 8 months of the fiscal year?

Mr. BOW. As the gentleman will find if he examines the actions of the Committee on Appropriations in the past, he will see the committee seldom, if ever, grants the original budget request. There are usually reductions. In some cases there are increases, but I will say to the gentleman that it is the history of the committee that we do not always give the original request. The rate of expenditure will be either the 1969 level, the budget request for 1970 where neither House has acted, or the lesser amount of House and Senate actions; whichever is the lowest amount.

The SPEAKER pro tempore. The time of the gentleman has again expired.

(Mr. BOW asked and was given per-

mission to proceed for 3 additional minutes.)

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

Mr. BOW. I am glad to yield to the chairman of the committee.

Mr. MAHON. It should be pointed out that the level of spending for the next 4 months will not necessarily be as provided in this resolution. If the House and the Senate take action and we enact into law an appropriation bill, then the agencies in that bill will be taken out from under the resolution. They would henceforth proceed under their regular appropriations, which could be higher or lower. But any funds expended during fiscal year 1970 under this resolution will be taken into consideration in fixing the amount, and any funds expended in the interim under this resolution are chargeable against whatever is made available in the regular appropriation bills. So nobody will get a windfall as a result of this.

Mr. BOW. There will be no windfall.

Mr. PUCINSKI. I would like to thank the chairman for this explanation, because, as he knows and as every Member of this House knows, it is a common practice of these agencies when they get a windfall in the last 2 or 3 weeks of the fiscal year that they go helter-skelter. They think it is a crime to turn back money to the Federal Government, and so they enter into all sorts of foolish contracts in order to spend the last dollar appropriated for that particular fiscal year. In the frame of the gentleman's explanation we can look forward to a reduction commensurate with the period of time that they operate at the 1969 level within the framework of this resolution.

I thank the gentleman for his explanation.

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

Mr. BOW. I yield to the gentleman from New Jersey.

Mr. PATTEN. Thank you.

All I want to say is what part the administration downtown has in holding us up. I heard different committtee members say that they cannot proceed because there has not been a determination of where we are going, like in the OEO.

Mr. BOW. Mr. Speaker, I would say to the gentleman that Congress has the responsibility to say where we are going, and it seems to me that when we try to pass this back down town, the gentleman then is saying the thing that they said to me over the years: "You are delegating the authority downtown."

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

Mr. BOW. Mr. Speaker, I will say "no," that I refuse to yield to the gentleman from New Jersey because I already have one gentleman from New Jersey standing, and that is enough.

I will be delighted to say to the gentleman that I do not believe this complaint has come from any dircetions from downtown. We have had the new budget. We have worked on it. We have been ready to report on some of it.

Mr. PATTEN. Mr. Speaker, I did not say that critically. I support my President. I support our Commander in Chief. I am not one of these cheap politicians. I am a statesman, and I did not say that critically.

Mr. BOW. With that last remark I agree with the gentleman.

Now, Mr. Speaker, I will be happy to yield to the other gentleman from New Jersey the soon-to-be judge who is going to leave us. Each time I am on my feet the gentleman has given us some pearls of wisdom. I am going to miss the gentleman when he is sitting up there on the judicial bench. However, I do hope that I never get caught going through New Jersey, and have to appear before the gentleman.

Mr. JOELSON. Mr. Speaker, I thank the gentleman for yielding. The gentleman is so kind and gracious that I hesitate to point out an inconsistency, but I do want to recommend and to point out that Congress should have control over appropriations and over spending, and not the executive branch.

I remember the last session very well.

Mr. BOW. The gentleman has lectured on that subject several times, and has not convinced me as yet.

Mr. JOELSON. I remember the last Bow amendment, where the gentleman wanted to abdicate the authority to the executive branch.

Mr. BOW. Mr. Speaker, I do hope the gentleman understands his legal procedures a little better than he understands the Bow amendment, because if the gentleman does not then the gentleman is going to be reversed, because it was just the reverse situation in the Bow amendment. It did not give the authority downtown. It said that this was how much you are going to have, and you cannot spend any more.

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

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

Mr. Speaker, I take this time for the purpose of attempting to clarify the situation as it relates to Government employees.

As the chairman of the committee knows, because of certain restrictions the departments are unable to even hire employees to take the place of those who may have retired, or to supplement in certain instances.

I would like to know from the chairman of the committee as to what effect this continuing resolution may have on that law.

Mr. MAHON. Mr. Speaker, if the gentleman will yield, the gentleman has raised a very important and pertinent question. The Revenue and Expenditure Control Act of 1968 provided a limitation on personnel—and heaven knows there ought to be a limitation on personnel, and it is hoped that one can be worked out which is reasonable and acceptable. But section 201 of the Revenue and Expenditure Control Act is not practical, and is not workable, but because it is permanent law it will be in operation after the end of this fiscal year unless legislation to the contrary is passed.

In the appropriation bills which have already passed the House for fiscal 1970, we removed certain agencies from the operation of this section, and in the second supplemental appropriation bill which has already passed the other body, there is an amendment to repeal section 201 outright.

We expect to go to conference with the other body on that matter later this week. I do not know what the conference will decide, but I would assume that section 201, to which the gentleman refers, will be blunted or wholly obliterated.

Mr. ROGERS of Colorado. Of course, that will depend on what is agreed on in conference. I trust the conferees on the part of the House will recognize the inconsistencies that may have developed and that this will be eliminated from our system.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Colorado has expired.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, let me ask the distinguished chairman of the committee what happens under the proposed resolution to the Members' pay increase, since the housekeeping committee has not acted on this question?

What happens to this salary grab of February of this year, so far as the Members are concerned? Will Members be paid at the old rate or will they be paid at the new rate?

Mr. MAHON. I believe that when the photograph, so to speak, of the status quo is taken on the night of June 30 at 12 o'clock, it will disclose that Members are now drawing pay at the new rate and that this would obtain during the fiscal year 1970 until action to the contrary is taken. I believe that is a fair interpretation.

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

Mr. GROSS. I yield to the gentleman.

Mr. BOW. It would seem to me that the House took care of that situation for fiscal 1969 last week, last Tuesday, under the resolution we passed taking care of the pay for the post office and others. And I think that Members will be paid at the increased pay rate under this resolution.

Mr. GROSS. If I may ask the chairman, what is so magical about the date of October 31, 1969, the termination date of this resolution?

Mr. MAHON. Someone just facetiously said that that is the day after Halloween.

Mr. GROSS. I would say to the gentleman that it would be more appropriate to relate it to April Fools Day.

Mr. MAHON. I would call the gentleman's attention to page 1 of the report in regard to the matter. The report states:

> The time period covered by the accompanying resolution is limited to the four-month period, July 1–October 31, 1969. Anything shorter than that is judged to be unrealistic, especially since the membership is proceeding under the announced plan of a mid-August recess extending beyond Labor Day, and the further fact that large segments of the budget have not been authorized by the Congress.

Another continuing resolution will have to be sought just prior to October 31

if we do not complete the appropriation bills by that date. But I hope sincerely, and I choose the word "hope" with care, that we may not need another continuing resolution.

Mr. GROSS. The gentleman says he hopes sincerely, and I sincerely hope that he is right. But would the gentleman be amenable to an amendment to the resolution making the termination date December 31, 1969—just to be on the safe side? I think that comes nearer to being right than October 31. You will note that we paid no attention whatever to the Reorganization Act and its date of July 31 each year for the termination of Congress.

Would the gentleman agree with me that Congress ought to take action toward abolishing that July 31 date, for it is utterly meaningless?

Mr. MAHON. It needs to be studied very carefully. But I would not think we ought to extend the expiration of the pending resolution beyond October 31.

This gives us an objective. I am sure Congress will industriously work toward passing the legislation and doing its job because, when we go home, we want to be able to point with pride to our achievements, on both sides of the aisle, and I hope we will be able to do that. I think we have done a fair job so far as this session is concerned, and we can do a better job as we move along.

Mr. GROSS. From the lack of progress made so far in this session of Congress, would we have any right to point with pride to the enormous amount of work done here? I doubt that anyone can go out with a straight face and point with pride to the work done by this session of Congress thus far, and half of this year is already gone.

Mr. MAHON. The gentleman would probably agree with the gentleman from Texas that virtue does not always reside in passing legislation. Often there is virtue in not passing legislation.

Mr. GROSS. But in the end do we not wind up by passing it, to our sorrow most of the time, even if we long delay action? We wind up passing it anyway.

Mr. MAHON. Some of it, including this measure, is necessary for the ongoing operations of the Government, as the gentleman knows.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert pertinent extractions in regard to the continuing resolution.

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

There was no objection.

## GENERAL LEAVE TO EXTEND ON SENATE CONCURRENT RESOLUTION 17

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on Senate Concurrent Resolution 17.

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

There was no objection.

## TO EXTEND THE TIME FOR THE MAKING OF A FINAL REPORT BY THE COMMISSION TO STUDY MORTGAGE INTEREST RATES

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 123

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(g) of the Act of May 7, 1968 (Public Law 90–301) is amended by striking out "The Commission may make an interim report not later than April 1, 1969, and shall make a final report of its study and recommendations not later than July 1, 1969," and inserting in lieu thereof the following: "The Commission shall make an interim report not later than July 1, 1969, and shall make a final report of its study and recommendations not later than August 1, 1969,".

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

## AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION FOR FISCAL YEAR 1970

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 448 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 448

*Resolved,* That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

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

Mr. Speaker, House Resolution 448 provides an open rule with 2 hours of general debate for consideration of H.R. 12167 to authorize appropriations for the Atomic Energy Commission for fiscal year 1970.

The bill authorizes an appropriation in the total amount of $2,454,284,000—$1,973,282,000 for operating expenses and $481,002,000 for plant and capital equipment.

The authorization request submitted by the Atomic Energy Commission included $1,963,800,000 for operating expenses and $484,252,000 for plant and capital equipment, a total request of $2,448,052,000. The request was a 6.5-percent reduction from the authorization for fiscal year 1969.

Generally, the Commission's authorization request reflects estimated costs in two broad categories of effort; namely, military and civilian applications. Military applications primarily include the nuclear weapons and naval propulsion reactors programs, and portions of several other programs such as special nuclear materials and security investigations. Approximately 53 percent of the authorization request is attributable to the military applications. The civilian applications of atomic energy comprise about 47 percent of the total request.

The authorization requests are exclusive of certain adjustments such as revenues received and cost of work for others which must be considered in calculating the net authorization.

The Joint Committee recommended both increases and decreases in the authorizations for many of the AEC programs. This was done to provide for a higher level of effort on several of the high-priority programs. The recommended authorization for fiscal year 1970 is about two-tenths of 1 percent more than the amount requested.

Mr. Speaker, I urge the adoption of House Resolution 448 in order that H.R. 12167 may be considered.

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

Mr. Speaker, this rule, if adopted, would provide 2 hours of general debate on the bill authorizing funds for the Atomic Energy Commission. I shall not repeat the figures which have just been read by the distinguished gentleman from California, but I would point out this is only two-tenths of 1 percent more than the amount requested by President Nixon, and it is $164 million less than

the amount authorized to the Atomic Energy Commission last year.

When the distinguished gentleman from California (Mr. HOLIFIELD), the chairman of the committee, appeared the other day before the Rules Committee and asked for a rule on this bill, he described the authorization as one of the most austere that has been reported by the committee in recent years. Since it has been my privilege to serve on that committee, as well as on the Rules Committee, I can add to what the gentleman has said: The conviction that because of the very searching scrutiny that was given the budget estimates by the Joint Committee on Atomic Energy, reductions have been made where they should have been made and in a very few places—as will be indicated I am sure under time authorized by the rule—the committee has recommended some increases. They are increases that are not really very significant in total amount, and yet I think it will be shown they are very significant as far as the impact they will have on such programs as those dealing with the civilian atomic energy power and those programs dealing with Plowshare, or the peaceful uses of atomic energy.

Mr. Speaker, I concur in what the gentleman from California has said and recommend adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HOLIFIELD).

The motion was agreed to.

The SPEAKER pro tempore (Mr. ALBERT). The Chair designates as Chairman of the Committee of the Whole the gentleman from Massachusetts (Mr. BURKE), and the Chair requests that the gentleman from California (Mr. SISK) temporarily assume the chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12167) with the Chairman pro tempore (Mr. SISK) in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN pro tempore. Under the rule, the gentleman from California (Mr. HOLIFIELD) will be recognized for 1 hour, and the gentleman from California (Mr. HOSMER) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, before I start explaining the bill, I would like to say that our purpose today is not to take the 2 hours unless it is called for by the action of the Members of the House. We are presenting to the Committee today a bill which has had several months of intense scrutiny. We have resolved all differences between the members and have come to a point of unanimity in presenting this bill to the House. So we are not in controversy on any item in the bill.

Members are aware we were delayed in the consideration of this bill about 2½ or 3 months because the Johnson budget which came up to the Hill on January 16 was recalled by the new administration, and we received the revised budget on April 15. So outside of our staff studies and our study of the whole subject matter we started our hearings right after April 15, and we continued them until we had all of our witnesses testify. Therefore, the authorization bill was delayed for a month or so because of the late receipt of the final approved bill by the Bureau of the Budget.

This bill would authorize appropriations to the AEC totaling $2,454,284,000 for both operating expenses and plant and capital equipment funds for the fiscal year 1970. For comparative purposes I might note that the recommended amount is $64 million less than the amount requested in the budget submitted by President Johnson on January 15. It is $6.2 million, or two-tenths of 1 percent, more than the amount requested in the budget submitted by President Nixon on April 15. But, most significantly, it is about $164 million less than the amount authorized to the AEC in the fiscal year 1969, and this in spite of the fact that we have had an increase in the need for military expenditures. We have absorbed those military expenditures in the bill and we have of course had to reduce some civilian applications in order to do that.

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

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

Mr. GROSS. The gentleman stated what was authorized for last year?

Mr. HOLIFIELD. Yes.

Mr. GROSS. Would the gentleman give us the figure for the actual appropriations for last year for the purposes of this agency?

Mr. HOLIFIELD. I will supply that figure. I do not have it at hand at the moment.

Mr. GROSS. What was the figure the gentleman gave with respect to the Nixon budget?

Mr. HOLIFIELD. The figure I gave was $6.2 million more than the Nixon budget.

Mr. GROSS. It was $6.2 million.

Mr. HOLIFIELD. Out of a $2.5 billion appropriation. It is less than two-tenths of 1 percent, I might say to the gentleman, but it is still $164 million less than last year's authorization. I will give the appropriation figure. The staff will provide that in just a moment.

(Mr. HOSMER furnished the appropriation figure in debate.)

Mr. GROSS. I thank the gentleman.

Mr. HOLIFIELD. As to the balance between military and civilian applications of atomic energy, approximately 53 percent of the recommended authorization is for military uses, and the remaining 47 percent for civilian uses. I might say that just a few years ago it was predominantly military, but during the past few years we have been able to bring into existence many new uses for atomic energy in the civilian application field, and we are pushing ahead on this because there is great promise and in fact great realization from civilian uses of atomic energy at this time.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a question?

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

Mr. KOCH. Are any of these moneys to be used for MIRV or the ABM?

Mr. HOLIFIELD. These moneys are not to be used for the deployment of the ABM. They are for research and development in weapon requirements furnished to the committee by the President through the Department of Defense, so there is no money in here for the deployment of the ABM. This has nothing to do with the subject matter of whether the Congress will or will not approve the so-called Safeguard system.

Mr. KOCH. How about MIRV?

Mr. HOLIFIELD. On the MIRV, we have research and development for missile warheads. Missile warheads for all of our missiles; the missile warheads that are on Minuteman, the missile warheads that are on Poseidon, the missile warheads that would be on Sprint, Spartan, and SRAM. The research and development in that field is applicable to all of the missile development of the United States.

Mr. KOCH. I thank the gentleman.

Mr. HOLIFIELD. Mr. Chairman, included in the civilian category is $121 million for the operational costs and $234 million for plant and capital equipment for the high energy physics program, for which the AEC has been designated by the President as executive agent on behalf of the entire Federal Establishment.

Turning to the provisions of the bill itself, section 101(a) of H.R. 12167 would authorize appropriations of $1,973,282,000 for "Operating expenses" of the AEC. On page 3 of the Joint Committee's report, you will find a summary of the committee's recommended authorization for the AEC's major programs and subprograms. A more detailed discussion of each of these areas will be found in the report section entitled "Committee Comments," beginning on page 6. As you will note from the referenced table, the committee has recommended decreasing the funding for some programs while increasing others in an effort to provide the necessary funds to maintain AEC's higher priority programs at a viable level. If any Members have any questions, I will be happy to respond to them.

Let me point out the major areas which have been affected by the Joint Committee's actions. The more significant increases recommended by the committee were for the civilian power reac-

tor program, $7.3 million; the naval nuclear propulsion program, $4 million; and the AEC's Plowshare program, $10.5 million.

The AEC's civilian power reactor program is primarily directed toward the development of the breeder reactor which will generate more nuclear fuel than it consumes during operation, thus providing this Nation with a virtually limitless supply of energy. I cannot overemphasize the benefits which this Nation will derive from the successful development of this technology, which, I might add, looks extremely promising.

In two other areas, neither of which involves large sums of money but both of which hold great importance to humanity, the committee has voted to restore funds to the budget. One of these programs involves development of an implantable radioisotope heat source power converter for powering a heart pump. If a radioisotope-powered heart device can be developed it will be of inestimable value to heart surgeons and the thousands upon thousands who suffer from heart disease. The committee has recommended an increase of $800,000 to the AEC budget to initiate development of this device.

The committee has also recommended a minimum increase of $750,000 to permit continuation of the modest, but nevertheless important, food irradiation program, through which it is believed that the feasibility and safety of preserving food by low dose radiation will be established. In a world which knows hunger the potential humanitarian returns of this program more than justify this investment.

If we could produce refrigeration in many parts of the world to take care of the foods and if we could develop a substitute for the expensive refrigeration equipment which is needed in tropical countries and substitute radiation, which kills bacteria in the food itself and thereby prevents decay, this would be a tremendous accomplishment. It will enable fish that are caught in the ocean, for instance, to be transported for thousands of miles without refrigeration. You can see what this would mean in bringing protein into the interior of these nations, from the seacoast. It would also be a great boon to the fish industry of our own country and other countries.

The recommended increase of $4 million for the naval nuclear propulsion program would bring the total authorization for that important program to $125,855,000. I need hardly point out to this body that it has been primarily through the efforts of Congress that this Nation has developed its superior nuclear submarine capability. The Joint Committee believes that particular vigilance must be exercised if we are to maintain that superiority. As indicated in a special committee print issued yesterday, copies of which are available in the Chamber, there is considerable cause for concern over the significant progress the Soviets are making in submarine development and construction.

For example, according to unclassified information, the Soviets now have a force of 375 submarines, all of which were built following World War II, including at least 65 nuclear submarines.

In comparison, the United States has 143 submarines, of which 82 are nuclear and 61 are diesel. Most of the diesel-powered submarines, I might mention, are of World War II vintage. Thus the Soviets have now an advantage of about 230 submarines.

However, the most startling information relates to the Soviets' vigorous building program. They have a capability of turning out one submarine a month and have already completed seven of their latest Polaris-type submarines. For reasons that escape me our Navy has no Polaris submarines under construction or planned. Thus, all available evidence indicates that by the year 1973 or 1974 the Soviets will have a ballistic missile submarine fleet equal in size to that of the United States. Moreover, it is also believed that the Soviets will add about 70 nuclear-powered submarines to their fleet by 1974, whereas the United States will add but 26. I believe the seriousness of this situation will be further underscored by speakers who will follow me.

I should like to go back through the halls of memory for a moment to call the attention of the Members to the fact that beginning in World War II Hitler had 56 submarines and he sunk millions and millions and hundreds of millions of tons of shipping right off our coast with those 56 submarines.

Now, today the Soviets have 375 submarines to our 143, almost three times as much as we have, And if we would get into any kind of trouble in which we needed submarine warfare, we would be at a disadvantage of about 3 to 1 at this time, with the Soviets.

Mr. KOCH. Mr. Chairman, would the gentleman yield for a question?

Mr. HOLIFIELD. I will be glad to yield to the gentleman from New York.

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

In looking through the committee's report to try and find out for my own information what is involved with respect to the ABM and MIRV, I find that there is a listing of $135 million with respect to the ABM covering research, development, and testing.

I would like to know whether we could ascertain what the amounts are with respect to the testing of the MIRV, and also suggest to the gentleman this: that those of us who are opposed to the MIRV are not talking about deployment, but are talking about testing, and therefore would we not, by supporting this bill and supporting funds for the testing of MIRV, have already then made a commitment which we are not willing at this time to do?

Mr. HOLIFIELD. The gentleman of course can make up his own mind as to what he is willing to do, but I will answer the first question by saying that I find it impossible to say precisely how much research and development would go toward MIRV, toward those warheads that go on the Minuteman, the Poseidon and the SRAM, and for Safeguard, which the Congress has authorized, because in the research and development and testing of warheads you are crossing the technological border from one missile to another.

Therefore I would say it will be very difficult to take out of this whole research and development on nuclear warheads and bombs that part you would use in a MIRV warhead.

Mr. KOCH. Mr. Chairman, would the gentleman yield further?

Mr. HOLIFIELD. I yield further to the gentleman from New York.

Mr. KOCH. Mr. Chairman, it is my understanding with respect to MIRV that the crucial question to be determined is whether or not there will be testing. It is not the same as the ABM, where the testing has occurred, and it is a question of deployment. With MIRV the key question is, Does it work? And that is ascertained after you have tested it. Therefore the major decision to be made by Congress is do we or do we not test in advance of having asked the Soviets whether they will agree with us that there should be no testing on both sides. Therefore my question to the gentleman is have we not crossed that bridge once we authorize funds which will permit the testing of the MIRV under this authorization?

Mr. HOLIFIELD. Mr. Chairman, I might say to the gentleman that Congress crossed that bridge a long time ago. We passed legislation for research and development. We have already tested in-flight facsimiles of MIRV. The Soviets are testing them. We have had uncontradicted intelligence of the fact that they are testing multiple reentry vehicles, and we also have tested multiple reentry vehicles.

Now let me be very clear on this matter. These were not nuclear warheads, these were facsimile components of the warhead that will be of the same size and shape and weight as a nuclear component. The nuclear components themselves are tested in underground holes deep in Nevada, as a rule. Some of those holes are 6,000 or 7,000 feet deep, some not so deep. The warheads themselves are tested there. However, the flight of the missile is tested usually from Vandenburg down range into the Pacific Ocean using facsimiles.

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

Mr. HOLIFIELD. Mr. Chairman, I yield myself 5 additional minutes.

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

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

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

Mr. Chairman, I know the gentleman from New York has a high regard for the New York Times and its news columns, and the New York Times for June 24 contains a report on Secretary Laird's news conference on the subject of the Soviets and testing to the point that they are testing multiple warheads for their SS–9 missile which is capable of knocking out three Minuteman missiles simultaneously.

Mr. HOLIFIELD. That is right. That is unclassified information which has been revealed by the President and also by the Secretary of Defense. They have testified in public on that matter and

they testified at great length in executive session giving the details of this.

We do know that these tests have been conducted. This is not something that we have been talking about that might happen. It is something that has already happened in the Soviet Union. We know they are trying to learn how to put a cluster of warheads inside a missile nosecone and they have had some test flights as we have had.

Mr. EDMONDSON. I also want to concur wholeheartedly with what has been said here about the need for our going ahead with research and development testing for each of the potential applications of the various weapons systems that are under consideration at this time.

The development work on a nuclear component is potentially applicable to the number of weapons systems which may or may not use the MIRV concept.

I think this is part of the reason why it is impossible to nail down a specific amount, aside from the question of classification, why it is impossible to nail down a specific amount and say that this is an amount allocated to MIRV.

Mr. HOLIFIELD. These are the problems. The gentleman is exactly right. These problems are being worked on by a number of different laboratories, problems of physics, and engineering and design of the nuclear weapon. They are applicable to other weapons, the same as they would be to the Minuteman or the Poseidon.

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

Mr. HOLIFIELD. I am glad to yield to the gentleman.

Mr. KOCH. Is it the gentleman's position that a vote for this bill is a vote for the testing of MIRV in addition to other aspects of the bill?

Mr. HOLIFIELD. I will again explain. My evaluation of a vote for this bill would be a vote to continue research and development of missile warheads.

But if the gentleman is against any kind of warhead and if he believes that we should stop our research and engineering and we ought to stop our development of missile warheads while letting the Soviet Union go ahead and develop theirs, then I say if he takes that position, he should vote against the bill.

Mr. KOCH. I want to make clear that I do not take that position. But I believe there is a strong body of opinion in this House and in the other body and in this country which takes the position that until there has been a discussion with the Soviet Union to the effect that neither one of us ought to continue with MIRV or a comparable weapon, we ought not to do any testing because it is the testing itself in effect which if successful says, Yes, it does work, which is the crucial factor in this decision to test. Successful testing of the MIRV by us as the Soviet Union may make it impossible to arrive at an agreement to bar the MIRV and the consequent escalation that would follow.

It is my position and I submit the position of others, that before we take that crucial step, we ought to say to the Soviet Union, "We want to have one last chance with you to see whether both of us will stop at this point and before we go to that brink." That is my position.

Mr. HOLIFIELD. Let me say to the gentleman that I am a supporter of disarmament and I helped pass that legislation in this House and took a very strong stand on it. If any man in this world knows the horrors of nuclear warfare, I think I know about it because I have seen the tremendous explosions of megaton nuclear weapons in the South Pacific.

I know that if we have any massive nuclear weapon exchanges by one of these nations with any nation in the world, it will be a catastrophe for humanity.

I yield to no man in this House or in this Nation in his desire for peace in this world. But, I am not so naive and innocent to think that we can unilaterally stop our research and development and the production of weapons, and the maintenance of our military strength and at the same time have no control over the Soviet Union's purposes or programs.

We have been going after this goal of disarmament for several years. We have made numerous advances and propositions to the Soviet Union. Up to this date we have not had very much success, I might say. It took us many, many years to get the Limited Nuclear Test Ban Treaty.

I am not for unilateral stopping at this time of MIRV, Minuteman, Poseidon, nuclear submarines, planes, or any other element of military power which at this time keeps a balance of power in the world and prevents the Soviet Union from dominating the world, as its ideology calls for it to do. I am against giving them this opportunity of elevating them up to one position and keeping us at another. I am for keeping it even, at least, and the way to keep it even, I will say to my friend, is for us to continue research and development, to continue production, to continue to keep our power equal or superior to theirs, because we do not intend to use it aggressively. But their ideology calls upon them to use their military power aggressively.

Therefore, I say it is naive, in the strongest sense of the word, for the gentleman to advocate our stopping unilaterally the development of military power and the enhancement of the military power of the United States, while the Soviet Union continues their programs of military improvement.

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

Mr. HOLIFIELD. Yes; I yield to the gentleman from New York.

Mr. KOCH. Will not the gentleman agree that there is a difference between research and development and the other category of testing? In addition to that, does the gentleman agree that there is a difference between unilateral disarmament, which the gentleman discussed a moment ago, and an offer made to the Soviet Union to say in effect that, "Before we go on, we say to you that this is the last chance. Will you agree with us not to test, not to pursue this weapon?" Then if they say, no; if they do not pick up that offer, then we could proceed.

Mr. HOLIFIELD. That is the same argument that has been made before to stop every weapon program in the United States. It was presented in relation to the hydrogen bomb. The gentleman was not in the House at the time. I happened to be in the House and I was chairman of the subcommittee within the joint committee that studied it. A tremendous number of scientists were involved. Among them were J. Robert Oppenheimer, chairman, Center for Advanced Studies, Princeton, N.J.; James B. Conant, president of Harvard University; Lee DuBridge, president of the California Institute of Technology; Enrico Fermi, of the University of Chicago; I. I. Rabi, of Columbia University; Hartley Rowe, vice president of the United Fruit Co.; Cyril Smith, director of the Institute for the Study of Materials, University of Chicago; Oliver E. Buckley, president, Bell Telephone Co., and others. They said, "Do not make the hydrogen bomb. Do not do it. If we do not do it, the Russians will not do it."

I was chairman of the subcommittee that studied the subject, with the gentleman from Illinois (Mr. PRICE) and other Members of the House at that time, and a Member of the Senate.

We came back from a study in the fall of 1949 with the deep conviction that we had to find out if the hydrogen weapon could be made. We had very little evidence at that time that the Russians were working on it, but we made this recommendation against the advice of all these famous people, including three people—a majority—on the Atomic Energy Commission, who said, "Do not do this. Do not make the hydrogen bomb. If we do not do it, the Russians will not." The AEC's prestigious General Advisory Committee was saying the same thing.

As a result of our recommendation, in January 1950, President Truman initiated the hydrogen bomb project on a crash basis. Nineteen months later we proved its feasibility and successfully exploded a hydrogen device.

Ten months later—I want to emphasize that—10 months later the Soviets exploded a hydrogen weapon. That was in August 1953.

Now, who was right and who was wrong? This Congress said that we had to protect the United States. We could not wait for the Russians to give us some kind of mythical agreement, which they might or might not fulfill. We in this Congress decided that we had to protect the United States, and we took the step against the advice of some of the greatest scientists in the United States at that time. We were right and these great scientists, who were all right in their own disciplines, who were experts in their certain fields—they may be great physicists or great in some other field—but when they get into the field of judgment on these things which we have to deal with in this Congress, they are about as naive as some other people I could mention.

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

Mr. HOLIFIELD. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the chair-

man for yielding, and I thank him for refreshing the memories of a lot of us in this House about the history of the hydrogen bomb development. The chairman has, I think, made the point very, very clear that a continuation of the testing and research and development program is absolutely essential if we are going to be in a position to make any kind of agreement or a deal with the Soviet Union regarding deployment.

It takes two to make a deal and ordinarily we have to have something to give on both sides. We know the Soviet Union is going ahead now with testing of a MIRV capability, and for us to stand still and not develop that capability is going to put us in a position where we have nothing to offer the Soviet Union that is of really demonstrable value to them if we reach the point, which is still in the realm of speculation, of sitting down and negotiating an agreement. It is easier to negotiate from strength than from weakness—and the Soviet will never negotiate an agreement or keep an agreement with a nation that is not dealing from strength. That is their history and that is the record.

The CHAIRMAN. The time of the gentleman from California (Mr. HOLIFIELD) has expired.

Mr. HOSMER. Mr. Chairman, I yield the gentleman from California (Mr. HOLIFIELD) an additional minute.

Mr. Chairman, will the gentleman from California (Mr. HOLIFIELD) yield?

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, the figures that were requested by the gentleman from Iowa (Mr. GROSS) are the following: Fiscal year 1969 appropriations to the Atomic Energy Commission were $2,570,874,000. The authorization sought by legislation before us today is $116,590,000 less than that, namely, the sum of $2,454,284,000.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for furnishing those figures. The bill then, is substantially less than the appropriation of last year.

Mr. HOSMER. It certainly is.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, it is a pleasure for me to rise with the distinguished chairman of the Joint Committee on Atomic Energy and to join him in urging passage of H.R. 12167.

I believe that Mr. HOLIFIELD has effectively conveyed to you the spirit in which the Joint Committee reviewed the Atomic Energy Commission's authorization request for fiscal year 1970. Every effort has been made to wring the maximum out of each dollar which the Joint Committee has recommended for authorization. As a result, the Joint Committee was able to report out a bill which is approximately $164 million less than the authorization for fiscal year 1969 notwithstanding the inclusion in this bill of an aditional authorization of $217 million for the 200-billion-electron-volt accelerator as requested by both the Johnson and Nixon administrations. The total authorization recommended for fiscal 1970 represents a 6.2 percent overall reduction from fiscal year 1969 despite the obvious increase in the cost of doing business.

Approximately 37 percent of the AEC budget is for the nuclear weapons program, which entails production and surveillance of, research and development on, and the testing of nuclear weapons. The administration requested $828,300,000 in operating expenses for this program in fiscal 1970 and the committee has recommended approval of the entire amount. As noted in the committee report at page 10, the AEC weapons program for fiscal 1970 reflects a sizable increase in combined production requirements for numerous complicated weapons systems, such as the Poseidon, Minuteman, and short range attack missile—SRAM. This workload is the most formidable ever undertaken by the AEC production complex.

As the committee report notes, the recommended authorization for the weapons program includes $135 million associated with the AEC's responsibilities in connection with the ABM program. This $135 million is devoted entirely to research and development and testing of nuclear warheads to be employed in the ABM system. Accordingly, this amount of money will be required regardless of the decision made in this fiscal year on deployment of the Safeguard system.

With respect to another AEC program associated with the military uses of atomic energy—the naval propulsion program—the committee has recommended approval of $125,855,000 for fiscal 1970 operating costs. This represents a recommended increase of $4 million over the funds included in the President's budget request. This increase partially restores a reduction of funds for development work on improved nuclear submarine propulsion plants made during the administration's budget review process. These additional funds will enable the Commission to proceed with its advanced development program for nuclear propulsion reactors.

The other program which I should like to specifically mention is the Plowshare—civilian applications of nuclear explosives—program. You will note that the Joint Committee has increased the requested authorization by $10.5 million to a total operating fund authorization of $25 million. The committee feels very strongly that the $25 million level is the minimum necessary to meet our domestic commitments and to fulfill the obligations we will be assuming internationally. The commitments of the Atomic Energy Commission to the Interoceanic Canal Study Commission call for four more cratering projects before the Canal Commission submits its report in December 1970. Funds for only one of these were included in the administration's budget. The Joint Committee is recommending authorization of sufficient funds to complete one more of these experiments in fiscal 1970.

The credibility of our international commitments as embodied in the nuclear Nonproliferation Treaty, particularly article V, demands that we proceed to develop the technology to enable us to make available to the nonnuclear signatories of that treaty the benefits from any peaceful applications of nuclear explosions. If the intent of that treaty is to be realized, those nations must be assured that they will suffer no economic detriment by relinquishing the right to develop or acquire nuclear capabilities and such assurances will only result from a demonstrative endeavor by the nuclear powers to fulfill their obligations.

If there are any questions about the bill or the accompanying report thereon, I shall be very happy to respond.

As noted by the gentleman from California, Chairman HOLIFIELD, H.R. 12167 has been reported by the Joint Committee without dissent. I am confident that the bill which the Joint Committee has recommended to the Congress is sound and I believe that it warrants your favorable consideration.

Mr. HOLIFIELD. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. EDMONDSON) such time as he may consume.

Mr. EDMONDSON. Mr. Chairman, I support this bill and believe it is essential to the security of our country and continued development of our naval defense forces.

The bill before you provides the following amounts to be applied in developing nuclear propulsion plants for submarines and surface warships: $125,855,000 in operating expenses for research and development; $9,550,000 for capital equipment; and $4,400,000 for modifications to the expended core facility in Idaho, for a total of $139,805,000.

The amount recommended for fiscal 1970 operating expenses includes restoration of $4,000,000 in operating funds which had been deleted from the AEC request during the administration's review of the budget. Such restoration will permit the most important of the desired work on advanced development of naval propulsion reactors to move ahead. This effort involves a wide range of reactors from the high-powered, long fuel life plants for the two-reactor aircraft carrier to the advanced, high-performance submarine propulsion plants.

There are two distinct facets of this development program. One involves an advanced test core to ascertain the long-range effects of irradiation on materials. The other is development of a completely unique core concept applicable to both submarine and surface vessels. These activities of course involve classified data. The available declassified information is published in the Joint Committee print, "Naval Nuclear Propulsion Program, 1969," at pages 18 and 19 and 28 to 31.

STATUS OF U.S. NAVAL NUCLEAR REACTORS

The committee conducted its annual, in-depth review of the naval nuclear power program in April. As indicated in the record of these hearings and in the committee's report, there is reason for considerable concern over the U.S. nuclear submarine program relative to the Soviets both as to technology and production. The committee has summarized

the situation in both of these respects on pages 12 and 13 of its report, and Chairman HOLIFIELD reviewed the figures in his remarks.

While this country seems to be applying the brakes to our nuclear submarine program the Soviets are rapidly accelerating theirs. Not only do the Soviets have a much larger total submarine force—375 versus 143 for the United States—but the current emphasis being placed on nuclear submarines by the Soviets is estimated to place them ahead of us in about 18 months. The same situation exists relative to advanced technology. The addition of the $4,000,000 to the budget recommended by the committee is intended to reverse the trend at least in the field of advanced technology.

POLARIS SUBMARINES

The committee report, on page 12, also covers the phenomenal advances the Soviets are making in building ballistic missile submarines—a present capacity to produce one a month. It is estimated that, since we are not building any more Polaris submarines, the Soviets will take the lead in this area also in the early 1970's.

The Polaris fleet is, of course, our most invulnerable strategic weapons force. A number of Members of Congress have been asking how long we can depend on keeping this force safe from a massive attack. The question is, can we depend indefinitely on the invulnerability of the Polaris submarines?

In response to that question, I should like to quote Admiral Rickover's comment of this question as it appears on page 132 of the hearing print I mentioned a few moments ago:

> Let me first say that based on the best evidence available, I believe that today our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Polaris submarines which they are on station. However, there is no assurance that this situation will prevail for long.
>
> There is, in fact, evidence that the Soviets are actively engaged in a determined effort to acquire the capability to neutralize or destroy our Polaris force. They have developed and they continue to develop faster and quieter submarines. They are experimenting in all phases of submarine and antisubmarine warfare—we are not. In fact, during the past year alone they have developed several new types of nuclear submarines; we have developed only one new type in 10 years. It is clear that a major objective of their naval programs is to invalidate our own Polaris system.

Any doubt that exists on this point serves to emphasize the importance of increasing our efforts in the advanced submarine program to preserve that invulnerability of our Polaris type submarines.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I call attention to the fact that under the authorization provided for in this bill, the Atomic Energy Commission is of course the executive agent for the whole Federal Establishment with respect to our high energy nuclear physics program. I am pleased to note that by this legislation we have completed the authorization of approximately $217 million as the necessary funds to complete the funding for the 200-billion-electron-volt accelerator project which is going to be located in western Illinois.

I should point out, I believe, that the State of Illinois has gone ahead with its commitment to do some things in connection with that project. They committed themselves to provide, first of all the site of 6,800 acres of farm lands lying just beyond metropolitan Chicago, necessary to locate this new facility.

I am proud to say that Illinois has now virtually fulfilled its commitment to the project. At a cost of some $26 million the State has acquired this site and has deeded the land to the Federal Government.

There have been other areas where they have made important progress as well. Some 14 communities in the vicinity of the project, with a total population of almost 400,000, have enacted open-housing ordinances. In addition, the city of Chicago, which is of course only about 25 miles from the site, has passed the ordinance.

These were commitments made by the State and by authorities of the State of Illinois at the time the decision was made to locate the project in our State, and I am proud those commitments have been kept.

I want to say in conclusion that I support this legislation. I concur with what the chairman said earlier on the floor, as one who has suggested openly and continues to suggest the desirability of our President taking the initiative of proposing a moratorium on MIRV testing. I see nothing inconsistent between that position and the position we take in this bill, that until such time as the executive branch has made that decision we have to continue to provide the research and development capability to maintain the defenses of our country.

My mind goes back to the time when we adopted the partial Nuclear Test Ban Treaty, which I believe most of us on this committee, if not all of us, supported at that time. A very important element in the decision to support that treaty was the decision that at the same time certain basic safeguards would be maintained, and among them the ability to maintain a readiness to resume testing if there were a breach or a violation of the treaty. We have maintained our national laboratories and we have maintained our research and development capability in that regard.

Even so, when we get to talking about this particular weapons system, I believe we have to draw a distinction between the research and development capability and the political system which has to be made at the level of the President himself as to whether or not a mutual moratorium should be called for with respect to the flight testing of this weapons system.

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

Mr. ANDERSON of Illinois. I am happy to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Is it not true in respect to research and development on any kind of device that one has to test it in order to know whether the theories are working out or not? In other words, testing is a part of the development of the device.

In the case of the multiple warhead for reentry, we cannot test a nuclear weapon coming into the atmosphere because of our treaty which precludes us from exploding anything like that in the atmosphere, but we can, under the treaty, test those warheads underground, where they do not vent any radiation beyond our national boundaries, and we can test dummies of the same size, shape, and weight inside the nose cone of a missile and determine how they act.

This is what we are talking about when we talk about testing. We are testing, actually, dummies in this instance, but of the same size, shape, and weight as the nuclear components of the multiple warhead, what they would be if we were really using them in warfare.

Mr. ANDERSON of Illinois. Yes. I quite agree with the gentleman from California. I believe this is compatible with and is a part of the whole research and development function of Government. Certainly we cannot just try to carve out or divorce that particular feature from the research and development capability we have sought to give the Commission by the funding in this bill.

I just want to repeat that urging, as I do, the President to pursue what he himself referred to as constructive proposal on the part of those Members of the Senate who recently filed a resolution urging a mutual moratorium, I think it would be the height of folly for us to consider any unilateral suspension and unilateral cessation by stripping ourselves of the capability to continue the research and development and testing function. So, in support of what I spoke of earlier, I do not want to confuse that with the notion that I think this bill is one that ought to have the support of the Members of this body.

(Mr. PRICE of Illinois (at the request of Mr. HOLIFIELD) was given permission to extend his remarks at this point in the RECORD.)

Mr. PRICE of Illinois. Mr. Chairman, as chairman of the Joint Subcommittee on Research, Development, and Radiation, I have a special interest in that section of the bill before you dealing with the 200-billion-electron-volt accelerator.

More than 4 years ago the Subcommittee on Research, Development, and Radiation held a week-long series of hearings covering the entire field of high energy physics. Those hearings stressed the relationship and importance of high energy physics to the scientific leadership of this Nation. Central to those hearings was a full-scale review of a high energy physics national policy report from the executive branch requested by the Joint Committee. It had become increasingly clear to the committee during the 1960's that an overall national policy in high energy physics was imperative for the guidance of the Congress and the taxpayers. The requested report was transmitted to the Congress by the President in January 1965. The single most important recommendation

in that policy report, and one on which the subcommittee spent a considerable amount of time during those hearings more than 4 years ago, concerned the extension of proton energy. The specific recommendation called for—construction of a high-energy proton accelerator of approximately 200 billion electron volts in accordance with technical specifications developed by LRL, to be operated as a national facility. This machine should be authorized for design in fiscal year 1967, and for construction in fiscal year 1968.

It should be pointed out that an earlier panel report—Ramsey panel, 1963—made to the President's Science Advisory Committee and to the AEC's General Advisory Committee had a similar recommendation as the next most important step to be taken in the field of high-energy physics. It should also be pointed out that an extensive design study on such a machine had been underway at the Lawrence Radiation Laboratory during the years 1963 to 1965.

The years 1965 and 1966 were spent on a vigorous nationwide search for the most appropriate location possible in the United States for such an important basic research facility as the 200-billion-electron-volt accelerator laboratory. After some 99 meetings on this matter the Atomic Energy Commission, advised by a special committee of the National Academy of Sciences, selected a site in Du Page and Kane Counties, Ill., some 25 miles west of Chicago.

In the President's fiscal year 1968 budget request for project authorization it developed that the project scope had been curtailed for budgetary reasons. My subcommittee held hearings and reviewed in detail the proposed reduced scope and management of this project. The subcommittee and the full Joint Committee not only concluded that the accelerator should not be reduced in its initial scope but also that consideration should be given to building into the machine the possibility of going to much higher energies at some later date. That year Congress authorized and appropriated $7,333,000 for design of the project.

During its authorization hearings for fiscal year 1969 the committee was most pleased to hear from the Laboratory Director, Dr. R. R. Wilson, that he and his key staff had not only managed to design the machine to reach its original intensity goal of $3 \times 10^{13}$ protons per pulse but also had incorporated an option to go to a higher energy than 200 billion electron volts at some later date. And Dr. Wilson and his staff had accomplished all this within the budgetary guidelines laid down by the executive branch—some $60 million less than the original cost estimate without the option of higher energy.

In the budget submitted last year extraordinary efforts were made to reduce both project obligations and project costs for that year. A minimum construction program restricted to key starts that bore directly on Dr. Wilson's construction time table was proposed. Such a minimum program required commitments of approximately $25,000,000. This additional amount was authorized but actual appropriations were only $12,074,000. At this time all available funds have been committed. The laboratory director and his staff are now awaiting fiscal year 1970 appropriations in order to return to their construction schedule, which calls for an initial beam to be available in July 1972.

This is an exceedingly complex and technical national research facility. No machine in this energy range, nor with the novel and innovative features designed by Dr. Wilson and staff, has ever been built. More than 2 years ago the U.S.S.R. succeeded in bringing into operation the Serpukhov accelerator. This proton accelerator quickly reached an energy of 84 billion electron volts. The highest energy machine in the United States is the alternating gradient synchrotron at the Brookhaven National Laboratory, on Long Island, with an energy of 33 billion electron volts. The U.S.S.R. will continue to have the highest energy machine in the world until the 200-billion-electron-volt machine becomes operational. It is therefore very significant to note that any substantial reduction in the appropriations for fiscal year 1970 will serve to extend the duration of the U.S.S.R.'s advantage in the frontier science of high energy physics—the field of science concerning itself with the most fundamental laws governing the constitution of matter and the elementary particles of which all matter is constituted.

Also most important are the adverse effects that continued piecemeal authorization and inadequate appropriations have on the efficient and economically planned construction schedule as well as the morale and cohesiveness of the present laboratory staff. A loss of the skilled team now assembled at the site would inevitably strike a severe blow to the entire project. This staff has already very vividly shown its potential. At present, construction of the laboratory is solely dependent upon the dollars available, as contrasted to a schedule utilizing the most efficient marshalling of the laboratory staff and its contractors. Continued inadequate funding would very probably disrupt the well planned construction schedule and result in a substantial cost overrun.

The key staff—the 75 or so accelerator physicists and engineers that have been assembled under Dr. Wilson's leadership—are critical to the success of this project. They are among the very best in their fields and represent an important national asset. They have been attracted to this project because of the challenge it represents and because the planned schedule is a fast and efficient one that will bring the machine into operation at the earliest possible moment, with the maximum impact in the scientific world. Loss of these people, or a loss of morale due to a considerably lengthened schedule, will have a serious impact on the quality of the accelerator and the quality of research that will come from it. As Dr. Wilson has stated:

> Second rate scientists and engineers build second rate facilities, and do it very expensively.

As indicated earlier the 200-billion-electron-volt machine is a highly complex scientific instrument actually comprised of four accelerators that successively bring the accelerated particles up to the desired energy. The design and construction schedules are closely interlocked with one another. Therefore the initiation and completion of many phases of the project are completely dependent on earlier phases. A continuous balance must be struck among the three major phases of the project—design, construction and procurement of long-lead time components.

The Joint Committee is impressed with the significant progress that has been made on this project despite a history of budgetary stringency and reductions. The committee feels that further budgetary restraints will affect the schedule and our international position vis-a-vis the U.S.S.R. in this important basic research field.

The committee is also of the opinion that further budgetary reductions will serve to increase the total cost, result in the loss of key personnel and ultimately reduce the quality of the important research that should be possible with this machine. The committee held its hearings on the national policy for high-energy physics in March 1965—more than 4 years ago. This project—the most important recommendation contained in that policy—is to be a national facility and requires a national commitment. The Joint Committee believes strongly that full authorization this year is essential and that appropriations in the order of the amount requested in the President's fiscal year 1970 budget should be made if the success of this project is to be assured.

There are fundamental questions in physics today that can only be answered by the very high energy and the high intensity that will become available from this machine. For example, a question that has plagued physicists in recent years is the host of new subnuclear particles that have been discovered, at times seemingly without order in a field where order is generally an underlying principle. With the capabilities of this machine it will be possible to search for an elementary set of building blocks that may form the basis for all matter and life.

Some tremendous advancements that have been made in this country are directly attributable to or associated with accelerators. In the late 1930's, for example, work on accelerator research resulted in large advances in the development of high-powered transmitting tubes which were basic to the development of radar and continue to be an integral part of radar systems. In this time period, the basis of all modern computer circuits had its origin in the circuits developed for particle detection devices. At the present time the techniques being developed for pattern recognition in connection with the analyses of high-energy-physics research data are finding application in biomedical work, and in air and space surveillance activities. Moreover, certain accelerators are currently being used for medical treatment and for

the irradiation of food to increase its shelflife.

Mr. Chairman, high-energy physics is important to education, it produces a quantity of highly talented scientists, and it contributes profoundly to modern technology. For these reasons I heartily endorse the fiscal year 1970 high-energy-physics program recommended to you by the Joint Committee and, in particular, the full authorization of the 200 Bev national accelerator which the committee has recommended.

Mr. YOUNG. Mr. Chairman, I rise in support of H.R. 12167 and in doing so wish to speak on a portion of the AEC authorization bill in which I have a particular interest.

I refer to that segment of the physical research program known as controlled thermonuclear research. There is little doubt in my mind that this research program holds as much promise for the future as did splitting the atom under controlled conditions in that first atomic pile under the west stands of Stagg Field in Chicago on December 2, 1942.

If the controlled fusion process can be harnessed for the production of electric energy—and qualified scientists believe it can be so harnessed—this Nation and the world will have a virtually limitless source of power. Moreover, if thermonuclear energy is put to this beneficial use, we shall have not only the most abundant source of power ever known to man, extractable from ordinary water, but the least environmentally offensive source.

Significant scientific advances have already been made, especially very recently, in the area of plasma density and confinement time by scientists both in this country and in the Soviet Union. This involves plasma, completely ionized gas, at millions of degrees centigrade. However, much remains to be accomplished before our Nation's vast capacity to consume electrical energy will have this source of power upon which to rely.

In 1965 the Joint Committee asked the AEC to commission a comprehensive study of this entire program in order to establish goals and ascertain the probabilities of practical accomplishments. An AEC select review committee, comprised of eminent scientists from within and without Government, made a searching inquiry into the entire program. In its comprehensive technical report the select committee recommended that the manpower resources, particularly scientists and engineers, be doubled within 5 years in order to assure the influx of vigorous and imaginative thought.

Shortly thereafter, the AEC issued a policy and action paper on the controlled fusion program which thoroughly discussed the state of the art, the options for progress and the need for application of greater resources. That paper noted that the accomplishment of the ascertainable goals would require a net annual increase in operating funds of approximately 15 percent over a 5-year period plus an annual requirement for major device fabrication of $3 to $4 million. Under that formula the funding for this program in fiscal 1970 should be at a level of over $40 million. The bill before you recommends authorization of $27,800,000—more than $12 million below that level.

This is an area of endeavor in which the Nation can ill afford the luxury of less than a sustained effort. The Joint Committee has exercised restraint in recognition of the total budgetary situation. The recommended authorization of $27.8 million is the amount considered to be an absolute minimum necessary to maintain this program at the proper level of effort to sustain the momentum generated by recent successes. I wish I could be supporting an even greater authorization for this program, but, mindful of the limitations of the national budget, I can only heartily endorse this portion of the authorization as reported.

Mr. SCHEUER. Mr. Chairman, today I cast my vote against the bill authorizing an appropriation of $2.5 billion for the Atomic Energy Commission. I vote with knowledge that the programs to be funded by this appropriation may well have merit and may well be justified. The merit of these programs, whatever they are, are far outshadowed, however, by the urgent need for the Federal Government to apply its resources to the problems of our cities and the problems of the poor.

I believe we have failed to establish rational national priorities. Therefore, I cannot place my stamp of approval on an authorization of $2.5 billion, $828 million of which is to be devoted to the production of nuclear weaponry, while the urgent need for funds for our cities is being ignored.

As a candidate for the Democratic nomination for the mayor of the city of New York, I have for 6 months observed with painful intensity the problems of New York City, problems most of which are national in cause and origin, and not of our city's design or creation, but problems which nevertheless typify the dilemma of all our major cities.

Mr. Chairman, I must report to you that New York City is strangling; that well-conceived programs to revive our cities are being starved for funds; that unless we in Congress carefully examine our current pattern of allocating available national resources, we can expect only an increase in the mounting hatreds and bitterness now building, escalation in the frightful polarization now taking place between groups of people within the city.

Congress must recognize its responsibility for this frightening situation. Through gross mistakes in the distribution of our resources, we have contributed mightily to the disintegration of our cities.

I know that New York City does have the talent, the knowledge, and the programs to solve the problems with which it is struggling.

What our city does not have are the resources.

The time has come for us to examine all of our programs—marginal, desirable, and indispensible—programs for national defense, atomic energy, space, public works, transportation and programs for our cities—for the purpose of establishing a sound and sane system of national priorities.

Mr. RYAN. Mr. Chairman, the bill before us (H.R. 12167) would authorize the appropriation of $2,454,284,000 to the Atomic Energy Commission for the fiscal year 1970. This amount, which is recommended by the Joint Committee on Atomic Energy, is $64,318,000 less than the authorization requested by AEC in its original budget request, but $6,232,000 more than its revised request of $2,448,052,000.

Certain areas of this bill are of special concern. Let me discuss each of these areas separately.

First, under the category of weapons, $135 million has been recommended by the committee for "research, development, and testing of ABM components"—committee report, page 10. The report notes:

> What the AEC will have purchased with the construction and equipment funds provided through fiscal year 1970 are capability and capacity.

In addition to the clear intent of the report, the debate and legislative history on the floor should clearly indicate that approval of this authorization does not in any way infer approval by the House of deployment of the Sentinel ABM system.

A decision on whether or not to approve the administration's recommendation that the Sentinel anti-ballistic-missile system be deployed will come before the House at a later date, at which time I would hope it will be possible to obtain a separate vote on that issue.

A second area of concern is $26,900,000 which the committee has recommended for the final phases of the development of the NERVA I engine.

I have on several occasions pointed out to this body the ill-advisability of proceeding with the NERVA program, for which NASA—despite its determination to proceed with research and development—has yet to define a mission, let alone ask the House to approve a mission.

During the debate on the NASA authorization bill on June 10, I cautioned the House:

> Before authorizing more money for this program, at least we should be aware of what NASA intends for the future.

The report of the Joint Committee on Atomic Energy on H.R. 12167 reinforces my belief that a mission must be defined and submitted to Congress. On page 15 of the report, the committee noted that it continued "to be concerned that no mission has yet been planned for the nuclear rocket." While the committee suggested possible missions for the nuclear rocket, including manned and unmanned lunar missions, unmanned deep space missions, and manned or unmanned earth orbital missions, the fact remains that no mission has as yet been approved by Congress.

As I said on June 10, the testimony from the past several years in the House Committee on Science and Astronautics makes it perfectly clear that the NERVA program is, at least as far as NASA is concerned related to the promotion of

glamorous and costly manned space flight, specifically a manned mission to Mars. Its purpose is interplanetary travel.

While such a mission may not have been approved by Congress as yet, we should recognize that further investments in the NERVA program will increase the pressure to approve whatever purpose NASA ultimately determines for the program. For as investments in the program mount, NASA will argue that, if the investments are not to be wasted, we must proceed with whatever mission NASA advocates.

Such a mission may, however, entail spending billions of additional dollars on a program of dubious national priority. The NERVA program, which is expected to ultimately cost some $2 billion, is the forerunner of a manned Mars mission which I estimated last year would cost perhaps as much as $200 billion into the 1980's.

Given the potential of the NERVA program for increased cost over the next few years, it is doubly important that Congress establish a rational allocation of our resources between our domestic social needs and the space program. Beyond that, we must set priorities within the space program itself. This means objectives must be stated and a balance established between manned and unmanned space flights.

When the costs of a manned Mars mission may be as much as $200 billion—$200 billion which will be vitally needed in such domestic areas as housing, education, and the abatement of pollution in our air and water—should Congress quietly allow the pressure to build for the adoption of such a goal? I think not. And yet, as we pour more and more money into a program for which no mission has been approved, that is precisely what will happen.

Mr. KASTENMEIER. Mr. Chairman, it is with considerable doubt and reservation that I vote for authorizing appropriations for the Atomic Energy Commission for fiscal year 1970, particularly in view of the unsatisfactory report of the Joint Committee on Atomic Energy recommending $135 million in operating expenses for research, development, and testing of ABM components, and the many hundreds of millions of dollars for the development of other nuclear weapons such as the monstrous MIRV. I question the wisdom of such a policy, since strategic talks on arms control with the Soviet Union will begin in the near future.

However, I am pleased with the general direction of the debate we have had in the House on this measure since we are moving toward the central question of the use of nuclear energy for military purposes. Whether we have erred in supporting this authorization bill will be made clear in the forthcoming months, and whether this is the last AEC authorization that is supportable remains to be seen.

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

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $1,973,282,000, not to exceed $121,000,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 70-1-a, waste storage tanks and tank farm waste handling systems, Richland, Washington, $10,000,000.

Project 70-1-b, bedrock waste storage (AE and site selection drilling only), Savannah River, South Carolina, $1,300,000.

Project 70-1-c, waste encapsulation and storage facilities (AE only), Richland, Washington, $1,200,000.

Project 70-1-d, contaminated water control facilities, Savannah River, South Carolina, $1,500,000.

Project 70-1-e, equipment test facility, Oak Ridge, Tennessee, $5,700,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 70-2-a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70-2-b, improvement of gaseous diffusion plant electrical distribution systems, Paducah, Kentucky, $1,700,000.

(3) ATOMIC WEAPONS.—Project 70-3-a, weapons production, development and test installations, $10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 70-4-a, high temperature sodium facility, Pacific Northwest Laboratory, Richland, Washington, $6,300,000.

Project 70-4-b, research and development test plans, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

Project 70-4-c, modifications and alterations to expended core facility, National Reactor Testing Station, Idaho, $4,400,000.

Project 70-4-d, modifications to reactors, $1,000,000.

(5) REACTOR DEVELOPMENT.—Project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, $560,000.

(6) PHYSICAL RESEARCH.—

Project 70-6-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $650,000.

Project 70-6-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $700,000.

Project 70-6-c, accelerator improvements, Cambridge and Princeton accelerators, $200,000.

Project 70-6-d, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $680,000.

Project 70-6-e, accelerator improvements, Stanford Linear Accelerator Center, California, $640,000.

Project 70-6-f, accelerator improvements, medium and low energy physics, $130,000.

Project 70-6-g, modification to Heavy Ion Linear Accelerator, Lawrence Radiation Laboratory, Berkeley, California, $2,650,000.

(7) ADMINISTRATIVE.—Project 70-7-a, computer building, AEC Headquarters, Germantown, Maryland, $1,850,000.

(8) GENERAL PLANT PROJECTS.—$37,650,000.

(9) CAPITAL EQUIPMENT.—Acquisition and fabrication to capital equipment not related to construction, $172,525,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (6) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2), (5), and (7) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b)(8) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(8) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACT.—Section 101(b) of Public Law 90–56, as amended, is further amended by striking from subsection (4) thereof the figure "$32,333,000" for project 68-4-f, 200-Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "$250,000,000."

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—PROJECT DEFINITION PHASE.—(a) The Commission is hereby authorized to conduct the Project Definition Phase of a Liquid Metal Fast Breeder Reactor Demonstration Program, under cooperative arrangements with reactor manufacturers and others, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of $7,000,000 is included in section 101 of this Act.

SEC. 107. The Commisison is authorized to appoint persons as employees to positions in the Atomic Energy Commission without regard to the provisions of section 201 of Public Law 90–364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

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

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

There was no objection.

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

Mr. Chairman, I hope that I shall not take the full 5 minutes. I know the need for expediting the business of the House

today, but I have two general sets of concern about which I believe more general information is needed and I know I would like to have, in addition to that which is in the committee report.

First of all I would like to know the status of or what happened to the experimental gas-cooled reactor which we built at Oak Ridge.

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

Mr. HALL. I am glad to yield to the gentleman from California.

Mr. HOSMER. Which reactor is the gentleman talking about?

Mr. HALL. The EGCR.

Mr. HOSMER. The experimental gas cooling program?

Mr. HALL. That is right.

Mr. HOSMER. As I recollect it, that experiment served its purpose. It demonstrated the feasibility of further activity in the gas-cooling area. Indeed today industry has taken up the gas-cooling approach at Peach Bottom, in Pennsylvania, where there is a producing gas-cooled reactor, I think with a 50,000-kilowatt capacity, on a commercial utility line which was built as a part of the demonstration program in which the AEC participated. As a follow-on to Peach Bottom, at Fort St. Vrain, in Colorado, the Public Service Co. of Colorado, in cooperation with the General Atomics Corp., and with the AEC, is building a large production powerline station on this principle.

Mr. HALL. I thank the gentleman for that part of the information which he volunteered. I think he anticipated my second question, about the Fort St. Vrain projector, indeed, all of the power reactor demonstration program projects. The Fort St. Vrain project, according to the committee's own report, encountered considerable problems, and the committee has been asked by the joint commission to keep it advised on a timely basis of the status of these efforts toward a reconfiguration of that project. Is that not true?

Mr. HOSMER. That is true.

Mr. HALL. But my original question, Mr. Chairman, goes back to the status of the experimental gas-cooled reactor that was a part of the TVA authorization and built on contract by Union Carbide and TVA at Oak Ridge. I believe, if you will search the records, you will find that it was never completed.

I would like to know how much money we put into that out of the taxpayers' pockets before it was thrown overboard, as so many of these cooperative projects and power reactor demonstrations are being thrown overboard.

I want it understood that I am in favor of this bill. I believe in atomic energy. I think it is here to stay. I believe the committee has brought in a good report. Certainly it is forthright and honest, but I believe that the Members and the taxpayers need an answer to some of these questions.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, I do not personally recall that the TVA was a partner in any cooperative gas-cooled reactor. The AEC has had some experiments on its own, and at the present time the TVA is actually buying a 2,000-megawatt nuclear reactor for its system, but these are neither gas-cooled or in cooperation with the AEC. Perhaps the chairman of the committee will recollect something that I have not in connection with this.

Mr. HALL. The gentleman may be right on the details, technically; as to whether it was to furnish power to the TVA under contract or was being built experimentally and TVA was to benefit from the power therefrom. I am not knowledgeable enough to speak authoritatively and from memory in this area, but I think I do know that toward the end of the completion for this type reactor that it was stopped.

Mr. HOLIFIELD. Mr. Chairman, if the gentleman will yield, there was a reactor, I might say, at Oak Ridge, but this was an experimental reactor. We spent quite a bit of money on that. I am going to be frank. We have spent on research and development several hundred million dollars over the period of the atomic energy program. In some cases the committee itself has stopped projects when we thought we had all the scientific information that we could get out of the project. We did not let the project run on; when we got to the end of what we thought was the end of advanced technology in that project then we stopped the project. In many instances the technological information and development of the reactor in such a case which we had stopped was then used in another reactor which eventually brought out a successful reactor.

Mr. HALL. The gentleman in the well fully understands the advantages of research and development, testing and evaluation; as well as advantages from so-called fallout. However, would this same explanation that the gentleman has given, apply to the Malibu nuclear plant which the committee has recommended——

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. HALL. Mr. Chairman, as I started to say, would the same explanation given by the gentleman apply to the cooperative power reactor demonstration programs? At least three out of the five mentioned in the committee report have been modified, discontinued for cause, or were not properly thought out in the first place; or these civilian consultants and benefactors have not been able to bear their portion of the matching funds. I report, is the same general explanation applicable to these power reactor demonstration projects, to the effect that we found acceptable plans not coming to pass?

Mr. HOLIFIELD. Let me say to the gentleman that in 1962 and 1963 the committee authorized two reactors in California. One was the so-called Malibu plant, and one was for the Southern California Edison Co.

Mr. HALL. Is that the same one as the Bolsa Island project?

Mr. HOLIFIELD. That was a later project.

Mr. HALL. But the Bolsa Island project fell through.

Mr. HOLIFIELD. The Bolsa Island project did not proceed because of the escalation of prices. But let me get back to the question.

The gentleman will find an explanation on page 34 of the report.

Mr. HALL. I will say to the gentleman that I have read the report thoroughly.

Mr. HOLIFIELD. Yes, I am sure you have.

The Southern California Edison Co. is producing electricity from its nuclear reactor and it is the most advanced plant now on the line in the United States.

The engineers and scientists believe it will be competitive with other types of fossil fuel and other types of electrical generating plants.

In the case of the Malibu plant, they had trouble in getting a site, local authorization for the site.

So there will never be any money to build on that one.

That was announced in the past, the time when they could avail themselves of that particular cooperative venture because it was to help develop the technology which has now been developed. Therefore, they are not at this time eligible for any help.

As I stated before, the Los Angeles Water and Power Department could not get the siting because of local governmental opposition.

Mr. HALL. I commend the committee on its oversight and review of these projects and continuing to classify and nullify them where there will be no additional civilian or military fallout, where the arrangements cannot be completed.

I will ask the gentleman finally, Has the Commission completed the Sefor reactor satisfactorily, in northwest Arkansas near Fayetteville? Are you happy with it?

Mr. HOLIFIELD. No. This reactor is being completed by partnership between the Federal Government and 17 privately owned utilities, also a German concern is participating in the venture. This is considered to be one of the most advanced reactors for the purpose of improving this breeding factor that I spoke of sometime ago. We are learning a great deal from it at the present time. We are continuing to learn.

I would say that that plant should operate for another two or three years to get the advance technology we need in that field.

Mr. HALL. I will ask the gentleman one final question.

Can he, as chairman of this committee which has oversight and review function of the Atomic Energy Commission, assure me that we are closing these experimental and cooperative civilian demonstration reactor projects down on time, in order to still get the greatest fallout from the technical evaluation and yet not waste the taxpayers' money in order to continue at the insistance of a local concern?

Mr. HOLIFIELD. I believe that is true. The gentleman from Ohio (Mr. MCCULLOCH) is on our committee and we had a research reactor in his district which much to our regret we decided needed to be shut down, and notwithstanding the fact that it was in the gentleman's district, he finally agreed it

should be closed down, and we did close it down.

We will continue to watch carefully all research and development and we will not allow any experimental device to continue beyond the point of what giving us a good scientific return.

Mr. HALL. I thank the gentleman.

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

Mr. Chairman, I have a detailed discussion on the MIRV program which I think is of overwhelming concern to all of us. I will not have a chance in the time allocated to get into it all because I have some questions I would like to direct to the chairman.

But I do think it is clear that there is a real problem here—both of escalation and of foreclosing the option of negotiating an enforceable limitation on MIRV deployment.

At the appropriate time I will be circulating among my Democratic colleagues the substance of the Brooke resolution. The reason I am doing this is, I feel that this is the most effective way to dramatize the concern that all of us have about this expensive and very critical weapons development.

Some of us feel that we ought to take the initiative. I personally would hope that we could do that. I think it is essential that we come to grips with the MIRV issue and the separate resolution that has already been introduced by Senator CRANSTON and Senator BROOKE in the other body.

MIRV MORATORIUM

Mr. Chairman, we are today engaging in the first dialog in the House of Representatives on the critical issue of the development and deployment of multiple independently targeted reentry vehicles.

This discussion comes at a crucial time—a time when the President and the National Security Council are preparing the American position for the upcoming strategic arms limitation talks with the Soviet Union, and at a moment when time is fast running out on our chances of ever being able to have an enforceable arms control agreement limiting MIRV's.

I would like to state at the outset that it is my firm conviction that the United States should at this time halt all testing of our MIRV system, and that further testing should be deferred at least until the arms limitation talks begin, and longer if the Soviets refrain from testing their multiple warhead systems. And in any event the United States should strongly press for mutual moratorium on MIRV's in these talks.

I recognize that not all Members of this body share this conviction. Moreever, I recognize that not all Members of this body are as familiar with the MIRV issues as they would like to be. Accordingly, I would like to take a few minutes to outline the issues as I see them, and to explain the reasons underlying my conclusions.

THE STATE OF THE ART

At the outset it is important to understand how very far along in MIRV development we are, and to understand what it is that we know about Soviet developments in this area.

The United States has present plans to use MIRV's on two types of missiles—the Minuteman III land-based ICBM's and the Poseidon submarine-based missiles. These plans call for the deployment of MIRV's on 500 out of 1,054 of our ICBM's and on 496 of the 656 missiles on our nuclear submarines. The Minuteman III is a new last stage which will be fitted on the existing missile launchers for the Minuteman force. The Minuteman III will carry one to three warheads and is assumed to contain sophisticated penetration aids like chaff and decoys. The Poseidon will carry 10 to 15 warheads, and can apparently also carry penetration aids.

Minuteman III missiles are expected to cost about $10 million each. The Poseidon missiles are expected to cost between $7 and $10 million each. It will also cost about $80 million to overhaul and convert each of the 31 Polaris nuclear submarines to carry the large Poseidon missiles. Thus total MIRV costs may be on the order of $10 to $15 billion, without including research and development costs.

In the current fiscal year 1970 budget there is $2,074,000,000 for the Minuteman III and Poseidon programs. This is more than twice the amounts in the budget for the Safeguard ABM.

The Poseidon and Minuteman III MIRV's both employ a bus concept. This means that one propulsion and guidance mechanism directs all of the individual warheads carried by the missiles. After the main missile boosters have cut off, the propulsion unit on the bus makes minute adjustments in speed and direction, and after each of these adjustments releases another warhead, directing it to a different target.

The Soviet Union is at the present time testing at least two different concepts employing multiple warheads. In one concept, three warheads each in the 5-megaton range can be delivered in a pattern. Intelligence data available in the United States has not conclusively determined whether these warheads are independently targetable or whether they are merely multiple warheads like the ones we have had on our Polaris missiles since 1962 which deliver three warheads in a fixed shotgun-like pattern. President Nixon indicated last week, however, that even if the Soviet warheads are not independently targetable, he regards them as a threat to our ICBM's because the pattern of the Soviet warheads is much like the layout of our Minuteman fields.

The second Soviet concept being tested involves the delivery of a string of up to 10 warheads. Each of these warheads would land in a separate location, but they would not be capable of being independently targeted.

THE STRATEGIC SITUATION

MIRV's have at least two strategic roles. MIRV's can increase the number of targets which can be struck by a given missile launcher force. And MIRV's can increase the probability that an enemy ABM will be penetrated.

MIRV's will affect the strategic balance only if one side perceives the MIRV warheads of the other to be either so large, or so accurate, or so numerous, as to be able to destroy a significant portion of its land-based ICBM's in a first strike, and thereby threaten the credibility of its deterrent.

Thus the crucial question with regard to the MIRV is whether one side sees its adversary's MIRV as a hard target—ICBM—killer. If so that side may perceive a threat to its deterrent and may have to take steps to maintain its assured destruction capability.

The U.S. Defense Department and the President have seen the possible Soviet deployment of large numbers of SS–9 ICBM's with MIRV's as potential hard target killers and not as mere ABM penetrators. Accordingly, the administration has perceived a threat to the land-based portion of our deterrent forces, and has recommended the deployment of an ABM to add to the credibility of our deterrent.

It is not clear how the Soviet views our plans to deploy MIRV warheads on our Minuteman III ICBM's and on our Poseidon submarine-launched missiles. There is information in the public domain which might induce the Soviets to fear our MIRV's as first-strike weapons, and there is other evidence which might convince the Soviets our MIRV's did not pose such a threat.

It is clear that U.S. experimentation with MIRV began, not to develop a system to penetrate antimissile defenses, but to develop a system to increase the number of military targets we could strike with our given force of missile launches. In July 1968, Dr. John Foster testified to the Senate:

> The MIRV concept was originally generated to increase our targeting capability rather than to penetrate ABM defenses. In 1961–62 planning for targeting the Minuteman force, it was found that the total number of aim points exceeded the number of Minuteman missiles.

Since there are scarcely 200 Soviet cities worth targeting, and there were their plans for 800 Minuteman missiles, it must be assumed that these numerous "aim points" were missile sites and other military targets. However, experimentation in the early 1960's showed that with the guidance systems then available, MIRV's could not be made accurate enough to effectively take out these military targets. Accordingly, the early MIRV concept was dropped. But today both the Pentagon and the Soviets are aware of the hard target kill potential of MIRV's.

As far back as November 1967, Paul Nitze testified to the Joint Committee on Atomic Energy that with the same accuracies, ten 50-kiloton warheads were 1.2 to 1.7 times more effective in destroying hardened missile silos than was a single 10-megaton warhead. And since 1967, high defense officials have been making public statements indicating that the MIRV's now being developed will have greater accuracies than any of the single warhead missiles now deployed. Public reports have indicated that our MIRV's are designed to accuracies of less than a quarter of a mile. Furthermore, public reports also indicate that we are working on guidance technology which would permit warheads to actually home in on missile silos.

And perhaps most convincingly of all from the Soviet's point of view is the statement made at least three times this year by Secretary Laird in support of the $12.4 million request for improved guidance for the Poseidon MIRV. Secretary Laird testified:

This is an important program since it promises to improve the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets.

Thus, there are a good many reasons for the Soviets to fear that our MIRV is a first-strike weapon—just as we fear their MIRV is a first-strike weapon.

Recently, perhaps in an effort to allay Soviet apprehensions, the Pentagon has been putting out information on the size of our MIRV warheads—Minuteman III, 200 kilotons; Poseidon, 50 kilotons, and their expected accuracies—one-quarter mile—which indicates that our MIRVS's are not particularly good weapons for destroying missile silos. But it is not at all clear that the Soviets either believe the information as to the size of the warheads or as to the expected accuracies. Moreover, conservative Soviet defense planners would have to assume that our MIRV's were both larger and more accurate than we claim them to be.

Thus, there is good reason to believe that the Soviets will see our MIRV deployment as a threat to their land-based deterrent and that they will thus have to take further action to expand or protect their ICBM forces.

In presenting this evidence on the first-strike capabilities of our MIRV's, I do not contend that we are trying to achieve a first-strike posture with regard to the Soviets. But I do contend that it is perfectly plausible, if not exceedingly likely, that the Soviets fear our MIRV as a potential first-strike weapon.

If they do feel threatened by our MIRV's they will certainly respond with further deployments, just as we have done with the Safeguard ABM. And thus the arms race will be escalated another costly notch.

FIRST STRIKE

One more point is worth making about MIRV and the possibility of a first strike. Not only is MIRV deployment likely to escalate the arms race by forcing the other side to deploy offsetting offensive or defensive weapons, but MIRV deployment actually makes the likelihood of a first strike greater.

If a MIRV-equipped missile is destroyed on the ground in its silo, several warheads will be destroyed. Thus, there is a considerable advantage to an attacker if he can destroy MIRV missiles in their silos, as in a first-strike attack.

Furthermore, once a MIRV-equipped missile is launched, it has the potential to destroy several of the enemy's missiles in their silos. Thus, again there is an advantage to the side that launches first.

This foreboding pressure to strike first is further heightened when one or both sides have city defense ABM systems. That side which has both MIRV and ABM might conclude that by attacking first, enough of the other side's missile force would be destroyed so that the ABM would be effective in meeting the diminished retaliatory attack by the other side.

Thus, should one or both sides deploy MIRV's or both MIRV's and ABM, in times of high tension, there will be greater pressure to strike first than there is now.

ARMS CONTROL

If MIRV deployment both makes the threat of a first strike greater and further escalates the arms race, it seems fair to ask what can be done to stop its deployment by both sides.

This question is, of course, the subject of the arms limitation talks. But whether those talks will ever have a realistic opportunity to discuss and decide the possibility of a mutual moratorium on MIRV deployment is in doubt. This doubt arises for two causes.

First, surveillance satellites which are capable of counting and locating ABM and ICBM missile sites, are not capable of distinguishing missiles with MIRV warheads from those with single warheads. The photographic and other equipment carried by these satellites is not capable of piercing the shroud covering the missile, nor of seeing through the concrete covers of the missile silos. Thus without on-site inspection, it is not possible to police an arms control agreement barring MIRV development.

Second, if a MIRV deployment moratorium cannot be enforced through satellite verification, and on-site inspection is not allowed, such a mutual moratorium could only be enforced if both sides were convinced that the other side had not proceeded far enough with its MIRV testing to justify deployment in secret of the MIRV warheads.

This point—the time at which one side is observing the MIRV test of the other concludes that even if tests were halted immediately they could no longer have high confidence that the tests had not proceeded far enough that the MIRV might be deployed secretly—is the point generally referred to as the point of no return in MIRV testing.

There is a good deal of controversy as to whether the point of no return has already been passed in the U.S. testing program. If it has not already been passed, it seems certain that it will be passed if the tests are continued successfully through this summer. By that time the tests will be better than half over, and most of the major tests will have been completed.

At this point the United States has conducted at least 13 MIRV flight tests. The tests of the Poseidon MIRV have been called "highly successful" by the Pentagon. The Minuteman III tests have been stretched out, but Secretary Laird still expressed confidence that the system would perform as intended by the time it is deployed in 1971.

Thus, there is some question as to whether the Soviets could ever be convinced that we were not secretly deploying MIRV's even if we were to stop testing right now. However, there is a chance that they might be so convinced. In order to offer them that chance in the arms talks, it might be that we have to halt testing of MIRV's now and provide the Soviets with the opportunity to agree to a MIRV moratorium before the point of no return is passed.

TIMING

In deciding whether the United States can afford to defer MIRV testing and therefore MIRV deployment for a while longer, it is important to remember that the Pentagon justifies the MIRV as an ABM penetration system. In fact in this year's posture statement, the Pentagon notes:

MIRV deployment is necessary because we must continue to plan our strategic offensive forces on the assumption that they (USSR) will have deployed some sort of an ABM around their major cities by the mid-1970's.

Yet at this time we have no intelligence estimate which indicates that the Soviet Union will have such a city defense ABM deployed in 1971 when the first U.S. MIRV's will become operational. In fact, the leadtime for city defense ABM deployment is considerably longer than the leadtime for MIRV deployment. Thus, we could actually wait until there was firm evidence of a Soviet nationwide ABM before we put MIRV's on our missiles.

These leadtime differentials, and the fact that the U.S. MIRV deployment is scheduled for several years in advance of the threat it is said to meet, indicate that we could tolerate a few months delay in MIRV development with no loss in security.

CONCLUSION

Thus, Mr. Chairman, with MIRV development we face another costly escalation in the arms race which will not contribute to the increased security of either side. Moreover, this development will make a nuclear first strike strategy considerably more attractive than it is now.

These awesome prospects can be avoided if we can get a mutual moratorium on MIRV testing and deployment with the Soviet Union. Whether we can work out such a moratorium depends in part on not going too far in our MIRV testing. Since deferring these tests for a few months would not jeopardize the national security, and might actually contribute to that security should an agreement be reached, I strongly urge the members of this body to advocate and support a halt on U.S. MIRV development pending the commencement of the SALT talks and continuing thereafter so long as the Soviet Union refrains from testing its multiple warheads, and in any event pressing for a mutual moratorium on MIRV development in these talks.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I regret that the general debate was so abbreviated that I was not present to hear the previous discussion between the chairman of the Joint Committee and my colleague, the gentleman from New York (Mr. KOCH).

First, I would like to say that I share very intensively the concern that my colleague, the gentleman from California, has expressed with regard to the further testing of MIRV weapons. Some weeks ago I introduced a resolution in the House, which now has 29 cosponsors. I

regret that the gentleman from California prefers the form of resolution that was introduced in the other body by Senator BROOKE. But that is his privilege. I do not know that there is any enormous difference between the two. In any event, I think it is of great importance that the disarmament talks—the SALT talks—proceed with the utmost urging, and there is no doubt that a mutual freeze on the development of the MIRV weapon, as well as on the deployment of the ABM, would be helpful to our national security, as well as making possible a better use of our national resources.

But as I understand it—having had a conversation with the distinguished chairman of the Joint Committee—there is nothing in this legislation which purports to make any decisions with regard to either of these questions.

I have also discussed the matter of the ABM part of it with Senator GORE of the other body, and he assured me he had agreed to the Joint Committee's report on that basis. The report specifically states that the funds requested for ABM would be needed whether or not we decide to proceed with deployment of the ABM safeguard system. I assume that the same is true with regard to the MIRV.

May I ask the gentleman, the chairman of the Joint Committee, whether I am correct in my understanding that this legislation before us does not, if passed, constitute any decision by this body with regard to the desirability of proceeding with the deployment of the ABM safeguard system.

Mr. HOLIFIELD. Mr. Chairman, that is my understanding, that the money in this bill is for research and development of all type warheads and has nothing to do with deployment.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman.

Would I be correct in my understanding that the same is true with regard to the question of the testing of the MIRV weapons, that that decision is presently in the hands of the President and the Defense Department, and there is nothing in this legislation to indicate a decision one way or another on that?

Mr. HOLIFIELD. That is my understanding, with this qualification, that the research and development and testing of warheads that has been going on—as the gentleman knows—since 1945, continues.

In the case of these different types of warheads, the scientific technology used in one warhead is applicable to the other. When it comes to testing the nuclear warhead for Minuteman or Poseidon, or if there should be a MIRV type, the nuclear warheads are tested underground and are not tested in flight.

However, there are flights in which dummy components of what we would call a multiple reentry vehicle would be tested by the flight of missiles. We are continuously testing missile flights to Kwajalein Island from the U.S. air base at Vandenburg. There have been in the past multiple reentry vehicle tests both by the United States and the Soviet Union. This is nothing new, but they have always been dummy components and not the real thing.

Mr. BINGHAM. I thank the chairman.

In passing, I might say it was my understanding from testimony of the Defense Secretary Mr. Packard and testimony we heard coming from Secretary Laird that tests conducted by the Soviet Union have been, as far as is apparent, of MRV's, multiple reentry vehicles, and not MIRVs multiple independently targetable reentry vehicles.

I would like to explain to the gentleman, as far as testing underground is concerned, that is not the matter that we who are in favor of suspending flight tests have in mind. We are not concerned with underground tests.

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

(By unanimous request, Mr. BINGHAM was allowed to proceed for an additional minute.)

Mr. BINGHAM. Mr. Chairman, it is not the underground testing we are concerned about. It is the flight tests which are under the control of DOD, as I understand it, that would indicate to the Soviets that at a certain point we have developed an operational MIRV. That is what we are concerned about.

I understand this legislation does not make any decision with respect to whether those tests should be continued or not. Is that correct?

Mr. HOLIFIELD. Mr. Chairman, again I will have to repeat what I said to the gentleman, and I am trying to phrase my words carefully.

Testing of the missile with the component dummy parts has occurred in the past 2 or 3 years. It is occurring now and will continue to occur, and at a specific time when the tests are considered to be successful, it will be assumed then that there would be a utilization of it by putting nuclear components in the warheads of our Minuteman and Poseidon or any other missile we thought it was adaptable to.

Mr. BINGHAM. I understand that, Mr. Chairman. What I am concerned about is that we not come to a point later in the session when perhaps somebody debating a resolution such as the gentleman from California (Mr. COHELAN) is talking about, or my resolution, might run into the argument, "Oh, no; we decided that question when we passed the AEC authorization bill."

I want to be sure we will not be foreclosed from debating that when the time comes by reason of the fact that we pass this legislation.

Mr. HOLIFIELD. I am sure the gentleman will be given that opportunity under the rules of the House. I will be happy to discuss that matter with him at that time.

Mr. BINGHAM. I thank the gentleman.

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

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

The CHAIRMAN. The Chair will count.

One hundred and fifteen Members are present, a quorum.

The gentleman from Illinois, (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of Illinois. Mr. Chairman, I have listened with great care and great interest as well to the remarks both of the gentleman from California (Mr. COHELAN) and of the gentleman who just addressed the Committee, the gentleman from New York (Mr. BINGHAM).

I spoke on this subject earlier today when we were under general debate on this bill, and I indicated I was firmly of the conviction that there was no inconsistency between a position in support of this legislation—I refer, of course, to the authorizing legislation for the Atomic Energy Commission—and a position which I took last week expressing the hope that the President of the United States would take the initiative of proposing a mutual moratorium on the further flight testing of MIRV.

The gentleman from California has mentioned that he is circulating a counterpart of the so-called Brooke resolution among his Democratic colleagues. I intend to do the same among my Republican colleagues, because I see the desirability at this particular juncture in history of trying to take some positive action of trying to seize the initiative for a mutual moratorium.

However, I would take issue with my friend from New York, who referred to the resolution which he introduced in this body earlier this month, which now has some 29 cosponsors, and which he feels is not substantially different from the resolution I will circulate, the so-called Brooke resolution. I have before me a copy of that resolution, and I find, on page 2, subparagraph 2 of the resolving clause:

> That the United States should defer further MIRV testing until every effort has been made to achieve a mutual freeze on MIRV development.

It seems to me that represents a substantial difference between the position of those of us who are urging a mutual moratorium. The so-called SALT talks, which presumably will begin between the 31st of July and the 15th of August, could well go on for a period of several years. The Soviets might well argue that during all this period they were trying to reach an agreement with us on a mutual freeze on MIRV development. During all that time they would be free, under the gentleman's resolution, as I understand it, to continue flight testing because no agreement had actually been arrived at. It seems to me we would then be running the very considerable risk that they would be testing to our disadvantage.

So I want to make it clear that I perceive a very definite distinction between the gentleman's resolution and the one I intend to circulate.

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

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Is it not true that the Brooke resolution does contemplate a first move by the United States to suspend the MIRV

testing, to be continued as long as we are satisfied no MIRV testing is going on on the other side.

Mr. ANDERSON of Illinois. That is not my understanding. My understanding of the Brooke resolution is that it proposes we say to the Soviets, "If you will indicate to us that you will stop further flight testing of this weapon, we will do the same and continue to desist from testing until such time as you have broken the moratorium."

Mr. BINGHAM. If the gentleman will yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. The gentleman is mistaken, I believe. I do not have the resolution in front of me, but it does not contemplate any prior agreement of that kind.

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

Mr. ANDERSON of Illinois. I will be glad to yield to the gentleman from California.

Mr. COHELAN. I have a copy of the resolution which is contained on page 16150 of the RECORD of June 17. The gentleman in the well is correct. It reads as follows:

> The Government of the United States should declare its intention to refrain from additional flight tests of the MIRV vehicles so long as the Soviet Union does so.

Now, while I have an opportunity, I would like to make this observation if the gentleman will yield further.

Mr. ANDERSON of Illinois. Yes.

Mr. COHELAN. I would prefer personally that we take the initiative. In the remarks I made earlier, which I hope Members will read, I advance the argument on this question and point out why we should act and why we can afford the risk. However, I am actually sponsoring, along with my colleague from Illinois (Mr. ANDERSON), the Brooke resolution. I do this because I believe most Members can and will support that position. It will also draw attention to the cost and arms escalation of this critical weapons development.

Mr. ANDERSON of Illinois. Now, if I may, I would like to explain why it is I am proceeding on the assumption that we should get some indication from the Soviet Union that they agree to this moratorium. I think it was in 1958 that former President Eisenhower proposed a moratorium, you will recall, on testing in the atmosphere. This went along until September 1961. I should go back and say that at the time President Eisenhower made his proposal there was no real indication from the Soviet Union that they agreed to the moratorium. Things ran along until September 1961, you will recall, when all of a sudden the Soviets broke the moratorium. Without as much as a "by your leave," they proceeded to resume testing in the atmosphere.

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

(Mr. ANDERSON of Illinois asked and was given permission to proceed for 1 additional minute.)

Mr. ANDERSON of Illinois. I think we have to have a decent regard for history in this respect and recall that particular example. Therefore I suggest when we propose a moratorium that even though we take the initiative in the sense that we make the proposal, because it certainly has not been forthcoming as far as I know from the Soviet Union, that we will still expect some indication on their part that they are assenting to the moratorium and are not going to proceed with flight testing of this particular weapons system.

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

(Mr. ANDERSON of Illinois, at the request of Mr. BINGHAM, was allowed to proceed for 2 additional minutes.)

Mr. BINGHAM. Will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. I want to pursue the question as to whether the Brooke resolution calls for a prior agreement on the part of the Soviets. It is quite clear, I believe, from the penultimate paragraph of the resolution, that it talks about the achievement of an agreement, but the final paragraph of the resolution refers to action that the United States indicates it is prepared to take provided the Soviet Union will do the same; not provided that they agree to do the same but that they will do the same. There is a lot of difference. You do not have to have prior agreement but simply action by the United States and a response by the Soviets at the same time without explicit agreement. Then you proceed to try to reach an agreement.

Mr. ANDERSON of Illinois. I will simply say in reply to the gentleman from New York that I have tried to familiarize myself with the literature in this area and the debate which surrounded the introduction of this resolution in the other body. It seems to me that the legislative history, if you can call it that, of this resolution to date indicates as far as its sponsor is concerned that what he had in mind was a mutuality of obligation. I take that mutuality of obligation to extend to this business of indicating somehow that one side will agree in advance they will not test while the other side is similarly not testing.

Mr. BINGHAM. If the gentleman will yield for one further comment?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. BINGHAM. If that is so, it seems to me it is most unfortunate, because then no MIRV freeze will occur until we can arrive at an agreement.

The gentleman knows how difficult it is to arrive at agreements with the Soviet Union.

Mr. ANDERSON of Illinois. I would have to disagree with the gentleman. As a matter of fact, the very reason I am suggesting that we ought to propose a moratorium in this country is to avoid the necessity of waiting while these long and perhaps even tedious negotiations drag on in Geneva, or Vienna, on trying to come up with an overall disarmament agreement. It seems to me there would be no great difficulty involved in arriving at an informal agreement with the other side with respect to the testing of MIRV.

Mr. BINGHAM. Could the gentleman think of an instance where we have been able to arrive at such an informal agreement with the Soviet Union without going through all of the agony of negotiations?

Mr. ANDERSON of Illinois. I think the gentleman will agree with me that we have reached a point in history which is a sufficiently critical juncture that we ought to be willing to try to take the initiative and make such an attempt, even though the chances are not very bright in that regard.

Mr. Chairman, last Thursday evening President Nixon held a press conference in which he discussed a wide range of subjects. Of particular interest to me was his announcement that he intended to begin strategic arms limitation talks with the Soviet Union around the first part of August, subject, of course, to Soviet acceptance of this invitation.

I think the President is to be commended for sensing the urgency of these talks and for rejecting any further delay in their commencement. I would hope that the Soviet Union will agree to the July 31 target date so that we may begin substantive discussions on checking the dangerous arms spiral.

Last week, before this body, I expressed my concern over the delay in arms talks and over the development of MIRV missiles, the multiple independently targetable reentry vehicles that both we and the Soviets are contemplating deploying. I expressed the belief that we should seriously consider proposing to the Russians an immediate and mutual moratorium on MIRV flight tests pending a formal agreement at the conference table.

I am disturbed by the fact that if a halt in these tests is not called soon, it may be too late to work out an agreement acceptable to either side. MIRV would introduce a warhead counting problem that could only be checked by onsite inspections, something neither side is likely to agree to. In addition, MIRV would signal a new escalation in the arms race that would not only involve great costs but would imperil the delicate balance of terror being maintained by both sides. The technology of MIRV is such that the greater it is perfected in accuracy, the more provocative it becomes as a potential first strike weapon capable of knocking out hardened missile targets. The introduction of MIRV will consequently put both us and the Russians in a constant state of fear over both the capabilities and intentions of the other side.

I was, therefore, encouraged by President Nixon's reference last Thursday to a mutual moratorium on MIRV flight tests as "a very constructive proposal." The President went on to say that the administration is "considering the possibility of a moratorium on tests as part of any arms control agreement." I think the President was correct in ruling out a "unilateral stopping of tests on our part." This would be unwise and a foolish risk that we could not afford to take. I have proposed a mutual moratorium and I was pleased with the President's comment:

> Only in the event that the Soviet Union and we could agree that a moratorium could

be mutually beneficial to us, would we be able to agree to do so.

However, I wish to reiterate my belief that a MIRV test moratorium cannot await a formal agreement at the SALT conference. We must head off this escalation now before either side is capable of deploying the weapon. I would urge the President to follow up the remarks made at his press conference by proposing to the Soviets that we both cease MIRV testing as of July 31 and that the moratorium continue for the duration of the talks. I think both we and the Soviets are extremely apprehensive about the Pandora's box which would be opened by MIRV and that we both realize, in the President's words, "that a moratorium could be mutually beneficial to us."

Mr. Chairman, for these reasons, I have decided to introduce in this body, a resolution identical to the one introduced in that other body by Senator BROOKE, calling upon the President to propose to the Soviet Union an immediate and mutual moratorium on MIRV flight tests. I intend to circulate this resolution among my colleagues on this side of the aisle and urge them to cosponsor it with me. At the same time, the gentleman from California (Mr. COHELAN) will be circulating the same resolution among his colleagues on the other side of the aisle for the same purpose. I would ask that all the Members of this body study the resolution carefully, consider its merits and its urgency, and join us in expressing our concern over this crucial issue.

Mr. Chairman, at this point in the RECORD, I wish to include certain editorials and articles pertaining to this proposal and I call these to the attention of my colleagues.

The articles follow:

[From the Wall Street Journal, June 20, 1969]

MR. NIXON ON MIRV

President Nixon says his Administration is considering a joint Soviet-American moratorium on tests of multiple warhead missiles, but rules out any unilateral suspension on our part. Good enough, but we hope the U.S. sounds out the Soviets on some sort of informal moratorium in advance of the arms talks that may start later this summer.

When combined with missiles of appropriate size and accuracy, a MIRV (multiple independently targetable reentry vehicles) capability could be used for a nuclear first strike taking out much of the opponent's retaliatory force. Yet the posture of mutual deterrence, the bedrock of whatever stability a nuclear world can hope to find, depends more than anything else on each side's confidence that its retaliatory forces are secure from any such attack. MIRV technology threatens that confidence, and thus directly threatens nuclear stability.

President Nixon's remarks recognize the special importance of multiple warheads in suggesting a MIRV test moratorium as part of the arms control agreement. Such an agreement, though, is likely to take years of negotiation. The time during which the President's suggestion of a MIRV test moratorium remains feasible is measured in months at best.

A limitation on MIRV seems conceivable only while it remains in the test flight state, when both we and the Soviets can easily monitor the other's efforts. Once operational confidence is gained, any limitation could be enforced only through detailed on-site inspection of missiles, a possibility that flies in the face of the Soviet's historic opposition to any inspection of that kind.

Once MIRV is operational, each side would be forced to assume the other had deployed it. This would not absolutely preclude arms limitation, but it would force the nuclear race up to its next plateau in spending and warhead proliferation. Each side would in fact, feel forced to proceed with its own MIRV. And since anti-ballistic missiles are the logical strategic response to MIRV, the question on the ABM would not be whether to deploy the current Safeguard proposal, but whether ABMs could be held to anything like the Safeguard's limited size.

Now, the United States is only a few months away from operational confidence in the key independent guidance technology, though it is not testing multiple warheads large enough to be especially useful in attacking the Soviet's hardened retaliatory missiles. The Soviets apparently are testing multiple warheads of this counterforce size, but their independent guidance capability seems much further in the future.

Anything the U.S. can do to stop the Soviet tests is manifestly in the American national interest. The U.S. MIRV would be absolutely necessary only if the Soviets deployed a large city-defense ABM system, a project with a long lead time allowing the U.S. to pick up MIRV development. Thus, the U.S. has little to lose and a great deal to gain from a mutual MIRV test suspension.

That is not to say the Soviets would necessarily feel they would suffer from such a limitation, for no doubt they would prefer that the U.S. does not deploy MIRV. Since their interest in arms talks probably stems from a desire to limit strategic spending, also, they would presumably see the advantage in not being forced on to the next plateau. Thus there is at least some chance the Soviets would agree to a test moratorium provided it is offered to them before they feel the U.S. has perfected its own technology.

In endorsing a mutual test suspension and commending Senator Brooke's activity in its behalf, President Nixon demonstrated that he understands this analysis of the MIRV problem. The same logic leads to the next step, approaching the Soviets immediately, while a mutual test suspension remains in the realm of possibility.

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[From the New York Times, June 20, 1969]

MR. NIXON AND MIRV

No decision Richard Nixon will face as President is likely to be more momentous than the decision he faces within the next few days on the proposal to suspend the flight-testing of MIRV multiple-warhead missiles. Mr. Nixon yesterday described this proposal as "constructive" and said he would favor it if the Soviet Union would agree to do the same. But his attack on a "unilateral" suspension (of tests only the United States is now conducting) and his statement that this move must be part of an arms control agreement (which may take years to negotiate) confuse the issue.

Immediate suspension of MIRV tests is essential to keep the door open for a strategic arms agreement with the Soviet Union that would freeze the existing nuclear balance, head off further escalation of the missile race and assure security to both sides. Continued testing for even a few more weeks threatens to take the world past a point of no return into an expensive and dangerous new round in the missile race. It promises a five-fold multiplication of nuclear delivery vehicles in the American strategic missile forces—from 1,700 to about 8,000, an expansion that the Soviet Union would doubtless match. Even if limits on Soviet and American missile strength were later to be set at these higher levels, an era of nuclear nervousness would be almost sure to replace the present situation of stable mutual deterrence.

The bipartisan resolution introduced this week by Senator Brooke of Massachusetts and 40 other Senators urging the President to seek an immediate moratorium with the Soviet Union indicates a growing realization in Congress that MIRV testing is now the main governor on the arms race. It is more urgent than the issues that have dominated the missile debate in recent months, such as the Safeguard antiballistic missile (ABM) system, or the Soviet offensive SS–9 missiles and defensive ABM deployments.

These systems can be fully discussed in the approaching strategic arms talks with the Soviet Union. They take years to build and there is time to negotiate cut-offs long before their expansion will significantly affect the nuclear balance. Moreover, they can be monitored easily by reconnaissance satellite without on-site inspection. MIRV is a wholly different matter.

The United States already has staged fourteen full-systems flight tests of silo-based Minuteman III and submarine-launched Poseidon missiles carrying from three to twelve MIRV warheads. The first two of 31 Polaris submarines to be refitted at great expense for the big, MIRV-tipped Poseidon missiles already have gone into drydock for that purpose.

The Johnson Administration proceeded on schedule with MIRV flight-tests last August after advice from the Joint Chiefs of Staff that two years would be required to test to operational confidence. Within two months, it was thought, missile talks with the Soviet Union would be under way to halt MIRV and other aspects of the arms race. But the Soviet-American talks were delayed three months by Czechoslovakia, then another seven months so far by the determination of the Nixon Administration to re-examine the strategic balance and the American negotiating position at leisure.

Meanwhile, the American MIRV tests have moved much faster than the Pentagon originally indicated and operational confidence may now be reached in a matter of weeks, if the tests continue—a year ahead of schedule. Continuation of the testing this summer thus threatens to carry the world irrevocably into the MIRV era. MIRV can only be headed off in the test stage, since tests can be detected with relative assurance. Once deployed, MIRV can only be detected by on-site inspection more intrusive than even the United States, not to mention the Soviet Union, would be likely to accept. Satellite cameras cannot tell whether a missile is carrying one or ten warheads.

The American national interest lies overwhelmingly in heading off Soviet MIRV tests before they begin or, at least, before they get very far. The best way to achieve that would be suspension of American tests so long as the Soviet Union refrains from testing as well. An alternative would be an immediate approach to Moscow for a jointly announced test moratorium now. Postponement of this approach until the overall strategic arms talks begin in August—or, even worse, until agreement is reached there—would risk the true security interests of the United States and the world.

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[From the New York Times, June 22, 1969]

CAN THE ARMS RACE BE STOPPED IN TIME?

(By Peter N. Gross)

WASHINGTON.—One day early in August, some Russian Diplomats and some American diplomats are planning to sit down together in Vienna, or maybe in Geneva, to decide whether there is anything they can do about setting some limits to the power each nation has to destroy the other.

President Nixon plunged into the final preconference review with his National Security Council last week, evolving the negotiating position the United States will take when it begins the long-heralded Strategic Arms

Limitations Talks with the Soviet Union. In Washington's jargon, this new and by far most ambitious round on disarmament talks has the label SALT; the acronym is the only whiff of whimsy in the grim and awesome undertaking. What is and is not discussed in these talks, for which, at his press conference on Thursday, President Nixon set an opening target date of July 31, will shape global strategy for a decade to come.

TECHNOLOGY ADVANCES

As an opener, the Administration is likely to propose a freeze on deployment of both superpowers' arsenals of land-based intercontinental ballistic missiles. Such is the advance of military technology in the 18 months since the missile talks were first contemplated that this once formidable proposal now looks like about the easiest place to begin.

There is reasonable parity now on these ICBM's; the Russians with 1,200 already in place or nearly so, the United States with about 1,000 Minutemen and 54 giant Titan II missiles.

From this relatively straightforward proposition, the talks could move into limitations on the other weapons systems, the bombers that once were the center of United States strategic defenses, the submarines that serve as mobile missile launchers, and on into the more sophisticated weapons of multiple warheads and antiballistic missile systems. That, at any rate, is the design of the talks as now projected from the American side.

The principle of this negotiating strategy is to start with what is already deployed before trying to regulate advanced weapons that are scarcely operational. It is a strategy full of pitfalls—and not only those set by the adversaries.

From the start of his Administration, President Nixon has made a point of consulting in detail with the European allies before deciding anything with the Russians. He sent one of his longtime aides, Robert Ellsworth, as his ambassador to the North Atlantic Treaty Organization.

If the task were simply to inform the European Governments what the United States hoped to achieve with the Russians on limiting advanced weaponry of the superpowers, Mr. Ellsworth's job in the coming weeks would be relatively easy. Instead, the Administration believes it has to impress upon the NATO partners that the opening of missile talks does not mean that conventional European defenses can be relaxed. On the contrary, American diplomats argued, any agreement to limit strategic weapons might well make the maintenance of regional and conventional forces more crucial, for there is where the pressure could be turned on in the years to come.

DISSENT IN SENATE

Strangely enough, President Nixon has taken less care in his consultations in another direction—with the Democratic Congress. Consequently the loudest voice challenging the Administration's SALT position is coming, not from nervous allies or, as yet, suspicious Russians, but from the United States Senate. Legislators of his own party complain that the President is neither listening to their views nor bothering to inform them of his. Testimony from top Administration officials at formal hearings strikes the Foreign Relations Committee, the center of the opposition, as contradictory and cavalier. There is rumbling of a new "intelligence gap," as differing assessments of Soviet nuclear capabilities are called to the Senators' attention.

A bipartisan group of 39 Senators joined in sponsoring a resolution last week calling for a mutual moratorium on flight tests of multiple warhead systems as the first item of business in the arms talks. At his Thursday news conference, Mr. Nixon rather grudgingly called their suggestion "constructive insofar as they themselves are thinking about it"; he said the Administration was considering such a moratorium "as part of any arms control agreement."

But across the executive branch it seemed clear that limitations on the new generation of weapons would be well down on the conference agenda, and by the time the two sides got to doing anything about it, both ABMs and multiple warheads might well be operational on both sides.

If that point is reached, the Senatorial critics say, it's the point of no return and there would be little likelihood of any agreement to limit these new weapons. Modern intelligence devices are perfectly able to determine how many missiles are deployed on launching pads; there is no way short of on-site inspection to know how many warheads are on board each missile. Neither country has shown much interest in on-site inspections so far—therefore, the critics say, there is no reasonable chance of an enforceable agreement once the multiple warheads now being tested become part of each country's arsenal.

What the Russians think about these points remains to be seen. Administration experts frankly admit that they have no real idea of how the Kremlin sees the forthcoming talks unfolding; all they know, they say, is that the Soviet Union is pushing ahead on the development of new weapons as fast as the United States, if not faster. The time for stopping such development, called for by the Senators, has already passed.

This is the cloud under which the SALT undertaking now stands. The old underlying purpose—the prevention of a new spiral of costly arms production—is dangerously close to being defeated before the talks even begin.

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[From the Washington Post, June 22, 1969]

BUT PENTAGON BANKS ON IT: MIRV SEEN ADDING TO "MAD MOMENTUM"

(By Richard Harwood and Laurence Stern)

In the euphemistic phrasing of the war business, the new gadget is called a "bus." Its passengers are little warheads that could be dropped off "with a very nice area effect," as the Pentagon puts it, at such places in the Soviet Union as Minsk and Tomsk.

The official acronym is "MIRV" (as in Mervin). The letters stand for "multiple independently targeted re-entry vehicle." They are rapidly replacing "ABM" as the symbolic focus of the arms control debate in the United States.

To many scientists and politicians, MIRV is the newest and most deadly accelerator of "the mad momentum of nuclear armaments." It insures, Sen. John Sherman Cooper told the Senate last week, that the United States and the Soviet Union can, in a single stroke, "multiply the number of deliverable nuclear warheads in the world by a factor of 3 to 10."

To the managers of the Pentagon, MIRV offers one of the best hopes for slowing down the arms race. It is, in their view, a trump card in the forthcoming arms negotiations with the Soviet Union. If the Soviets agree to abandon efforts to defend their cities against American missiles, then the United States could agree, the Defense Department suggests, to abandon or limit the deployment of MIRV.

President Nixon hinted as much Thursday when he said he is willing to talk with the Russians about a MIRV moratorium.

Actually the first indication of the Administration's negotiating flexibility on MIRV came nearly three months ago in a little-noticed exchange between Deputy Defense Secretary David Packard and Sen. Albert Gore (D-Tenn.)

Gore asked: "Do you have any doubt that it is our intention to replace the Polaris with the Poseidon?"

Packard's response was: "It is our intention, Mr. Chairman, unless we conclude some agreements that would dictate otherwise."

Pentagon officials have some suggestions as to the general terms of such an agreement.

"If they tell us they are not going to defend their cities," said one spokesman, "we'll lose a lot of interest in MIRV. Since its purpose is to penetrate Russian cities' defenses, MIRV is negotiable."

Authoritative officials speak of a formula under which both sides would freeze the number of offensive missile sites and move into "thin" antiballistic missile systems. "That would, in effect, be disarmament," in the view of one Pentagon expert.

A more modest step, as some see it, would be a mere mutual freeze on the number of delivery vehicles, or buses. "If they freeze their delivery vehicles they can MIRV up to the kazoo and they would have no first strike," an official said.

This means, however, that each side would have to make the worst assumptions about how much megatonnage lies in the silos of the prospective enemy.

It could still be a prescription for further arms stockpiling by both the Soviet Union and United States.

As with all of the scenarios on nuclear war and its probabilities, MIRV has created deep divisions in both the scientific and political communities in the United States. It suggests to some that American war planners are seeking a "first-strike" capability against the Soviet Union. It suggests to others that the Defense Department is a sucker for gadgets, that it will buy any new weapon that comes along, irrespective of need. It suggests to still others that the Nixon Administration is not serious about arms control.

The view from the Pentagon on these issues is both reassuring and confusing. It is based on the promise that security is, in effect, found in insecurity, that the best hedge against a nuclear war is, in Robert McNamara's words, "the certainty of suicide to the aggressor." That is what is meant by the "balance of terror."

That balance, the Pentagon maintains, could be upset by the United States in only two ways—an infallible system of defense (ABM) protecting the country from "suicide" or an infallible system of offense to destroy virtually all Soviet weapons in a sneak attack.

MIRV has been called, by its critics, the forerunner to that kind of "first-strike" offensive system. But the Defense Department rejects the argument.

The main reason offered is that MIRV's warheads are too small and too inaccurate for use against Russian missile silos. The MIRV "bus" to be installed on the new Minuteman III missile, according to Defense officials, will carry from two to three 200-kiloton warheads. The "bus" on the new Poseidon submarine missile will carry up to 15 warheads of about 50 kilotons each (the Hiroshima bomb was 20 kilotons.)

In order for a 200-kiloton warhead to have a 70 per cent chance of knocking out a silo, it would have to land no farther than 200 yards away; a 50-kiloton warhead would have to land no more than 140 yards away.

This kind of accuracy, says the Pentagon, is not possible today nor in the foreseeable future; the best that can be done now is to guide a warhead to within about 440 yards of its target.

That is close enough to kill a target—a silo, for example—when large weapons are used, such as the 1-megaton warheads currently installed in Minuteman and Polaris. But it is too far away for smaller warheads to be effective.

Thus, MIRV's only present usefulness, its promoters insist, would be against "soft" targets such as cities.

There is general, although not unanimous,

agreement in the scientific community that this description of MIRV's limitations is essentially correct.

But the Pentagon itself has cast doubt on this presumption by the conflicting statements it has issued. Although it now insists that MIRV is ineffective against silos, it took precisely the opposite view in January, 1968 when it put out a statement saying that "each new MIRV warhead will be aimed individually and will be far more accurate than any previous or existing warhead. They will be far better suited for destruction of hardened enemy missile sites than any existing missile warheads."

Defense Secretary Melvin Laird implied the same thing when he told Congress in March of this year that he planned to spend $12.5 million to improve the Poseidon guidance system and thereby make it more effective against "hardened" targets, meaning missile silos.

Statements of this kind have alarmed many scientists, such as Wolfgang Panofsky, the Stanford physicist who was a member of the President's Science Advisory Committee from 1959 to 1964 and chairman of its panel on defense.

"They (such statements) are essentially threatening to the Soviets," Panofsky said, "and are technically wrong . . . From Laird's statement the Russians could not help but draw the worst possible judgment (about MIRV) . . . My own view is that this generation of MIRV is not a first-strike threat to the Russians. The verbiage that has gone with it is more of a threat than the technical side."

The "technical side," however, continues to bother MIRV critics such as Dr. Leonard Rodburg, a physicist at the University of Maryland. There may be, Rodburg says, limitations on MIRV's accuracy today. But there is no scientific barrier to far greater accuracy in the relatively near future, he believes. The work of such guidance experts as Dr. Charles Draper of the Massachusetts Institute of Technology may make it possible fairly soon to put a small MIRV warhead almost "on the silo door", Rodburg says. "With that kind of accuracy," he said, "you could destroy a silo with a satchel charge."

Whatever the implications of the Pentagon's conflicting descriptions of MIRV's mission, the present policy is to stress the limitations of the weapon. Dr. Roland Herbst, the Defense Department's deputy director of research, said last week that pinpoint accuracy for MIRV may be achieved "at some time in the future" but it is "not in the neighborhood at this moment."

Military pressure to develop MIRV began as early as 1962. Defense Secretary Robert S. McNamara at first said "no" to the new weapon. His reasoning was that the United States could already kill as many targets as it wanted to without going into MIRV deployment.

But at that time there were also military intelligence readings that the Russians were building an ABM system around Moscow. It turned out afterwards that what intelligence originally proclaimed to be ABM defenses were actually anti-aircraft installations to guard against advanced American bombers that McNamara never deployed.

The Pentagon debated two alternatives to the Soviet ABM. One was the use of penetration aids such as chaff and decoys for offensive missiles. The second was MIRV.

The first course was dropped on grounds that effective radar could distinguish incoming warheads from decoys and shoot them down—an argument that, ironically, opponents of the U.S. ABM used and Pentagon scientists dismissed. MIRV proved highly attractive to the military.

It promised a capability to hit more targets without violating McNamara's self-imposed freeze on the number of delivery vehicles. "MIRV was the best route to numbers," was one Pentagon spokesman's way of putting it.

And so, in an atmosphere of supersecrecy, the Defense Department began developing MIRV. No one mentioned the awesome acronym publicly until 1965 when a Pentagon official made reference to it at a press background session.

Pentagon newsmen were so astonished at the disclosure that they went back to their briefer and asked if he had really intended to let MIRV out of the bag. Everyone agreed to delete the reference to the new weapon system.

It was almost two more years before MIRV surfaced publicly. But it was overshadowed in the strategic weapons debate by the ABM.

MIRV's development as a "city-busting" weapon is now continuing on a schedule that calls for the first warheads to be installed on two nuclear submarines in January, 1971. If the development is carried out as planned it will cost, according to present estimates, about $17 billion—$7 billion for Poseidon, $10 billion for Minuteman III.

At present there are no clear answers to where the Russians stand on MIRV development. Last fall they tested the SS–9 missile with three huge warheads—presumably five megatons each. Whether these were guided warheads or simply gravity bombs, such as the Polaris A–3 missile has carried since 1962, is uncertain.

But no expert disputes the possibility that the Russians could quickly bring their MIRV technology abreast of the United States.

If both sides then proceeded to full-scale MIRV programs, their nuclear arsenals would increase enormously. The United States today possesses approximately 2350 strategic warheads, as against about 1100 for the Soviet Union. By MIRVing, the American arsenal could be raised to 8766 warheads with no increase in the number of delivery vehicles; the Russian arsenal could be raised to 5150.

This prospect is not disturbing to the Pentagon at the present time. The military reasoning is that both sides still would be left without a first-strike capability.

Disarmament proponents are less sanguine. They see MIRV's development as simply another useless step in the "mad momentum" of the arms race, a step that, if nothing else would divert billions needlessly to weapons that neither side requires.

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[From Time magazine, June 27, 1969]

ARMS CONTROL: THE CRITICAL MOMENT

(NOTE.—The central fact today in the confrontation between the United States and the Soviet Union is that progress in technology has made it both necessary and possible to place restraints on the nuclear-arms race. The technological stars and planets are now in favorable conjunction—and they will not stay that way for long.)

Last week, after months of delay, the U.S. Government began to act on that warning from William C. Foster, head of the Arms Control and Disarmament Agency in the Johnson Administration. For the first time, President Nixon's National Security Council devoted a full session to defining the negotiating positions that the U.S. will take when it discusses possible limits on nuclear weapons with the Soviet Union. A second Security Council meeting is scheduled for this week. The President also announced that, if the Soviets agree on time and place, SALT—the long-awaited strategic arms limitation talks—will begin between July 31 and Aug. 15.

UPSET BALANCE

The risks that William Foster describes are real. Central to them is a frightening new weapon called MIRV, for "multiple independently targetable re-entry vehicle." MIRV, even more than the antiballistic missile, threatens to upset the uneasy balance of deterrence that the U.S. and the U.S.S.R. have achieved. It may also set off a domestic debate that could surpass in fervor the acrimonious ABM dispute.

Both the U.S. and the U.S.S.R. are already testing multiple missile launchers, although the U.S. is believed to have a wide lead. The Pentagon argues for continuing the tests, and for development of MIRV, on the grounds that the U.S. system is nearly operational and stopping tests would simply give the Russians a chance to catch up. The technical teams at work on MIRV in private industry would have to be disbanded, and they could not be rapidly reassembled in case the U.S.S.R. makes a dramatic breakthrough. On the other hand, the President is under considerable pressure to suspend MIRV tests, thereby demonstrating to the Soviets, a deep U.S. commitment to arms control in anticipation of SALT.

Massachusetts Republican Edward Brooke last week lined up 39 Senators of both parties as cosponsors of a "sense of the Senate" resolution urging a halt to testing—if the Russians reciprocate. Nixon espoused the Brooke position cautiously, saying that "only in the event that the Soviet Union and we could agree that a moratorium on tests could be mutually beneficial to us, would we be able to agree to do so."

WARHEAD NOSE COUNT

Unless such a moratorium is agreed to early in SALT, many experts believe, the chance of real progress toward arms limitation is small. If both the U.S. and the Soviet Union proceed to MIRV deployment, the ensuing uncertainty would make a freeze on nuclear weaponry almost impossible to achieve. Policing an agreement to regulate the number of warheads installed in missiles would not be feasible. Spy satellites can count launch vehicles, but not their contents. Even an inspector on the ground would have to take a missile nose cone apart and physically count the number of warheads inside. Neither side will readily agree to let the other's technical experts get so close to the business end of its nuclear arsenal. By contrast, enforcing a ban on flight tests would be relatively easy. Each side can observe the rival's launches from a distance.

Further, mutual deterrence would be put in question. Since MIRV would multiply many times the number of warheads either side could deliver against the other, a thin ABM system like Safeguard would not be sufficient to preserve enough of the defender's missiles to allow him to strike back effectively after a massive surprise attack. Thus, the temptation to deliver a pre-emptive strike in an acute crisis like the Cuban missile confrontation would increase. This new step-up in the arms race,[1] coupled with the Safeguard ABM, would cost the U.S. at least $20 billion and could lead to far vaster expenses if each side continued to expand its arsenal. These huge expenditures would bring no increase in security. More likely, both sides would become more vulnerable to attack.

Even in the absence of immediate new weapons deployments, the business of arms control is tremendously complex. Past agreements, such as the 1963 partial ban on nuclear-test explosions, were reached only after long negotiations and after Moscow and Washington came simultaneously to the conclusion that potential benefits outweighed the risks. Distrust between the two nations remains basic and deep. Intelligence experts and strategists deal in short-range "estimates" and long-range "assumptions" on what the other side is doing now and might

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[1] A recent study by the Arms Control and Disarmament Agency estimated that the nations of the world have expended more than $4 trillion on wars and weaponry thus far in the 20th century. At the present rate of increase in military outlays, another $4 trillion will be spent in the next decade.

do later. Military and intelligence professionals tend to be pessimists, and hence hawks. China's nuclear development has added a new factor of uncertainty. Despite these difficulties, both the U.S. and the Soviet Union recognize the immense stakes involved in arms limitations and seem prepared to go ahead.

SLIPPED LINKAGE

The President even seems willing to give up, at least for the present, his strategy of using arms talks as a carrot to gain other understandings. Nixon took office believing that the Johnson Administration had mistakenly pursued an arms pact with the U.S.S.R. without regard to basic political conflicts between the two countries. "What I want to do," he told his first presidential press conference, "is to see to it that we have strategic-arms talks in a way and at a time that will promote, if possible, progress on outstanding political problems at the same time in which the U.S. and the Soviet Union, acting together, can serve the cause of peace."

The goal that became known as "linkage" has turned out to be more difficult to achieve than he thought. Nixon hoped to calm the Middle East by working with the Soviets, but last week he admitted: "I see very little defusing." The Russians are evidently content not to have genuine peace between the Arab nations and Israel, but a state of controlled tension. Nixon wanted Moscow to help him get a settlement in Viet Nam by applying pressure on the North Vietnamese. Although the Russians reportedly have tried, Hanoi remains intransigent at the Paris peace talks. He also sought to reopen conversations on the status of Berlin; the Russians have not responded. While the Soviets rejected linkage of all these issues from the start, they have at least sounded eager to pursue an arms agreement. For now, that may have to suffice.

BUSLOAD OF MEGATONS

The standard ballistic missile carries only one nuclear warhead. That has long seemed inefficient to Pentagon planners, considering the huge cost of missiles and the space required to store them. In the early 1960s, they developed the first improvement: a multiple warhead known as MRV (for Multiple Re-entry Vehicle). It is a relatively crude device that drops unguided from missiles in clusters of three warheads. Some MRVs have been placed on presently operational Polaris missiles. A further and major refinement is MIRV (Multiple Independently Targetable Re-entry Vehicle), which is similar to MRV but has its own propulsion and guidance systems.

Missiles equipped with the MIRV device have been compared to a space bus that travels above the atmosphere emitting warheads over specific targets. MIRVs could be carried only by the next generation of missiles—the Navy's Poseidon and the Air Force's Minuteman III, which will probably be operational within two years. Both have been successfully tested with MIRVs.

The Minuteman version, with a range of 7,500 miles, carries up to three warheads (each under one megaton) and some chaff that is released to confuse enemy anti-ballistic missile radar. Present plans call for deployment of 500 MIRVed Minuteman III's, in addition to 500 Minuteman II's with single warheads. All would be housed in 90-ft.-deep silos, located at least seven miles apart to prevent an enemy warhead from destroying two sites.

The Poseidon version can carry up to twelve warheads and has a 2,900-mile range. The Poseidon MIRVs are thus of the "low kiloton" type, designed to be used against cities, while the Minuteman III's might be used to hit the adversary's ICBMs in hardened silos. The Navy has begun to refit two of its Polaris submarines to handle Poseidons. According to present plans, 496 of the 656 missiles now aboard submarines will carry MIRVs.

Accordingly, by the mid-1970s the Navy and Air Force could be capable of launching a total of more than 8,000 warheads, compared with 2,700 presently.

The Russians, meanwhile, have completed a series of multiple-warhead test shots in the Pacific. A U.S. destroyer monitoring the tests reported that the SS–9 missile, which had never before flown more than 3,200 miles, is now capable of reaching most of the U.S. The reconnaissance vessel also learned that before the SS–9 splashed into the Pacific, the missile delivered three separate warheads. Since the SS–9, with a multiple warhead, can carry up to 15 megatons, Defense Department officials warn that it is a serious threat to U.S. missile installations. A five-megaton blast within a mile of a missile silo will destroy it.

Defense Secretary Melvin Laird has said that the Russians are not yet capable of launching MIRVs. But in his press conference last week, President Nixon hinted that the Soviets have developed some sort of control system for their MIRVs.

Intelligence reports have shown that the SS–9's reentry vehicles splashed down in a pattern. That design, when superimposed on a map of U.S. missile sites, was found to coincide with the distribution of ICBM silos. "There isn't any question," Nixon said, "that it is a multiple weapon, and its footprints indicate that it just happens to fall in somewhat the precise area in which our Minuteman silos are located."

The President's "footprint" statement was yet another disclosure of normally secret intelligence material to bolster the chances for approval of the embattled ABM. For the White House regards its Safeguard anti-ballistic missile system as the answer to the presumed Russian MIRV threat. Among his other warnings, Secretary Laird has said that the Russians are developing an ABM system of their own that can "loiter for a period of time until a specific target is selected."

More significant than stray tidbits of security data, of course, are the calculations of just what kind of weapons the Russians will actually build, and in what numbers. On this crucial point, the experts seem to disagree.

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

Mr. Chairman, a careful reading of the letter of the gentleman of New York set out under date of June 20 would indicate, I think, the concern that my colleague the gentleman from Illinois (Mr. ANDERSON) has. I read, and I think I am reading in context from Mr. BINGHAM'S letter:

> I intend to offer a simple amendment to the AEC authorization fiscal year 1970 legislation specifying that no funds authorized in the legislation be expended for MIRV flight tests prior to—
>
> Prior to—
>
> the convening of the projected U.S.-Soviet arms control talks and until—
>
> And until—
>
> the possibility of a mutual U.S.-Soviet freeze on MIRV's has been thoroughly explored and considered at such talks.

What concerns me about this type of suggestion, I will say to my colleagues: Should progress be halted on strengthening U.S. capability for deterrents until we begin discussions with the Russians on the basis of the record of the Soviet Union? Let me give you just an example:

On August 22, 1958, President Eisenhower announced that the United States would not test atomic or hydrogen weapons for 1 year unless testing was resumed by the Soviet Union. This pledge led to an informal moratorium which was kept by the Kennedy administration. During the period of 1958 to 1961, representatives of the United States and the Soviet Union met in Geneva to work out ways and means of developing a nuclear test ban agreement.

However, while these negotiations were in progress the Soviets on August 30, 1961, suddenly announced that they were resuming atmospheric nuclear testing. On September 1, 1961, they began their test series, thus breaking the informal moratorium.

The Soviet Union conducted a series of approximately 50 atmospheric nuclear tests with a total yield of about 120 megatons in the atmosphere.

The largest test was a terror weapon of approximately 60 megatons—equivalent to 60 million tons of TNT—detonated on October 31, 1961, despite a resolution adopted on October 27, 1961, by the United Nations appealing to the Soviet Union to refrain from carrying out such a test.

It was just a year later that the Soviet Union brought the world to the brink of nuclear war when it placed offensive nuclear weapons in Cuba. At that time President Kennedy said:

> This action also contradicts the repeated assurances of Soviet spokesmen, both publicly and privately delivered, that the arms buildup in Cuba would retain its original defensive character, and that the Soviet Union had no need or desire to station strategic missiles on the territory of any other nation.

And that quotation comes from President Kennedy's statement made on October 22, 1962.

Past Soviet words and actions have not always coincided, whether we remember their invasion of tiny Finland before World War II, or last August, when they invaded helpless Czechoslovakia.

History is replete with examples of nations that have attempted to negotiate or have sought to appease aggressors from their position of weakness.

I, for one, agree we should negotiate with the Soviet Union at any time and at any place. But I strongly oppose unilateral disarmament in the hope, and what I consider the vain hope, that the Soviet Union will not repeat the pattern that it has repeated over all the years we have tried to reach some kind of peaceful agreement through international conferences.

Mr. CEDERBERG. I want to compliment the gentleman in the well, the gentleman from California, for the statement he is making. It is a statement in the best long-term interests of the United States. I join him in his remarks.

Mr. HOLIFIELD. I thank the gentleman.

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

Mr. HOLIFIELD. I yield to the gentleman.

Mr. COHELAN. While, as I have indicated, I favor the principle of the Brooke

resolution, I personally would go further on the theory that we can afford the time. I would ask the distinguished gentleman the following questions:

Do you not agree that the MIRV's are justified by our defense planners as a means of securing penetration of ABM defenses? Is not that basically the thrust of it?

Mr. HOLIFIELD. Will the gentleman repeat his question?

Mr. COHELAN. My question is, Do you agree that our MIRV's are justified by our defense planners as a means of assuring penetration of ABM defenses?

Mr. HOLIFIELD. That is the Soviet ABM defenses?

Mr. COHELAN. Yes.

Mr. HOLIFIELD. I think that might very well be one reason. But there are a number of reasons.

If you have a multiple warhead—that is, multiple parts in the warhead—let us say three or five or seven or whatever the number might be—you gain the advantage of a spray shot that you have with a shotgun as against a rifle shot. A rifle shot is concentrated. There are other advantages but that would be one advantage.

Mr. COHELAN. But the gentleman would agree that in the literature this is one of the primary purposes for developing the MIRV; that is, to penetrate ABM defenses. Is this not one of its primary purposes in keeping the strategic balance?

Mr. HOLIFIELD. Yes. It would be useful if there is an ABM system in being in the Soviet Union. Yes, it would be useful. But I also say that the Soviets are testing multiple warheads, and for us to deny ourselves the same privilege and the same right to keep up with the Soviet advances in technology, I think is nothing less than suicidal.

Mr. COHELAN. Is it not true in terms of their particular defenses that our intelligence does not permit us to come to the conclusion that they have anything there that we cannot handle at the present time? The point being that we can afford a little time because of the seriousness of this virtual quantum jump in weapons development. Would the gentleman say that that would be reasonable?

Mr. HOLIFIELD. I am not willing to concede that we should stop in our research and development and that we can afford that time, as the gentleman says.

To deny ourselves anything—I do not concede that that is for the benefit of the security of the United States.

They can stop this tomorrow if in the disarmament negotiations they come in and say, "Let us stop this." We can sit down and say, "All right, we will stop." They can do that with respect to nuclear weapons. They can also stop the development of nuclear submarines that they are turning out at the rate of one per month and we are turning out at the rate of 1½ a year.

Mr. COHELAN. Would the gentleman agree that our research is several years ahead of theirs?

Mr. HOLIFIELD. I will not speculate how far they have gone or how far we are ahead of them.

At one time I can remember when we had the atomic monopoly and many said it would be 10 years before the Soviets got an atomic bomb. They got it just 4 years later. They exploded one in August 1949. We exploded our first device in 1945.

In the late 1940's and early 1950's there were many who said we should not develop a hydrogen bomb. In 1953 the Soviets exploded a hydrogen bomb. Obviously they were working on it for some time.

I do not know what they may be working on. I have some ideas. Some of them I can express and some I cannot because of their classification. But I am not willing to say that the Soviets are fools and that their trained scientists are not capable of making just as good weapons as we make.

They certainly made long-range missiles with 5,000- and 6,000-mile ranges, and they exploded a 60-megaton weapon. We never exploded anything anywhere near that large. I am not saying we could not. I know that we could. But I am not willing to compromise the strength of the United States on the basis of what the Soviets might or might not do.

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

Mr. COHELAN. Mr. Chairman, if the distinguished chairman of the committee will yield again, does the chairman not now feel that this is a momentous breakthrough in the arms race?

Mr. HOLIFIELD. It is an important breakthrough, but not any more than the nuclear submarine or the hydrogen bomb or any other major advance in weapons systems.

Mr. COHELAN. You do not feel that this is in any way going to destabilize the strategic balance?

Mr. HOLIFIELD. I certainly do not, no more than I think the ABM would destabilize, because they already have 67 ABM's around Moscow. They have several hundred additional in the Tallinn system, and you can guess what that constitutes. I am saying they have in existence devices such as the multiple reentry vehicle. I do not know what degree of sophistication they have achieved. I do not think anyone else in the United States knows. And neither do they know the sophistication of our weapons.

Mr. COHELAN. Let me ask one final question, to which I think I know the answer. As the distinguished chairman of this committee, would you favor a mutual moratorium in which both the United States and the Soviet Union would halt MIRV testing and deployment?

Mr. HOLIFIELD. Yes, and not only MIRV testing, but nuclear submarine building, plane building, and all other forms of warfare—if we could get a genuine mutual agreement to disarm, coupled with on-site inspection, so that we would know we were not being played for suckers. But as long as we have not been able to get mutual inspection, I say we cannot go on Soviet promises, because history has shown they have not always kept their promises.

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

I actually had not intended to participate in the debate but merely to listen. I was intrigued by the presentation of the distinguished chairman of the Joint Committee and his response to several questions. I, at first, believed and was worried that passage of this bill, which includes a sum of money to be used for the testing of MIRV, would in some way be a decision made by this Congress on a matter that is so momentous that it ought not be the subject of an hour or less debate, but rather be the subject of a comprehensive debate. That it is a controversial subject is apparent by the fact that at this point there are several pending resolutions concerned with the testing of MIRV.

There is the Bingham resolution, the Cohelan resolution, and the Brooke resolution, all of which indicate the concern of Members of both Houses that the question of whether or not we should proceed with the MIRV be given further consideration. I was reassured on that point by the colloquy which took place between my colleague, JONATHAN BINGHAM, and the distinguished chairman, when it was made clear that passage of this bill did not in any way foreclose the real debate on MIRV which is yet to come, and I am now reassured that we are not backing into something unintentionally.

I would assume, as I am sure everyone else in the House does, that when a momentous decision involving billions of dollars and the escalation of the arms race would be undertaken, that it would be undertaken in a knowing way, in a concrete way, that is to say, at a time when everybody would know what they were doing. When the distinguished chairman said he did not believe in unilateral disarmament, I think he spoke for every Member of this House. I do not think there is any Member in this House who believes in unilateral disarmament. The real question, and the one that is not going to be debated in 5 minutes by this Member or any other Member, is, are we doing something which will prevent mutual disarmament when we proceed with the testing of MIRV? There is at least a considerable body of opinion which believes that the testing of MIRV might be irreversible in its consequences, and there are many of us who want to reflect on that and want to have considered discussions with respect to it before we make such a decision. The fact that the Chairman made very clear that this House will have an opportunity to make that decision at a later time and in a more deliberate way reassures me, and I thank him for that reassurance.

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

Mr. Chairman, I think this is about the end of the debate. I would like to bring forth a few facts, amongst which is the so-called MIRV is not some strange new weapon that suddenly developed from nowhere. It is no more than an ordinary progression in refinement of the original missiles we developed in a rather crude and unsophisticated state, which are gradually being improved, as is normal with any weapons system throughout

the history of man. All of which is normal and expected and anticipated. MIRV is not any unbalancing shocker, as many would have us believe. It is no surprise to anyone familiar with defense or nuclear strategy.

The question has been raised as to whether or not the MIRV is a first-strike weapon. On that let us just look at what deterrence is. It is a capability to strike back devastatingly if somebody else starts something and nobody is going to start something unless he has a clear first-strike capability to eliminate his victim's capability to strike back. MIRV or no MIRV makes no difference in this regard. A multiple warhead missile is no more or no less a first-strike weapon than a single warhead missile. Total cumulative relative strategic power determines the first-strike issue.

As a matter of fact, one of the gentlemen who is quite often quoted on this subject, that is Wolfgang Panofsky, says the only first strike danger about MIRV is the talk that is going around about it being a first-strike weapon, when in fact it is no such thing and probably never can be.

Now if I may proceed, the converse of MIRV, of course, is simply going to a larger number of missiles with single warheads, which the Soviet Union has been doing up to the present time. But they have also been developing a MIRV capability—and let me assure Members of that and let me assure Members also, that no one can assure Congress the Soviet Union is not developing such a capability. It has been revealed they have conducted multiple intercontinental ballistic missile warhead tests. They have dropped them in the Pacific. By the pattern of the fall of these warheads we cannot tell whether these were unguided or individually guided warheads simply because individually guided reentry vehicles can be programed to fall in a random pattern so that their guided or unguided feature will never be disclosed.

With this kind of capability for deception in mind, I want to advise the gentlemen who have been endorsing the moratorium idea, that there is a pitfall in it they apparently overlook insofar as MIRV is concerned. We cannot tell what the other side is doing, and particularly we cannot tell what they are doing so long—so long, gentlemen—as these individual warheads are inside a nose cone of a single missile.

If we want to make sense in this area, we must limit or put a moratorium on the number of delivery vehicles—which is something we can check on—and not something which is inside those missiles, the warheads to wit, which we cannot check on.

Otherwise, we may be walking into a trap. Many of us were around here in the old days, when we had the Limited Test Ban Treaty to contend with. We found out that during those negotiations and our forbearance from nuclear testing was taken by the Soviets as nothing more than an opportunity to prepare for their tests behind the screen of a gentleman's agreement not to test.

Let me say this: This Nation today might not be a free nation except for the activities carried on by two men in this Chamber today—Chairman HOLIFIELD and Representative PRICE. They were the men who in the days of the H-bomb argument helped this Nation resist the temptation to disarm itself by a unilaterial decision to forgo development of the H-bomb. Incidentally, every single one of the arguments being made today against MIRV were made by the opponents of the H-bomb a decade ago. It is all the same—all the same, tired old arguments are being dragged out—only the players have changed. If it were not for Congressman HOLIFIELD and Congressman PRICE and their persuasiveness in behalf of the defense of this Nation, we would not have got the H-bomb just months earlier than on that shocking day the Soviets burst theirs on the world. It was as shocking a day almost, I remind Members, as that day on which sputnik orbited around the world—when the Soviet Union again surprised us with their capability to develop hardware of sophistication equal to ours.

I suggest that the Members of this body look to real experts who know atomic weapons and understand nuclear strategy—experts like Congressmen HOLIFIELD and PRICE—for advice in these vital defense matters. I respectfully suggest that some people new on the scene, have not forgotten the lessons of the past. They just never were around to learn them in the first place. Therefore they are neither reliable prophets nor knowledgeable advisers.

Mr. HOLIFIELD. Mr. Chairman, I should like to ask unanimous consent that all debate cease in 5 minutes. We have discussed this thoroughly. This MIRV and ABM deployment situation is not exactly in the bill. It is something to come in the bill from the Armed Services Committee later on. While it is interesting, we have a $14 billion appropriation bill in the wings waiting to come on, with the gentleman from Tennessee (Mr. EVINS) and his committee. Unless there is a strong feeling we should have extended debate, I ask unanimous consent that all debate cease in 5 minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. LOWENSTEIN) is recognized.

Mr. LOWENSTEIN. Mr. Chairman, I yield to no one in my respect for the gentleman from California and the gentleman from Illinois.

That, of course, is not at issue. I am curious about one thing. What is the objection to the resolution proposed by Senator BROOKE and cosponsors by 39 other Members of the Senate on the question of the testing and development of MIRV?

Of course we are not now debating MIRV specifically, but if we could agree on that very constructive and sensible resolution, we could proceed in general rapport on this matter. That would be a healthy, if unexpected, turn of events, it seems to me.

Is there disagreement about the proposal of Senator BROOKE, in which he has been joined by so many of his colleagues of both parties? I hear whispers here about the judgment—even about the concern for their country—of some Members of this House who have raised questions about MIRV. Does anyone doubt the judgment or the concern for the future of this country of these 40 Sentors as well? Could we not undertake to conduct the discussion about this matter without drifting off into silly innuendoes?

In there anything in the Brooke resolution that is objectionable to anyone here? If so, may we hear what, so we can consider any objections on their merits?

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

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

Mr. HOSMER. This whole business of a moratorium is a negotiating tool in connection with the SALT talks, the strategic arms limitation talks, proposed for August between the United States and the U.S.S.R. The moratorium idea is a negotiating tool which should be in the hands of the administration, but should not be thrust in its hands by action of Congress, an action not requested of Congress by the administration. It is to be carefully noted that this negotiation tool, even in administration hands proved to be useless and dangerous in connection with the limited test ban talks. For this reason, that is, previous failure, no use of it since has been attempted. It was not used in the case of the outer space treaty talks or in the case of the nonproliferation treaty talks, nor is it being used in connection with the current talks on barring weapons of mass destruction on the ocean bottoms.

Those who now want precipitously to legislate a moratorium ought to reflect a little on the weakness of the reed on which they seek to lean.

That, in short, is my objection on the merits.

The CHAIRMAN. The gentleman from New York (Mr. BINGHAM) is recognized.

Mr BINGHAM. Mr. Chairman, I just wanted to make a couple of things clear.

First, I too believe in the deterrent theory. It is our deterrent which assures the security of this country, and I certainly do not want to do anything to interfere with our maintenance of an effective deterrent. But I do not believe either the ABM or the MIRV are needed for that purpose.

Second, with regard to the remarks made by the distinguished chairman of the Joint Committee, I certainly do not believe we should proceed on the assumption that the Soviets are nice people, that they are easy to deal with, or that they have good motives. I have no such illusions. But I do believe we can achieve agreement with them on matters that are of mutual interest to us, as we did in the case of the Test Ban Treaty and as we did in the case of the Nonproliferation Treaty. I hope I am correct in saying the distinguished chairman is in agreement we did the right thing in pressing for both those treaties and that we are better off for having both those treaties.

The CHAIRMAN. The gentleman from Missouri (Mr. HALL) is recognized.

Mr. HALL. Mr. Chairman, I have heard

some statements here that are of questionable basis in fact and certainly not germane to this debate.

It is a matter of record that we started the research and development in the authorizing Committee on Armed Services at least 3 years before there was any evidence of the opponent's anti-ballistic-missile capability or intent.

Second, while negotiations might be worthwhile, after one is thrice rebuffed one begins to realize it "takes two to Tango." Any American knows if you get in bed with a rattlesnake you expect to get bit.

I am for this bill the way it is.

The CHAIRMAN. The gentleman from New York (Mr. PODELL) is recognized.

Mr. PODELL. Mr. Chairman I would like to associate myself with the remarks of the gentleman from New York (Mr. BINGHAM) regarding funds for the proposed MIRV system of weapons. It is growing increasingly obvious that this system is the rebirth of the Hydra of old Greek mythology. A many-headed ICBM would replace single-warhead missiles we now possess in such numbers.

At one stroke ICBM's on both sides would rise from single threats to multiple ones to each party. Instead of a single warhead, there will be from three to 10 under each nosecone. Such a weapon is unwarranted at this time.

We must weigh our options carefully. At this time there is no pressing need for such a conversion of our major weapons systems by MIRV installation. As of today, there is a slim chance that meaningful disarmament may be made reality through effective inspection by spy-in-the-sky satellites. These are now so sophisticated that they are able, from their Polar orbits, to delineate individual telephone lines. Therefore, they would be able to provide a meaningful system of inspection if some disarmament was attempted under existing conditions.

However, if each power was able to lift the nosecone from each missile and replace its single warhead with from three to 10 individually targeted warheads, the best spying system available or projected would have no way of finding out or ascertaining how many warheads comprised the other side's capability. A terrifying element would be injected instantly into the geopolitical equation of each power. Was the other side attaining a first strike capacity?

Only an element of doubt is necessary. The arms race and its insane momentum takes over from there. Once the question exists, the other side must take immediate steps to match it. Hence, a new escalation to the arms race confronts us, and the mad roller coaster ride downhill toward inevitable destruction goes even faster. We are all captives on the same roller coaster.

For these reasons, I believe my colleague's points are exceptionally well made. There is no reason why we must at this point swiftly begin to MIRV our missiles, complete testing of the concept or appropriate money for warhead development or production. We already can kill our opponents many times over. If this system is developed, we shall be able to kill them a few more times over. Hurrah.

It is wisdom of a far-seeing sort as well as the essence of moderation of hold off on procurement, development, and testing of this weapon. I concur with my colleague in his excellent effort to avoid this latest move toward frustration of final hopes for disarmament.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, 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. 12167) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended and for other purposes, pursuant to House Resolution 448, he reported the bill back to the House.

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

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

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

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

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

Mr. HARSHA. 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 406, nays 3, not voting 23, as follows:

[Roll No. 87]

YEAS—406

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| Anderson, Tenn. | Brotzman | Conte |
| Andrews, Ala. | Brown, Mich. | Corbett |
| Andrews, N. Dak. | Brown, Ohio | Corman |
| Annunzio | Broyhill, N.C. | Coughlin |
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| Ashbrook | Buchanan | Cramer |
| Ashley | Burke, Fla. | Culver |
| Aspinall | Burke, Mass. | Cunningham |
| Ayres | Burleson, Tex. | Daddario |
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| | | Waldie |
| | | Wampler |
| | | Watkins |
| | | Watson |
| | | Watts |
| | | Weicker |
| | | Whalen |
| | | Whalley |
| | | White |
| | | Whitehurst |
| | | Whitten |
| | | Widnall |
| | | Wiggins |
| | | Williams |
| | | Wilson, Bob |
| | | Wilson, Charles H. |
| | | Winn |
| | | Wold |
| | | Wright |
| | | Wyatt |
| | | Wydler |
| | | Wylie |
| | | Wyman |
| | | Yates |
| | | Yatron |
| | | Young |
| | | Zablocki |
| | | Zion |
| | | Zwach |

NAYS—3

| | | |
|---|---|---|
| Conyers | Saylor | Scheuer |

NOT VOTING—23

| | | |
|---|---|---|
| Blatnik | Kluczynski | Pryor, Ark. |
| Brown, Calif. | Macdonald, Mass. | Purcell |
| Burton, Utah | Mills | Roybal |
| Carey | Nedzi | Satterfield |
| Gallagher | O'Hara | Stuckey |
| Hathaway | Poage | Thompson, N.J. |
| Hébert | Powell | Wolff |
| Kirwan | | |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Pryor of Arkansas.
Mr. Kirwan with Mr. Burton of Utah.
Mr. Carey with Mr. Gallagher.
Mr. Satterfield with Mr. Roybal.
Mr. Mills with Mr. Wolff.
Mr. Brown of California with Mr. Kluczynski.
Mr. Stuckey with Mr. Blatnik.
Mr. Macdonald of Massachusetts with Mr. Nedzi.
Mr. Purcell with Mr. O'Hara.
Mr. Hathaway with Mr. Powell.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

## INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1970

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

*Resolved,* That during the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, all points of order against the provisions contained under the following headings are hereby waived: "Appalachian Regional Development Programs" beginning on page 3, line 22, through page 4, line 3; "Independent Offices—Appalachian Regional Commission" beginning on page 4, line 15 through page 4, line 21; "National Aeronautics and Space Administration" beginning on page 21, line 13, through page 23, line 3; and "National Science Foundation" beginning on page 23, line 5, through page 25, line 2.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and pending that I yield myself such time as I may consume.

Mr. Speaker, the three specific waivers of points of order are necessary because the items on which the waivers are given or proposed by this resolution have not been authorized by law. I explained this to the House during the colloquy between the majority and minority leaders last Thursday. The items are, as anyone who listened to the reading of the resolution knows, the National Aeronautics and Space Administration, the National Science Foundation, and a part of the Appalachian development programs. The waiver makes it possible for Members of the House to work their will on the specific provisions of the appropriation, and the Committee on Rules felt that it was wiser to handle the matter in this fashion rather than permitting a situation to develop in which the Senate almost surely would add the items on the Senate side when the matter came up, and the only participation of the House would be in conference, and on the conference report.

Therefore the Committee on Rules recommends the waiver on these three points of order.

I urge the adoption of the resolution.

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

Mr. Speaker, I concur in and agree with the remarks made by the gentleman from Missouri (Mr. BOLLING) in explanation of House Resolution 449, and urge the adoption of the resolution.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, last July the President signed into law a bill which originated in the Committee on Science and Astronautics and which was the culmination of 3½ years of work. This is Public Law 90–407 which revised and streamlined the organic act of the National Science Foundation.

That law contains a provision requiring annual authorization of the Foundation's budget from this point forward. It was a provision not sought by this committee. It was added in the Senate and agreed to in conference.

When the conference report came before the House on June 27, 1968, no Member of the House raised any objection to the authorization provision or any other part of the bill. The only discussion was between the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and myself. He sought and I gave assurance that the annual authorization legislation would be handled as early as possible in each session.

We have tried very hard to fulfill both the law and our promises to expedite the legislation—only to have our efforts largely wasted as a result of this highly irregular rule.

Mr. Speaker, our committee takes its responsibilities under the law seriously. We began, as early as last October, holding extensive conferences with NSF officials in preparation for our new duties. The Foundation was most cooperative, and by the time the 1970 budget became available we had worked out an efficient modus operandi.

As all Members know, however, the change in administration caused delays in the budget process this year. So while our Science Subcommittee, under the leadership of the gentleman from Connecticut (Mr. DADDARIO), could and did hold comprehensive hearings on the NSF program as promulgated under the previous administration, we felt obligated not to begin the decisionmaking processes of committee action on the bill until we were apprised of the position of the current administration.

This same situation applied to the National Aeronautics and Space Administration, whose annual budget must also be authorized and whose program had been the subject of extensive hearings during February, March, and April.

The revised budgets were not available until April 15 for NASA and April 18 for the Foundation, at which time completely new bills were forwarded by the administration. Nonetheless, subcommittee and full committee action was completed by May 14 on both bills. On the basis of this action a clean NASA bill was introduced and a legislative report filed on May 19. House action took place on June 10.

With regard to the National Science Foundation, the legislative report was filed on June 5. On June 12, in accordance with procedures established by the Rules Committee, a letter was dispatched to the Rules Committee requesting a hearing for the bill and asking for a 1-hour open rule. We have not yet received a hearing on this bill.

Meanwhile, a rather strange thing has occurred. On last Thursday, June 19, the rule we are now debating was suddenly reported from the Rules Committee. According to the RECORD of June 18, it was not scheduled before the Rules Committee. Moreover, the RECORD discloses that a legislative report on the independent offices appropriations bill had not at that time been filled. Still further, the RECORD, at page H5029, shows the majority whip as stating that I was one of those requesting this rule waiving points of order with respect to the as yet unauthorized NASA and Foundation budgets.

The gentleman was misinformed. I requested no such thing. Neither, so I understand, did the chairman of the Public Works Committee.

It is true that the distinguished chairman of the Appropriations Committee called my office and left word concerning his bill. But the message I received was that the committee would report on the independent offices appropriations bill on Thursday and that "a rule will be sought because the authorization bill has not been enacted" which deals with NASA and the Foundation. But I certainly did not request nor acquiesce to such a rule and had no idea that the Appropriations Committee would receive a report from its subcommittee and seek a rule on an unnumbered bill without a legislative report the very same day. In fact, under established procedures, I did not think this was possible.

Apparently, Mr. Speaker, we have one set of regulations for the Appropriations Committee and another set for the other committees. At least our committee has been told by the Rules Committee that hearings on a rule are granted only after receipt of a written request and after the

legislative report on the bill in question has been available to members of the Rules Committee for 24 hours. I assumed that these procedures would apply equally to the Appropriations Committee on those occasions where a rule is required.

All of this mystifies me. I do not see the emergency that requires us to render existing law and authorizing procedures moot in order to rush this bill through. We are losing the entire advantage and point of the authorizing procedure by putting the appropriations cart before the horse. Surely there are other appropriations bills ready which do not involve annual authorization. Or, if not, why cannot the authorization agencies in this complicated package be put into separate legislation as had been done at times in the past.

Mr. Speaker, I do not wish to belabor the matter, but I do hope that in the future our procedures can be handled in such a way that the purposes of the authorization process, as required by law, are not defeated.

Mr. BOLLING. Mr. Speaker, I am delighted to yield to the gentleman from Connecticut (Mr. DADDARIO.)

Mr. DADDARIO. Mr. Speaker, I should like to associate myself with the remarks of the gentleman from California, the chairman of the Committee on Science and Astronautics. His comments, in my view, have been particularly wise and perceptive.

It makes very little sense to me for Congress to inaugurate a review procedure designed to promote well-informed, effective legislation on the one hand—and then ignore that procedure through preemptive appropriations on the other. Not only this, but do it in a fashion which flouts the established procedures of the House.

Granting the need and desirability for expediting our appropriations legislation, this rule today is inexcusable—especially as regards the National Science Foundation.

The proper authorization bill for the Foundation has been before the Rules Committee since June 12. If we were in all this big a hurry for the independent offices appropriations bill, we could have been on the floor with the authorization bill last week. Why, then, are we now going at the whole thing backward—and precisely in the manner which so often subjects Congress to stringent censure for passing ill-advised, meat-ax legislation?

Mr. Speaker, this is no criticism of the very capable individual gentlemen who serve on the Appropriations Committee. Theirs is an extremely difficult task, one growing increasingly complex with each passing year—and they perform it well.

Yet there are times when authorization processes can be of marked assistance to all members by permitting in-depth inquiries into Federal programs which may be unusually intricate, complicated, specialized, delicate, or otherwise deserving of particular scrutiny. One of these, Congress has determined, is the highly valuable but not always easy-to-understand program of the National Science Foundation.

Last fall, as soon as Chairman MILLER assigned the NSF authorization function to the Science Subcommittee which I chair, we began extended planning, spadework, background study, and conferences with Foundation personnel. This continued for months until, in mid-March this year, we opened hearings on the NSF budget for fiscal 1970.

Those hearings ran from March 17 through April 1. They were followed by executive sessions of the subcommittee and long, careful staff work. I could not begin to cite an exact figure, but I do know that many, many man-months of effort went into this overall endeavor.

From it has come a revised and sensible authorization bill—one based on the knowledge and perception that long concentration permits—plus a definitive report which explains what this program is about, where it is strong, where it is weak, and to what extent it appears worthy of congressional support.

Mr. Speaker, we are inviting the kind of public derogation that hurts the Congress as an institution by this rule—a rule which comes to us unscheduled, the result of special treatment not accorded to other committees, and which, in my opinion, is most unwise.

How can we legislate intelligently on those programs which properly require authorization when the House has not even been appraised of what those programs are about? The answer is "We cannot." We are simply going by guess and by God. If we were permitted the appropriate time to take up the authorization bill first—which is the normal, recommended procedure of the House—we could handle this matter in a far more feasible and responsible way.

Mr. BOLLING. Mr. Speaker, approximately 3 minutes before I called up this rule, the gentleman from California, the chairman of the Committee on Science and Astronautics, indicated to me for the first time that he was concerned about it.

The Journal for some time has carried the fact that I introduced the rule, and on Thursday last, in a colloquy that actually occurred betwen the acting majority leader and the minority leader, the acting majority leader deferred to me, and in answer to a question by the gentleman from Iowa (Mr. GROSS), I explained, on Thursday last, why the Committee on Rules had granted the rule.

I think that establishes very clearly the fact that I had the rule, and what is in the RECORD and also in the Journal.

In point of fact, I, who controlled this rule for a limited time, had I known of the complaint in a timely fashion, might have consulted the leadership about not calling it up, but nobody bothered to advise me that he was concerned until 3 minutes before the debate began.

The Committee on Rules acted in good faith and in no remarkable fashion. We often have a request of the Appropriations Committee—and from other committees—which backed up by the leadership is honored by the Committee on Rules.

I frankly regret very much that the situation has arisen as it has, and I regret to find myself unable to do other than I have done.

Mr. Speaker, I continue to urge adoption of the rule.

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

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

Mr. MILLER of California. Mr. Speaker, I think if the gentleman will check, he will find I checked with the chairman of the Committee on Rules as soon as I saw him to find out who was handling the rule. I appealed to two other members of the Rules Committee whom I thought might be handling the rule. Had I known the gentleman was handling it, I would have talked to him when I saw him in the library this morning. I did not know he was handling the rule until I saw him on the floor now.

Mr. BOLLING. Mr. Speaker, it is clear the gentleman did not know it. I merely wished to state it is clearly in the RECORD on two different occasions.

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

Mr. BOLLING. I yield to the gentleman from Connecticut.

Mr. DADDARIO. Mr. Speaker, will the gentleman advise whether or not it is the procedure of the Rules Committee to ask committees asking for a rule to make a formal request to that committee? If that is so, is that formal request submitted in a way so that other committees can make a determination as to whether or not a rule will in fact come before the Rules Committee?

If I may continue, please, on Thursday last week I was representing the Science and Astronautics Committee to get a rule on a bill which covers the standard reference data legislation. This had been before the Rules Committee, and it was taken up just before noon. At that time there was no indication to the Committee on Science and Astronautics, and I do not believe there was any indication in the Rules Committee, that the Appropriations Committee was going to ask for a rule.

Mr. BOLLING. I think actually the facts are a little different, but I do not desire to argue with the gentleman.

I think the indications from the Rules Committee are that it came to the committee a little earlier. I do not want to trust my memory on that, so I am not stating that as a fact. That is the procedure, that even the extreme kind of procedure the gentleman suggests is one that is often followed in emergencies when the Committee on Appropriations in a bipartisan way is in agreement and when the leadership in the House is in agreement.

If there was an error made, I regret it deeply. The only point to which I spoke was that on the timing of the complaint, as far as this Member was concerned, there was an opportunity from Thursday to date to indicate some objection, none of which I have heard.

I actually do control the bill, as a member of the Rules Committee, for 7 days.

Mr. DADDARIO. Mr. Speaker, if the gentleman will yield further, I would have no objection to rules being granted under conditions of emergency, but my contention is so such emergency in fact exists in this instance.

Mr. BOLLING. Frankly, it was not granted on grounds of emergency. It was granted on the basis of a request in writing from the chairman of the Committee on Appropriations and concurred in by the ranking minority member of the Committee on Appropriations.

I made it quite clear in the beginning that had I had any warning of the concern of members of the Committee on Science and Astronautics prior to approximately 3 minutes before I called up the rule, we might have been able to work out something that would have been satisfactory to everybody.

The problem of being timely is a problem. I am not critical of the gentleman. I believe he is correctly protecting his jurisdiction. I merely am correctly doing my job.

Mr. DADDARIO. My remarks to the gentleman from Missouri, Mr. Speaker, are directed toward the assumption that the Rules Committee does have the right to grant a rule in conditions of emergency. It appears to me that this informal relationship between the Appropriations Committee and the Rules Committee is unfortunate. I regret it as much as the gentleman from Missouri does.

I raise the point, as does the chairman of the committee, so that we will be more careful about how we handle matters as important and as delicate as this.

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

Mr. BOLLING. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I merely rise to confirm what the gentleman from Missouri has said, that as of Thursday last the gentleman from Missouri (Mr. BOLLING), and the gentleman from Iowa engaged in a rather extended colloquy concerning the proposed rule waiving points of order on this appropriation bill. Certainly the information was available to members of the Committee on Science and Astronautics, that the rule would be a rule waiving points of order, because it was discussed at some length last Thursday.

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

Mr. BOLLING. I yield to the gentleman from Connecticut.

Mr. DADDARIO. I recognize the fact that the gentleman from Iowa raised this point on Thursday last. The fact remains, however, that was just one opportunity to raise the point. And I am pleased that he did. However, the rule is up before us today. This, then, is another opportunity to do so. This is certainly a time to have added discussion about it. That is exactly what we are doing, and I would hope the gentleman would not object to that.

Mr. BOLLING. Mr. Speaker, this gentleman does not object to a discussion, but the implication of some of the things which have been said might be misread. This gentleman merely wanted to make it clear that the Rules Committee acted in a relatively normal fashion.

There has been some implication that the Rules Committee has a special relationship with the Appropriations Committee. That is not the case. The Rules Committee has no special relationship with the Appropriations Committee. It has informally granted rules to many other committees in conditions of emergency or exceptional conditions.

But the Rules Committee does have a special relationship with the leadership on both sides. When the leadership is interested in having a matter scheduled and interested in the Rules Committee considering exceptional procedures, the Rules Committee, whether it agrees with the leadership or not, is inclined to do so. That is the only exceptional relationship the Rules Committee has, to my knowledge.

I have spent almost half a lifetime on the Rules Committee trying to change it, so I rather object to the notion that we have some special relationship with a committee of which, on occasion, I have been substantially critical.

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

Mr. BOLLING. I am delighted to yield.

Mr. DADDARIO. I would expect, Mr. Speaker, that the gentleman from Missouri would admit that the chairman of the Committee on Science and Astronautics should be considered a part of the leadership of this great body and that he was in no way informed about this situation nor was his consent obtained at the time that this rule was granted.

Mr. BOLLING. I will be delighted to answer that. The responsibility of the gentleman from Missouri is a limited one. His is not the responsibility to go behind a decision made by the leadership of the House of Representatives as it relates to matters in terms of a legislative proposition. The only time he does so he does so in public and very clearly. As a member of the Committee on Rules he does not ask the Speaker and the minority leader whether or not they have consulted a variety of people.

The responsibility of the gentleman from Missouri is a relatively limited one, thank God.

Mr. DADDARIO. Mr. Speaker, will the gentleman from Missouri yield further?

Mr. BOLLING. To my friend from Connecticut I am delighted to yield.

Mr. DADDARIO. I appreciate that.

Mr. Speaker, as I understand it, the RECORD of Thursday last shows that a colloquy took place on this particular subject and that the question was asked as to how come the Rules Committee was granting a waiver in these three cases. It is my understanding that the RECORD shows that someone in reply to that said that permission had been granted by the chairmen of the legislative committees.

The RECORD here shows that at least in the instance of the Committee on Science and Astronautics such permission was not in fact obtained.

Mr. BOLLING. As I said before, I hesitate to trust my memory, but by some accident I reread this morning the colloquy—at least my part of it—and I am not aware that I indicated that in my reply. If I did, I am happy to stand corrected, because I am not aware of having heard anybody say it was approved by the committee. When I made the motion in committee there was an argument made by a member of the Committee on Rules that if the committee approved of the legislation, we should grant the waiver, and if the committee had not approved, we should not. My argument was that we were granting a waiver of points of order regardless of where it was in the committee process simply because there was no authorization in the law. I did not get into the committee business at all, so I do not know if anybody else in that conversation said that. I do not even remember the chairman of the Committee on Appropriations saying anything to that effect.

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

Mr. BOLLING. I really did not intend to have an extended conversation on this. The leadership is interested in having another matter getting out. They would like to have the Rules Committee action on the tax bill.

Mr. YATES. Will the gentleman yield?

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

Mr. YATES. What would happen in the event a rule were voted down or no rule presented? Could not then the Committee on Appropriations bring up a later bill containing appropriations for the agencies that have no authorization?

Mr. BOLLING. My distinguished friend from Illinois is a member of the Committee on Appropriations and he has a better idea than I as to what they would do. I hope that long service on that committee gives him better equipment to understand it than I would ever have.

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

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

Mr. MILLER of California. Mr. Speaker, on page 16635 of the CONGRESSIONAL RECORD for Thursday, June 19, there was a colloquy between the distinguished gentleman from the Committee on Rules and my distinguished friend from Iowa, Mr. GROSS, in which Mr. GROSS asked:

> If the gentleman will yield further, the question I would like to ask the gentleman from Missouri, a member of the Rules Committee is, Who is making this request for waivers of points of order?

Then Mr. BOGGS answered:

> Mr. Speaker, the chairmen of the respective legislative committees have made this request.

I submit that no one had asked my opinion. I did not happen to be here, but as far as I know, no one was authorized from the Committee on Science and Astronautics to make that agreement.

Mr. BOLLING. Let me assure the gentleman there was no mistake in the RECORD. I answered no further to the questions of Mr. GROSS, and if that answer was made, it was not by me.

Mr. MILLER of California. The answer was made by a responsible Member.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. EVINS of Tennessee. Mr. Speaker,

I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from North Carolina (Mr. JONAS) and myself.

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

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12307, with Mr. EDMONDSON in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from North Carolina (Mr. JONAS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we bring you today the independent offices and Department of Housing and Urban Development appropriations bill for fiscal 1970.

This bill provides funding for some 18 agencies and the Department of Housing and Urban Development.

We began hearings on the bill on February 4. Hearings continued for a period of 4 months and included many witnesses. The hearings covered more than 5,000 pages of testimony and exhibits in four volumes of published hearings.

This bill has been thoroughly considered and priorities established after careful analysis and much discussion. We are, of course, cognizant of the inflationary spiral. We are also cognizant of the demands upon our resources and the budget by the war in Vietnam.

This bill is a big bill—but a good bill—a bedrock bill that makes substantial cuts and reductions while at the same time financing important domestic programs.

This bill touches the lives of virtually all Americans.

Let me at the outset commend and congratulate all members of the subcommittee. There are nine other members of the subcommittee and all contributed significantly to this bill.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Illinois (Mr. SHIPLEY), the gentleman from Connecticut (Mr. GIAIMO), the gentleman from Virginia (Mr. MARSH), the gentleman from Arkansas (Mr. PRYOR), and the ranking minority member of the committee, the able gentleman from North Carolina (Mr. JONAS), the gentleman from New Hampshire (Mr. WYMAN), the gentleman from California (Mr. TALCOTT), and the gentleman from Pennsylvania (Mr. MCDADE).

All have made significant contributions in bringing this bill to the floor of the House.

Mr. Chairman, let me also compliment our two very able and efficient committee clerks—Homer Skarin and Hunter Spillan—both are very valuable and efficient.

There are four titles in the bill.

The independent offices and agencies are carried in title I and the Department of Housing and Urban Development in title II.

As I indicated before, this is a big bill and time will not permit a detailed discussion of all the items.

I recommend the reading of the report to all the Members of the House. I commend the hearings—I am inserting with my remarks a summary table at this point in the RECORD—giving a summary breakdown by agencies and the amounts recommended in the bill.

The table follows:

SUMMARY OF ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE BILL

| Agency or item | Revised budget estimates | Recommended in bill | Bill compared with budget estimates |
|---|---|---|---|
| National Aeronautics and Space Council | $524,000 | $500,000 | −$24,000 |
| Office of Emergency Preparedness | 10,645,000 | 9,995,000 | −650,000 |
| Office of Science and Technology | 1,958,000 | 1,875,000 | −83,000 |
| Appalachian regional development programs | 462,500,000 | 445,000,000 | −17,500,000 |
| Disaster relief | 45,000,000 | 45,000,000 | |
| Appalachian Regional Commission | 890,000 | 890,000 | |
| Civil Service Commission | 157,120,000 | 155,450,000 | −1,670,000 |
| Federal Communications Commission | 23,950,000 | 21,600,000 | −2,350,000 |
| Federal Home Loan Bank Board | 8,400,000 | 8,400,000 | |
| Federal Power Commission | 16,650,000 | 16,000,000 | −650,000 |
| Federal Trade Commission | 19,940,000 | 19,500,000 | −440,000 |
| General Services Administration | 530,793,600 | 541,413,000 | +10,619,400 |
| National Aeronautics and Space Administration | $3,715,527,000 | $3,696,983,000 | −$18,544,000 |
| National Science Foundation | 500,000,000 | 420,000,000 | −80,000,000 |
| Renegotiation Board | 4,140,000 | 3,640,000 | −500,000 |
| Securities and Exchange Commission | 20,416,000 | 19,750,000 | −666,000 |
| Selective Service System | 69,321,000 | 67,375,000 | −1,946,000 |
| Veterans' Administration | 7,670,701,000 | 7,705,192,000 | +34,491,000 |
| Civil Defense (DOD) | 75,300,000 | 64,200,000 | −11,100,000 |
| Civil Defense (HEW) | 4,000,000 | 6,000,000 | +2,000,000 |
| Department of Housing and Urban Development | 2,042,638,000 | 1,658,326,000 | −384,312,000 |
| Total | 15,380,413,600 | 14,907,089,000 | −473,324,600 |

By way of overall summary, the original Johnson budget provided for $18,197,672,000. The revised Nixon budget recommended $15,380,413,600, or a cut and reduction from the original budget of $2,817,258,400.

Our committee is recommending $14,907,089,000, a further cut and reduction from the revised budget of $473,324,600.

Let me point out for the RECORD that cuts and reductions claimed in the revised Nixon budget largely represent "paper savings" or "bookkeeping savings."

Most of the reduction—$2½ billion—simply reflects the elimination of advanced funding for urban renewal and model cities programs in HUD for 1971.

We considered more than 100 items in this bill, and more than 50 items were cut and reduced; 57 to be exact.

The budget figure was accepted in a number of instances and in only six areas were increases made—mostly in programs of the Veterans' Administration.

The bill represents a cut of 3 percent below the revised budget but 18 percent below the original budget submitted to the Congress in January of this year.

Let me highlight some of the major actions of the committee.

FUNDS APPROPRIATED TO THE PRESIDENT AND EXECUTIVE OFFICE OF THE PRESIDENT

For the National Aeronautics and Space Council the committee recommends $500,000.

This Council advises the President on policies, plans, and programs in connection with space programs.

DISASTER RELIEF

The committee recommends the full $45 million requested to meet the balance of requirements resulting from the major floods last spring in the upper midwest and on the west coast.

Hopefully, this amount should also be sufficient to assist in disaster work that may be required during the year.

APPALACHIAN REGIONAL DEVELOPMENT PROGRAM

The committee recommends a total of $445 million for the Appalachian Regional Commission and its programs.

This is a cut and reduction of $17,500,000 from the revised budget request.

For the Appalachian highway program the committee recommends $175 million for 1970 and advance funding of $175 million for 1971.

Following extensive testimony on the matter, the committee felt that advance funding was necessary to assure continuing continuity and efficiency in the highway program which is running behind schedule.

The committee recommends $95 million for the funding of other Appalachian programs such as health and housing, land stabilization, vocational education, assistance to local development districts, among others.

As a separate item the committee recommends the budget estimate of $890,-

000 for the administrative expenses of the Appalachian Regional Commission.

The Appalachian program represents a true Federal-State partnership for progress.

The initiative for participation in the various programs must come from the States themselves.

The achievements and benefits of this program are visable in many parts of Appalachia in the form of new and improved hospitals, health centers, airports, vocational trade schools, and school buildings, among others.

However, most of the objectives of the highway program have yet to be accomplished.

This program embraces 397 counties in 13 States—nearly one-tenth of our population.

CIVIL SERVICE COMMISSION

The committee is recommending $162,814,000 for programs of the Civil Service Commission.

These funds are for salaries and expenses of the staff of the Commission—the programs of the employees health benefits program—annuities under special acts—and other programs of the Commission.

On page 7 of the report the committee again calls attention to the deficit in the civil service retirement fund.

We are recommending an appropriation of $73 million to this fund, and again urge that legislation be passed to place this fund on a sound basis.

FEDERAL COMMUNICATIONS COMMISSION

The budget proposes $23,950,000 for salaries and expenses of the FCC and the committee recommends an appropriation of $21,600,000—$2,350,000 less than the budget estimate and an increase of $880,000 over 1969, including adjustments for a pending pay act supplemental.

FEDERAL POWER COMMISSION

The budget estimate for salaries and expenses of this Commission is $16,650,000.

The bill provides an appropriation of $16 million—which is $650,000 less than the amount requested.

FEDERAL TRADE COMMISSION

The committee recommends $19,500,000 for salaries and expenses of this Commission—a cut and reduction of $440,000 below the budget estimate, but an increase of $2,550,000 over 1969, including pending supplementals.

GENERAL SERVICES ADMINISTRATION

The committee recommends $541,413,000 for the many varied programs of the General Services Administration—the Federal Government's landlord, housekeeper, and service agency.

The committee has made cuts and reduced eight items in the bill for GSA and recommends increases in two items. The two increases are for completion of the Federal Building in Chicago and for repairs on Government-owned buildings to protect our current investment in these buildings.

No new projects are proposed for construction in the GSA budget.

Concerning construction of public buildings—we are recommending funds for eight projects, all except Chicago are budgeted, and funds for all have previously been provided but due to rising costs, some additional funds are made necessary to make awards.

A list of construction projects funded in this bill appears on page 10 of the report.

The one project added was the completion of the Federal Office Building at Chicago, Ill.—the committee added $13,285,000 for this project. This is all that GSA needs to complete the project. A total of $37,029,000 has been appropriated to date on this project.

The committee feels that it would be wasteful and uneconomical to defer completion of this building. The substructure is completed.

Funds are also provided for the substructure of the FBI Building on Pennsylvania Avenue, here in Washington.

For repair and maintenance of existing Federal buildings, the committee recommends $70 million which is $8,400,000 above the budget, but $10 million below the 1969 level.

These buildings must be maintained in good condition—any other course would be wasteful and shortsighted.

The backlog in maintenance, repair, and modernization of GSA's 4,900 public buildings at the beginning of fiscal 1970 will total $457,700,000.

The repair funds we are recommending represent 1.5 percent of the $4,500 million estimated replacement cost of the buildings.

For operating expenses of the Public Buildings Service the committee recommends $301,500,000 for operation and management of federally owned and leased space.

This is $7,619,000 below the budget estimate of $309,119,000—and a net increase of approximately $7,750,000 over the funding level of 1969.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Another one of the major items in the bill is NASA.

For the programs of NASA we recommend $3,696,983,000.

This is $63,544,000 below the original budget and $18,544,000 below the revised budget.

The appropriation recommended is also $269,394,000 below the authorization bill which recently passed the House.

Basically NASA operations are divided into three funding programs: Research and development, construction of facilities, and research and program management, or administrative operations.

The breakdown for the funding for each of these services is included in the report on page 12.

The committee shares our Nation's pride in the fantastic accomplishments of the national space program.

Our achievements in space are outstanding.

The NASA team which has made the space program a resounding success deserves to be commended and congratulated.

We have come a long way from Sputnik and here on the eve of the moon landing we do not want to take any action which might impair or dampen the space program.

The space program has been pared down from a level of about $6 billion to less than $4 billion.

Next month a landing is planned on the moon, and an earthman will walk on the scarred lunar surface for the first time.

This earthman will be an American—and NASA has advised me that the American flag will be planted on the moon by the Apollo 11 flight.

This is appropriate as the United States is the proven and demonstrated leader in space exploration.

As the Washington Star commented in a recent editorial, we have come to expect miracles from our space team as routine occurrences.

NATIONAL SCIENCE FOUNDATION

The committee considered a total budget estimate of $500 million for NSF and recommends appropriations of $420 million.

The Foundation will have a carryover balance of $20 million from 1969 and have a program level higher than this year.

We are recommending an appropriation of $18 million more than last year plus the $20 million carryover balance for the Foundation for 1970.

The funding of NSF has tripled in the last decade, and the committee feels that the funds in the bill will provide an adequate level of funding for next year.

RENEGOTIATION BOARD

The bill contains $3,640,000 for salaries and expenses of the Renegotiation Board.

This is $500,000 less than the $4,140,000, requested in the budget.

The Renegotiation Board pays its own way.

Since the Board's inception, the determinations of excessive profits have totaled $975,505,785 and voluntary refunds and price reductions have totaled $1,315,753,071.

The Board is now experiencing the full impact resulting from the Vietnam conflict procurement.

VETERANS' ADMINISTRATION

Concerning the Veterans' Administration, the original Johnson budget proposed an appropriation of $7,740,985,000 for 1970.

These estimates were amended and pared down by the Nixon budget to provide a new total of $7,670,701,000 which is $70,284,000 less than the original budget request.

The committee feels that in some important areas the amended budget does not adequately provide the needed and required resources for the Veterans' Administration.

Generally the committee is recommending the original budget rather than the revised Nixon budget—especially for medical care and rehabilitation and grants for State nursing homes.

Increases are also provided for hospital construction.

More than 4 million new veterans have been added to the rolls in the past few years, and veterans continue to be added at about 840,000 a year or 70,000 a month.

While the number of veterans is increasing the Congress is also passing new laws and liberalizing veterans' benefits so increased appropriations are needed.

I repeat, Mr. Chairman, the increases

are in the Veterans' Administration and generally the committee has adopted the original budget recommendations rather than the revised recommendations.

We have provided the full budget amount of $5,041,355,000 for compensation and pensions.

Compensation and pensions are provided by law and cannot be cut and reduced.

We provided the full budget request of $742,200,000 for readjustment benefits.

This is for the returning veteran seeking an education.

We provided the full amount for insurance and indemnities.

For medical care we are recommending an increase of $17,600,000 over the revised budget for a total of $1,541,701,000.

This will provide for 123,700 beds in VA facilities—treatment of 864,695 inpatients—and the care of more than 7,400,000 medical outpatients.

For construction of hospitals and domiciliary facilities, we recommend that $13,935,000 be added above the revised budget.

The committee found several important projects had been deleted.

The committee provides for a total appropriation of $69,152,000 for construction of needed hospital and domiciliary facilities that are advanced or underway.

We are recommending an increase of $3 million over the amended budget for the construction of State nursing homes.

This item provides for the States to build nursing homes for the veterans in their States and is on a matching fund basis.

The recommended level of $4 million is the amount needed.

CIVIL DEFENSE

The bill recommends $64,200,000 for civil defense activities in 1970 which is $11,100,000 less than the budget estimate but an increase of $3,660,000 over the amount appropriated in 1969.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Chairman, title II of the bill deals with the Department of Housing and Urban Development.

May I say that there are more than 70 programs administered by the Department of Housing and Urban Development.

Among the many programs administered by HUD are urban renewal, model cities, advanced planning, open-space land acquisition, neighborhood facilities, and a diverse number of mortgage credit programs to provide housing for low-income families.

This Cabinet-level Department is growing by leaps and bounds, expanding its programs and its commitments.

This is to be expected because of the many problems with which cities of all sizes and our metropolitan areas are faced.

Mr. Chairman, we continue to hear the tired refrain that Congress has failed to respond to the problems of our cities.

Nothing could be further from the truth.

We have responded—and we are responding in this bill.

I should point out that the total amount appropriated reflects only in a minor way the total involvement of the Federal Government in meeting the challenges of our cities.

To put the picture in perspective, let me summarize briefly, Mr. Chairman, some of the appropriations made for urban programs.

At the beginning of the new fiscal year the Department will have over $18 billion available for expenditure that has previously been provided by the Congress.

This bill includes new appropriations of $1,658,326,000 for all programs of the Department of Housing and Urban Development for the next fiscal year.

The committee attempted to analyze the numerous Federal programs designed to aid and assist our cities.

The budget states that the Federal commitment to our cities is estimated to be about $38 billion, for 1970. Later information indicates a new total approaching $43 billion.

This includes all types of assistance in the form of loans, grants, guarantys, and other commitments.

So, Mr. Chairman, Congress has acted and is acting decisively in a substantial way to help solve the problems of our cities.

The Housing Act of 1968 was perhaps the most extensive and comprehensive and far-reaching legislation affecting our cities ever passed by the Congress—and the Housing Act of 1968 was only the last of many such acts.

Assistance to our cities has doubled in the last 6 years.

It is true that our cities continue to be beset with problems as population pressures mount—but it is just as true that money and appropriations alone will not solve these problems.

In the last analysis the main thrust for solution must come from the communities themselves. The Federal Government can provide resources—and this bill provides substantial resources—but there must be cooperative assistance from local government, business, and industry in addition to taxpayers' dollars.

A major source of new funding is going to provide housing for lower income families.

The four basic low-rent housing programs are:

Public housing: Almost 1 million units built or approved to date at annual cost of more than $654 million. Another $150,000,000 contract authority for annual contributions becomes available in 1970. The payments on the new authority will require up to $6,000,000,000 in appropriations, eventually.

Rent supplements: More than 103,000 units built or approved at an annual cost of $72 million. The bill adds $50,000,000 annual contract authority. The total cost of this is $2 billion.

And the two new housing mortgage credit programs of interest subsidies for low rent units.

Homeownership assistance—section 235 of Housing Act of 1968: More than 32,000 units built or approved at an annual cost of $25 million. An increase of $40 to $50 million annual contract authority is pending in a supplemental appropriation bill, and $80 million more is in this bill.

Rental assistance program—section 236: More than 29,000 units built or approved at an annual cost of $25 million. An increase of $40 to $50 million is also pending for this program in a supplemental bill and another $70 million increase is proposed by the committee.

The amounts we appropriated for these programs generally have to be multiplied by 30 to 40 years to get the estimated total cost or commitment.

The current annual contract authorizations for the programs through 1969 will be $856,250,000.

When multiplied by 30 to 40 years the results are multi-billion-dollar expenditures for low-income housing.

Let me repeat, $856,250,000 will be the amount of expenditures for commitments annually for low-income housing presently authorized through 1969.

The budget for 1970 proposes an additional $450 million in annual contract authority for low income housing programs, including $150 million in new authority becoming available for public housing.

HUD estimates that the approximate cost of the new commitment for 1970 will range from a minimum of $7,500 million to a maximum of $17 billion in future years as annual contract payments are provided.

The total cost of the additions included in the bill will be between $6 and $13 billion.

In addition to these commitments of annual contract authorities for these four basic housing programs, Congress has approved loan and grant assistance for below the market interest rate loans under section 221(d)(3) of the Housing Act of 1961 and financing of housing for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended, for a total of almost 150,000 units—with a total cost of more than 1½ billion dollars.

In addition, appropriations to date for many other urban programs include the following:

Grants for water and sewer facilities totaling $530 million.

Grants for comprehensive planning, totaling $235 million.

Grants for open space lands for parks totaling $300,577,000.

Planning advances for public works totaling $83 million.

Loans for construction of public facilities totaling $563 million.

Grants for demonstration housing totaling $12.8 million.

Grants for urban renewal programs totaling more than $5 billion.

The original budget for HUD submitted by President Johnson was for $4,744,608,000 and the Nixon revised budget reduced this amount to $2,042,638,000.

The committee is recommending total appropriations of $1,658,326,000 for all programs of HUD for the next year, plus a commitment for contract authority for payments up to $13.2 billion.

As I indicated earlier, the large reduction in the revised budget estimates results from deletion of advanced funding of $2.5 billion dollars for urban renewal and the model cities programs for 1971.

We have provided for this advance funding in the past to assure orderly and efficient planning of these projects.

These so-called reductions are in reality paper savings—bookkeeping savings.

The claim that these bookkeeping and funding delays are actually "savings" is simply an effort to make a "show" of savings rather than a savings of substance.

As will be noted in the report—page 18—we are recommending a simplification and consolidation of some of the various HUD programs.

Secretary Romney has indicated that a number of consolidations are underway.

I repeat again, the four principal low-income housing programs are public housing, which we have had for almost 35 years—the rent supplement program, which is a private enterprise approach to public housing, as the properties remain on the tax rolls and are run by private business, not the Federal Government, and the two mortgage interest subsidy programs, homeownership—section 235—and rental housing assistance, section 236.

NEIGHBORHOOD FACILITIES

Concerning other programs administered by HUD such as the neighborhood facilities program which provides for grants covering two-thirds of the cost of the facilities, the committee is recommending $40 million—a reduction of $5 million from the amended budget.

ALASKA HOUSING

For Alaska housing the committee is recommending the full budget amount of $1 million.

REHABILITATION LOANS

For rehabilitation loans the committee is recommending $45 million which is $5 million below the budget request.

PLANNING GRANTS

For comprehensive planning grants for States and metropolitan areas, the budget request is $60 million, and the committee is recommending $50 million—a reduction of $10 million—which we think will amply take care of the estimated grants for 1970.

NEW TOWNS—NEW COMMUNITIES AND CITIES

In the new community assistance program, testimony indicates that HUD has some 27 proposals—27 prospects—for the building of completely new cities—cities like Reston, Va., or Columbia, Md., for example.

This is a new program, and we recommended $2,500,000 of the $5 million budgeted to stimulate private builders in this connection.

OPEN SPACE

For the open space land program, the committee is recommending $75 million of the $85 million recommended—a cut of $10 million. This continues the 1969 level of funding.

These are 50–50 matching grants—Federal and local.

WATER AND SEWER

For the grants for water and sewerage facilities the committee has approved the full $135 million requested.

In this program there is a $15 million carryover balance which will give HUD a $150 million program level for water and sewer grants.

URBAN RENEWAL

The original budget request for urban renewal was $1,500 million including $250 million additional funding for 1970 and $1,250 million advanced funding for 1971.

The advanced funding proposal was deleted by the Nixon amended budget.

The sum of $750 million was provided in the bill last year so this amount is available for 1970.

The committee recommended an additional $100 million which will provide $850 million for urban renewal programs in 1970.

In addition, I would point out that HUD has a carryover reserve balance estimated at one and a half billion dollars in urban renewal funds—to be exact $1,502,455,000, and contract authority on projects underway of $3 billion, so the total unexpended balance of control authority is about $4.5 billion. So this program will be generously funded.

MODEL CITIES

Concerning the model cities program, we all know that the purpose of this program is to enhance the existing capability of local governments to respond to the needs of blighted and decayed neighborhoods that need upgrading.

A total of 150 cities are participating in this program.

The Department makes grants to pay up to 80 percent of the cost of planning and developing model city programs.

These are followed by supplemental grants to carry out approved model cities programs.

The original budget proposed $1,250 million advance funding for 1971.

However, the Nixon budget has cut out the full amount recommended for advanced funding.

The revised budget has also changed the formula whereby the urban renewal programs within the model cities are handled under the regular urban renewal program.

With the advanced funding eliminated—the budget recommendation was $675 million. The committee is recommending $500 million for model cities—a further reduction of $175 million.

Some of the cities are taking longer than originally anticipated to develop sound plans.

There is, therefore, a very substantial carryover balance of unobligated funds in the model cities program. None of the $312,500,000 appropriated last year for model cities has yet been obligated, making a total of $812,500,000 that can be used in 1970.

URBAN TECHNOLOGY AND RESEARCH

Let me mention two other programs of HUD—urban technology and research and fair housing.

The budget proposed an appropriation of $30 million for urban research.

The committee has recommended $25 million which is $5 million below the revised budget request.

However, it should be pointed out that research assistance for HUD has more than doubled over the last year.

FAIR HOUSING AND EQUAL OPPORTUNITY PROGRAMS

Concerning the fair housing and equal opportunity programs, the committee recommends an appropriation of $3 million.

This is a cut of $7,500,000 from the budget estimate.

However, the appropriation represents a 50-percent increase over the amount provided last year.

I would point out that other departments such as the Department of Labor, Civil Service Commission, and Department of Justice are concerned with fair housing, and this program is mushrooming and growing fast and the committee feels that the 50-percent increase should be sufficient.

There are other programs, Mr. Chairman, in HUD.

However, I have attempted to highlight the major ones.

In summary, the committee is recommending $1,658,326,000 in appropriations for HUD for 1970. There is also provided new contract authority for payments that would require up to $13 billion in future years. This is part of the large Federal commitment to programs going into our cities that approaches $43 billion, as I mentioned earlier.

Altogether the bill provides $14,907,089,000—a cut and reduction of $473,324,600 from the revised budget and $3,290,583,000 from the original budget submitted.

This bill has been thoroughly studied and thoroughly considered. Its passage is essential to assure the continued operations and services of some 20 agencies of Government which affect the lives of all Americans.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. When the gentleman talks about the $1,502 million carryover, that really is not quite correct. It is not a carryover at all.

The $1,502 million is not legally committed, but it is a reservation which has been made. As soon as a community comes in and files an application with the Department of Housing and Urban Development there is an immediate reservation of a grant made to that community. The gentleman knows that as well as I do.

Mr. EVINS of Tennessee. Yes. But there is a $4.9 billion urban renewal program underway. HUD is converting this program into incremental funding, providing the amount required on a yearly basis.

Mr. BOLAND. I should like to address myself to a statement the gentleman made with reference to the $1.5 billion carryover. That figure is not correct. That $1.5 billion is already reserved for programs that are ongoing programs, where applications have been approved. One would expect that the cities whose applications have been approved would believe that the Government would fulfill its commitment and that there would be money provided, and that as their plans are approved the money would be available to them to carry out the plans.

Actually, this is not a carryover; it is a reservation.

Mr. EVINS of Tennessee. The gentleman would agree that the advance funding proposed in the original budget for urban renewal was deleted by the Nixon budget?

Mr. BOLAND. There was an advance funding off $1,250 million, which was deleted.

Mr. EVINS of Tennessee. There is $750 million in advance funding for 1970 which was provided last year, and $100 million in this bill, which is $850 million new and fresh money for urban renewal, besides the unexpended amount.

Mr. BOLAND. That is true. The amount appropriated in 1969 was $750 million for the advance funding for 1970. There was $312.5 million add-on for urban renewal, and that brings it to $1 billion something. Then there was $1,060 million. Then there was $18 million carryover from 1968 to 1969. So the total amount made available for urban renewal in 1969 was $1,080 million, and we are making less available this year. I do not believe we ought to do that. That is precisely why I intend to offer an amendment. At least this year they are entitled to as much as last year.

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

Mr. EVINS of Tennessee. I yield to my friend from North Carolina.

Mr. JONAS. The facts are that HUD has on hand previously appropriated funds, unspent, for urban renewal of $4,922,564,000, of which $1,502,445,000 has not even been obligated, but it is on their books as being reserved.

Did not the witnesses testify before our committee that as they moved from 6 or 8 or 9 years of planned urban renewal development to the 1-year incremental funding they would expect to recoup substantial amounts of the $1.5 billion in reserved funds, as they move to that 1-year program?

Mr. BOLAND. Mr. Chairman, will the gentleman yield so that I may respond?

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Part of what the gentleman from North Carolina says is correct. There is an opportunity to recoup, I think, as the program continues on, but the recoupment—really the fallout—is not very heavy.

It is less than 20 percent, according to the testimony which the gentleman adduced, according to his own questioning in the committee. So really what can be recouped is not very sufficient. All I am saying is that the $1.5 billion is really not legally committed. You are not legally bound to pay it, although you are morally bound to pay it, because there is an obligation to let the communities know when their applications have been approved and when the reservations are made and their plans are made and are coming in that if the plans are approved, the money ought to be there to pay for it. It is precisely how this program has been carried out over the years, and I do not believe we should change it under this administration.

Mr. EVINS of Tennessee. The Secretary of this Department is considering some changes, I will say to my friend.

Mr. BOLAND. I will agree with the gentleman. There was a major revision when they failed to come in with new funding.

Mr. EVINS of Tennessee. The gentleman will agree that there will be $850 million new funds available for 1970.

Mr. BOLAND. That is true. But we ought to give them another $100 million, and even with that they will have less money to spend in 1970 than they have in 1969.

Mr. EVINS of Tennessee. We are talking about only one program here of more than 70 programs in HUD. No one wants to hurt their programs.

Mr. BOLAND. The committee has been very generous and you and the gentleman from North Carolina have been magnificent in funding all of their programs, but here I think we are making a mistake.

Mr. EVINS of Tennessee. I now yield to my friend, the gentleman from Connecticut (Mr. GIAIMO), a member of the committee.

Mr. GIAIMO. I would like to associate myself with the comments of the gentleman from Massachusetts (Mr. BOLAND). I think we have to be very careful that we do not damage a very good program and one which has been very popular throughout the years with many of our cities and which has done very effective work. This is the urban renewal program. We have to be careful when we speak of carryovers or unexpended or unobligated funds that we speak very carefully, because all of us who have had dealings with HUD know that most of their funds are reserved and they are reserved for long periods of time, until the city comes in with a complete application and is in a position to ask for the funds. It does not do any good to talk about expenditures. Most of the funds are money appropriated in prior years and upon which our cities are desperately depending. We have to make certain that these funds are available to them.

I would like to make one other point, Mr. Chairman; that is, in the same area of urban renewal where we cut out advanced funding you will recall several years ago the Congress brought the funding of the urban renewal program under the direct appropriation method. We avoided some of the objectionable features that we had in the past under the contract authority-type of funding. At that time we did work out a gentlemen's agreement that we would have advanced funding for a year in advance so that the cities could properly plan in advance and so that HUD could properly plan with the cities on a 2-year basis. Now we are cutting it out, and I believe it is a mistake, and I think it will mean that cities will not have the certainty in their future planning and thus we will hurt this program.

Mr. EVINS of Tennessee. The gentleman is addressing himself to an administration proposal. As I said earlier, this is cutting out the urban renewal advanced funding. I agree with the gentleman.

Mr. JONAS. Will the gentleman yield?

If the gentleman is using too much of his time, I will be glad to yield him some of mine.

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. While we are on urban renewal I think the RECORD ought to be as clear as we can make it.

In addition to the sums we have been talking about here for the last 10 minuates, we are obligated at some date in the future to appropriate money to liquidate $3,005,500,000 of used contract authority that HUD used before we closed the back door to it. I think we ought not to overlook the fact that at some future date this money will have to be appropriated.

It is part of this program. This is not a miniscule program, this is one of the biggest programs the Government has, and here is about $10 billion of funds that have already been made available to HUD.

May I make one other comment, and then I will stop. I have the latest figures furnished us, dated March 31, 1969, from HUD, in which they provide their unreserved balance. I know there is a difference between reserved funds and obligated funds.

You can legally obligate funds when you sign a contract and write it down on the book as being obligated, but when we talk about unobligated balances, the answer is always made that "Well, we have a lot of reservations that have not become formal obligations"—but the unreserved balance as of March 31, 1969, for urban renewal, according to HUD's own statement, is $807,163,001.31.

I believe it is time for the record to show what we are doing in urban renewal, and how much unspent, unobligated and unreserved funds we have on hand—and if there is any slowdown in the program, do not blame the Committee on Appropriations. The blame should be placed on HUD, if anybody is to be blamed for it.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding, Mr. Chairman, because, like some of my colleagues who have spoken previously, I have been deeply concerned by the cuts that have been made; mainly, the cut of $150 million for urban renewal and the cut relating to the enforcement of Fair Housing.

I asked the Assistant Secretary for Urban Renewal and Housing Assistance, Mr. Cox, for some figures and for some information. What he told me was this: That with the $750 million in advance funding, and with the funds obligated earlier, and the $100 million which you make available for urban renewal, you have a total of $850 million, instead of what the administration asked for in its revised budget of $1 billion; that is, $750 million in advance funding and $250 million.

This means you will have reduced the amount that will be available for new urban renewal projects and for new neighborhood development programs in all cities in the country, including the model cities, from $275 million down to $125 million.

They tell me that this sum is just not enough to meet the priority needs of the program, and especially the model cities as well as to fund new NDP programs.

Now, I was intrigued to listen to the discussion a few minutes ago about all this money that is available for these programs, and the reservations of money. I had a pretty painful experience of my

own in this regard a few days ago. My own community had obtained a capital grant reservation of $3.7 million back in 1967. Then at the urging and upon the advice of the people down at the Department of Housing and Urban Development in September of last year they went along with the idea that they ought to convert into the so-called neighborhood development program, and they did. They converted their program, and then they asked just for $1.7 million instead of $3.8 million, and guess what? There is no money. There is no money there to fund this particular neighborhood development program.

Mr. EVINS of Tennessee. I do not know about the cuts the gentleman from Illinois is talking about, but I do know what the officials have told us. They are generally satisfied with the generous appropriations all through the programs that we have provided here.

Mr. ANDERSON of Illinois. Mr. Chairman, I was further informed by the Assistant Secretary that there are some 95 new applications which represent some $110 million, and how are they going to fund those out of the $125 million?

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

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. May I respond to my good friend, the gentleman from Illinois. What I am saying to you is—they have $1.5 billion in contract authority which is not obligated. Actually, they have $5 billion in undispersed funds. They can recoup from the $1,500 million the money they will need to take care of these NDP programs when they convert from long-range planning to 1-year incremental funding.

Mr. Chairman, there are a number of other programs, but let me summarize by saying again that the committee is recommending $1,658,326,000 in new funding for HUD, plus contract authority, which could result in expenditures of $13.5 billion.

The bill has been thoroughly studied and its passage is essential. We recommend it to the committee and urge the adoption of the pending appropriation bill.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Mr. Chairman, I am quite concerned about our space program, as I am sure the gentleman from Tennessee is concerned.

As the gentleman said earlier, for the past 4 years we have cut approximately $500 million each year and on a number of budgets this year.

I think a very important statement was made to the gentleman's committee in hearings where Dr. Payne said that anything less than $3.8 billion or $3.9 billion was a going-out-of-business type of decision in program areas that are valuable and vital to the overall position of the United States.

This year NASA asked the Bureau of the Budget for $4.6 billion, then $4.2 billion and they finally were given $3.7 billion.

The authorizing committee authorized $3.966 billion. Your committee is appropriating $3.696 billion.

Mr. EVINS of Tennessee. That is correct.

Mr. TEAGUE of Texas. Now the President has appointed a special task force to study our space program. That report will not be in until late in the year in September or October.

I wonder what the position of the gentleman would be if his task force comes in and says that we have appropriated not enough money and we are in a going-out-of-business type thing so far as the space program is concerned.

Can the gentleman tell me what his attitude would be toward a supplemental appropriation if the administration asked for more?

Mr. EVINS of Tennessee. In the first place, I would say to the gentleman from Texas that this is not in a going-out-of-business type of situation nor are we approaching that.

This bill carries $3.696 billion new money for space activities. We think this will provide an outstanding program for the United States.

As I said earlier, nobody has said anything about drastically cutting the space program, especially in view of the moon landing shot which is scheduled for next month. So there has been very minor changes in the space program request.

Mr. TEAGUE of Texas. Does the gentleman from Tennessee set himself up as a greater authority than Dr. Payne as to what our space program is?

Mr. EVINS of Tennessee. I think the members of our committee have lived with this for 15 years, and we have some knowledge about the space program, as does the gentleman from Texas and other members of his committee.

Mr. TEAGUE of Texas. Our committee has been living with it for 10 years and I think we conducted hearings over 10 times the hearings of your committee and our committee just does not agree with that when there were only 52 votes against our $3.9 billion.

Mr. EVINS of Tennessee. I commend the gentleman and I respect his study and his advocacy of the space program. No one wants to do anything to impair the space program. I said in my statement that the $18.5 million cut is minor compared to the the total provided for space activities.

Mr. TEAGUE of Texas. Will the gentleman answer my question?

Mr. EVINS of Tennessee. Certainly we will look sympathetically upon a statement from any official of the National Aeronautics and Space Agency.

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

Mr. EVINS of Tennessee. I yield to the gentleman from North Carolina.

Mr. JONAS. I hope my friend from Texas sticks around for the reading of the bill. I understand an amendment may be offered to take another $100 million out of it. I think we will do pretty well to have this bill stand up as it is written.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield further?

Mr. EVINS of Tennessee. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I understand the gentleman who is supposed to offer the amendment is not going to offer it.

Mr. EVINS of Tennessee. Very good. I appreciate that.

Mr. JONAS. I hope no amendments will be offered. We have a good bill, and it ought to be approved.

Mr. EVINS of Tennessee. I am asking for support of the national space program.

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

Mr. EVINS of Tennessee. I yield to the gentleman from California.

Mr. MILLER of California. I wish to compliment the gentleman and the subcommittee on its knowledge. I think it was Thomas Jefferson who said that the Congress of the United States consists of a group of committees, and it is run by a group of committees.

Mr. EVINS of Tennessee. I was talking about the matter of funding, and I think there is room for many points of view in arriving at a proper amount. We try to do the best we can. I would hope that we are as able to fix upon the proper appropriation as your committee is in the matter of determining what it regards as the proper authorization. These are difficult decisions.

Mr. MILLER of California. Perhaps you are——

Mr. EVINS of Tennessee. And I include my friend in that statement. Let me say to my friend that we approved the exact figure which his committee recommended for administrative operations. This is an area in which there has always been complaint, the number of jobs and employees. We approved in this bill the exact figure which the Space Committee recommended for general administrative operations.

Mr. MILLER of California. I congratulate the gentleman.

Mr. EVINS of Tennessee. So we are on the same wavelength.

Mr. MILLER of California. I regret that the gentleman did not accept a few more of our recommendations. I understand the pressure he is under. I understand also the great knowledge of the committee on this subject, but I do think the Committee on Science and Astronautics, though it has dealt with this problem 5 years less than the Appropriations Committee——

Mr. EVINS of Tennessee. The gentleman is a recognized authority.

Mr. MILLER of California. It does have a little knowledge in the field.

Mr. EVINS of Tennessee. For which we have great respect.

Mr. MILLER of California. That goes right back to you, my friend, and you know it.

Mr. EVINS of Tennessee. I yield to the gentleman from New Hampshire (Mr. WYMAN), a member of the committee.

Mr. WYMAN. I merely want to observe that the reduction from the budget figure for the NASA appropriation has been less than one-tenth of 1 percent. I think that is coming pretty close to full funding and I really do not believe the gentleman from Texas (Mr. TEAGUE) or the gentleman from California (Mr. MILLER) have valid cause for complaint.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to my friend, the

gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, the point is that agency actions combined with the legislative actions of the Science Committee, have reduced the budget of NASA by $1 billion since 1968. This represents $500 million each year. We have done the job, along with your Appropriations Committee and subcommittee.

In fact, if one looks at the overall history of the NASA budget it is readily apparent that this year's budget is at the lowest level since 1964. The agency requests have declined from a peak of $5,712,000,000 in fiscal year 1964 to this year's low of $3,715,327,000, a decline of almost $2.0 billion in just 7 years. Annual authorization enacted by the House has declined from a peak of $5,350,800,000 in fiscal year 1964 to this year's level of $3,966,377,000 which represents a reduction in annual authorization levels of almost $1.4 billion.

Appropriations have dropped from a peak of $5,250,000,000 to a recommended low this year of $3,696,983,000, a reduction in the annual level of appropriations of over $1.5 billion.

If we are going to have a viable and progressive space program, we cannot permit the level of effort to continue its downward trend. The program must level off and the Congress must see to it that a stabilized level of effort is put forth. This is necessary to assure that our Nation maintains its forward progress, and in fact its preeminence in space.

Likewise we should review the chronology of this year's program. President Johnson's budget request for space in fiscal year 1970 was $3,760,527,000. President Nixon's amended budget request was $3,715,527,000. The amount passed by the House for new authorization on June 10 was $3,966,377,000. We now have before us a recommended level of appropriations for fiscal year 1970 of $3,696,983,000.

Consequently there is a difference of $269,394,000 between the amount authorized by the House and the amount now under consideration for appropriations.

I should also remind my colleagues that as a result of my amendment on the floor of the House early this month on the NASA authorization bill, $327,070,000 in prior years' authorization was cut from the obligational authority available to NASA. So, there have been severe reductions to the space program already.

Another point about it is this: The military space budget is not being reduced. The military, on both space and aeronautics research, is increasing its level for these activities by over one-half billion dollars this year. So while the NASA level is going down, the military is going up.

I would like to point out that the Air Force and the DOD have requested a net increase of over $515 million in the fiscal year 1970 budget over that for fiscal year 1969 for astronautical space and research and development programs. That means something. Going to up it a half billion dollars, when NASA is reducing its budget.

In fact, in space they are reporting a net increase of more than $128 million alone in the military space programs as well as a net rise of $387 million in aeronautical research and development.

One other point is this: The Manned Orbiting Laboratory has been canceled by the Air Force and the Department of Defense. There is $300 million worth of Gemini equipment, that is, the two-man NASA spacecraft equipment, that has been transferred.

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

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONAS).

Mr. FULTON of Pennsylvania. Mr. Chairman, may I have another minute?

Mr. JONAS. I yield 1 minute to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. NASA is going to have to absorb the expenses of Air Force astronauts and the equipment being released by the Air Force, as well as all of the maintenance and repair expenses associated with the MOL program. The cost of this will be in excess of $100 million just to protect the $300 million worth of investment. I hope it will be remembered that this event has taken place very recently and the actions by the Appropriations Committee as well as the authorizing committee did not take this transfer into account. We probably will be back here again with further requests to compensate for the increased costs that will accrue to NASA as a result of the transfer.

I thank the gentleman from Tennessee and the gentleman from North Carolina.

I request permission to revise and extend my remarks.

I think it would be beneficial to the Members of the House if a complete chronology of actions taken to date on the fiscal year 1970 NASA program were made available. I insert a summary at this point:

COMMITTEE ON SCIENCE AND ASTRONAUTICS

FISCAL YEAR 1970 NASA AUTHORIZATION AND APPROPRIATION—BUDGET LEVEL COMPARISONS (NEW OBLIGATIONAL AUTHORITY)

[In thousands of dollars]

| Program | Initial budget request | Amended budget request | Committee action | Recommended authorization | House Appropriations Committee action |
|---|---|---|---|---|---|
| Research and development: | | | | | |
| Manned space flight: | | | | | |
| Apollo | $1,651,100 | $1,691,100 | +$75,700 | $1,766,800 | |
| Space flight operations | 236,627 | 225,627 | +129,200 | 354,827 | |
| Advanced missions | 2,500 | 2,500 | | 2,500 | |
| Subtotal (MSF) | 1,890,227 | 1,919,227 | +204,900 | 2,124,127 | |
| Space science and applications: | | | | | |
| Physics and astronomy | 119,600 | 117,600 | −5,000 | 112,600 | |
| Lunar and planetary exploration | 146,800 | 138,800 | −7,000 | 131,800 | |
| Bioscience | 32,400 | 20,400 | +7,000 | 27,400 | |
| Space applications | 135,800 | 128,400 | +10,000 | 138,400 | |
| Launch vehicle procurement | 124,200 | 112,600 | +1,600 | 114,200 | |
| Subtotal (SSA) | 558,800 | 517,800 | +6,600 | 524,400 | |
| Sustaining university program | 9,000 | 9,000 | | 9,000 | |
| Advanced research and technology: | | | | | |
| Space vehicle systems | 30,000 | 27,500 | +2,500 | 30,000 | |
| Electronics systems | 35,000 | 33,550 | +1,450 | 35,000 | |
| Human factor systems | 23,600 | 22,100 | +1,500 | 23,600 | |
| Basic research | 21,400 | 20,250 | +1,150 | 21,400 | |
| Space power and electric propulsion systems | 39,900 | 36,950 | +2,950 | 39,900 | |
| Nuclear rockets | 36,500 | 36,500 | +13,500 | 50,000 | |
| Chemical propulsion | 25,100 | 22,850 | +5,250 | 28,100 | |
| Aeronautical vehicles | 78,900 | 77,700 | +3,200 | 80,900 | |
| Subtotal (ART) | 290,400 | 277,400 | +31,500 | 308,900 | |
| Tracking and data acquisition | 298,000 | 278,000 | +15,000 | 293,000 | |
| Technology utilization | 5,000 | 5,000 | | 5,000 | |
| Total, R. & D | 3,051,427 | 3,006,427 | +258,000 | 3,264,427 | $3,000,000 |
| Construction of facilities: | | | | | |
| Electronics Research Center | 8,088 | 8,088 | | 8,088 | |
| Goddard Space Flight Center | 670 | 670 | | 670 | |
| J. F. Kennedy Space Center | 12,500 | 12,500 | | 12,500 | 12,300 |
| Langley Research Center | 4,767 | 4,767 | | 4,767 | 0 |
| Manned Spacecraft Center | 1,750 | 1,750 | | 1,750 | |
| Wallops Station | 500 | 500 | | 500 | |
| Various locations | 26,425 | 26,425 | | 26,425 | |
| Facility planning and design | 3,500 | 3,500 | | 3,500 | |
| Total, construction of facilities | 58,200 | 58,200 | | 58,200 | 53,233 |
| Research and program management: | | | | | |
| Manned space flight | $307,450 | $307,450 | −$3,450 | $304,000 | |
| Space science and applications | 88,053 | 88,053 | | 88,053 | |
| Advanced research and technology | 195,600 | 195,600 | −1,700 | 193,900 | |
| Headquarters | 59,797 | 59,797 | −2,000 | 57,797 | |
| Total, R. & P.M | 650,900 | 650,900 | −7,150 | 643,750 | 643,750 |
| Recapitulation: | | | | | |
| Research and development | 3,051,427 | 3,006,427 | +258,000 | 3,264,427 | 3,000,000 |
| Construction of facilities | 58,200 | 58,200 | | 58,200 | 53,233 |
| Research and program management | 650,900 | 650,900 | −7,150 | 643,750 | 643,750 |
| Grand total | 3,760,527 | 3,715,527 | +250,850 | 3,966,377 | 3,696,983 |

Likewise, I consider that my colleagues should be apprized of the actions taken by the Bureau of the Budget prior to the submission of the amended budget and as compared to the level of appropriations recommended by the House Appropriations Committee. I insert in the RECORD a table reflecting these comparisons.

*Fiscal year 1970 NASA budget*

The budget guidelines from the previous Administration were, in effect, that NASA should submit estimates for a minimum program for continuing on-going programs, include only new starts or extensions considered absolutely essential, and wherever possible, defer new programs and leave the decisions to the new Administration. The amount requested under these guidelines was $4.2 billion. In addition NASA did present to the Bureau estimates of a program necessary to move this nation toward a position of world leadership in space and aeronautics. These estimates totalled about $4.7 billion. The table below reflects NASA's request in comparison with that allowed in President Nixon's FY 1970 Budget after his consideration of all the needs of the Federal Government and the revenues available to meet such needs.

BUDGET LEVEL COMPARISONS

[In millions]

| | Fiscal year 1970 budget estimates | $4.2 billion level | $4.7 billion level | Appropriations committee recommendations |
|---|---|---|---|---|
| Apollo | $1,691.1 | $1,777.5 | $1,950.3 | |
| Space flight operations | [1] 343.1 | 403.1 | 473.1 | |
| Advanced missions | 2.5 | 7.5 | 10.0 | |
| Physics and astronomy | 117.6 | 149.5 | 156.5 | |
| Lunar and planetary | 138.8 | 138.8 | 202.2 | |
| Bioscience | 20.4 | 47.1 | 64.4 | |
| Space applications | 128.4 | 161.8 | 199.8 | |
| Launch vehicle procurement | 112.6 | 128.0 | 132.0 | |
| Sustaining university program | 9.0 | 39.0 | 57.0 | |
| Basic research | 20.25 | 20.6 | 24.8 | |
| Space vehicle systems | 27.5 | 30.9 | 37.7 | |
| Electronic systems | 33.55 | 38.2 | 52.6 | |
| Human factors systems | 22.1 | 24.2 | 32.3 | |
| Space power and electric propulsion systems | 36.95 | 41.0 | 44.5 | |
| Nuclear rockets | 36.5 | 36.5 | 50.0 | |
| Chemical propulsion | 22.85 | 35.6 | 44.1 | |
| Aeronautical vehicles | 77.7 | 100.5 | 100.5 | |
| Tracking and data acquisition | 278.0 | 310.3 | 310.3 | |
| Technology utilization | 5.0 | 5.0 | 7.2 | |
| Total, R. & D | 3,123.9 | [2] 3,495.1 | [3] 3,949.3 | 3,000.0 |
| Research and program management | 650.9 | [2] 644.1 | [2] 665.0 | 643,750.0 |
| Construction of facilities | 58.2 | 79.2 | 83.2 | 53,233.0 |
| Total, NASA | 3,833.0 | 4,218.4 | 4,697.5 | [3] 3,696,983.0 |

[1] Includes $117.473 million from fiscal year 1969 which has been reserved from apportionment by BOB (Revenue and Expenditure Control Act reductions).
[2] Not adjusted for conversion of certain support service contract operations at the Goddard Space Flight Center which amounts to $7.3 million.
[3] Does not include $117.473 million in reserved apportionment.

Also it might be well to review the potential budget operating plan for fiscal year 1970 based upon the proposed level of appropriations now before the House. Assuming the adoption of the House Appropriations Committee recommendation for fiscal year 1970 NASA appropriations amounting to $3,696,983,000, the potential budget plan for next year would be $3,814,456,000. This is arrived at by adding the $117,473,000 reserved from apportionment pursuant to the Revenue and Expenditure Control Act of 1968.

The NASA budget operating plan for fiscal year 1969 totals $3,877,520,000. Consequently, even at best, NASA can only expect to come up with an operating plan that will be $63,064,000 less than available in the current fiscal year.

Although the final determination as to how to apply limited resources to priorities is the prerogative of the Administrator, it is quite evident that many of the forward-looking plans proposed by the Committee on Science and Astronautics in its report to the House will have to be scrapped, and I might add, to the detriment of our position of world leadership in space.

For example, planned improvements to the Saturn V launch vehicle needed to obtain a more effective and useful vehicle will not be possible; operations funds for flights beyond Apollo 11 will probably have to be curtailed with possible impact upon safety of operation; a heavy reduction in the Apollo applications program will probably be necessary which will:

First, delay the initiation of Apollo application flights 5 months—when the program has already been delayed 18 months;

Second, suspend production of Saturn IB vehicles Nos. 213 and 214 with subsequent increase in costs to complete the vehicles later;

Third, delay the availability of a backup workshop and telescope mount by an additional 3 to 4 months beyond the 5 months already expected; the development of a low-cost transportation system in the form of a space shuttle vehicle planned for fiscal year 1970 will undoubtedly be reduced to nothing more than a paper study. A badly needed laboratory for the study of aircraft noise abatement will be deleted from the program.

Other programs such as basic research, nuclear rockets, aeronautics, human factors systems, earth resources satellites, and many others will be adversely affected by these serious budget limitations.

The Congress must prevent the destruction of our national space program. The National Aeronautics and Space Administration budget has been thoroughly reviewed by both the Science and Astronautics Committee and the Appropriations Committee. This program has been cut an average of $500 million a year since 1968. To maintain a balanced space program, an absolute minimum of $3,708,377,000 is required to maintain our options. This budget only "holds the line" for our space program. Major decisions by the administration on space are being developed by the President's Space Task Force. The Department of Defense has canceled the manned orbiting laboratory program. We cannot, we must not destroy the rapidly eroding scientific and technological base required to support future space effort. Our national security, scientific, and technological prominence depends on how wisely the Congress acts with regard to the space budget.

I sincerely hope that within the limited resources to be provided that NASA will be able to proceed with the Saturn V follow-on program as recommended by the Committee on Science and Astronautics.

The Saturn V is the most powerful launch vehicle ever to be developed, produced, and proven in space. Possessing six times the payload capability of the Nation's intermediate-size booster, the Saturn V is the free world's largest booster and the only launch vehicle capable of lifting large payloads into earth orbit or carrying out manned missions to lunar distances. The United States has no immediate plans to develop any other booster of equal or greater power, since the Saturn V provides the Nation with the basic launch vehicle capability to carry out a variety of space operations in the 1970's. Development of the proposed space shuttle will provide a low-cost transportation system for carrying 12 to 25 tons of payloads into a low-earth orbit.

In the range of large payload weights, the Saturn V is the Nation's sole means of launching 125 tons into earth orbit, sending 50 tons out to lunar distances, and landing 20 tons on the lunar surface. Therefore, this versatile launch vehicle is the key to capitalizing on the gains of the Nation's first decade in space and realizing returns on the skills, technology, equipment, and facilities created in Apollo. The Saturn V provides the payload capability required for a progressive space program in the 1970's, including continued lunar exploration and future missions such as the space station or deep-space missions.

To take advantage of these opportunities and to preserve the technological strength of the United States, it is essential to provide for follow-on production beyond the 15th Saturn V launch vehicle—the last one in the current program. Additional Saturn V's are required to continue a sound space program through the next decade and to prevent disruption or loss of the gains of the first 10 years in space.

These follow-on Saturn V's will be able to benefit from the increased performance capability and simplified design that can be derived from the proposed J–2S engine.

The Committee on Science and Astronautics recommendations provides funding for follow-on production beyond the 15 Saturn V launch vehicles for Apollo,

the last of which will be delivered in 1970. The production capability created since 1959 is already dissipating at a rapid rate, and continuation of the sharp downward trend will result in expensive shutdown and startup costs. The great industrial capability created over the last 9 years will be lost through dispersion of skilled manpower, degradation of tooling, and loss of manufacturing qualification status.

To a great extent, the longer the restart operations are delayed, the more the reestablishment of the program takes on the aspects of a new R. & D. effort. At the present time, the United States can reverse the sharp downward trend on Saturn V employment and retain the valuable and specialized skills created for Apollo and demonstrated so dramatically in the results of the Saturn V flights to date.

It is clear, in terms of efficient use of skills and equipment, that the longer the gap is the more difficult and costly it is to reestablish production.

The additional $52.2 million recommended by the committee will provide for procurement of long-lead materials and equipment, including subsystems and components; retention of necessary contractor manpower; and reactivation of critical suppliers and vendors. These funds involve the three stages—S–IC, S–II, and S–IVB—and the F–1 and J–2 engines.

Immediate action to provide the critically needed additional funding for Saturn V follow-on activity will prevent the continuing loss of this broad-based industrial competence and stem the downward employment trend at the major Saturn V contractor plants across the country. Piecemeal funding would increase the difficulty of reinstituting follow-on Saturn production.

In addition to preventing the further erosion of skilled manpower resources and providing the follow-on launch vehicles that must be produced if the United States is to be ready to pursue the great opportunities for space operations in the 1970's, immediate approval of this additional $52.2 million in fiscal year 1970 authorization will facilitate the progress toward a lower production cost.

NASA has indicated that future Saturn V's can be produced and checked out at lower costs than those incurred before. This objective could be achieved by taking full advantage of the learning experience accumulated to date, and by moving toward a simplified, standardized launch vehicle with increased performance at a lower cost. Timing is critical in the sense that if the major production base is lost, the start up operations, the requalification requirements, and the loss of learning will inevitably obviate the ability to achieve potential cost reductions. For reasons of basic economy and efficiency, as well as continued progress in space into the next decade, we should proceed with this most important program.

Mr. JONAS. Mr. Chairman, I yield myself such time as I may use.

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

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

Mr. FREY. Mr. Chairman, the space program has been drastically reduced since fiscal 1965. In 1965 appropriations were approximately $5.25 billion. Today, the Appropriations Committee proposes a budget of $3.696 billion, approximately $300 million under the fiscal 1969 appropriations. Furthermore, the appropriations are approximately $270 million below the total authorization recently approved by the House and $18 million less than requested by NASA. Although the amount in contrast to previous cuts is relatively small, we have reached a place in our space program where relatively small amounts of funding will provide increased benefits to the program. On the other hand, reduced funding will not only lengthen the time until these programs will be of value to us but may in the long run cause their cancellation.

Many who oppose the space program speak in terms of reaching our goal by getting to the moon. They fail to understand that our goal is not just reaching the moon, but gaining the knowledge and technology to operate in space. Many who oppose the space program speak of the great problems in our cities, but fail to recognize the tremendous benefits to all Americans resulting from our space program. On three previous occasions in this Chamber, I have related specific spinoff benefits. There is no need to repeat these remarks except to emphasize that these benefits are received here on earth.

The continuing cuts in the space program must come to an end. If the present trend continues we will soon be out of space. If the present trend continues, the U.S.S.R. will soon surpass us in space. If the present trend continues, we will have wasted the billions of dollars previously invested in our space program.

Undoubtedly in the near future the U.S.S.R. will score another space first, like Sputnik, and we will react in the same manner, pouring money into our space program. Now is the time to provide adequate funding in an orderly manner as proposed by the Committee on Science and Astronautics and approved by the House. It will be too late and too costly if we have to catch up again.

It is my hope that if the bill as submitted by the Appropriations Committee is approved, the House will be receptive to new proposals as expected in September from the Committee appointed by President Nixon to set new goals from the space program. Also at that time I hope that NASA will be in a position to testify for increased spending in our space program in contrast to the position presently taken by NASA.

Mr. JONAS. Mr. Chairman, our distinguished colleague from Tennessee (Mr. EVINS), who is the chairman of the subcommittee which conducted the hearings and marked up the bill before you, has just delivered a masterful analysis of it. In addition, the subcommittee has prepared a 47-page report containing a discussion of line items in the bill and setting forth the basis upon which the committee recommends approval of the bill today. This report is available to all Members and I commend it to your review. If it does not contain answers to all of your questions, members of the subcommittee on the floor today will try to supply them.

I do not intend to repeat the analysis made by my friend from Tennessee but will make a few general comments and then discuss in some detail the provisions of title II which contains the appropriations for the Department of Housing and Urban Development. Other members of the subcommittee will discuss the provisions of the bill appropriating funds for 18 independent offices and agencies of the Government.

I think it is worthy of repeating that the subcommittee began the hearings on this bill on February 4, 1969, and they continued for 4 months. The testimony was reduced to writing and is printed in four volumes containing more than 5,000 pages.

The original L. B. J. budget called for new appropriations in the amount of $18,197,672,000. The revised Nixon budget reduced the orginal one by $2,817,258,400. But $2,500,000,000 of this reduction is a paper cut and is accounted for by deleting 1971 advance funding for urban renewal and model cities. The remaining cuts in the revised budget amount to $317,258,400 and are all firm cuts.

So the subcommittee started off considering a revised budget calling for the granting of new obligational authority—appropriations—in the amount of $15,380,413,600. The total cuts made by the subcommittee amount to $473,324,600. The bill before you for consideration today therefore calls for $14,907,089,000 of new appropriations—new obligational authority.

But the bill also grants the Department of Housing and Urban Development new annual contract authority in the amount of $205,500,000, a reduction of $102,000,000 from the $307,500,000 requested in the revised budget. In addition, HUD will have new contract authority in the amount of $150,000,000 available from permanent legislation for use under the public housing program. This means that in fiscal year 1970, HUD will have a total of $355.5 million in new annual contract authority.

It is therefore fair to point out that the total cuts made by the committee from the revised budget include $473,324,600 in reduced new obligational authority plus $102,000,000 in reduced new annual contract authority, or a total of reductions from the revised budget of $575,324,600.

At this point it should be noted that when we speak of new annual contract authority we are not talking about a one-shot appropriation but of authority granted the Department to sign contracts obligating the Government to pay the amount authorized each year during the life of the contract, which in this instance will be for a maximum of 30 or 40 years depending upon which section of the Housing Act is involved. So when I say the bill includes $205,500,000 in new annual contract authority, and when I say that HUD will actually have $355,500,000 in new contract authority for fiscal year 1970, you should understand this means that when the con-

tracts are signed the Government will be obligated to pay $355,500,000 each year during the life of the contract, which could run for 30 or 40 years.

Right here it is fair to point out that the Department contends that many of these contracts will be liquidated before the full 30- or 40-year period is exhausted but no one can tell for sure in advance when that will occur, so we must assume that there is at least a contingent liability imposed on the Government by this bill alone to pay out $205,500,000, plus the additional $150,000,000 in new contract authority for the public housing program, each year for a maximum of 30 or 40 years.

It is well understood that the appropriations made today will not all be expended in fiscal year 1970. Some of the funds appropriated in this bill will not be expended until 1971 and beyond. Some of the money projected for spending in fiscal year 1970 will be taken from previously appropriated but unspent funds that have accumulated in the department and agencies involved. This is made dramatically clear in the chart shown on page 60 of the original 1970 "Budget in Brief," which shows that of the funds projected for spending in 1970, $85.9 billion, will come from unspent funds appropriated in prior years; and that of the new obligational authority requested in the budget, $100.7 billion is projected for spending in years beyond 1970. It also shows that at the end of fiscal year 1970, $239.2 billion will remain in unspent authority for outlays in years beyond 1970.

I bring these figures to your attention in order to emphasize that there is a substantial difference between the amount of money appropriated in a given year and the amount of the spending program projected for that year.

With that distinction having been made as a background, you will be interested to know that our committee estimates that the cut of $473,324,600 from new obligational authority requested in the revised budget will result in reducing projected expenditures for fiscal year 1970 by approximately $115 million.

The reduction of $102,000,000 in new annual contract authorizations will not have any effect on expenditures in fiscal year 1970, since expenditures under this new contract authority will fall due in years beyond 1970.

HUD

Now let me invite your attention to that part of the bill which deals with the new obligational authority and the new annual contract authority granted to the Department of Housing and Urban Development. The bill now under consideration appropriates $1,658,326,000 in new money—new obligational authority—to the Department of Housing and Urban Development. But to say that the bill grants HUD $1,658,326,000 in new money does not tell the entire story. The remainder of the story must be told in order that Members interested may know that substantial additional spending authority is granted in this bill and is otherwise available to HUD.

For example, you will recall I have heretofore pointed out that the bill grants new annual contract authority to HUD in the amount of $205,500,000. It must be remembered that this is not a 1-year spending authorization but is an authorization to make a contract calling for the expenditure of that amount of money every year during the life of the contracts which will run for a maximum of 30 or 40 years or until the contracts are liquidated if they are liquidated in less than that length of time. This new contract authority is applicable to the following programs:

[In millions]

| | |
|---|---|
| Homeownership assistance (sec. 235) | $80.0 |
| Rental housing assistance (sec. 236) | 70.0 |
| Rent supplements | 50.0 |
| College housing which, with funds available from other sources, will support a $300 million program in 1970 | 5.5 |
| Total | 205.5 |

MAGNITUDE OF SPENDING AUTHORIZED

If the bill under consideration today is enacted, and if the pending supplemental is enacted, the outstanding authority for annual contract payments under the homeownership, rental assistance, rent supplement, and public housing programs will be at least $856,250,000 per year. When you consider that the Government is obligated, when these contracts are signed, to pay out that amount of money each year for 30 or 40 years, you can begin to visualize the magnitude of the obligations imposed upon the taxpayers by actions taken in Congress this year and in previous years.

The new annual contract authority which will become available to HUD on July 1, 1969, will impose a liability upon the Government to spend between $6 and $13.5 billion. But remember that we are now only talking about the liability of the Government imposed by this one bill under consideration today, including the new contract authority for public housing which became available July 1, 1969, and this does not take into account liabilities under previous legislation.

TOTAL PRICE TAG OF FOUR PROGRAMS

The total price tag of the four programs now under discussion: homeownership, rental assistance, rent supplements, and public housing, if we stop with this bill and do not grant any additional funds for these programs in the future, will be as follows:

| | |
|---|---|
| Maximum liability (from inception through this bill) | $42,000,000,000 |
| Minimum liability (estimated by HUD under various assumptions) | $26,250,000,000 |

FALSE CHARGES

I am concerned over repeated charges that Congress is not doing much for the cities; that Congress never touches the defense budget but is always cutting social programs including housing assistance for the poor; or that it is very easy to persuade Congress to appropriate vast sums of money for agriculture but Congress pays little heed to the plight of the cities.

The truth of the matter is that this branch of the Congress last year cut $4.8 billion from the budget submitted for the Department of Defense and $260 million from the budget submitted for military construction—this does not take account of subsequent supplementals. Recently I read a statement by the chairman of the House Committee on Armed Services which indicates that, while the defense budget has increased 75 percent since fiscal year 1959, Federal expenditures for health and welfare have increased 210 percent and expenditures for education and manpower training have increased 630 percent. I have not had an opportunity to verify these figures but they are on the record now and I am sure if they are incorrect someone will point that out.

MAGNITUDE OF FEDERAL URBAN AIDS

I do know that Federal funds providing various sorts of assistance to urban areas have increased substantially since 1964. I will include as a part of my remarks at this point a table showing some of the HUD programs being funded in the bill before you. They are not all included nor have I included the very substantial sums provided for administrative expenses. But I am listing a few of the more significant programs and the new funds and new contract authority provided in this one bill:

*Department of Housing and Urban Development*

| | |
|---|---|
| Public housing, annual subsidy | $473,500,000 |
| (This money is to pay the subsidy on existing housing units. Many have deteriorated and are now having to be rehabilitated. PHA will spend on this program in FY 1970—$16,000,000.) | |
| New PHA contract authority available from permanent legislation | 150,000,000 |
| (This is $150,000,000 a year for a maximum of 40 years.) | |
| Homeownership (sec. 235) annual contact authority | 80,000,000 |
| (This is $80,000,000 a year for a maximum of 30 years.) | |
| Rental housing assistance (sec. 236) annual contract tract authority | 50,000,000 |
| (This is $70,000,000 a year for a maximum of 40 years.) | |
| Appropriations for homeownership and rental assistance payments due next year on existing contracts | 46,500,000 |
| Rent supplements-annual contract authority | 50,000,000 |
| (This is $50,000,000 a year for a maximum of 40 years.) | |
| Appropriation for payments due next year on existing contracts | 23,000,000 |
| Low and moderate income sponsor fund | 2,000,000 |
| Urban renewal: | |
| In this bill | 100,000,000 |
| From advance funding last year | 750,000,000 |
| Total urban renewal | 850,000,000 |
| Rehabilitation loan fund | 45,000,000 |
| Model cities | 500,000,000 |
| (This is in addition to $948,000,000 appropriated in 1967, 1968 and 1969). | |

*Department of Housing and Urban Development*—Continued

| | |
|---|---|
| Grants for basic water and sewerage facilities: | |
| In this bill | $135,000,000 |
| Carried forward from this year | 15,000,000 |
| Total for basic water and sewerage facilities | 150,000,000 |
| Open space land programs | 75,000,000 |
| Comprehensive planning grants | 50,000,000 |
| Community development training programs | 3,000,000 |
| Grants for advance acquisition of land | 2,500,000 |
| Grants for neighborhood assistance | 40,000,000 |
| Urban research and technology | 25,000,000 |
| College housing: new annual contract authority | 5,500,000 |
| (This sum plus funds from prior year actions will provide a college housing loan program of $300,000,000 which is the same level as this year.) | |
| Appropriation for payments of interest subsidy on college housing loans | 2,500,000 |
| Participation sales: Payment of insufficiencies (subsidy) | 56,238,000 |
| Funds appropriated to the President | $1,719,700,000 |
| Includes disaster relief (70%); O.E.O. (75%); Appalachian Development (25%). | |
| Department of Agriculture | 947,500,000 |
| Includes Extension Service (50%); Soil Conservation Service (25%); Consumer Protection, Marketing and Regulatory (70%); Special Milk, School Lunch, Food Stamps and Surplus Commodities (70%); Water and Waste Disposal (25%), Housing (25%). | |
| Department of Commerce | 166,000,000 |
| Economic Development Administration activities (70%). | |
| Department of Defense | 723,000,000 |
| Construction of National Guard and Reserve Armories (100%); Civil Defense, including research, shelter survey and marking (100%); civil works (70%). | |
| Department of Health, Education, and Welfare | 10,082,900,000 |
| Including a variety of programs listed at 70%, one program (impacted aid) at 90%, and one (libraries and community services) at 50%. | |
| Department of Housing and Urban Development | 3,189,200,000 |
| Includes a variety of programs ranging from 100% down to 75%. | |
| Department of the Interior | 495,500,000 |
| Includes variety of programs such as water pollution control, grants for waste treatment works, Office of Saline Water, Bureau of Outdoor Recreation, Geological Survey, Bureau of Reclamation—ranging from 90% (grants for waste treatment works) down to 25% (Geological Survey). | |
| Department of Justice | 210,000,000 |
| Includes law enforcement and community relations service (70%). | |
| Department of Labor | 1,086,900,000 |
| Manpower Training (80%); Unemployment Compensation and employment service from the trust fund (85%). | |
| Department of Transportation | 3,363,800,000 |
| Includes airports (90%); highways (55%); safety (75%); high-speed ground transportation (90%); urban mass transportation (100%). | |
| Independent agencies | 109,600,000 |
| Atomic Energy Commission—Civilian Power Reactor development (80%); General Services Administration—Construction of public building (90%); Veterans' Administration—Medical care for non-service connected pensions (70%); construction of hospitals, domiciliaries and nursing homes (90%). | |
| Direct loans, loan insurance, and loan guarantees | 18,526,000,000 |
| Farm Home Adm. (25%); Economic Development Adm. (70%); Department of HUD (Range 25%–100%); Veterans' Adm. 90%); Small Business Adm. (70%); loans to District of Columbia (100%). | |

It should be understood that the foregoing list of programs does not even scratch the surface of Federal urban aids. The 1970 budget document states that about $38 billion will be spent in 1970 on various forms of Federal aid to the cities, as compared to $21 billion in 1964. In August of 1966, former Secretary Robert C. Weaver, in testimony before the Senate Subcommittee on Executive Reorganization, testified that the total of Federal aids to urban communities would be about $27 billion, as I remember his figures, and he attached a table to his testimony showing a breakdown of that total. So you will see from these references that the Federal commitment for urban, social, and community development aids has gone up from $21 billion in 1964 to $38 billion in 1970, according to the statement in the budget.

But the most recent statement I have seen listing Federal financial aids to urban communities was issued by HUD on May 16, 1969. It gives the total of such aids as $42.9 billion in 1970. In that statement HUD explains that the Department figures differ from those of the Bureau of the Budget because HUD uses the Census Bureau definition of urban territory while the Bureau of the Budget uses the standard metropolitan statistical concept of metropolitan areas, and that in addition the Budget Bureau analysis includes only aids to State and local governments while HUD includes aids to private groups and individuals as well as some direct Federal construction activities. Regardless of which method is used, both totals are impressive and reflect the magnitude of the annual Federal commitment of tax dollars in aid to cities and urban dwellers. I will include at this point an extract from the material submitted to the subcommittee by HUD showing an itemization of the $42.9 billion by department and project:

It should be noted that in estimating the proportion of Federal programs affecting urban areas, as shown in the foregoing table, the following formula was used:

Seventy-one to 100 percent for programs which by their nature would be overwhelmingly directed toward cities;

Fifty to 70 percent for programs directly affecting individuals and, therefore, likely to be distributed on the basis of population; and

Twenty-five percent for development programs directed at smaller communities wherein a minority of the population can be classified as urban dwellers.

GROWTH AT HUD

All of the press reports I have read discussing this bill have called attention to the cuts the committee made from the budget as submitted. One wire service sent out a report all over the country detailing how much was cut from this program and how much from that one. An editorial in one of Washington's paper's last Sunday charged that Congress was underfunding one of the programs covered in the bill before you. That program happens to carry an appropriation of $500,000,000 this year following one of $625,000,000 last year for a program that has not gotten off the ground yet—still the charge of underfunding was made. My mail is full of letters from mayors and other special pleaders for more spending urging "full funding." Bless their hearts—they do not realize that if Congress fully funded all outstanding authorizations the printing presses could not turn out enough money to do what they advocate.

I think the time has come when someone should talk about what this bill does, how much money it appropriates, and what Congress is doing for the poor who need housing and for the cities of the country. I have heretofore listed some of the programs that receive additional funds under this bill but I believe it will be helpful to those who wish to understand the total impact of this bill on the taxpayers by listing a few of the key programs. The following comments are made therefore for the purpose of putting the facts on the record for the information of all concerned, and not for the purpose of criticizing the programs. If the people know the facts, I am sure they will conclude that we are doing all the country can afford, considering its many other obligations, in these fields.

After all, there is some limit to the burdens we should impose upon the taxpayers, especially since most of them are hard-working individuals who are hard pressed to support their own families, make the payments on their own mortgages, and make substantial payments of taxes to local, State, and Federal governments. They are the salt of the earth and unfortunately they are the forgotten men and women of this generation. We should have mercy upon them. They are at the breaking point. It will be tragic if Congress fails to heed their calls to be a little more prudent in spending their money.

I offer an analysis of the following programs for the RECORD:

PUBLIC HOUSING

When I first came to Congress in 1953, public housing was the principal tool being used by the Government to provide housing for low-income families. Under this program the Government obligates itself to make annual contributions—subsidies—to liquidate capital indebtedness over and above what is available from residual receipts from rents. The following facts will show how this program has grown since 1950—page 249, volume 4 of hearings:

*1950*

| | |
|---|---|
| Number of units | 116,549 |
| Fixed annual payments | $21,321,123 |
| Less available from residual receipts to reduce Government subsidy | $16,105,911 |
| Total subsidy paid | $6,215,212 |
| Percent of fixed charges paid by the Government subsidy | 29.2 |
| Average subsidy per unit | $42.41 |

*1970 (estimated)*

| | |
|---|---|
| Number of units | 853,835 |
| Fixed annual payments | $468,500,000 |
| Less available from residual receipts to reduce Government | $34,500,000 |
| Regular subsidy | $434,000,000 |
| Additional subsidies | $23,500,000 |
| Total annual subsidy for debt amortization | $457,500,000 |
| Additional subsidy to be used in rehabilitation of deteriorating units | $16,000,000 |
| Total of Federal subsidies for public housing in fiscal year 1970 included in the bill under consideration today | $473,500,000 |
| Percent of fixed charges paid by Government subsidy | 91.4 |
| Average subsidy per unit | $554.55 |

*Summary 1941–70 public housing*

| | |
|---|---|
| Total fixed payments | $3,760,687,536 |
| Less total amount available from residual receipts to reduce Government subsidy | 570,000,898 |
| Total of Government subsidies under regular programs | 3,190,686,638 |
| Plus subsidies under supplemental program | 78,942,189 |
| Cost to taxpayers of public housing from 1941 through 1970 | $3,269,628,827 |

The foregoing tables show how the cost of this program has grown from $6,215,212 in 1950 to $473,500,000 in 1970, and the total cost of the program through 1970.

All of the money shown in the foregoing tables as subsidies came from the taxpayers of the United States, and was appropriated by Congress to provide low-rent housing for the poor—$3,269,628,827 to date. Yet the charge continues to be made that Congress is doing very little to provide housing for the poor.

Public housing has cost the taxpayers to date—through fiscal year 1970—$3,269,628,827. The annual subsidy has climbed from $6,215,212 in 1950 to $473,500,000 and will continue to climb as new units are activated and as the older units continue to deteriorate and have to be rehabilitated. As previously stated, there is $16,000,000 in the bill before you to remodel and rehabilitate existing public housing units, and $150,000,000 in new contract authority is available to HUD in fiscal year 1970 to execute new contracts calling for that sum to be committed for annual subsidies in addition to subsidies now being paid.

MODEL CITIES

Since the billions spent on public housing and urban renewal had hardly made a dent on slum clearance, new programs called rent supplements and model cities were inaugurated. I would now like to say a word or two about model cities.

The following table will show how this program has fared at the hands of Congress:

| | |
|---|---|
| Fiscal year 1967 appropriations | $11,000,000 |
| Fiscal year 1968 appropriations | 312,000,000 |
| Fiscal year 1969 appropriations | 625,000,000 |
| Total appropriated | 948,000,000 |
| Fiscal year 1970 appropriation under consideration today | 500,000,000 |
| Total | 1,448,000,000 |

The only money expended so far on model cities is for planning and administrative expenses.

If implementation of the model cities program is moving at a snail's pace, do not blame Congress because all we do is appropriate the money. We do not administer the program. If more speed is desired by the critics, the way to get it is to persuade HUD to move faster instead of urging Congress to appropriate more money.

I certainly am not advocating that HUD become careless with money appropriated by Congress. I want HUD to scrutinize carefully the plans proposed by the cities. All I am saying is that Congress does not deserve the repeated charge that we are underfunding this program. The record shows that Congress is putting up model cities money faster than HUD can spend it efficiently.

There is a difference between deliberate speed and unreasonable delay. An example of what I call unreasonable delay was the delay of the previous Secretary of Housing and Urban Development in announcing the selection of the first cities to participate in the program. All the applicant cities had their proposals filed with the Department by May 1, 1967. But the Secretary delayed until November of that year before he even announced his selections. This was a delay of more than 6 months. If there had existed at HUD a sense of urgency, which Congress is frequently charged with failure to have, this 6-month delay could have been cut in half.

URBAN RENEWAL

Then along came urban renewal and from an humble start of $8,000,000 in 1953 that program has also grown like Topsy so that by 1969 the appropriation was for $1,062,500,000 for urban renewal, including the add-on for urban renewal projects in model cities. The cumulative appropriations for urban renewal through 1969 amount to $5,782,000,000 including $750,000,000 made available last year for advance funding in fiscal year 1970. Another $100,000,000 is provided in this bill, which will make available a total of $850,000,000 for urban renewal in fiscal year 1970, and will increase the cumulative total to $5,882,000,000 for urban renewal.

Just to show the magnitude of taxpayer liability under this program, I must point out that, in addition to the appropriations mentioned above $3,005,500,000 in contract authority has been used under the old back door to the Treasury approach and Congress eventually will have to appropriate that amount of money to liquidate the contracts.

This money also comes from the taxpayers and has been appropriated by Congress to clean up slums. Yet the critics are not satisfied and repeat the charges that Congress is neglecting the cities.

RENT SUPPLEMENTS

And then another rent subsidy program was inaugurated under the name of "Rent Supplements." But by whatever name it is called, it is still a program under which the Government subsidizes the rent of selected eligible tenants. It is another low-income rent subsidy program.

This program is not financed by direct appropriations, except that Congress does have to appropriate the money to discharge the subsidy obligations and the amount included for that purpose in the bill before you today is $23,000,000. But to encourage sponsors to build rental housing units, HUD must sign contracts obligating the Government to pay the annual subsidy—the difference between what the tenant pays and the economic rental value of the unit. The amount of the subsidy payable each year is fixed by the amount of contract authority granted to HUD by Congress.

Now the bill before you today includes $50,000,000 in new contract authority for the rent supplement program. Adding this to previously granted contract authority creates a cumulative annual contract authority of $122,000,000. This means that HUD can sign contracts binding the Government to pay out $122,000,000 a year in rent supplements—subsidies—for a maximum of 40 years. This one program alone, if we stop it at the end of 1970, could cost the taxpayers about $5,000,000,000.

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

These programs are authorized under sections 235 and 236 of the Housing Act of 1968. They, too, are designed to assist low-income families to either acquire homes under section 235 by subsidizing the interest, or to rent dwellings by subsidizing the interest the builder has to pay in order that he can rent them for less than the economic rent.

These programs, as is the case with respect to the rent supplement program, are financed by Congress granting annual contract authority to HUD. Including $80 million of contract authority granted in this bill for the section 235 program, the cumulative annual contract authority for section 235 projects, including the pend-

ing supplemental which contained $40 million when it left the House, amounts to $145 million. This means that HUD can sign contracts binding the Government to pay $145 million a year for a maximum of 30 years in interest subsidies under section 235. This one program could cost the taxpayers $4,350,000,000.

The cumulative total of contract authority granted to HUD under section 236, including $70 million in the present bill and $40 million in the pending supplemental, will be $135 million which HUD can obligate the Government to pay each year for a maximum of 40 years. This one program could cost the taxpayers $5,400,000,000.

It should be noted again that HUD estimates that the payments will not have to continue for the maximum of 30 years with respect to section 235 projects or for the maximum of 40 years for the section 236 and rent supplement projects. HUD estimates that payments will only have to be made as follows:

Seventeen years for section 235 projects.

Twenty-one years for section 236 projects.

Thirty-nine years for rent supplement projects.

Forty years for public housing projects.

Even if HUD's estimates turn out to be accurate, I submit that we are still talking about billions. If we stop section 235 in its tracks, $145,000,000 a year for 17 years is $2,365,000,000. If we stop section 236 in its tracks, $135,000,000 a year for 21 years is $2,835,000,000. And if we stop rent supplements now, $122,000,000 a year for 39 years is $4,758,000,000.

Yet the charge continues to be made that Congress is not doing very much to provide housing for the poor. I submit that the foregoing figures will disprove these charges. I think it is a shame that they continue to be made in the light of the record.

AVAILABILITY OF FUNDS AT HUD

To those who continue to charge that Congress is "starving" HUD for funds, I will point out that HUD will have on hand at the beginning of the new fiscal year—July 1, 1969—a total of previously appropriated but unspent funds amounting to $20,544,329,000. Of that total $7,049,671,000 is expected to be obligated by June 30, 1969, leaving $13,494,658,000 not even obligated. However, of the unobligated total, $2,653,777,000 will be reserved by June 30, 1969. This means that HUD will start the new fiscal year on July 1, 1969, with $10,840,881,000 of previously appropriated funds not even obligated and not even reserved. The following table will tell the story, and the figures are taken from material furnished by HUD to the subcommittee:

SUMMARY OF UNSPENT, UNOBLIGATED, AND UNOBLIGATED AND UNRESERVED FUNDS

| Program | Unspent | Unobligated | Unobligated and unreserved |
|---|---|---|---|
| Renewal and housing assistance (neighborhood facilities, urban renewal, rehabilitation loans, public housing, housing for the elderly, college housing) | $10,396,542,000 | $5,782,157,000 | $4,025,688,000 |
| Metropolitan development (comprehensive planning grants, open-space programs, water and sewer facilities, urban transportation, public facility loans) | 1,038,825,000 | 377,539,000 | 294,935,000 |
| Model cities and governmental relations | 455,557,000 | 121,310,000 | 121,310,000 |
| Urban technology and research | 20,141,000 | 5,010,000 | 5,010,000 |
| Mortgage credit (rent supplements, homeownership and rental assistance, community disposal operations, FHA fund, GNMA activities) | 5,828,869,000 | 4,420,140,000 | 3,605,436,000 |
| Federal Insurance Administration | 550,512,000 | 537,404,000 | 537,404,000 |
| Departmental management | 4,873,000 | 1,098,000 | 1,098,000 |
| Loans to FNMA | 2,250,000,000 | 2,250,000,000 | 2,250,000,000 |
| Total | 20,544,329,000 | 13,494,658,000 | 10,840,881,000 |

ANALYSIS OF FUNDS UNOBLIGATED BUT RESERVED

| | |
|---|---|
| Renewal and housing assistance | $1,756,469,000 |
| Metropolitan development | 82,604,000 |
| Mortgage credit | 814,704,000 |
| Total | 2,653,777,000 |

RECAPITULATION

| | |
|---|---|
| Total unspent | 20,544,329,000 |
| Obligated | (7,049,671,000) |
| Unobligated | 13,494,658,000 |
| Reserved | (2,653,777,000) |
| Unobligated and unreserved | $10,840,881,000 |

Now, no one expects HUD to spend or even obligate in a given year all of the funds appropriated that year. And I am certainly not recommending that HUD dish out appropriated funds without adequate planning and supervision. We all want to eliminate the possibility of waste and extravagance by precipitate action. But it does seem to me that with the vast amount of money available in unobligated and unreserved funds, some of the critics who constantly charge Congress with being niggardly with funds for HUD should direct their attention to the Department.

If HUD is going to continue at a snail's pace in providing housing for the needy and in implementing the model cities and other programs with available funds, Congress should not be blamed for scrutinizing closely the requests for new money and new contract authority. It should be remembered that Congress does not administer these programs. All we do is authorize and fund them. It does seem to me that the record should convince those most critical that Congress does not deserve to be made the whipping boy of those who believe greater speed should be shown in providing housing and other aids to the cities.

Let me hasten to say that Secretary Romney and his associates are not responsible for the building up of these large unobligated and unreserved balances. Nor is he responsible for the delays that have characterized the model cities program and other programs in the past.

He has only been in office 5 months. The Department of Housing and Urban Development is too vast and complicated for a new man, however able, to get it all under control in a few months. HUD administers some 70-odd separate programs and the Department has 15,000 employees. There is too much shuffling of papers, too much bureaucracy and too many separate programs for this department to operate efficiently. The subcommittee recommends that the new Secretary consolidate some of the programs, streamline some of the operations and eliminate some of the bureaucracy.

Secretary Romney, although he has been aboard only 5 months, has already started a reorganization and consolidation program and the subcommittee commends him for his initiative.

The Secretary has had wide experience as a businessman and I think he is to be commended for his announced determination to fight to bring housing costs down and to inaugurate new methods, techniques and managerial approaches to home building. These have been used successfully in other fields so the Secretary asks himself why should they not be tried in the housing field. More power to him in that effort. I am sure he can count on support from the subcommittee because we are all as anxious as anyone to solve these pressing urban problems.

CONCLUSION

I would commend to the attention of the Secretary of Housing and Urban Development, and indeed to the Bureau of the Budget and officials of the Government at every management level, and also to Congress, what is happening at FNMA—Fannie Mae—since its recent transition from Government management to private ownership.

The Washington Daily News carried in its June 16, 1969, issue an article about what is happening at Fannie Mae written by Louis Cassels, UPI senior editor, which should be required reading for every Government official who has a management responsibility. That article follows:

IT WORKED AT FNMA—URGE 50-PERCENT U.S. JOB AXE

(By Louis Cassels)

Raymond H. Lapin, an executive with experience in government and business, contends many federal agencies could cut their payrolls in half and still get their jobs done.

He currently is carrying out a reduction of more than 50 per cent in the staff of the Federal National Mortgage Association (FNMA), which he heads.

FNMA, known as "Fannie Mae," will be able to get along with 484 employes instead of 1,020, because it has ceased to be a government agency an ' has become a privately-owned corporation, he said.

Fannie Mae continues to be a government-sponsored corporation performing a public purpose—stabilizing the mortgage market by buying and selling home mortgages from pri-

mary lenders such as banks and savings institutions.

STOCKS SHOOT UP

But it now belongs legally to 7,000 shareholders who have bought its stock.

Thanks in part to the operating economies Mr. Lapin is achieving, stock has been a choice investment for early purchasers, who have watched shares rise from $70 last year to about $250 at present.

Mr. Lapin acknowledged that part of the staff reduction resulted from installation of new computer systems.

"But automation is not the whole story; in fact, it's the least important factor," he said.

"The main reason we've been able to cut down on staff is that we're doing things as a corporation that we wouldn't have been able to do as a government agency."

PAPER WORK DOWN

For example, Fannie Mae has drastically reduced and simplified the amount of paper work.

"Government procedures are often dictated by an obsessive desire to avoid any possibility of fraud or error, however small," he said. "Under the laws and regulations now governing federal agencies, you cannot use the 'management by exception' methods which are standard in private business."

"Management by exception" means, among other things, settling for spot checks rather than demanding a review of each and every transaction. It also connotes a willingness to accept the risk of small losses thru error or fraud rather than spend much larger sums trying to make sure they can't happen.

PAPER REVIEW

"As a Government agency, we had lawyers reviewing papers that could have been handled by a trained clerk," he said. "And we insisted on bringing everything into Washington for review. Now we delegate responsibility to the lending institutions from whom we buy mortgages to make sure that the titles and other paperwork are in order."

Mr. Lapin said he also has detected "a subtle but extremely significant change in the psychology of supervisors."

"In government agencies, there is a tendency for a person's job rating—and therefore his salary—to be based on the size of the staff he directs and the amount of paperwork his section handles. Thus there is a negative incentive for a supervisor to think up ways to handle things more simply and get along with fewer employes.

"But we are now able to reward supervisors on the basis of their success in streamlining operations and reducing costs. This gives them a personal stake in finding better ways to get our work done," he said.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. JONAS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I wonder if the gentleman from North Carolina now is telling us that it is not the Congress responsibility for not funding housing units for the 6 million people living in substandard housing because HUD has not built one unit this year. They are talking about building industrialized homes which will take them 22 months before they put any homes in process. We are at the present time 20 percent under the starts of 1968. We are failing in starts at 3 percent per month, and we have been since the first of the year. Is the gentleman telling us that HUD has all of the money for model cities for which they have not given a dime? They have money for 218 which they have cut off. They have money for 202 for housing for the elderly which they now claim funds have been exhausted. Are we to believe now that HUD has all of this money uncommitted and you will not give a dime in order to give people decent, safe, and sanitary housing?

Mr. JONAS. I will say this to the gentleman from Pennsylvania. I do not think he can blame Secretary Romney for this situation. He has been there only 5 months. However, I can tell you how his predecessor handled model cities. He had all of the plans in his office on the 1st of May and did not even select the first cities for 6½ months. What kind of a delay is that? I am not talking about approving plans; but I am talking about selecting the cities. If there had been the sense of urgency in the Department about this program that Congress is charged in the press with not having, he could have cut that time down to 2 months, in my opinion, or at least cut it in half. Mr. Romney did not build up this $10 billion in unobligated and unreserved funds. That has been building up over the years. We have talked to him about it, though, and he has testified before the committee that he intends to consolidate a number of these programs and make a special effort to start moving them toward building houses instead of talking about building them.

The reason I am making this point today is that I am concerned at the mail I receive from various mayors around the United States as well as from my own district and from various organizations. Then I picked up last Sunday's paper, published here in Washington, and saw the charge that Congress is underfunding the model cities, when I know we have given them $1.4 billion in the last 4 years and they have not spent a dime of it up to today except on administrative expenses and planning. It seems to me that some of these people who are urging full funding and who are critical of Congress and pointing out we are making cuts which we think are reasonable in the new money they are asking for are making unjustified criticisms.

We think some of this comment should be directed at the Department, because Congress does not administer these programs. We do not run them. All we are asked to do is authorize the programs. The gentleman's committee does that. Our committee funds them. I am saying to you that the Department has on hand $20 billion of previously appropriated and unspent money of which $10 billion is not even reserved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I yield myself 5 additional minutes. I yield further to the gentleman from Pennsylvania.

Mr. BARRETT. I want to point out that I have the greatest respect and admiration for the Committee on Appropriations. I am not in any way condemning them for their actions. I do think after hearing the gentleman now that if HUD had come in and asked for more money for 235 and 236, you probably would have given them more money.

Mr. JONAS. No; that is not correct. They asked for more money than the committee allowed.

Mr. BARRETT. But may I make this point——

Mr. JONAS. If I may correct the gentleman, they asked for $100 million in 235, and $100 million in 236, and the committee allowed $80 million for section 235 and $70 million for section 236.

Mr. BARRETT. But the committee cut down 20 and 30 percent. You cut down 20 percent in 235, and you cut down 30 percent in 236, and now certainly if we are to give these people help and give it to them rapidly we must have adequate money to put into these different sectors of the housing program.

Under these conditions we cannot operate. I can say this very frankly, and cut off the 1971 money. You allow them to operate only through 1970. Now, unless we can project these programs we cannot carry out the program that we set up for the next decade; namely, to build 26.2 million homes in the next decade.

Mr. EVINS of Tennessee. Mr. Chairman, if the gentleman will yield, I would say that is up to the authorizing committee of the House. I have stated that the gentleman has done a very good job, and we have alluded to it in the Committee on Appropriations, and we have been generous in funding these programs.

When we talk about a slowdown in housing, I would say that the high interest rate situation was the largest contributing factor to this slowdown in the housing situation at the present ime.

The interest rates are at an alltime high. That is really what is causing the slowdown in private construction, and in other construction.

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

Mr. JONAS. I will be happy to yield just as soon as I make one remark with regard to what the gentleman from Tennessee said, as to the question of the high interest rates having to bear part of the blame, but that is not all of the problem. You have the problem of the high cost of lumber, the high cost of materials, the high cost of labor—you saw what the building trades did here in Washington the other day after striking. They are going to be getting about $5 or $6 an hour. You have a lot of built-in problems about housing. I believe that housing is in trouble, and I believe that high interest rates, high cost of money, high cost of materials, and high cost of labor are all responsible.

But I would say this: I think Secretary Romney had a lot of courage when he appeared before the building trades convention and urged them to restrain their demands for increased pay. And he was roundly booed. But he is determined if possible to get these costs down, and he proposes to inaugurate new techniques and new procedures—and more power to him. I am willing to give him a chance to prove that he can do for housing what he did for the automobiles. I believe he can, and I believe he is determined to do it, and I commend him for his dedication and his courage and his determination.

Now I will yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I thank the gentleman for yielding again. I would just like to tell the gentleman from Tennessee, for whom I have great love and respect, that if he thinks the prime interest rate increase from 7.5 to 8.5 percent has slowed down the new housing starts up to this date, over this very short period of time, then let the gentleman make an observation of this at the next year.

As was pointed out, we are 20 percent below the housing starts of 1968. What will it be when people are asked to buy a home in the $15,000 range, and they have to pay from $1,000 to $1,200 more because of the increase in the prime interest rate?

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

Mr. JONAS. The gentleman is correct. That is one reason why we think we gave them all of the new obligational authority that they are going to be able to use.

If you can tell me when these interest rates are going down and when the cost of materials is going down and when these other built-in costs are going to come down, I can tell you when they can start obligating more of this money.

I do think that unless conditions change markedly in the new fiscal year coming up, I do not believe they will be able to obligate all the money we have given under this bill.

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

Mr. JONAS. I yield to the gentleman.

Mr. HANNA. I just want to bring in focus the point made by the gentleman from Pennsylvania about the 202 projects. I think we must not delude ourselves, a lot of the money we are talking about will not go to build new units.

I asked that question of the Secretary of HUD as to what would happen to the 202 program with new 236 money and he replied to me as follows:

The number of completed 202 projects potentially eligible for refinancing at this time, under this 236 program, there were 29 projects with 4,402 dwelling units.

These will convert. Of those which are going to be completed within this year, there are 120 projects with 18,677 units, and these will convert.

Of those in the pipeline, there are 107 applications which will add up to more than these other two categories combined.

That means that these are units that will not be new units under 236 but merely be redirected as commitments on this new money. We are phasing out old programs. We are not putting on line money in new units that were projected in the omnibus bill our committee drafted. My chairman knows this so I would like to see the RECORD clearly reflect this situation.

Mr. JONAS. I would like to say, and the gentleman from California, of course, knows it, but for the record, that 202 is not the only program under which we provide housing for the elderly. We do it under public housing, and we are committed to that for 40 more years with another $150 million in contract authority in this bill; that is $150 million a year for 40 years, just under this bill, plus the fact that we have about $4 or $5 billion already invested in public housing, and we are now having to rehabilitate the public housing units that were first built—and we have $16 million in this bill to do that.

Also, the elderly are eligible for rent supplements. You have a special subsidy of $120 a year in public housing for the elderly. So the elderly do not have to rely only on 236.

Mr. HANNA. It is correct and also very accurate to state that we have set a housing goal of a total of 26 million homes in 10 years. I would point out to the gentleman and the rest of the gentlemen in the House that we are not getting anywhere near such goal with the kind of funding that we have for programs which are now being telescoped together, and part of the slippage is in the number of units being converted.

Mr. JONAS. Of course, we are not getting these homes under the programs we have been running since 1941.

When I first came here, public housing was the only tool the Government had. Then we came along with urban renewal, and then we came along with rent supplements, and all these programs were sold to the Congress on the idea that they were going to clean up the slums with them and provide housing for the needy. Those programs proved to be a failure in doing the job.

So we came up with 236 and 235, and we keep superimposing additional programs on those that are not working, but we still go ahead with those that are not working.

I am hoping we can consolidate some of these programs and not waste so much time shuffling papers down at HUD and cut out some of the bureaucracy and start building houses instead of just talking about them.

I am willing to give the new team a year to see what it can do.

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

Mr. JONAS. I am glad to yield to the gentleman from Pennsylvania.

Mr. BARRETT. I certainly agree with the gentleman. We need more action and less rhetoric in the housing program. But I think the gentleman will agree with me that if the Secretary is contemplating complete industrialized homes, and he will not have those homes on the market for 22 months, our plan to meet the 26 million homes in the next decade would cause us to build 365 homes per year. We will be behind almost 750,000 homes when he begins his industrialized program. But I want to say to the gentleman we have just gone through 2 weeks of hearings on the housing goals. The architects and engineers come in and they say that it is not workable. You cannot build a new town with prefabricated homes. You cannot put industrialized homes in a city where the architectural designs are different. It is just not going to be that simple. The Secretary has not made these points yet. I am quite sure if he were to put money into these programs which would give the low- and moderate-income people homes immediately, we would have a better chance of getting an industrialized system that he advocates functioning more quickly.

Mr. JONAS. Will the gentleman from Pennsylvania agree with me that we really do not deserve all the criticism that Congress has been receiving, when the facts show that they have $20 billion of appropriated money down there that is unspent?

Mr. BARRETT. I agree with the gentleman implicitly.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, the House today is faced with a decision of fundamental importance. Will we face up to our domestic problems, or will we close our eyes to growing unrest in the cities and the grinding crush on middle-class Americans and pretend that we can do business as usual. This appropriation bill will largely set the dimensions of our attack on housing and urban development problems this year. We already have ample evidence that the plight of those who live in our urban ghettos, the plight of those to whom we have promised so much, is becoming worse instead of better. Now we are asked to endorse a shortsighted cut in the housing aids approved by the last Congress by an overwhelming majority.

Mr. Chairman, the critics of Congress will have a field day if we fail to fight for the interest of our constituents today. Last year we passed the biggest housing act of history with a huge bipartisan majority and went home and campaigned on what we had done. Today we are called on to back up that promise and this appropriation bill, quite frankly, does not do that. No one who has walked through the slums of our towns and cities, and our rural areas as well, can come away indifferent to the suffering and misery of those condemned by race or income to life in these conditions. These people have one ray of hope and that is that our democratic political system will recognize their problems, in fact has recognized their problems, and will in fact take action on them.

Mr. Chairman, this bill is not just a slum bill, this bill contains the authorization for our whole array of housing programs designed to help every American family. Every Member who has been home recently must recognize the increasing burden imposed on middle-income Americans. They are being crushed between the burden of heavy taxes—more than their fair share—and the pressure of constantly rising prices. Home buyers already confronted with record high mortgage interest rates, are now hit with a jump of a full 1 percent in the prime rate which inevitably will price many people out of the market for homes because they simply cannot afford to buy when the financing costs far more than the house itself. For families of moderate income who can afford decent housing only with the margin of assistance provided by the interest subsidies from last year's act, we are now saying that we have discounted our promises by 20 to 30 percent.

By the end of this week what message

will we have to take home? That we have voted to confirm high taxes, have done nothing about high interest rates, but we have taken back some of the money we promised to help provide good housing and good communities for them. In this bill alone we see that the Department of Housing and Urban Development, which accounted for only 13 percent of the total requested, has taken 80 percent of the cut. In contrast, the space agency, which loomed nearly twice as large in the original request, has been cut only 4 percent. And even worse the GSA request has actually been increased. Is our position to be that low- and moderate-income families must carry the whole burden of fiscal policy but we must not disturb our scientists and we are willing to build more Government office buildings, but not low-income housing. And on top of this we are now told that we need $10 billion for the ABM system. In recent hearings it was pointed out to us that on a scale of 1 inch per billion dollars, the Department of Defense line would be some 80 times that of the Department of Housing and Urban Development and now we are told that we must trim even that 1 inch that goes for the wide-ranging responsibilities of Housing and Urban Development.

Mr. Chairman, I have the greatest admiration for the hard-working and conscientious members of the Committee on Appropriations, but in my judgment we are confronted with an insupportable position.

This bill has been brought to the floor for action by the entire membership of the House. That does not mean routine endorsement—that means an opportunity for the House to work its will. I urge all of my colleagues to live up to that responsibility and support the amendments which will be offered today to redress the balance and provide more adequate funding for basic needs in the field of urban renewal and fair housing.

Mr. Chairman, the bill we have before us today, providing appropriations for most of our programs in the field of housing and urban development, is one of the most important which Congress will act on this year. The money which we make available, or fail to make available, to carry out these programs will have much to do with determining the size and effectiveness of our attack on slum housing and urban blight over the next 12 months. All of us know the magnitude and gravity of the problems of our towns and cities and we must also fully recognize their urgency. The need for a full-scale effort to improve housing and communities is not debatable—it must be undertaken right now.

Last year's Housing Act provided a wide array of new programs and additional authorization for existing programs to make possible an increase in the production of housing for low- and moderate-income families, and stepped-up activity to eliminate slums. That same act which passed both Houses of Congress by substantial margins, committed us to a national housing goal of 26 million units in the coming decade, including 6 million for low- and moderate-income families, and also reaffirmed the 1949 policy statement calling for a decent environment for all American families.

Mr. Chairman, the budget transmitted to the Congress in January called for the appropriation of the funds needed to carry out the high hopes raised by the Housing and Urban Development Act of 1968. Unfortunately, these requests have already been sharply trimmed by the administration. These later requests have dropped forward funding for model cities and urban renewal which are so important to enable local government to plan with confidence for the future. They also trimmed most of the other dollar requests, including the figures for urban renewal, model cities, 3-percent rehabilitation loans, fair housing, and many other programs. It is highly regrettable that these minimum, in fact inadequate, figures have now been cut further.

There is no more conscientious or harder working committee in either body than the Committee on Appropriations. However, the effect of these cuts pose a serious threat to all of our efforts, Federal, State, and local, public and private, to meet the goals we have set for ourselves.

The Subcommittee on Housing has just completed 2 weeks of hearings on the National Housing Goals set forth in the Housing and Urban Development Act of 1968 which passed both Houses of Congress by substantial majorities. Those hearings made it clear that far from accelerating housing production to achieve the objectives we have set for ourselves, we are actually falling behind. This is particularly true in the case of housing for low and moderate income groups. We received further evidence that there has been a sharp decline in the supply of vacant homes available for rent or sale because of the decline in production. When Secretary Romney testified before the Appropriations Committee on HUD's 1970 budget, he stated:

> The element of cost that is going up fastest in term of a family's budget is housing.

The Secretary further pointed out that the shortage of housing is contributing to inflation in this vital sector of our economy.

Against this background of housing shortage, we find ourselves suddenly confronted with a jump in prime interest rate to 8½ percent and a restrictive monetary policy whose foremost victim is home mortgage finance. The result inevitably will be a further curtailment of housing starts while most low- and moderate-income families will be priced out of the market for decent housing. In effect, the average American is being told to step aside to leave sufficient credit for the high-income borrower, big business, and speculators. Many of the laws enacted by Congress have sought to strengthen the home buyer's hand in the credit market, but today we are seeing those efforts nullified. At a time when the administration has stopped the highly successful program of 3-percent loans for housing for the elderly and seems grimly determined to end the FHA below-market interest rate program for rental and cooperative housing on the grounds that our new interest subsidy programs should carry the whole load, we are presented a bill which cuts those interest aids for both some ownership and rental housing. Personally, I am convinced that the urgent needs of today demand that we make use of all programs now on the books.

Nowhere do these cutbacks hit harder than in the ghettos of our cities. The urban renewal program, which seeks to improve blighted areas through rehabilitation and through the use of a minimum of half of the land in residential projects for low and moderate income housing, has been sharply cut. The model cities program has been sharply cut. At the same time, the funds for fair housing, which offer hope to ghetto residents that they may have a free choice of housing, have been deeply slashed. Is our message to these underprivileged people to be that we are neither willing to help fix up blighted areas nor are we willing to help them move out of the slums.

Mr. Chairman, the bill before us involved budget requests of $15 billion. The Department of Housing and Urban Development accounted for only 13 percent of that total, but it has suffered 80 percent of the cutback. In contrast, NASA accounted for nearly twice as much of the original request but took only 4 percent of the reduction. I do not see how we can carry this message back to our constituents and I hope that today we will take action to redress the balance.

Mr. Chairman, it is hard to explain to the people back home how some people can talk about $10 billion for ABM without mentioning the state of the economy, but then when we get down to programs which directly affect the American people, we find almost every single item cut down or deferred. The man in the street can recognize the need for both a strong defense posture and action to meet domestic problems, but he cannot understand the disproportion between the two in reports coming out of Washington. In recent hearings it was pointed out to us that on a scale of 1 inch per billion dollars, the Department of Defense line would be some 80 times that of the Department and Urban Development and now we are told that we must trim even that 1 inch that goes for the wide-ranging responsibilities of HUD. It has always been my understanding that to be strong from without, a nation must be strong within. It is America's high standard of living and sense of compassion and fair play that has given us our position of world leadership.

Mr. McDADE. Mr. Chairman, in rising to support the independent offices and Department of Housing and Urban Development appropriation bill for 1970, I do so with the knowledge that this is a prudent piece of legislation. It is economical in every area of responsibility; it is in most cases generous where generosity is needed. I have some disagreements I shall later discuss.

I must compliment my colleagues on the subcommittee for the splendid work they have done in the preparation of this bill. I believe the whole House will see in the bill the fruits of the long hours we spent in its preparation.

I want to extend a particular vote of

thanks to the distinguished chairman of the subcommittee and to the equally distinguished senior member of the minority for the gracious help they extended me during the preparation of this bill. I would single out their most courteous agreement with my own amendment to supplement the mine restoration portion of the Appalachian regional development programs appropriation with $2,000,000. This is money which is sorely needed and which will be spent wisely.

For every Member of the House, this bill must appear to be one of great weight. It carries the appropriations for some of the most significant agencies and for some of the most far-reaching programs in our Nation. I shall not detail the entire range of agencies or programs which will be funded under this bill, but I hope I may point to just a few of the specifics which seem to me to be very important.

I have mentioned the Appalachian regional development programs. These are, as the committee report notes, joint Federal-State efforts to attack regional problems which would be beyond the power of the States alone to solve. In my own congressional district we have seen these programs executed; and in the particular instance of their use in combating mine fires, they have been literally saviors of some of our communities.

When the Appalachian Regional Development Commission first came before Congress, I was not only one of its vigorous supporters, but was also one of the cosponsors of the legislation. Nothing that has happened since then has caused me to withdraw that enthusiastic support one jot. The Commission has not burgeoned into an unwieldy bureaucracy. It has, instead, done precisely the excellent job all of us hoped to see when it was created.

In the Commonwealth of Pennsylvania, this is one Federal program which is held in the highest regard. It has built roads, built hospitals, assisted in vocational education, and has performed a multitude of other valuable services. As I noted earlier, it has been enormously significant in the battles we have waged in the anthracite region against mine fires. Now we can proceed with the restoration of land in that region, in the highest traditions of conservation. I would certainly single out this appropriation as one which is a wise and necessary one.

In like manner, I would point with enthusiasm at the money recommended for the Veterans' Administration. Here we were faced with an original budget proposal for $7,740,985,000, and an amended proposal for $7,670,701,000, more than $70,000,000 lower than the original. I believe we did the right thing in choosing to add that $70,000,000 to the amended proposed budget, to bring the funding up to the maximum level.

All of us in Congress are aware that over the past several years we have added a great number of veterans to the rolls which already existed. For these, as well as for the older veterans, it is vitally important that there be available excellent hospital facilities to take care of their needs. It would have been improvident for us to look to this portion of the appropriations for 1970 for reductions. The debt we owe these veterans is one which must have the highest priority. We cannot give them less than the finest. I know the House will be vigorous in support of our action in this matter.

I will not take more of the Committee's time in commenting on this bill. I know my colleagues here in the House have given the committee report their earnest study; I am certain they will give the bill their enthusiastic support. It was written with an acute consciousness of the fiscal responsibilities which every subcommittee of the Appropriations Committee must face in these difficult times. It was also written with a determination to fund those programs which America needs today, and to fund them as adequately as our resources would permit. From NASA to the regulatory agencies, from the Civil Service Commission to the General Services Administration, we have worked many, many hours to bring the best possible bill before the House.

Except for a few items where I am in disagreement, I believe this bill can be supported.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, the appropriations bill before us today contains a recommendation of $3,696,983,000 to be appropriated for the continuation of our national space program. This represents a large amount of money. However, this represents a reduction of almost $300 million from last year's appropriation A series of events are occuring which are of the utmost importance to this Nation. First, it is likely that we will land and return men from the moon in the month of July. Second, it has been announced that the manned orbiting laboratory program of the Department of Defense has been canceled. Third, the budget before you today represents a continued reduction over the past 3 years in our commitment to a national space program.

Each year since 1966 that NASA budget has been reduced on an average of one-half billion dollars. At a point in our history when we are achieving new and heretofore unbelievable goals in space exploration and utilization, our Nation stands a chance of scrapping all of these hard-won gains. Since 1966 the total scientists, engineers, and technicians working on our national space program have declined from approximately 420,000 to 190,000 in the current year. Major technical teams throughout the country are currently being disbanded. Facilities once available and capable of developing and constructing the many pieces of hardware required for an effective program in space in the next decade are now disappearing from the space program. In terms of people and capability the vast national space effort which we have so painfully developed since the crisis of sputnik is being dissipated. This budget fails to support a vigorous and an aggressive space effort.

As I mentioned before, the manned orbiting laboratory program of the Department of Defense has been canceled. This lends even more emphasis to the need to assure that the one manned space flight program remaining to this Nation is adequately supported and continued in the decade ahead.

Limited funds are included in this budget for Saturn V follow-on production. However, there will still be a gap in the production of this Nation's only large space booster. Funds were recommended and approved by the authorizing committee for the improvement of the Saturn V vehicle, including the uprating of the second- and third-stage engines, development of modification kits to improve the operational capability and reliability of the vehicle, and other improvements. These funds are not included in the bill before us today.

The authorizing committee also approved $75 million for the initiation of the development of technology essential to the development of a low-cost shuttle system which would be available in the mid-1970's for use in conjunction with a space station. A portion of this same $75 million would also be available to assure the development of a large earth orbital space station. This space station would be the beginning of a significant earth resources survey effort portending major returns to this country from the utilization of space.

The budget before this body has been reduced by $39 million for Apollo operations. This was done on the basis that, if a successful lunar flight was concluded in July of this year, that the number of Saturn V launches in 1970 would be reduced to four. It was the view of the authorizing committee that, even with the successful lunar landing of Apollo 11, these funds should be included to assure maximum capability for training of astronauts for future flights. We could not afford to compromise the safety of the astronauts either in the areas of operations or in the reliability of the Saturn V vehicle.

This budget does include funds for lunar exploration. However, if we are to achieve a balanced program, it is important that these other areas which I have discussed are adequately funded.

Our national well-being as a technologically progressive nation, our national security, and our future economic vitality all hinge on our ability to remain in the forefront of science and technological achievement. If we hope to achieve these goals and remain a healthy and aggressive nation, we must support our national space effort. Our action today should include an increase in the NASA budget to the level as previously recommended by the authorizing committee. Only then can we hold the line on the decimation of one of the most important undertakings by this country in the 20th century.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the gentleman. There has been a great deal of discussion lately about our national priorities, and this bill is a very fortuitous instrument for looking at our priorities. There is funding in this bill for many agencies, among which are the National Aeronautics and Space Administration and Housing and Urban Development.

The National Aeronautics and Space Administration was cut by $18 million; the Housing and Urban Development was cut by $384 million. There is funding in this bill for three flights to the moon, and there is partial funding in here for an additional six flights to the moon beyond the three that are funded in the bill.

I wish there was as much consideration given to the building of neighborhoods and homes in which our people live on this planet as there is for the Space Agency. I say this not in derogation of the Space Agency. It has done a wonderful job. The plight of the cities, however, is so great that I think we have to start paying a little more attention to them. I would have preferred to defer at least one flight to the moon. One flight to the moon costs $100 million. There would have been $100 million saved if one flight to the moon had been deferred. I would like to have seen that money allocated to housing, to the urban renewal program, to the programs under sections 235 and 236, which are so desperately needed. I would have liked to see it used for the model cities program, for unfortunately this bill does not provide sufficient funds for those programs.

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

Mr. YATES. I yield to the gentleman from North Carolina.

Mr. JONAS. Just on that point. I hope the House does not have the feeling that I am opposed to helping the cities or that our committee is. We developed some facts, and I will put a table in the RECORD to accompany my remarks, showing how the Federal Government is spending $43 billion a year on aid to urban communities. I have been making that statement for some time now, and somebody says, "Well, give us a list." I have the list, and it will be included in my remarks tomorrow, showing a breakdown of where the money comes from, and under what programs it is supplied.

Mr. YATES. Mr. Chairman, I am glad the gentleman raised that point. That point is raised in the report of the committee and it alludes to the fact that the budget shows there are $38 billion in aid that is made available for the cities.

The fact is, if the gentleman looks at the budget document itself, he will note that actual aid to the cities is given in the sum of $16½ billion, not $43 billion. I called the Bureau of the Budget yesterday, because of the discrepancy between the figures. I said, "How do you account for the fact that tabulation O–6 of your budget document shows aid to the cities of $16 billion, and the Committee on Appropriations has stated in its report the figure is really $38 billion, possibly $43 billion?" He said that the Committee on Appropriations has used the figure prepared by HUD, rather than by the Bureau of the Budget, that HUD uses as a population of 2,500 as basis for a city. The Bureau of the Budget uses as a basis for an urban community a population base of 50,000—a proper basis.

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

Mr. YATES. I yield.

Mr. JONAS. Mr. Chairman, the difference, according to HUD, comes about by reason of the fact that, as the gentleman said, HUD uses in determining what is an urban community the figures used by the Bureau of the Census. The Bureau of the Budget uses metropolitan standard statistical areas.

Mr. YATES. It uses a county unit.

Mr. JONAS. There is one other difference. The Bureau of the Budget uses only funds made available to Government units, and HUD uses funds that go to individuals.

Mr. YATES. Yes, except for this fact, that the HUD figures use the county unit, the assistance given to the entire county, rather than to a city. It is the aid given to the entire community, because that is the smallest unit that is available for this kind of tabulation. It is not a fair tabulation at all. The Bureau of the Budget compilation is much more accurate, and I suggest that is the one that ought to be used.

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

Mr. JONAS. Mr. Chairman, I will yield the gentleman from Illinois 5 minutes.

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

Mr. YATES. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I would like to say very briefly I liked the statement of the gentleman from Illinois, that we ought to be concerned with the people in the communities in this country. It seems to me the gentleman's statement made an analogy and money is not being spent as effectively as if it were being spent in the urban renewal areas, in the ghetto areas.

We are asking for $10.5 billion for the ABM's. It seems to me that if this is done, as we hear, it is if we are to be strong from without Certainly we must be strong also from within. Is there any better way to become strong from within than to give people decent and safe and sanitary housing and good environment?

Mr. YATES. Of course not. The gentleman is entirely correct. I thank the gentleman for his contribution.

Mr. Chairman, we are on the threshold of our greatest triumph in the field of space exploration—we all look forward to the first lunar landing which is scheduled next month. One gets an interesting perspective of the earth when it is viewed from the moon. The spectacular photographs which resulted from the last Apollo mission showed our planet in all its glory. The brilliant blues of the ocean and the varying hues of the land mass blended to produce a beautiful inspiring vision of the earth. One of the astronauts as he orbited 70 miles above the moon has been quoted as saying:

> * * * in the vast loneliness up here on the moon * * * you realize just what you have back there on earth * * * a grand oasis in the great vastness of space.

But, Mr. Chairman, regrettably, the earth is not an oasis for all its citizens, and many elements of our earthly existence are not visible from a lunar vantage point. It is impossible, for instance, to see a slum from the moon, but there are so many Americans who live in slum neighborhoods and who raise their children under conditions which can give us no pride. We have been trying to find the way to good housing for our people with Government help for more than 30 years—without success. Perhaps it is because we have not committed ourselves to that task with the same zeal and devotion and commitment that went into the space program. There is progress, but we are so far from our goal.

Yes, the space program is an outstanding success. But is it an outstanding success to an old man or an old woman, who has been waiting in line for months and for years for an apartment under the housing for the elderly program? Where is his housing at a price he or she can afford to pay. Yet funds for the housing for the elderly program are cut in this bill. They are in section 236, which the committee cut by 30 percent.

It is certainly fair to ask about our values when $384 million, nearly 20 percent, is cut from the housing budget in the name of fiscal responsibility, while only $18 million is pared from a $3 billion space budget.

Mr. Chairman, it is the establishment of priorities like these that have alienated so many young people from their Government.

We could certainly afford to stretch out the space program. We could afford to stretch out some of the trips to the moon that are presently under contemplation. But we can no longer afford to withhold available resources which are drastically needed to meet basic human requirements.

In the larger scheme of things, this planet of ours can be compared to a spaceship, and it is only reasonable to expect that we should put this spaceship of ours in order, with all its astronauts, before we commit too many resources to building new space vehicles to take us to another world.

Having made this earth more livable, perhaps we can look back on it from space and, as Archibald MacLeish stated it:

> See the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers.

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

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

Mr. KYL. I would not want to detract from what I say seriously was a beautiful statement by the gentleman, but I should like to have someone at some time answer one question. I have just finished looking at a set of new figures. We have had now, for a long time, many programs—perhaps inadequate programs—to help feed, clothe, and house our citizens. The latest set of figures I have seen shows that a higher percentage of Americans today are hungry, a higher percentage live in poor houses, and a larger percentage of them are needy than was demonstrated when all these programs originally started. We obviously have not moved in the right direction.

Mr. YATES. I believe we have moved

in the right direction, but we are not committed to that movement as strongly as we should be, I say to the gentleman.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, I want to call attention to some of the unfortunate and dangerous effects that will be felt on the programs of the National Science Foundation, if the Appropriations Committee reduction is sustained.

A reduction of $80 million will take available funds for fiscal year 1970 down to $440 million. At that level, the foundation simply will find it impossible to perform its program at the same level as in fiscal year 1969, which was a level well below that of fiscal year 1968.

It must be remembered that because of a new method of calculating, no funds were provided in fiscal year 1969 for institutional grants for science. Hence, those funds, $15 million, artificially inflated the fiscal year 1969 level, and in fiscal year 1970 the NSF will be without that $15 million flexibility.

More specifically, however, the proposed reduction would have the following very bad effects:

There will be no increase for the scientific research project support. This action will result in a reduction of approximately 300 grants below the number projected in the budget, and would, in effect, be less than the level of support during fiscal year 1966.

This reduction in the number of grants would have its principal impact on promising younger investigators, many of whom are actively engaged in research and education at the developing academic institutions.

The resultant reduction in research and educational effectiveness at academic institutions is not in the national interest, since it would adversely affect directly or indirectly the quality of training and education of many promising and committed students who will provide the backbone for the country's future scientific and technological capability. The relatively nominal budget reduction is being achieved at a very high risk to the research and education programs of a significant number of academic institutions and students.

Also, there will be continued severe curtailment in support for specialized facilities and equipment. The billions of dollars invested in military, space, and civil technology in past years have made possible for the use of science many effective new forms of instrumentation for the conduct of research. Increased funds are necessary to make available the more sophisticatd and effective research instrumentation and facilities which modern technology has produced.

There must be a balance in the distribution of resources so that the instrumentation and facilities available for scientific research, especially in academic institutions, does not become so outmoded as to substantially reduce the effectiveness of the research and educational efforts in these institutions.

Continued short-term budget reductions in the facilities and instrumentation areas will surely impose very substantial long-term hazards to the excellence of American science.

Mr. Chairman, I am seriously concerned about impairment of effective national research programs implied in NSF budget cuts.

The National Science Foundation provides the core support for a number of large national and international research efforts which are extremely important in the national interest.

These include: the Antarctic research program, the ocean sediment coring program, weather modification, international biological program, and the global atmospheric research program.

The effectiveness of these efforts involves a continuing commitment and increased funding in a number of instances during 1970 in order to accomplish the scientific objectives. Curtailment or deferral of research in these coordinated programs is frequently not feasible. Adequate funding must be provided or there will be a substantial scientific research and economic loss to the United States.

From the national interest viewpoint, it is necessary that we build a stronger scientific capability in the environmental and ecological areas. The international biological program, which directly focuses on ecological and environmental problems, and the global atmospheric research program, which focuses on a better understanding of the atmospheric interactions with the surface of the earth are extremely critical components of any long-term national effort to improve the quality of our environment.

To neglect the longer-term gains in these scientific disciplines to achieve a short-term budget reduction could prove to be a costly expedient.

Many of us are alarmed by forced curtailment of the sea-grant program. The national sea-grant program is a unique effort to adapt the proven land-grant college concept to the development of the resources of marine areas.

This important effort is focused on involving qualified academic institutions and nonprofit scientific organizations in research, education, and the dissemination of information in the marine sciences with special emphasis on applied aspects.

It is the kind of program which has broad potential economic benefits. Over the last several years the nucleus of a national sea-grant program has evolved through the cooperation and interest and financial participation of many academic institutions.

The Foundation's commitments to these academic institutions have been premised on increased funding over the years.

Fiscal year 1970 is a critical period in the evolution in this national effort in the marine sciences and technology. A budgetary situation which would force the Foundation to freeze the funding levels in this program would be a step backward for the ocean sciences at a time when the national interest requires an expanded scientific effort in this area.

Mr. Chairman, I turn now to the proposed reductions in support for computing activities, for research in education.

As a product of scientific innovation, computer systems are now an essential tool of business and government. The annual investment in computing hardware and software by government and business possibly totals $2 to $3 billion a year.

In view of the proven utility of computer systems, it is prudent to invest in a modest Foundation program of $22 million to support facilities and projects related to application of computer technology to the conduct of scientific research and to education. Here again, a modest investment has high potential long-term benefits, possibly greater than the benefits that computer systems have brought to government and commerce.

There seems to be no economic gain to risking the benefits in these important research and educational areas for nominal short-term budgetary reductions.

Also, of very grave concern is the funding for institutional grants for science. The budget reduction will force an exceptionally drastic choice on the NSF.

Since 1961, the Foundation has used the institutional grants for science as a principal technique for stimulating and balancing research and science education improvements in a large number of academic institutions. For some years there has been a need for a more equitable means of distributing these grants, and in fiscal year 1969 the decision was made to convert from an NSF base to a Federal Government base for computing these grants.

As a result of that decision, the awarding of these grants was deferred until early in fiscal year 1970, so that necessary information could be compiled from Federal agencies and used to compute the amount of the award for each institution. This is an important program which will assist about 600 academic institutions at a budgeted cost of $18 million.

Under the reduced budget level, the Foundation would be forced to reduce other programs $15 million below the 1969 level in order to fund this program within the reduced budget level available for fiscal year 1970. Such an action would further depress support in the research and science training areas below a critical level.

Finally, Mr. Chairman, it is extremely important to point out that, although the National Science Foundation's appropriations were increased from $152,773,000 in fiscal year 1960 to $420,400,000 in fiscal year 1965, the funding provided since fiscal year 1965 has not been sufficient to meet the actual rising cost of Foundation sponsored research and science education programs.

Indeed, the $400,000,000 appropriated for fiscal year 1969, and the amount of $418,000,000 proposed for fiscal year 1970 are both below the amount appropriated for fiscal year 1965.

If we apply an adjustment of 5 percent per year for the inflation which has occurred since fiscal year 1965, the net effect of the proposed $418,000,000 appropriation will be to fund NSF supported activities at a level approximately 25 percent below that supported in fiscal year 1965.

Mr. Chairman, I submit that certainly is not in the public interest. It represents

a very disastrous error in assigning our public expenditure priorities. I urge stronger, not weakened support for basic science.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia, a member of the committee.

Mr. MARSH. Mr. Chairman, I should like to bring to the attention of the committee the very difficult job which occurs in respect to a bill of this type, with the competing demands for the Federal dollar.

I would not want to leave the impression that those of us on our side of the aisle do not support the very fine work which has been done by the subcommittee chairman, and I certainly concur in his remarks as well as the remarks of the ranking minority member the gentleman from North Carolina (Mr. JONAS).

I would point out that our subcommittee handling a broad spectrum of Federal endeavor very much recognizes and is aware of the tremendous problems which exist not only in funding in reference to our cities but also in respect to the demands of the age of science and our explorations into outer space.

First of all, there is tremendous difficulty in allocating funds. Second, there is difficulty in assigning priorities to the allocation of those funds. The subcommittee is very concerned that in the funding of new programs as well as old programs that these funds be in a position to be spent best for the interests of the entire Nation.

I would also like to bring to the attention of the House certain statements that appear in the testimony of the General Services Administration, part 3, pages 501 and 502 of the committee hearings, which relates to the part that GSA plays when there is a relocation or centralization of regional offices of the Federal Government. In that regard, I call your attention to the statement on page 9 of the committee report which indicates that the GSA was not consulted and did not make recommendations for the recent announced move of regional offices to the various regions of the United States. The result of this has caused the committee to be concerned about the effective work of these various Federal agencies and their service to the public, as well as the best use of existing Federal facilities and Federal buildings such as the one built especially for HEW at Charlottesville at a cost in excess of $2 million.

I believe the debate today points out the tremendous problems occurring in the Federal budget and the tremendous demands made on the subcommittee. I can assure this House of the dedication and the effort of the leadership of this subcommittee and the ranking minority member as well as the work of the staff in order to see that this allocation is done in the national interest. I support this bill and urge its passage.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from California (Mr. DON CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today for the purpose of appealing and drawing attention to the Public Works Appropriations Subcommittee's cutback of President Nixon's budgetary program recommendation for the city of Napa, Calif.

For the past few years, I have been working closely with the city of Napa officials on a combined downtown redevelopment and flood control project which is already underway. So that these two combined projects, each of which depends on the other, can go forward together, it is absolutely essential that adequate funding be authorized this year.

Therefore, I am hopeful and urging that this project be reconsidered during the amending process.

Mayor Ralph Trower of Napa has wired me requesting restoration of funding for this vital project to the figure recommended by President Nixon.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I rise in support of this bill.

At this time I would like to make one or two observations. We have talked a lot this afternoon about priorities. Several Members appear to feel that we ought to give more attention to the people in the cities and to facilities in the cities and such concerns as housing programs, than we give to space shots. I would like to remind these gentlemen that when we look at this whole bill, we see the total requests are $15.4 billion, roughly and the committee's action was to appropriate $14.9 billion. The budget has been reduced only by something less than 5 percent and this by a committee that is trying to hold the line in the face of a fiscal crisis at a time when interest rates are rising and inflation is our No. 1 domestic concern. It is all very discouraging.

The principal cuts that have been made are in the Department of Housing and Urban Development and in the National Science Foundation. The whole reduction for the national space program is only $18 million out of almost $3.7 billion.

The problem that I want to address myself briefly at this point is that there really is not any satisfactory answer that has been given to us as to what is going to happen to our space program in future years.

I call the attention of my colleagues to the hearings in which, at page 682 of part 2 the head of the manned space flight program in NASA when asked about what equipment would remain after Apollo 11, replied:

> We will have, after Apollo 11, nine Saturn V's, nine Command Modules, and nine lunar modules available.

And at page 685 where the Administrator of NASA said:

> It is the combination then of using the 10 Saturn V's in a lunar program and using up some of our Saturn I–B's that are not mothballed in our Apollo applications program that we are proposing as the U.S. Manned Space Flight program for the next few years.

So we have equipment for carrying out nine more attempts to land on the moon. But the question is—with this hardware all purchased and with these flights so successful—and we hope and pray that the one next month will be equally successful—a lot of us are becoming increasingly concerned with where we are going to go after the moon? Is our space program going to be able to use all these tremendous Saturn V's?

It is suggested by NASA that there are going to be a number of Saturn V flights to land on different places on the moon; that the moon's topography varies very much, as for example the east and west coasts of the United States, and that there are places with plains and places with mountains that may produce different substances. But frankly, it is almost certain now that the moon is virtually wholly barren, and we do have urgent spending problems on earth. Yet what to do with all these huge rockets? They cannot be adequately mothballed. It is very expensive to mothball them. They have cost the American taxpayer a lot of money, hundreds of millions of dollars. We have tracking and data acquisition facilities all over the world costing nearly $300 million annually to keep up. We have a vast manned space flight capability at Houston, and the capability of the various facilities in the NASA program around the world. But where is man to fly in space after the moon? What are we going to do with this vast space complex in this situation?

Someone in the course of this debate suggested that the military space program funding is increasing while the civilian space program funding is decreasing. I suspect that in the future this may become more of a pattern in space appropriations than in the past because in terms of the manned space flight, despite the capability that scientists have supposedly developed to enable man to live on his own excrement, to travel in a space capsule beyond the moon means a time en route and return to the nearest planet that is utterly beyond man's capability. And stars are so far away that it is completely impossible for man to go to them and to come back to earth.

So if we are going to have a manned space flight program in the future other than going to the barren moon, it would seem that manned space flight program will be confined to somewhere between here and the moon. Yet as we learned the other day the manned orbiting laboratory program has now been deferred and so what are we going to do in the future? Are we going to develop and orbit some type of a laboratory between here and the moon, or are we going to be sure that we develop the strength and manned capability to intercept and if necessary knock down any enemy object that might get into orbit between here and the moon, that might exert a profound influence upon life on earth, possibly a capability to destroy life on earth?

Yet for this type of program we do not need the Saturn V's, the smaller Saturns are enough. But we have the Saturn V's in being. They cost hundreds of millions of dollars, more than $20 billion in the aggregate. So the added lunar expeditions are projected.

Testimony before us was that the total

cost of the Apollo program alone in the space program was $23.9 billion to date, including the Saturn hardware. The problem that we have now is that we must stay with the space program or lose its in-house capability. This is out of the question now. So again I say we need to fund this program as and where it is funded in this bill for at least this next fiscal year.

With reference to the space study group that is said to be going to operate this year while they might come back with a supplemental, I suspect what they will also come back with is a new policy and approach in our space programs emphasizing additional military factors. We must stay loose and play it by ear vis-a-vis the Soviet missions in space for the next few critical months and even years. Our program may need changing depending on what develops.

It is important for all to understand that we have to keep our on-going space capability. There is $46 million in this bill to continue to fund our ability to manufacture more Saturn V's above what we have now should we need them in the future. We must fund that capability lest the full apparatus of manufacturing capability fall by the wayside. This would be wasteful. It would be a grievous error in judgment to let our space capability fall by the wayside now. Not the least of the proposals that may be made to the Congress before those that are reviewing this subject get through may be an increased role for these space facilities and capabilities in an ABM system possibly certain incremental parts of the space program can be incorporated in ABM at great savings to the country.

So Mr. Chairman, there is justification for our space appropriations at the levels at which they are funded.

I certainly support the bill and hope this body will also give it overwhelming support when it comes to a vote.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. I have listened with much interest to what the gentleman has said.

I would like to divert the attention of the committee and of the gentleman from New Hampshire to that language which appears on page 24 of the bill, as it is before the House as reported by the subcommittee and by the full committee, which is a restriction on the appropriations contained in this appropriation bill.

I have two questions I would appreciate the chairman answering or the gentleman from New Hampshire or the gentleman from North Carolina.

The language on page 24 reads that if an institution of higher education receiving funds hereunder—that is applicable, am I correct, only for the National Science Foundation?

Mr. EVINS of Tennessee. The gentleman is correct. That is the well-known Wyman amendment.

Mr. STEIGER of Wisconsin. Second, are there any students receiving funds from the National Science Foundation or does this money go solely to members of the faculty?

Mr. EVINS of Tennessee. There is no denying of funds to the institution. The denial of funds might run to one individual.

Mr. STEIGER of Wisconsin. The language on lines 13, 14 and 15 reads then the institution shall deny any further payment to, or for the benefit of, such individual.

Am I correct in assuming that is, because this is an appropriation bill, the length of time for which payment could be denied under this section would be for 1 year or for the length of the fiscal year for which money is appropriated?

Mr. WYMAN. In response to the question of the gentleman, I would answer that it applies only to funds made available by this appropriation bill for whatever length of time they remain available.

Mr. STEIGER of Wisconsin. So that it would be applicable for all of the funds as they are either spent in the next fiscal year 1970 or those which carry over that relate to this specific bill.

Mr. WYMAN. That is correct, only as to the dollars which can be identified as having had this restriction attached to them.

I would call the gentleman's attention to the fact that this is repetitious of a previous similar restriction applied to similar appropriations in the previous fiscal year.

Mr. STEIGER of Wisconsin. I understand that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONAS. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, this is a crucial appropriations bill. Other Members have discussed most of the sections which provide over $15 billion for 18 agencies. I will discuss the proposed appropriations for the Veterans' Administration. We have labored long. We have tried to evaluate the various priorities between the subject agencies of this bill and the many other priorities which must be considered and weighed at this time for this fiscal year.

The original budget for the Veterans' Administration or veterans programs in 1970 was amended to provide a total of $7,670,701,000.

The committee feels that in some important areas the amended budget does not adequately provide the needed and required resources for the full veterans programs administered by the Veterans' Administration. The committee is recommending the original budget request rather than the revised budget request for medical care and grants for State nursing homes. Increases are also provided for hospital construction. More than 4 million veterans have been added to the rolls in the past few years, and veterans continue to be added at about 840,000 a year, or 70,000 a month. More lives are being saved now by reason of timely action and improved medical and hospital care. In many instances the injuries are more serious and demand greater attention from VA facilities.

The bill provides the full budget request of $5,041,355,000 for compensation and pensions.

The average number of recipients of compensation is estimated at 2,393,000, and the average number of recipients of pensions is estimated to be 2,590,000 in 1970.

Some 94.9 million—or 48 percent of the total population of the United States—are potentially eligible for veterans benefits.

The committee recommends the full budget request of $742,200,000 for readjustment benefits. Vietnam veterans are returning and increasing numbers are using their eligibility for benefit programs of training and education.

In addition to transfers of $6,500,000 in unobligated balances from other insurance accounts, an appropriation of $7,253,000 is required for this item for 1970.

The committee recommends an increase of $17,600,000 for a total of $1,541,701,000 for medical care. This will provide for 123,700 beds in Veterans' Administration facilities; treatment of 864,695 inpatient beneficiaries; 7,474,000 medical outpatient treatments; increased cost of drugs, supplies and equipment; and other essential operations of this program.

The committee recommends an appropriation of $54,638,000 for medical and prosthetic research, which is the same amount as the amended budget request. This provides an increase of $6,620,000 over the proposed funding level of 1969, which should be adequate for the activities in this area in 1970.

The bill contains $220,865,000 for general operating expenses. This is the same total as the amended budget request. However, the committee has made a reduction of $2,200,000 in data management activities and has allowed the use of these funds for personnel in reducing the backlog in benefit programs.

At this time the Veterans' Administration is experiencing major demands for veterans benefits and services and major workload increases in all of its programs—educational and training assistance, housing credit assistance and insurance, and medical care and treatment, both inpatient and outpatient—medical and dental.

The expansion in demand for benefits and services for veteran beneficiaries must be provided for in view of the veterans legislative entitlement.

The provision of new and expanded benefits authorized by the 90th Congress represents a legal commitment by the U.S. Government—but even more importantly a moral commitment by the people of the United States to our veterans who have sacrificed the most in the preservation of our freedom and liberties. The increase in workload is directly attributable to an increase in the number of veterans. The veteran population continues to grow, as Vietnam servicemen return to civilian life at the rate of more than 70,000 per month—840,000 a year. More and more veterans qualify for more and more benefits as time increases and ages increase.

In this context, our moral commitment perhaps is greatest and the need most urgent in the area of providing high quality medical and dental care and sufficient health resources to meet the requirements of our returning veterans from Vietnam. For this reason, strong support must be given—by all concerned—to the increase of funds for the VA appropriation, "Medical care." Our

support of an appropriation increase of $17.6 million, to a level of $1,541,701,000, is essential if medical and dental workload requirements are to be met on a timely basis. Likewise, our support is essential if modern, high quality medicine is to be available to the returning veterans.

If any group of persons of our own citizens is entitled to the highest quality of medical and dental care, it is the military personnel injured in combat—on our behalf.

New and specialized diagnostic and treatment programs and facilities must be made available if the needs of the Vietnam veterans are to be met—and the health needs of these veterans are both grave and numerous. The total inpatients are estimated at 864,695 in 1970 and the total medical and dental outpatients are estimated at 7,659,846.

For these reasons and others, endorsement of the increase of $17.6 million—and related employment increase of 3,586—is a duty of all citizens. These increases will provide the necessary resourcse to both operate a quality medical system and meet the pressing legitimate requirements of the veteran beneficiaries.

These increases will permit activation of new and expanded Veterans' Administration hospitals on a timely schedule basis rather than on a deferred basis. Specifically, it will be possible to operate these hospitals at originally planned dates and at originally planned program levels in lieu of later and higher cost levels. These hospitals are located in Columbia, Mo.; Gainesville, Fla.; Miami, Fla.; and San Juan, P.R.

These increases will permit the planned activation of new medical services which otherwise would have to be deferred until later years. While the activation can be easily deferred, their need cannot—it is simply not possible to defer the transplantation of a damaged kidney; it is simply not possible to defer repair of a damaged heart which requires open heart surgery; and, it is inhuman not to provide rehabilitation services for the blind or prosthetic treatment, devices and training to the veteran who has lost an arm or leg or suffered some other grevious injury.

These small increases will permit meeting the outpatient medical and dental requirements of the returning veterans on a timely basis which might not otherwise be provided at all.

These increases will permit planned expansion of Veterans' Administration education and training programs—medical residents and interns; dental residents and interns; nurses; rehabilitation therapists; audiology and speech pathologists, and so forth. In view of the national shortages of trained health service personnel, this expansion is necessary to the delivery of health services—to veterans as well as the entire population.

In short, these program improvements are needed and needed now. The needs are now and cannot be met at a later date. To meet our obligations and fulfill the veteran needs now, requires a "Medical care" increase of $17.6 million.

There is also an additional requirement of $20 million which may materialize for increased wage board salaries when this requirement has been firmed up.

Only the three modernization and air-conditioning projects most urgently needed were added to the budget estimate. This proposed increase is $13,935,000.

There is also $3,000,000 added to the revised budget for grants for construction of State nursing homes, to continue this program at the current year level.

A few words about the National Science Foundation appropriation:

The committee considered and recommends an appropriation of $418,000,000. This is an increase of $18,000,000 over the appropriation provided for the current year. The Foundation will have a carryover balance of $20,000,000 from 1969. This amount together with the recommended appropriation will allow total obligations of $438,000,000, or a net increase of about $3,000,000 over the estimated current year obligations. The funding level of Foundation programs has more than tripled in the last decade, and the committee feels the funds in the bill will provide a generous level of funding for 1970, $58 million more than last year.

The bill includes language for the purchase of one aircraft instead of the two requested. This will enable the Government to take title to an aircraft which has been fully paid for under a lease-purchase contract.

The language carried in the bill last year prohibiting institutions of higher education from making payments to or for the benefit of any individual who has refused to obey a lawful regulation or order of the institution is retained and continued.

Scientific activities—special foreign currency program: The budget includes a request for the Foundation to use $3,000,000 in foreign currencies for programs other than those in its regular program. The estimate includes $2,000,000 for collecting, translating, abstracting, and disseminating foreign scientific and technological information, and $1,000,000 for support of research and other scientific activities. Testimony received by the committee supported the request for translations, but no specific details were provided as to where the $1,000,000 for research and other scientific activities would be conducted, nor who would do the research. The committee recommends only the $2,000,000 proposed to obtain the translations and abstracts and has specifically deleted the funds for the proposed foreign research activities program.

All of the agencies made requests for large and expensive increases. These requests were generously supported by both the Johnson and Nixon administrations.

At a time when we are at war; at a time when there is growing evidence of a widespread taxpayers' revolt; at a time when inflation is cruelly stealing the savings and dwindling the assets of many of our elderly and citizens on limited incomes; at a time when the administration is recommending a continuation of the surtax to reduce private spending—we simply must treat the spending of other persons' money in a highly fiduciary manner. This means that we cannot simply open the appropriation spigot and walk away. We must be frugal. The committee has acceded to the loud and persistent importunings of the spenders and tax users.

I believe we cannot extend the new obligational authority further without stretching our fiscal limit to a dangerous condition. I earnestly urge the passage of this bill.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. DADDARIO).

Mr. DADDARIO. Mr. Chairman, I have asked for this time to ask the chairman of the committee, the gentleman from Tennessee (Mr. EVINS) a question.

Considering the fact, Mr. Chairman, that both the previous administration and the Nixon administration have felt it to be of significant importance to support the funding of the National Science Foundation in the amount of $500 million and did so at a time when recommendations for cutting in other places were made, could the chairman kindly advise me as to why it was that the National Science Foundation received a most serious cut in the amount of some $79 million, or some 16 percent of the amount approved by this and the last administration?

Mr. EVINS of Tennessee. I will say to my friend that after the committee reviewed the programs of the National Science Foundation, we appropriated some $20 million more than they had last year. They will also have a $20 million carryover. We also learned in the examination that there will be a carryover which is obligated but unspent of $611,121,000.

Mr. DADDARIO. Did the gentlemen in taking those facts into consideration also reflect retrospectively to last year when the committee chaired by the gentleman cut the National Science Foundation some $100 million, or 20 percent of its budget?

Mr. EVINS of Tennessee. I will say to my friend that we did take those matters into consideration. We also took into consideration the fact that the funding of the National Science Foundation has about tripled since 1960, so the budget has continued to escalate.

Mr. DADDARIO. I would like to ask the gentleman since he brings up that point, and everyone should be aware of the fact that the budget has been increased by three times, that during this period the research and development support in this country, which up until 1965 was supported at the rate of some 20 percent each year, has now reached a point of diminishing returns. During this time there has been also a transfer of activity from other agencies to the National Science Foundation in the amount of some $19 million; that the research and development programs in most of the agencies have receded, and that those agencies look to the National Science Foundation to do their basic research: Has this been taken into consideration by the gentleman and his committee?

Mr. EVINS of Tennessee. The gentle-

man is a very able chairman of the Science Subcommittee which handles the authorization for the National Science Foundation. I would say we have taken into consideration those matters. We also took into consideration the fact that the funds have tripled since 1960, and maybe with the present budgetary situation they may have reached the peak, at least for the time being, until the Vietnam war is over.

Mr. DADDARIO. Mr. Chairman, the report indeed points out, and rightly so, that the budget of the Foundation has tripled in the last 10 years. However, to put this in a proper perspective, it should also be pointed out that until 1966, the total Federal research and development budget was growing at an average annual rate of 20 percent per year. Since that time, the Federal research and development expenditures have remained relatively constant, and, in fact, in the last couple of years have declined both in an absolute sense and more importantly through the inflationary squeeze. Now what this means is that other agencies have cut back their support of research, and in particular, basic research. In fact, since 1965, the National Science Foundation has had to assume a larger and larger role in support of basic research, and in 1970 will be required to fund $19 million in projects formerly supported by the Department of Defense and other agencies.

For example, the Department of Defense decided to terminate its support of astronomy and nuclear particle physics. One of the facilities supported by the Department of Defense is the Arecibo Observatory in Puerto Rico, which is managed by Cornell University. This observatory does ionospheric studies for the Department of Defense, but the reflector is also used for important basic research in radio astronomy. The Department of Defense proposes to transfer this facility to the Foundation in October 1969, and the Foundation has agreed to assume operational control. However, under the budget recommended by the Appropriations Committee, I seriously question if the Foundation could afford to take over the facility. I would also point out in this regard that we had a meeting with Dr. John Foster, the Director of D.D.R. & E., and he stated unequivocally that if NSF did not take over the funding, that the Department of Defense could close the facility.

Dr. Foster has to live within the confines of his budget also, but the closure of Arecibo would certainly be a tragic loss to the astronomy community.

Also, with the reexamination of the Department of Defense research being conducted by many universities, it is likely that our universities will be turning more and more to the Foundation in the years ahead.

Mr. Chairman, the action recommended here this afternoon by the Appropriations Committee to reduce the National Science Foundation budget by 16 percent—a reduction of $80 million—is a deplorable situation. It is a distortion of reality.

The accomplishments of the NSF over the last two decades have been meritorious. No single Federal agency has been more committed to or instrumental in the strong growth and welfare of scientific research and scientific education in this Nation than the National Science Foundation. No Federal agency has done more to provide the solid foundation upon which the scientific excellence of this Nation rests than the National Science Foundation. And no Federal agency is more worthy of strong congressional support than the NSF.

Less than 1 year ago, the Congress indicated its strong support not only for the past achievements of the Foundation but for its future development, by passing Public Law 90–407, amending the NSF Act of 1950. Embodied in this act was the hope that the Foundation would soon be able, with congressional support, to fulfill its chartered responsibility to assume an across-the-board leading Federal role in the support of all areas of science.

But what has happened since then? In fiscal year 1969, the NSF appropriations were cut $100 million, a cut of over 20 percent from its budget request and $70 million below its fiscal 1968 operating level. No other major Federal agency suffered such a percentage cut in fiscal year 1969.

In fiscal 1970, President Johnson recommended $500 million for the Foundation. This decision was upheld by the incoming Nixon administration. At a time when every other major Federal agency was being cut back, the Foundation's budget was sustained, thus affirming both the support and the hopes in the Foundation's future.

And now the Appropriations Committee, with its recommended action, plans to cut back the Foundation again. That committee maintains that its fiscal 1970 action will allow a net increase of $3 million over the $435 obligation level for fiscal 1969. This, as I have said earlier, is a distortion. It is clear to me that this fiscal 1969 obligation level will have to be increased by at least $40 to $45 million if the fiscal year 1970 funds are to support activity levels equivalent to those supported in fiscal year 1969 and by a larger sum if NSF is to fulfill the role we expect from it.

The scientific and technological capabilities of this Nation and the ability of mission agencies to support broad areas of scientific research are becoming increasingly questionable. And therefore, the role of the National Science Foundation, as the balance wheel within the Federal Government, is becoming increasingly important and critical.

The ability of this Nation to maintain its preeminence as a world power is largely dependent upon its successful pursuit of scientific knowledge and sound technology. Let me point out to you that the Soviet Union is quite conscious of science and research as a national priority and has devoted considerable effort, both scientific and monetary, toward the creation of Soviet leadership in the world technological race.

Between 1955 and 1965 the proportion of Soviet gross national product devoted to scientific research and development has increased from approximately 1.5 to approximately 3.1 percent. We in the United States today are barely devoting 3 percent of our GNP to research and development. Moreover, the Soviet Union presently spends between 10 and 12 percent of their research and development budget for basic research while the United States is currently spending only about 9 percent.

Whereas both the Soviet Union and European countries have been hampered largely by what might be called a management gap, relative to the United States, it is clear that this gap is closing. Thus, soon will be closing the gap in the area of scientific and technological excellence.

The Foundation does play and will play a dominant role within the United States in furthering the Nation's goals in science and technology, and we in the Congress can do no less than see that it has the adequate funding base to perform its essential supportive functions.

A final word, we should never forget that the advances we must have in technology to meet critical problems of the day can only be obtained through continuing basic research. If we ignore the later, you can be sure our Nation will founder.

Mr. KOCH. Mr. Chairman, I am concerned today that in the appropriation bill before this body, there is a severe reduction in the budget request for the National Science Foundation—a 16-percent reduction of nearly $80,000,000. The cut has been made my the committee despite the fact that the authorization reported out by the Science and Astronautics Committee on June 5—which authorized an appropriation of $477,605,000—has not yet been considered by either the House or the Senate.

On July 18, 1969, new legislation for the National Science Foundation was signed into law which greatly broadened and further defined the scope and nature of Foundation activities. NSF was authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. The social sciences was added to the list of scientific disciplines eligible for Foundation support. The Foundation's role in the collection of scientific data was expanded to provide a central clearinghouse for scientific and technical information and to provide a source of informaton for policy formulation by other agencies of the Federal Government.

The Foundation's work includes research in all the scientific disciplines, such as the natural sciences, physical sciences, social sciences, mathematics, and engineering. Its functions lie at the heart of the tremendous and growing commitment of adopting technological advances and scientific discoveries to social needs.

Unlike research activities in other agencies of the Federal Government, the Foundation is the only agency specifically charged by the Congress with assuring the health and vigor of American science. NSF funds to carry out this mandate comprise approximately 17 percent of Federal funds for the support of academic science and about 12 percent of Federal funds for basic research.

Yet the history of funding has shown that Congress has reneged on its mandate. In fiscal 1969, NSF appropriations were cut $100,000,000, a cut of over 20 percent from its budget request and

$70,000,000 below its fiscal 1968 operating level. No other major Federal agency suffered such a percentage cut in fiscal 1969.

Despite the increased obligations of the Foundation, imposed in part by congressional mandate, the committee's reduced appropriation for NSF is a denial of the need for solving some of our critical social and environmental problems with the best scientific tools available.

By limiting the appropriation to $418 million—which represents a net increase of $18 million over the fiscal 1969 appropriations, but only a $3 million increase in total budget obligations—the committee has in fact reduced the Foundation's budget. The 6-percent inflation factor over the last year requires an increase of about $24 million in the NSF budget to maintain parity. Yet the committee in its action has refused even this.

Mr. Chairman, what we are talking about is a modest request to provide increased funding for basic scientific research—a request which pales before such incredibly costly schemes as the C–5A transport, the Safeguard ABM system, and many others.

Scientific research does not operate on a fiscal year timetable, as some in Congress seem to think, and the annual juggling of research grants by the Foundation because of budgetary considerations leaves many scientific projects in jeopardy. Additionally, a number of other agencies have had to cut back in their support of research, and in particular, basic research. This has contributed to the expansion of the Foundation's role, and in 1970, NSF will be required to fund $19 million in projects of other agencies.

The problems of pollution, of public health, the urban sprawl, the national defense, transportation, communication, nutrition or population control, demand solutions requiring more science to provide new technologies. As the sponsor of a Mass Transit Trust Fund bill in this Congress, I seek the application of relevant and timely technologies to the urgent need in urban and suburban centers for fast, efficient transportation. The role of the sciences is critical to a large-scale attack on this major urban problem.

Congress has made a commitment to the Foundation in its support of science education and scientific research and to the people of this Nation who stand to benefit from the application of such research. I trust that this Congress will honor such commitments and reconsider the level of NSF funding for the coming year. If not, we are pennywise and pound foolish.

Mr. JONAS. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the bill under consideration, and in doing so, would like to commend the Committee on Appropriations for their efforts in recommending only those amounts deemed necessary according to demonstrated need. The result of their efforts has been a general reduction of appropriation, limitation and contract authorization in all areas save six.

Mr. Chairman, I am aware of the difficulty constantly facing the Appropriations Committee in reporting out only those budgetary appropriations for the various departments and agencies of the Federal Government which are vital and necessary. In attempting to reduce to basic necessities amounts requested for spending, pressure is constantly brought upon the members of the committee to regard a certain area as being of such vital importance that it should be exempted from budgetary restrictions.

Constant demands are made upon the members of the committee by those who have certain priorities and interests in the area of spending. We have seen this in today's consideration of appropriations for various independent Federal agencies and the Department of Housing and Urban Development. Polite deference is generally paid to the need to reduce spending, but always the point is pushed that a particular area is of such importance that it should be exempted from budgetary restraint.

Mr. Chairman, I have always been a strong advocate of sparce Federal spending, believing that the major reason for inflation and fiscal problems is the failure of the Federal Government to limit its use of public tax moneys. Yet, as we begin consideration of appropriations for fiscal year 1970, I would like to point out one area which I believe Congress must recognize as being of utmost importance—the area of research and development currently being carried out in behalf of health care. If we can appropriate billions for space exploration when we do not know what to make of the discoveries, or millions to agencies to regulate our lives, then adequate financial consideration must be paid to disease prevention and control and for programs of the National Institutes of Health relating to neurological research and personal and mental health.

Beyond the consideration of this bill, as we consider future appropriations, we must be aware that those who pay taxes to this Nation should receive maximum return for their tax moneys. There can be no greater return for the individual citizen than research and development into the areas of health and welfare, thereby enabling the citizens of this Nation to lead richer and fuller lives.

Mr. Chairman, as we debate the funding of these agencies, let us bear this in mind.

Mr. JONAS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman from North Carolina yielding. I wish to take only a minute to ask the gentleman from New Hampshire a question to further clarify the language on page 24 of the bill.

First, are we aware of any funds which have been withheld as a result of actions taken by the last Congress?

Mr. WYMAN. No, unfortunately the record of such action by the educational institutions to whom the authority was made applicable and in whose sole discretion implementation of relief under the section was possible has been disappointing in the extreme.

Mr. STEIGER of Wisconsin. Would the gentleman also perhaps clarify why the language relates solely to one who has willfully refused to obey a lawful regulation or order of such an institution, rather than including, for example, those who have been convicted by a court, which is the language which is contained in the NASA authorization bill passed by this House not very long ago?

Mr. WYMAN. I was the author of this language, but not the author of the language relating to conviction. I attempted to make it possible for institutions to deal with individuals who willfully refused to obey their rules without being required to wait for court conviction and the process of trial, conviction, appeal, and so forth, which usually involves a very substantial delay. This language is intended to give the institution some leverage with that small group of individuals, who are being helped with tax money while in college, and yet who abuse that privilege by disobeying the institution and willfully disrupting its administration. That is the reason for the difference between the two.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman from New Hampshire responding to my question.

I should say, Mr. Chairman, I am rather apprehensive about the proliferation of penalties, which can be applied both as a result of the actions of the Congress in appropriation legislation and in authorization legislation.

It seems to me there is a very real need to have a relatively single set of criteria by which one judges what action can be taken by the institution. I would propose at the appropriate time to offer an amendment which would be the substance of the language of the Committee on Education and Labor's legislation, which it now has under consideration, in the hope that we might be able to avoid this duplication and proliferation of criteria, which the institutions I am afraid will find confusing and which will make it more difficult for them to apply what the sense of the Congress is as given to them.

Mr. WYMAN. Mr. Chairman, if the gentleman will yield further, this is not a proliferation. This is the original provision. This is a reprint of the first attempt to provide relief to universities having this type of problem. This was enacted last year before there even was a Defense Education Act provision with the sponsorship of the committee to which the gentleman makes reference and of which he is a member.

There is no question, but what it would help to fashion a single triggering formula. The difficulty is to find a formula that is equally applicable to all institutions. Hopefully legislation on this subject will someday be manadatory.

I certainly hope at some time this Congress will make it a criminal offense to bar ingress or egress or otherwise trespass upon, takeover or wilfully interfere with any institution in this country which receives Federal financial assistance. That should be a separate Federal criminal offense. I have a bill pending in this Congress to do just this, which I might say is not repressive in any way. It ought to be a crime.

Mr. STEIGER of Wisconsin. Mr. Chairman, may I say to the gentleman from New Hampshire, that could be construed to be the language we passed in the Civil Rights Act, but I would only

suggest to the gentleman that the Secretary of Health, Education, and Welfare in his testimony before the committee pointed to the dichotomy and the discrepancy between sections 411 and 504—411 as the Wyman amendment and the Scherle amendment—which in both cases makes it difficult to know what should be done.

Mr. Chairman, I am grateful to the gentleman from North Carolina for his graciousness in yielding this time. Under the 5-minute rule we will discuss this more clearly.

Mr. JONAS. Mr. Chairman, we have no further requests for time.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California (Mr. COHELAN) such time as he may consume.

Mr. COHELAN. Mr. Chairman, I am very concerned about some of the cuts in this bill and I will act at the appropriate time to restore them. I am especially grateful to the statement by the gentleman from Illinois (Mr. YATES) with reference to sections 235 and 236.

We hear a good deal these days about national priorities—about the allocation of Federal resources for defense, for space exploration, for social welfare, for urban programs, and for pollution control.

This bill which we are now considering allocates the priorities amongst $18 billion of our Federal revenues. The priorities found in this bill, to my mind, leave a good deal to be desired.

I do not believe these priorities reflect the priorities of this country.

Do the American people really believe that the 10th flight of men to the moon—a flight which will cost $350 million—is seven times more important than the $50 million which the committee has denied to the 235 and 236 low-cost housing assistance programs?

Mr. Chairman, I have the privilege of representing the urban communities of Oakland and Berkeley, Calif. In these communities I know there are literally thousands of families living in dilapidated, unsanitary housing. I know, too, that these families would like desperately to be able to afford decent housing.

How are these people to get the chance to live in decent quarters?

How can there be more low-cost housing when we cut back on the Federal support for such housing?

How can we justify to these people the $1,700 million we are spending on the manned space program this year while we cut $50 million from the request of $200 million for housing and rental assistance?

President Johnson in his budget requested the appropriation of the full authorization of $100 million for interest subsidies for homeownership assistance and of the $100 million for interest subsidies for low-cost rental housing.

President Nixon made the same requests.

Both Presidents Nixon and Johnson requested supplemental appropriations this year for both these programs, and the committee and the House granted substantial supplemental funds.

The committee and the House cannot be ignorant of the need for these funds.

How then can their denial be explained?

Some Members have claimed that these 235 and 236 funds represent contractual obligations for the Government for the next 30 years. In this they are correct. And in this very point lies the enormity of what we do when we cut out $50 million in these programs. The $50 million denied this year represents the denial of 30 times that sum in housing assistance. In a word, this seemingly small reduction of $50 million denies a billion and a half dollars in Federal assistance in the future.

For every dollar invested in 235 or 236 housing assistance we build $12 worth of housing. And so for every dollar we deny, we deprive those who need it of $12 worth of housing.

Mr. Chairman, I deplore these cuts. I strongly urge that these funds be restored.

There are other reductions in this bill to which I object.

I do not believe that it serves the national interest to allocate our resources in such a way that we spend more than a billion and a half dollars to send men to the moon, and at the same time cut back by nearly a fifth the funds we allocate to the National Science Foundation for the support of basic science.

Remember, the 10th and last flight of men to the moon costs $350 million. This bill reduces appropriations for the NSF from nearly $500 million to $418 million. Do the Members of this body really believe that mankind will learn more from the 10th flight of men to the moon than it will from the expenditure of another $100 million on basic research? I think not.

There is an urgent need for these funds and I strongly urge that we vote to restore the cut.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, in addition to air and water pollution, people of this Nation are becoming increasingly concerned with noise pollution, especially by the jet aircraft in urban and suburban areas.

Efforts to reduce jet aircraft noise have been scattered among many agencies and locations. It was the unanimous recommendation of the Committee on Science and Astronautics to support the Nixon Administration budget proposal for a noise reduction facility at Langley, to cost a very minor amount, in this year's authorization and appropriation bill, of $4.7 million.

I would trust when we reach the amendment stage that efforts may be made to restore this aircraft noise reduction facility at Langley. If the gentleman from Tennessee may be constrained to oppose it, I hope he will oppose it with less than his usual vigor, because I believe this particular item will be extremely useful in cutting noise pollution which plagues so many people throughout the Nation.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, in discussing the bill pending before the House, I am particularly concerned with the funding for housing and urban development and the effects of the cuts in this bill on our national housing goals.

Twenty years ago the Housing Act of 1949 established the National Housing goal of a decent home and a suitable living environment for every American family. Twenty years have passed and not only have we not neared the goal, but the crisis in housing has grown worse. There is today no more urgent priority facing Congress than the crisis in housing.

The Housing and Urban Development Act of 1968, which showed Congress recognition of the true dimensions of this problem, proposed a goal over the next decade of the construction and rehabilitation of 6 million housing units of low- and moderate-income families. The act states:

> The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949 . . . The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of 26 million housing units; 6 million of these for low- and moderate-income families.

This lofty statement reflects an appreciation of the magnitude of the housing crisis. This appreciation proved to be hollow as the Congress failed last year to appropriate the full amount authorized for the rent supplement program, the section 235 homeownership and section 236 rental assistance programs, and model cities and urban renewal. Again this year the proposed appropriations fall pitifully short of providing the adequate financial resources which must be committed to this task if our goal is ever to be realized.

Today housing conditions continue to grow worse. Some 7.8 million families still cannot afford to pay for decent, wholesome housing. Some public officials have decided that the shortage will have to be met by the private sector. But, as the December 1968 Report of the President's Committee on Urban Housing points out, private enterprise alone cannot correct these housing deficiencies. That report states:

> We conclude that new and forseeable technological breakthroughs in housing production will not by themselves bring decent shelter within economic reach of millions of house-poor families in the predictable future. To bridge the gap between marketplace costs for standard housing and the price that lower income families can afford to pay, appropriations of Federal subsidies are essential and must be increased.

The enormity of the problem confronting us is clear. Yet in the first 2 years of the 10-year housing goal established by the HUD Act of 1968, production schedules have not been met.

One reason for this lag is the failure of Congress to provide adequate funding for programs which could reduce the critical shortage in housing which today exists in our major urban areas.

The goals are worthwhile and essential. The programs are promising, creative, and constructive. But they are starved. The people of this Nation who live in inadequate, unsafe, and unsanitary housing have thus far been given

no more than promises—promises which provide no shelter. The hopes of millions for a decent home are inflated by the goals we pronounce as essential and by the programs we propose to meet these goals. But year after year these hopes are burst by the cutting edge of minimal appropriations. This endless cycle of promise and disillusionment can only result in the most bitter frustration. How long can we ask anyone to retain faith in our pledge if time and again our pledge is proven to be hollow? The people who occupy our Nation's slums did not require this Congress to inform them that their housing is inadequate. When the Congress showed signs of recognizing this reality, the expectation arose throughout the country that something would be done to solve the problem. With appropriations such as those we consider today, who would not be made cynical?

The original budget request for the Department of Housing and Urban Development for fiscal year 1970 was $4.5 billion. The revised budget request of $2 billion represented the deletion of $2.5 billion in advance funding for fiscal year 1971.

This bill proposes a total HUD budget of $1.7 billion or a 20-percent reduction of the revised budget. Here we see the vast appropriations gap between promise and reality.

I will now discuss in greater detail several sections of the HUD program.

SECTION 235

The President's National Advisory Commission on Civil Disorders called for a massive attack on slum housing and the establishment of an ownership supplemental program to open opportunities for low-income families to become homeowners.

The programs under section 235 provide payments based on the difference between 20 percent of the homeowners monthly income and the monthly mortgage payment.

The 3-year authorization for the section 235 program in the HUD Act of 1968 proposed a production goal of 500,000 units during that period of time. Only 66,000 units could be funded by last year's appropriations of $65 million. Further, only 106,600 units can be funded at the current appropriation level of $80 million. At that production rate, we will not even reach one-half of the 3-year production goal.

SECTION 236

Section 236 assistance benefits reduce the market interest rate—which includes principal, interest, and cost of insurance premium—to an amount commensurate with an interest rate of 1 percent. The tenant pays not more than 25 percent of his income.

The HUD Act of 1968 envisioned a total of 720,000 units of housing to be funded over a 3-year period.

The appropriations for fiscal year 1969 of $65 million represents the production of between 66,000 and 88,000 units. The present bill, reducing the revised budget request by 30 percent calls for $70 million—meaning that only 92,400 to 112,200 units could be funded during the coming fiscal year. Thus, if appropriations continue at the proposed level, we will at best fall short of our goal by some 520,000 units, or 70 percent of the goal.

RENT SUPPLEMENT

The rent supplement program is the private sector complement to the low-rent housing program. Under the program the Federal Government pays an amount equal to the difference between 25 percent of the tenant's monthly income and the market rental cost. The aim of the program is to enable private enterprise to take a larger measure of responsibility in fulfilling our housing needs.

But, as with other housing programs, inadequate funding has resulted in the program having very little impact. If we are to gain more momentum in meeting the needs of low-income families, then this program must be adequately funded.

The bill before us again deprives the rent supplement program of sufficient funding to give real substance to this promising program. The fiscal year 1969 budget requests were slashed by over 50 percent. This year, the $50 million appropriation represents a 50-percent cut from the request. At that level we can expect to produce 42,300 units. The cumulative 10-year figure for production at this level fails abysmally to meet the rent supplement share of the 10-year goal.

URBAN RENEWAL

Beginning in 1970, the urban renewal programs under the renewal and housing assistance section will include urban renewal activities in the model cities. There will be no separate title under model cities for this program as there has been in the past.

The original Johnson budget requested $1.5 billion for this program. This included $1.25 billion in advance funds for fiscal year 1971. The revised budget requests $250 million for urban renewal, and deletes all advance funds, thus removing the possibility of advance planning by local authorities and leaving them uncertain as to their program's future. The committee has reduced this to $100 million, this represents a reduction of $150 million or 60 percent from the revised budget.

MODEL CITIES

The principal objective of the model cities program is to enhance the existing capability and commitment of local governments to respond to the needs of blighted and decayed neighborhoods that need upgrading. A total of 150 cities are participating in the program. The Department of Housing and Urban Development may make grants to pay up to 80 percent of the cost of planning and developing model city programs. These are followed by supplementary grants to carry out approved model cities programs.

The original budget request for this program was $2 billion. This included $1,250,000,000 for advance funding for fiscal 1971. The revised Nixon budget deletes all advance funding and also reduces funds for fiscal year 1970. Again, the localities cannot plan in advance. Of the $750 million for fiscal year 1970 requested in the Johnson budget, the revised budget requests $675 million. This is a reduction of $75 million from the Johnson budget. The committee proposes a total expenditure of $500 million. This is $175 million below the Nixon budget and $250 million below the Johnson budget.

The committee would have us believe that this frontal lobotomy is merely minor surgery. They tell us, "Some cities are taking longer than originally anticipated to develop sound plans."

In fact, there is a large backup of urban renewal programs. These programs must be funded if we are to rid our cities of their slums and meet the 10-year national housing goals.

FAIR HOUSING

The fair housing section of the budget request was subject to the highest percentage cut. The revised request was $10.5 million, $4 million below the original request. The committee's slashing left $3 million, 71 percent below the revised request and 79 percent below the original request. In the committee's own words:

Progress is beginning to appear in these areas.

Why then, are we now asked to pull the rug out from under the Department and seriously hamper any efforts to meet its responsibilities under the Civil Rights Act of 1968, just as "progress is beginning to appear"?

Mr. Chairman, it is the duty and responsibility of this Congress to insure that the Housing and Urban Development Act of 1968 achieves the goals that were first outlined in 1949. It is time to fulfill that promise and liberate millions of long-suffering Americans from the blight of inadequate housing.

In sum, this appropriation bill—like so many others considered by the House in the past several years—betrays a serious misordering of priorities. If the recommendations of the committee are approved, the National Aeronautical and Space Administration will receive $3,696,983,000 for the coming fiscal year. By contrast, all of the programs of the Housing and Urban Development will receive $1,658,326,000. It is, apparently three times as important in the committee's view that we continue the exploration of space than that we meet the unmet needs of millions of Americans suffering from inadequate housing and living environments. As the committee report notes:

Our achievements in space are outstanding (Committee Report on H.R. 12307).

It is regrettable that no such boast can be made for our national housing program.

Mr. EVINS of Tennessee. Mr. Chairmain, I yield to the gentleman from New York (Mr. BINGHAM) for a unanimous-consent request.

Mr. BINGHAM. Mr. Chairman, the recommendations of the Committee on Appropriations with regard to housing programs are discouraging, for it is clear that the committee has indicated that we are not yet ready to face up to our responsibilities, responsibilities enunciated as long ago as 1937 by the Housing responsibilities, responsibilities enunciments in eliminating unsafe and unsanitary housing, in remedying the acute shortage of decent low-income housing

and alleviating present and recurring unemployment.

In 1949, the 81st Congress reaffirmed this goal, calling for—in noble language—"the realization as soon as feasible of the goal of a decent home and a shortage of decent low-income housing, suitable living environment for every American family. Last year, the 90th Congress restated the purpose of the acts of preceding Congresses, but found, not surprisingly, that it "has not been fully realized for many of the Nation's lower income families."

The President's Committee on Urban Housing recommended last December that the Nation commit itself to a goal of producing at least 6 million federally subsidized dwellings for families in need of housing assistance by 1978. During the entire 30-year history of Federal housing subsidies, only 800,000 subsidized units have been built, so it is clear that, if we are to come even close to this goal, we must make more than the empty commitment of words that we have satisfied ourselves with. We must provide the money. If we do not, we shall have perpetrated a hoax on every American without adequate housing, for the promises we have so solemnly made in passing legislation will have been found to have been empty.

Last year, I introduced the jobs-in-housing bill, which authorized funds to construct 2 million public housing units over the next 4 years. I gave it that name because one of its major purposes was the creation of good jobs where they are most needed—in the ghetto. This legislation would have provided for a public works program that would serve two goals: the creation of housing that we so badly need and the creation of jobs that are useful and dignified for tens of thousands of Americans. I remind my colleagues of this legislation at this time in order to call their attention to how much more remains to be done than the small gesture that we make here today toward bringing about a solution to the pitiful housing situation that exists in our country.

We see military cost overruns that run into the billions for tanks, planes, and helicopters, some of which will never be operative, and we nod approvingly. We talk of deploying an ABM system that we are not sure we need and that we are not sure will work, at a cost that would certainly be more than $10 billion, and of the MIRV, which threatens to be one of the greatest and most expensive barriers to world peace ever developed and we solemnly say that this system, like other military weapons systems, is vital to our national security, and the cost be damned.

In contrast, we seem unable to raise our imaginations higher than $100 million for urban renewal, a cut of $650 million from last year, and only $200 million for the three sections of the Housing Act that provide the stimuli for the construction of new housing: homeownership assistance, rental housing assistance, and the rent supplement program.

Mr. Chairman, it is my profound hope that the Congress will soon come to a realization of what our Nation's priorities should properly be, and make the kind of commitment to our needs at home that we seem to have made in recent years to the defense industry. The vast majority of the American people, the Harris poll has indicated, would support large-scale Government programs to make jobs available to all unemployed Americans and programs to tear down and rebuild urban ghettos. But the Congress, it seems, has lagged behind its constituency.

Mr. Chairman, how much longer can we hide our heads in the sand?

Mr. TEAGUE of Texas. Mr. Chairman, I rise to express my appreciation and that, I am sure, of the entire Committee on Veterans' Affairs to the chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON), and the chairman of the Subcommittee on Independent Offices, our former colleague on the Committee on Veterans' Affairs, the able gentleman from Tennessee (Mr. EVINS), for their action and that of their colleagues in bringing to the House today a Veterans' Administration budget which we can support in good conscience. The revisions in the budget which were announced shortly after the new administration took office would have worked considerable havoc in the Veterans' Administration program and in view of the increased workload of the Veterans' Administration would have been particularly detrimental to returning Vietnam veterans who in many instances will be having their claims for compensation, medical care, and education processed for the first time following their discharge.

I include at this point in my remarks information which I have received concerning the increased workload in the Veterans' Administration for the first 9 months of 1969, over the comparable period in 1968: Outpatient visits up 286,679; dental examinations, up 22,043; dental treatments, up 15,500; new prosthetic appliances, up 22,844; social work caseloads, up 6,999; mental hygiene clinic cases, up 3,905; clinical laboratory weighted work units, up 5,197,661; prescriptions filled, up 1,003,013; compensation and pension claims, up 226,113; education applications and authorizations, up 445,455; education counseling actions, up 22,547; loan guarantee appraisal requests, up 18,336; guardianship beneficiaries, up 61,357; contact personal interviews, up 112,992; and contact telephone interviews, up 1,787,097.

I also shall include as a part of my remarks a table of comparisons and appropriations and estimates for Veterans' Administration matters which I believe will show in concise detail the matter which we are dealing with here today.

Again, Mr. Chairman, I want to express my appreciation for the fair and equitable appropriation which has been devised under the leadership of the two gentlemen, and their colleagues, that I previously mentioned.

Mr. Chairman, I also want to mention in this regard the action of the Committee on Veterans' Affairs in reporting H.R. 693, and the House in passing this bill which, among other things, repeals personnel ceilings applicable to the Veterans' Administration. The Senate has already taken action of a slightly different variety in this connection with the bill, H.R. 11400, and has taken a different approach with regard to control of appropriations. I am happy to note, however, that the Senate under the leadership of Senator TALMADGE has adopted an amendment which will clearly exempt all veterans benefits and services. While I would not appear to instruct the conferees, I do hope that such an exemption can be worked out in the final version of this matter.

The table referred to follows:

COMPARISON OF APPROPRIATIONS AND ESTIMATES

| | 1966 appropriation [1] | 1967 appropriation [1] | 1968 appropriation [1] | 1969 appropriation | 1970 estimate submitted by departments and staff offices | 1970 VA estimate submitted to Bureau of Budget | January budget estimate, 1970 | April amended budget estimate, 1970 | H.R. 12307 as reported in House June 19, 1969, H. Rept. 91-316 |
|---|---|---|---|---|---|---|---|---|---|
| Compensation and pensions | $4,430,000,000 | $4,474,000,000 | $4,605,500,000 | $4,654,336,000 | [2] $5,078,800,000 | [2] $5,078,800,000 | [2] $5,041,355,000 | $5,041,355,000 | $5,041,355,000 |
| Readjustment benefits | 41,500,000 | 369,400,000 | 427,200,000 | 612,000,000 | [2] 671,000,000 | [2] 742,200,000 | [2] 742,200,000 | 742,200,000 | 742,200,000 |
| Veterans insurance and indemnities | 10,536,000 | 4,138,000 | 5,150,000 | 9,350,000 | [2] 9,253,000 | [2] 9-253,000 | 7,253,000 | 7,253,000 | 7,253,000 |
| Medical care | 1,209,412,000 | 1,292,875,000 | 1,361,593,000 | 1,420,264,000 | [2] 1,618,903,000 | [2] 1,593,469,000 | 1,541,701,000 | 1,524,101,000 | 1,541,701,000 |
| Medical and prosthetic research | 41,258,000 | 44,258,000 | 45,850,000 | 46,850,000 | 73,096,000 | 68,380,000 | 59,638,000 | 54,638,000 | 54,638,000 |
| Medical administration and miscellaneous operating expenses | 13,496,000 | 14,312,000 | 13,975,000 | 14,200,000 | 19,004,000 | 19,004,000 | 17,327,000 | 16,994,000 | 16,950,000 |
| General operating expenses | 162,238,000 | 182,437,000 | 189,221,000 | 195,000,000 | 232,287,000 | 232,287,000 | 223,065,000 | 220,865,000 | 220,865,000 |
| Construction of hospital and domiciliary facilities | 90,511,600 | 52,125,000 | 52,600,000 | 7,926,000 | 110,568,000 | 110,568,000 | 96,368,000 | 55,217,000 | 69,152,000 |
| Grants for construction of State nursing homes | 2,500,000 | 4,000,000 | 4,000,000 | 4,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 1,000,000 | 4,000,000 |
| Grants to the Republic of the Philippines | 386,000 | 1,136,000 | 1,325,000 | 1,776,000 | 1,362,000 | 1,362,000 | 1,362,000 | 1,362,000 | 1,362,000 |
| Construction of Corregidor-Bataan memorial | 1,400,000 | | | | | | | | |
| Payment of participation sales insufficiencies | | | 665,000 | 9,505,000 | 5,716,000 | 5,716,000 | 5,716,000 | 5,716,000 | 5,716,000 |
| Soldiers' and sailors' civil relief | 25,000 | | | | | | | | |
| Total | 6,003,262,600 | 6,438,681,000 | 6,707,079,000 | 6,975,207,000 | 7,824,989,000 | 7,866,039,000 | 7,740,985,000 | 7,670,701,000 | 7,705,192,000 |

[1] Includes supplementals. [2] Excludes proposed legislation.

Mr. OTTINGER. Mr. Chairman, this appropriation bill is one of the most critical measures to come before the 91st Congress, particularly those provisions affecting the Department of Housing and Urban Development. I think it should be stated clearly on the record that the administration came to Congress with very modest requests and that the Committee on Appropriations reduced those almost beyond recognition.

The HUD budget recommended by the previous administration was $4,744,608,000, which included $2.5 billion advance funding for the urban renewal and model cities programs. The new administration requested a budget of $2,042,638,000 and the committee has cut that by $384,312,000 to a total of $1,658,326,000.

Let there be no doubt: the administration, despite its pronouncements about meeting the crisis in our cities and fulfilling the mandate of Congress to achieve our housing goals, really submitted a barebones budget request. In several respects it was seriously deficient, but the recommended appropriations before us today are so emasculated as to defy credulity.

The administration requested $250 million for urban renewal; the bill before us calls for only $100 million.

The administration requested $10.5 million for the fair housing program, and in his testimony before the subcommittee Secretary Romney stated:

> The Department has heavy obligations and responsibilities in these matters and we take them very seriously. We have the responsibility to see to it that fair housing is really fair, and equal opportunity really equal.

Yet, the bill before us calls for a 71-percent reduction, to $3 million, although the hearing record clearly justifies the administration request.

I support fully amendments that will be offered to restore these cuts, and I urge my colleagues, most of whom have expressed concern over our national priorities, to back up their statements with their votes when these amendments come before them.

There are other areas in which drastic and unjustified cuts in the HUD budget request have been made.

The new administration requested $675 million for the model cities program, an effort which for the first time gives cities, large and small, a chance to comprehensively attack such problems as housing, transportation, pollution, health, and crime.

Yet, the appropriation bill before us today contains only $500 million. Can we expect anything but slow progress if we continue to starve this type of program?

Although rehabilitation of inadequate housing offers a speedy and attractive alternative to our monolithic and often self-defeating public housing program, it, too, is taking a serious cut in the proposed bill. The administration requested $50 million and the committee has reduced this by $5 million.

The administration requested $60 million for comprehensive planning grants to aid States, metropolitan areas, and small communities to carry out programs of community development. That request was cut 16 percent by the committee, although there is nothing in the hearing record to justify such a reduction.

The committee also recommends a $10 million reduction in the $85 million administration request for the open space land program, one of the most popular and valuable HUD programs at this time when land for parks, recreation and open space in our cities and suburbs is becoming so scarce. Cuts in this program today will surely make themselves felt in the years ahead.

Congressional approval of these budget cuts in the name of fiscal integrity or anything else will be nothing short of a travesty. The programs in the HUD appropriations are not city programs as opposed to rural programs. They are programs designed to meet serious problems which affect all Americans, and our Nation as a whole. They deserve our full support.

Mr. PIRNIE. Mr. Chairman, I would like to add to what has already been said on the subject of civil defense at the State and local levels—where civil defense must be effective if it is to be of any value—by reading some short excerpts from a statement of policy adopted by the Governors' Conference, in February 1968. And I quote:

> The States and their political subdivisions have accepted the joint partnership responsibility for civil defense as contained in Section 2 of the Federal Civil Defense Act of 1950, as amended. Accomplishing the purpose of this Act requires stable and viable organization at local and State levels. With the training and financial assistance measures of the above Act, such organization has become increasingly effective and valuable to the defense effort of this nation. This increasing effectiveness has been repeatedly demonstrated during major State and local natural and man-made disasters. Countless lives have been saved. Property damage and personal suffering have been reduced in the face of the threat of floods, hurricanes, tornadoes, blizzards and earthquakes by the use of the Civil Defense organization and such systems as warning, communications, shelter and emergency information.

Despite this fine record of progress and achievement, appropriations for civil defense have since 1962 progressively declined to a dangerously low level.

The National Governors' Conference recognized "the severe competition for tax dollars and the difficulty of Congress in apportioning funds," but pointed out—

> No prudent businessman or family head would neglect to pay his insurance premium.

The Governors suggested that $1 per capita per year would be a reasonable "insurance fee for the protection of American lives in both peace and war."

The 1962 appropriation of $207,600,000 did, in fact, provide somewhat over $1 per capita for civil defense purposes—but the 1969 appropriation of $60,915,000 provided only 27 cents per capita.

Mr. Chairman, the facts speak more eloquently than I can. They tell us that our clear duty to our constituents and to the Nation is to provide sufficient funds on a continuing basis to meet the obligations of the Federal Government under the Federal Civil Defense Act of 1950, as amended.

Mr. HALPERN. Mr. Chairman, today when Congress is being challenged to reorder the Nation's spending priorities, it is deplorable that the Department of Housing and Urban Development's budget for fiscal year 1970 has been cut by $384 million to only $1.65 billion. Economy is one thing, but shortsightedness is another. It is not economic to deprive America of its essential housing needs. If anything it is a blow to the economy.

This bill is a 19-percent cut for the Federal agency entrusted with realizing the Nation's housing goal of a decent home for every American family within a decade. I believe if America cannot find the willpower to tax itself to rebuild our cities, giving the poor and the residents of the inner cities the same opportunities for a better life that earlier generations of Americans had, then history is not going to deal kindly with the 91st Congress.

For over a year has gone by now since the President's National Advisory Commission on Civil Disorders shocked us with its conclusions that only a massive effort—including building 6 million housing units in the next 5 years for low- and moderate-income families—could alleviate racial tensions and urban chaos. And what has our response been to that landmark national study? Aspirins, simply aspirins, when the urban disease needs major surgery.

In a senseless disregard for the millions toiling in deprivation amidst the decay of our slums, how in good conscience could the House Appropriations Committee ask us to approve this appropriations bill?

Funds for model cities, the program that is doing the most to stir the hopes of the poor, was appropriated only $500 million. This is $175 million less than the Nixon administration's request and $125 million less than that approved in fiscal year 1969.

And funds for urban renewal are similarly slashed, from $250 million to $100 million. This is a sham, suggesting to America's poor that we have little concern for their future. The rationale that the urban renewal program will be phased out in favor of new funding programs under the 1968 Housing Act—neighborhood developments, homeownership, and rental housing assistance programs—is specious thinking. The requested increased annual contract authorization for each of these programs was only $100 million—certainly not enough to implement Congress' goals for the Housing Act. Yet even these modest funding requests were cut back. Only $80 million for section 235, the homeownership program, and $70 million for section 236, the rental housing program, was approved. This is only seed money and does not come near meeting the annual incremental budget increases intended to reach the law's $5.3 billion, 3-year housing goals.

But perhaps in its long-range significance, the most callous budget cut within the suggested HUD Appropriations Act, is the cynical emasculation of the 1968 fair housing law. Talk about respect for law and order, here is the law that will quickly become a mockery of democracy if Congress does not enact

an effective level of funding to enforce its provisions.

As the law is now, it is little more than words of good intentions. The Johnson administration scaled the request to $10.5 million and the Appropriations Committee has now reported out a meager $3 million appropriation—an incredible $7.5 million cut.

How can Congress make meaningful its own commitment to the poor if we deny HUD funds to implement the fair housing act? Without greatly increased appropriations, HUD can not set up a meaningful national strategy to implement the law's provisions or staff regional and local offices where citizens can bring their unfair housing complaints.

But the fair housing fund reduction is even more important in light of recent findings of the National Urban Coalition in its followup to the President's Riot Commission study.

It was found that white city dwellers have sharply increased their flight from cities to the suburbs, while the great migration of southern Negroes to northern cities continues. The result is an everspreading urban ghetto of poor blacks unequipped to cope with urban life.

Based on new census figures, the study found that before 1960, whites left the city at a nationwide average rate of 140,000 a year. Between 1966 and 1968, the rate increased to half a million.

Conversely, the Negro population in central cities increased by some 370,000 people a year from 1960 to 1966. But in the last two years, the increase dropped to about 100,000 a year, mostly from births, with migration contributing only a little.

As a result of this hardening of racial separation in terms of where people live, the question arises whether racial polarization is becoming a permanent American institution. The only major weapon at our disposal for halting this trend is the fair housing law which would make suburbia more accessible to black Americans. While we ponder the appropriations for the Department of Housing in the year 1969, then, it would be wise for us to recall that the President's Advisory Commission warned that we would be running the risk "of a seriously greater probability of a major disorder, worse, possibly, than those already experienced," if we do not start reordering our social priorities, building homes, and creating job opportunities for the poor. The funds being offered for HUD today offer little toward meeting the Nation's immense housing needs. Unless the funds for housing are sharply increased, then perhaps as the National Urban Coalition prophetically suggested:

> The nation in its neglect may be sowing the seeds of unprecedented future disorder and division.

Mr. Chairman, in these circumstances, I fervently appeal to the House to correct the committee's shortsightedness, and restore the funding requests so vital to these programs.

Mr. ROGERS of Florida. Mr. Chairman, I notice from the report that the committee is recommending an increase of $2 million over the President's request for civil defense services provided by HEW. This is more than offset by an $11 million reduction in DOD civil defense items. The net result is a reduction from the President's request, as I understand the bill before us.

My concern is with funds for emergency health services, and my question is whether or not the $2 million you have added to the President's HEW request includes funds for these purposes.

The Emergency Health Services budgets have provided 18 packaged hospitals, 20 hospital reserve disaster inventory units, and two natural disaster hospitals which are positioned in and round south Florida. These units are most important to us because of our position right in the middle of the hurricane belt.

Civil defense officials in Florida have advised me that many of these hospital units were recently recalled for modernization. They were to be returned to their local areas within 90 days, but delays have now caused the program to be only 60 percent complete after 6 months. These hospital units are now located in a refitting plant outside Florida, along with other similar units from throughout the Southeastern United States. If funds are not provided, the remaining 40 percent of the work required to return these units to duty will not be completed, causing the warehousing of all the units. This of course will leave Florida and other States without the benefit of these emergency hospitals.

Whoever planned this work—and I intend to have our Health Subcommittee look into it—certainly let the matter get out of hand. We find that all too often in all branches of Government. But the fact remains that the hurricane season has come on us again, and many of our vital hospital units are sitting in a factory only 60 percent complete.

Mr. RARICK. Mr. Chairman, I find that in representing the hard-working taxpayers of my district I cannot support H.R. 12307 in its present condition. This appropriations bill as submitted to us for a vote is nothing but a hodgepodge of agency funding coupled with appropriations for various bodies which would be most objectionable to my constituents.

I have already voted for the authorizations on NASA, Veterans' Administration, and for every defense bill. I am tired of having the appropriations measures for necessary governmental agencies snarled up with such radical schemes as community development programs, model cities programs, fair housing programs, equal employment programs, and a myriad other boondogles.

This bill has been decorated like a Christmas tree to place Members on the horns of a dilemma—if one wants to vote for the good he has to go along with the bad. Sooner or later enough Members will tire of this political modus operandi and will insist that the appropriations bills funding Government operations be taken up individually or by related categories so there can be a meaningful vote to better reflect the constitutents' feelings at home. Until that day arrives the only way to express disapproval of the free riders in the bill is to vote against the entire measure.

If Members start voting against these conglomerate appropriations measures, I think the day not far off before we can see the opportunity for selective voting on individual appropriations. If this bill fails it will not be the defeat of the programs, because we all know the Appropriations Committee will be back in Monday morning with a revised bill somewhat sweetened to remove some of the most obnoxious features.

And soon we take up a new bill—proposed legislation to extend the 10 percent surtax on our people. For me to vote for H.R. 12307 in its present state would mean that I should, in good conscience, support the surtax bill to provide the moneys we are now asked to appropriate.

The great majority of my people oppose any extension of the 10-percent surtax and I do not propose to cast their vote for all of the funding contained in this bill.

Mr. HALPERN. Mr. Chairman, I am delighted that the provision of H.R. 12307 dealing with the Veterans' Administration contains appropriations for funds beyond the original request of the Administration. Veterans are being added to the rolls at a rate of 70,000 a month and while budget cuts in the interest of economy are commendable, it would have been shortsightedness to make a cut in an area as vital as this one. I feel any such reduction would be a blow to the economy and surely not in the public interest.

The budget submitted to the committee was $7,670,800,000. The committee increased the amount over $34 million, submitting a request for $7,705,400,000 as contained in this legislation.

I am particularly pleased to note that the Appropriations Committee chose to recommend funding beyond the original request in areas related to medical care. This is a vital area and it is vital that we provide for those who have sustained injuries while in the service of our Nation. The increase of over $17 million will provide over 123,000 beds in Veterans' Administration facilities. The $16 million added to the proposed budget is earmarked for the construction and modernization of hospitals and State nursing homes.

In a statement on June 5, President Nixon said:

> Veteran benefit programs have become more than a recognition for services performed in the past; they have become an investment in the future of the veteran and his country.
>
> I compliment the Appropriations Committee for submitting a budget which reflects a recognition of this and I urge my colleagues to join in voting, to a man, in favor of the proposed funding.

Mr. KOCH. Mr. Chairman, this Congress today is being tested. It has before it the first appropriations bill this season which deals with one of the major problems of our cities and a basic need of our citizens. The availability of decent housing should rank high in our national priorities. Throughout our country there

are millions of our fellow citizens who are living in substandard slum housing.

In the city of New York alone, according to a statement made on March 9, 1968, by New York City Housing and Development Administrator Jason Nathan, there are more than 800,000 families living in substandard apartments constituting about a third of the apartments in the entire city—and the percentage grows each day.

Twenty years ago, Congress recognized that every American family should have a decent home, and 19 years later, out of the original recognition came the Housing and Urban Development Act of 1968 which laid out an extraordinary plan to build and rehabilitate 6 million housing units for low- and middle-income families over the 10 years, out of a total of 26 million housing units to be built in this period.

But this was only rhetoric. In the first 2 years of that program we have not maintained the housing schedules. Why? Because that act has never been adequately funded. Surely it was not beyond expectation that this year the Congress would finally accept its responsibility and fund for the first time the housing legislation which had promised so much and had provided so little.

President Johnson requested $4½ billion. President Nixon reduced that request to $2 billion, a reduction of more than 50 percent. And now this Congress has before it a budget reduced to $1.7 billion.

What does this mean to our low income citizens living in slum apartments? What does this mean to our middle class not able to find new apartments at reasonable rental so that they are required to double up and remain in long outgrown space or move into luxury buildings paying rentals far in excess of their income ability to pay?

What it means can be demonstrated by comparing the figures of what had been promised in 1968 and what we will receive in this year.

The section 236 program provides benefits for rental assistance so that the tenant pays no more than 25 percent of his income for rent. In 1968, the legislation envisioned a total of 720,000 units of housing to be funded under this program over a 3-year period. If we do not increase the appropriations, we will build only a total of 200,000 units—520,000 units less than what had been promised. And our performance will be rated as follows: We were only able to build 30 percent of what had been promised.

Similarly, the reductions for rent supplements mean the low-income tenants who might have moved into better housing will be half of what had been contemplated.

Urban renewal has been slashed by 60 percent from the revised budget. The model cities program, originally budgeted by President Johnson at $750 million, has been revised and reduced in this bill to $500 million. Is it any wonder that those living in the ghettos and who see decay all about them say to themselves that the decay is not only physical in this country but also moral. How can we in the same breath vote twice as much for our space program as we will for our housing program? I am a member of the Science and Astronautics Committee which has jurisdiction over the NASA space program, and I believe in that program. I am convinced, however, that if this Congress turns its back on the needs of our people living in our decaying cities and looks only to the glamor of moon shots, we will find that such a perversion of priorities will be more than costly to this country. It has within it the possibility of destroying the very fabric of our democratic society. The people of this country will not tolerate forever the refusal of the Congress to meet their basic needs. It is distressing and grotesque that every amendment offered on this floor today to merely restore in small part the funds that were requested as a bare minimum by the Secretary of Housing and Urban Development, George Romney, has been defeated. This Congress has made no serious attempt to keep the housing promises it made just a year ago. It is a credibility gap with enormous and tragic consequences.

Mr. EVINS of Tennessee. Mr. Chairman, we have no further requests for time, and suggest that the Clerk read.

The CHAIRMAN. All time has expired.

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

The CHAIRMAN. The Chair will count.

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

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

[Roll No. 88]

| | | |
|---|---|---|
| Blackburn | Hébert | Rivers |
| Brown, Calif. | Kirwan | Roybal |
| Cahill | Landrum | Satterfield |
| Carey | Macdonald, Mass. | Scheuer |
| Celler | Mills | Slack |
| Clark | Morgan | Smith, N.Y. |
| Dent | Morton | Stuckey |
| Fallon | Nedzi | Thompson, N.J. |
| Flynt | O'Hara | Van Deerlin |
| Gallagher | Poage | Weicker |
| Garmatz | Powell | Widnall |
| Gaydos | Pryor, Ark. | Wolff |
| Gray | Purcell | |
| Hathaway | | |

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of Iowa) having assumed the chair, Mr. EDMONDSON, 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. 12307, and finding itself without a quorum, he had directed the roll to be called, when 391 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $281,000 for land and structures; not to exceed $10,000 for improvement and care of grounds and repairs to buildings; not to exceed $500 for official reception and representation expenses; special counsel fees; and services as authorized by 5 U.S.C. 3109; $21,600,000.

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

Mr. Chairman, I have a question I would like to direct to the chairman of the subcommittee. I noted that the committee recommended with regard to the FCC an appropriation of $21.6 million. I am aware, also, that this is $880,000 over 1969. I am also aware it is $2.35 million less than the budget as set out in the report. But it seems to me from reading the hearings that this $880,000 increase is made up entirely of salary increases and fixed expenses such as moving a monitoring station and other things. I have to point out that all of the money for research and policy studies has been taken out completely. I point this out to the chairman because as one who serves on the Communications Subcommittee of the Committee on Interstate and Foreign Commerce and who is often critical of the FCC, I would point out that the chief criticism directed at this agency is that it is said to have no mind of its own. It is said that it too closely reflects the views of the broadcasting industry. We have been through this over and over again with regard to the tremendous problems we are facing on CATV at the present time, the spectrum allocation, and land mobile use, and other things. If all of the money for research and policy studies is taken out, I do not see how you can expect them to have any mind of their own and do other than reflect the mind of the broadcasting industry. This is a sad thing. I will not offer an amendment to increase it, but I just wanted to bring this to the attention of the chairman.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HARVEY. I yield to the chairman.

Mr. EVINS of Tennessee. I thank the gentleman.

We certainly agree with his views regarding the FCC. We think that with more than 1,600 employees they should do a better job. Some of the funds for research can be taken out of the regular budget. The main thing that they appealed for was staff. We think that within the funds provided, some provision can be made for the research program.

Mr. HARVEY. Mr. Chairman, I would disagree with the gentleman, but I believe it is too late to add anything that would assist in the situation. I therefore yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $500 for official reception and representation expenses, $16,000,000.

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

Mr. Chairman, I will not take the full 5 minutes, but I do wish to take a minute or two to invite the attention of the Members to what is stated in the report about the appropriation for the Federal Power Commission. We were asked to

grant 55 new positions, but the committee approved funds for only 10 new positions. And the committee believes they should be used in the regulatory activities of the Commission, particularly in the gas pipeline field, and not in what they call "reliability analysis."

Mr. Chairman, I wanted to make that clear as a matter of legislative history because it was certainly the intention of the committee to deny the Commission the 27 new positions it sought for that analysis.

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

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

Mr. MARSH. Mr. Chairman, I simply wish to say that I would like to concur in the observations made by the gentleman from North Carolina, and to commend the gentleman for his leadership in this regard.

Insofar as the attitude of the committee is concerned, I believe the gentleman has very accurately stated that attitude of the committee, and the stand that the committee took with respect to the new positions.

Again I wish to say that I join with the remarks made by the gentleman from North Carolina.

Mr. JONAS. I thank the gentleman from Virginia in corroborating my statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $53,233,000, to remain available until expended.

AMENDMENT OFFERED BY MR. DOWNING

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

The Clerk read as follows:

Amendment offered by Mr. DOWNING: On page 2, line 22 strike the amount of "$53,233,000" and insert in lieu thereof the amount of "$58,000,000".

Mr. DOWNING. Mr. Chairman, this is an extremely important amendment. It is important to you. It is important to me. It is important to our children and to the generations to come. This does not further our efforts to get to the planets faster. It just tries to clear up some of the mess made by man's progress.

Mr. Chairman, this amendment increases the appropriation by $4.7 million to provide a noise reduction facility which will directly attack the problems of noise created by aircraft including human reactions to noise and techniques for noise reduction. Already about $332,000 has been spent for preliminary expenses such as plans and designs. If you pass this amendment, we can proceed immediately to attack this urgent problem and to solve it.

In 1951 the Douglas DC–6B generated noise levels of about 105 decibels during an approach, and 106 decibels on takeoff. By 1963 the Boeing 707–320B was generating noise levels of 121 decibels on an approach and 130 decibels during takeoff. Since noise levels above 120 decibels cause discomfort and levels over 135 decibels normally cause pain, the problem to communities surrounding airports is now acute.

This problem will not diminish. It is highly probable that the introduction of new generations of aircraft may produce even higher noise levels. Therefore, it is essential that the problem of noise be attacked directly with a research program that will permit the development of more quiet aircraft and concurrently increase our knowledge concerning human response to different characteristics of noise.

The high noise levels in communities around airports are cause for concern regarding the health and well being of millions of our citizens. The problem has aroused bitter complaints and its seriousness will increase with time because of the greater anticipated traffic density and the increased use of larger and more powerful aircraft. Noise has been singled out by the National Academy of Engineering as one of the three most critical problems standing in the way of continued orderly development of our air transport system. The other two are air traffic control and airport and support-facilities. The public at large is well aware of the antisocial nature of noise. Noise considerations have made the siting of new airports a most difficult task. This is borne out in the lengthy negotiations for new airport sites in New York, Los Angeles, and London areas.

It has been NASA's charter to seek timely solutions to the practical problems of aviation through basic research. The Aircraft Noise Reduction Laboratory for which funding has been requested in the NASA 1970 budget is urgently needed at this time to fulfill NASA's responsibility for reducing this pollutant of man's environment.

The Langley Research Center has now the most experienced and prominent noise research group in the Federal Government. Recent achievements by Langley researchers have shown possibilities of substantial reductions in aircraft approach noise by engine duct modifications. This is the result of basic and developmental research over a period of many years. It establishes an understanding of the fundamentals of noise generation. This development during the past year offers us a ray of hope of future significant noise reductions.

A prominent feature of the Aircraft Noise Reduction Laboratory will be its capability for obtaining fundamental design information on noise reduction systems containing airflow. For the first time, noise reduction may be considered at the earliest phases of design. It can be integrated with aerodynamic performance to achieve the most economical noise reduction possible. This involves the development of more precise rules for application of noise reduction materials and techniques, and for the reduction of noise at the source. A better appreciation of those aspects of the noises that are detrimental to our communities should follow.

The Aircraft Noise Reduction Laboratory has been carefully considered at many levels in the Government. It has passed unanimous on NASA's detailed reviews, the concurrence of DOT—FAA—and others. Although not stressed in any of the hearings to date, it is assured that, in addition to direct applicability to the very serious noise problems of commercial aviation, it is also capable of supporting research on many other noise-related problems in aeronautics, high-speed ground transportation, and of an industrial nature. It is, therefore, dismaying to find that this unique national laboratory, capable of coping with the problems of aircraft noise reduction has been deferred from NASA's fiscal year 1970 budget. The restoration of funds for this vital facility is desperately needed at this time. I urge you to vote for this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the amendment close in 8 minutes, the last 2 minutes to be reserved to the committee.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment. I think the House ought to be apprised of the fact that more than 40 million Americans who now live near jet airports are suffering the intolerable problem of high jet noise levels. There are some very disturbing studies being concluded now by various medical authorities which show the psychological impact which people suffer when they are exposed to excessive noise.

A couple of years ago I attended the first International Conference on Jet Noise. Representatives of 27 major nations attended that conference. It is a world problem. The gentleman from Virginia, in offering the amendment, does give us a workable, intelligent way to try to move toward some solution of the problem.

My district is immediately east of O'Hare Field, the world's busiest airport. There are 2,500 daily operations over O'Hare Field. The jet noise on arrival and departure is unbearable in large sections of the entire area surrounding that field.

I urge adoption of the amendment as a first meaningful step toward finding some answers to jet noise abatement.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, as it now appears in the committee report on independent offices appropriations, a laboratory of vital importance to the Nation will be deferred, if not eliminated. I am referring to the aircraft noise reduction facility at Langley Research Center. The amount involved is $4,767,000 of which $3,180,000 is for construction and $1,587,000 is for equipment and instruments.

The Members of the House are well aware of the concern that has been expressed here for many years over the almost intolerable impact of aircraft noise on every major community in the country. Solutions to the problem have been strongly urged by Federal, State, and local political leaders of broad re-

sponsibilities. The solutions can only be achieved through sound, specifically directed research. And yet, this bill would defer the only laboratory in the United States that would be capable of conducting such scientific research. The work presently being done in this area is unique—no other similar effort is presently underway. And it is being done on a makeshift basis because of inadequate NASA facilities and because the necessary research tools to move forward in the work do not as yet exist. The NASA budget request, as authorized by the House, would prudently support such research. I urge the House to restore that support to NASA today.

The other minor facility, the high-pressure gas maintenance operations facility at Kennedy, estimated to cost $200,000 has been cut from the program by the House Appropriations Committee. This facility is absolutely essential to provide working space for 70 personnel now housed in trailers with primitive sanitary facilities. This project must be restored.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I also rise in support of the amendment offered by the gentleman from Virginia. I believe by the expenditure of a very small amount of money, $7 million, we can make substantial progress in producing quieter engines and reducing the noise of aircraft, while combating noise pollution, which afflicts our urban and suburban areas. We are on the verge of a breakthrough in this area, and by concentrating this work at Langley in an intelligent fashion, I think we can save a great deal of money and, in addition, genuinely reduce the noise which afflicts so many people around airports.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise to ask someone how many millions of dollars we are already spending on noise abatement.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

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

Mr. EVINS of Tennessee. I will say to the gentleman that there is $3.6 billion in this bill for NASA. The Space Agency has a number of facilities in the United States. We have wind tunnels in Virginia; we have wind tunnels in Ohio; we have wind tunnels in California.

Private industry is studying the noise problem, and we do not think it wise to build a new noise study facility at this time. So this is the reason this item was deleted.

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

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

Mr. BOLAND. Mr. Chairman, this is one of the items in the committee with which I disagree. My own judgment is this facility ought to be built. I think the hearings indicate quite clearly why this should be so.

I asked Dr. London of NASA, who is in charge of this activity, and he indicated there was no facility now in existence that would cope with this problem.

Mr. GROSS. Mr. Chairman, if we are on the threshold of a breakthrough as was suggested by the gentleman from West Virginia, why do we not wait and save $5 million?

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, the committee considered this item very carefully. If this was the only facility in the county engaged in this work, that would be a different matter, but there are others. This is another research project which will duplicate many others that are in existence.

The committee gave NASA $53 million in the bill for construction of facilities, and we thought that would be adequate to carry on their program.

Mr. Chairman, I hope the Committee will sustain the action of the subcommittee.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS), the chairman of the committee, to close the debate.

Mr. EVINS of Tennessee. Mr. Chairman, I commend the distinguished gentleman for trying to restore the provision to build the facility in his district. We also have deleted a request for a facility to provide permanent housing for certain staff at Cape Kennedy. We think both of these can be deferred.

Mr. Chairman, we gave this careful screening. This was a new facility. We felt we should not build this facility at this time, so we deleted the amount of money for this project.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia (Mr. DOWNING).

The question was taken; and on a division (demanded by Mr. DOWNING) there were—ayes 48, noes 56.

Mr. DOWNING. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879), the National Sea Grant College and Program Act of 1966, (33 U.S.C. 1121–1124), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; purchase of one aircraft; maintenance and operation of three aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; uniform or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $418,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *And provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

AMENDMENT OFFERED BY MR. GIAIMO

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

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 23, line 21, after "services;" strike "$418,000,000" and insert "$451,000,000".

Mr. GIAIMO. Mr. Chairman, the result of the adoption of this amendment will be to add $33 million to the bill, most of it to go to the institutional support for scientists.

The National Science Foundation was cut $79 million under the budget request of President Nixon, the revised budget request. Last year we cut the National Science Foundation $100 million.

The statement has been made that the budget of the National Science Foundation has tripled within the past 10 years. It has grown significantly, but the reason for this is that the United States was lagging behind in upgrading science instruction and capability and lagging behind in assistance to the universities which could and must do the job.

Let me stress that institutional support for the sciences will primarily assist small universities and colleges, not the large ones. Over 65 percent of this money will go to approximately 600 institutions in this country which spend less than $65,000 a year on scientific research. This money will enable them to upgrade and develop their scientific capabilities.

Consider my own city of New Haven, where one immediately thinks of the great University of Yale, but immediately forgets that the greater number of the college students in my city of New Haven are not to be found in Yale, a relatively small university, but in Quinnipiac College, Southern Connecticut College, and New Haven College, which educate the great bulk of our people who are demanding and insisting that they go to college to get an education.

These institutions are suffering very badly in their scientific capability because they do not have the money or the endowment or the capability of developing their scientific laboratories and scientific faculty, or offering inducements to young people to study and to do scientific work at these institutions.

This money is particularly designed to help these very institutions.

We have cut the National Science Foundation badly in the last year, $100

million. They have absorbed much of this cut and tried to do the best they could under the critical budgetary circumstances, which prevailed last year. We are now trying to cut them $79 million again, and I say it is too drastic. I say that we should use judgment in dealing with the National Science Foundation, which has done a good job, which has done an excellent job in upgrading the knowledge and particularly the scientific capability of the American people.

I urge the House to abide by the budget request sent down to us both in the original Johnson budget and in the revised budget of President Nixon, and to restore $33 million of this cut, which I am convinced will be necessary and wisely used by the National Science Foundation.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 8 minutes, the last 4 to be reserved to the committee.

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

There was no objection.

The CHAIRMAN. The gentleman from Connecticut (Mr. DADDARIO) is recognized.

Mr. DADDARIO. Mr. Chairman, I rise in support of the amendment offered by my colleague from Connecticut (Mr. GIAIMO). I do this in recognition of the fact that we are exactly in the situation he has described, and that the recommendation he makes will be of great help to every emerging university in this country.

There is not much time to go further into this, but I would like to remind everyone again that President Nixon has supported full funding for the National Science Foundation.

Mr. Chairman, heretofore, institutional awards have been made in early June, on the basis of research support by NSF alone during the 12-month period ending on the preceding March 31. Beginning in fiscal year 1970, the Foundation will base the formula determining the size of the grants on the total research support from all Federal agencies except the Public Health Service, which has its own program of this type. Since the only feasible 12-month period to use for this purpose is the fiscal year, it will be necessary to make the awards around October rather than June.

As a result of this shift, and since it was the Foundation's understanding that a 4-month delay would have no adverse effect on the institutions, the Foundation decided to absorb $15 million of the $100 million fiscal year 1969 cut in its budget. Hence no funds were used for this program in fiscal year 1969, and $18 million for institutional grants has been budgeted for fiscal year 1970 which will be used to make the October 1969 awards. Consequently, a fiscal year 1970 budget essentially identical to that of fiscal year 1969 will, in fact, mean that somewhere around $15 to $18 million will have to be taken out of all other programs in order to provide funds for the institutional grants for science awards or the program would have to be terminated.

At the funding level of $18 million for this program in fiscal year 1970, awards would be made to about 600 different institutions throughout the country. In fact, every university which supports Federal research would receive funds under this program, which they could then use, in their discretion, to develop and improve their science capabilities. It should also be remembered that what we are talking about here is many of our universities which are just beginning to develop into centers of excellence and not the large universities which have been the scene of various campus disorders. Through the sharp reductions in the graduated formula used to calculate the amount of the grants, over 60 percent of the grants go to schools which conduct less than $65,000 worth of research per year.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Chairman, I rise in opposition to the amendment, and I would read one sentence from the committee report:

> The funding level of foundation programs has more than tripled in the last decade. The committee feels the funds in the bill will provide a reasonable level of funding for 1970.

The only thing that I call my colleagues' attention to is that nearly every day all Members of Congress receive sheets from the National Science Foundation showing the hundreds and hundreds of thousands of dollars in research grants to university professors being made across the country. It seems to me that they have become independent contractors, who are living on the National Science Foundation grants and have given up the art of teaching and being professors. Too many are turning their classes over to assistants and graduate students, and spend their time and talent to writing papers, reports, and findings, all on Federal funds.

Mr. Chairman, I believe this amendment is not in order and I believe the cut in the program is justified.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, I hope that the Members will read what is said in this report about this item. You will see there, if you turn to it, on page 13, that the bill contains $18 million more than the one last year. There is a $20 million carryover. That means $38 million more than was available last year. We are infinitely worse off from a fiscal standpoint than we were last year. We are getting ready to increase or to have a vote on increasing taxes this week. It would be nice if we had unlimited funds to double this appropriation. But we had to consider $15 billion in appropriations and the money available is limited. The committee considered this very carefully and made its recommendation. We thought it would be satisfactory in view of the desperate fiscal situation our country is in. We do not have this money. If we do not raise taxes, it will have to be borrowed, and we already owe more than we can ever pay on the national debt, although some people seem to think we can keep on borrowing and keep the dollar sound and stop the run on our gold. I do not think we can do it indefinitely. We should be prudent in the amount of money we appropriate.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate.

Mr. EVINS of Tennessee. Mr. Chairman, it is with reluctance that I disagree with my very fine colleague, the able gentleman from Connecticut (Mr. GIAIMO), a very valuable and helpful member of this committee. He did make a reservation on this matter when we discussed it in the committee. We considered it thoroughly in the committee. They have a budget request of half a billion dollars. We are recommending $418 million for the National Science Foundation. They could make further grants if we appropriated more money.

We are giving them an additional $18 million over 1969, plus $2 million of foreign currencies to translate scientific data. We are giving them $20 million more than last year, plus the fact that they have obligated but unspent funds of $611,121,000 that will carry into 1970. So they have a large unspent carryover for Foundation programs. We are appropriating more money than last year. With the budgetary situation and with the war in Vietnam the committee felt that the Foundation should take a reasonable cut. We recommend that this amendment be defeated, even though I dislike to disagree with my friend on the committee.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

The question was taken; and on a division (demanded by Mr. GIAIMO) there were—yeas 31, noes 72.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. STEIGER of Wisconsin: On page 24, strike all after the comma on line 6 down through the period on line 15 and insert in lieu thereof the following:
>
> "Whenever an institution of higher education has been subject to a substantial disruption and there are reasonable grounds to believe (1) that an individual attending, employed by, or teaching or doing research at such institution, who is receiving Federal assistance hereunder, has engaged in conduct, after the date of enactment of this section, which involved the use of (or assistance to others in the use of) force or the threat of force or the seizure of property under control of such institution to prevent faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies, and (2) that such conduct was of a serious nature and contributed to such disruption, then such institution shall give notice to such individual and initiate proceedings to determine whether he engaged in such conduct. If the institution of higher education determines, after hearing, that such individual did engage in such conduct and that such conduct was of a serious nature and contributed to a substantial

disruption of the administration of such institution, then such institution shall deny any further payment to, or for the benefit of such individual any of the funds hereunder."

Mr. RYAN. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will state that the gentleman's point of order comes a little late.

Mr. RYAN. Mr. Chairman, I was on my feet.

The CHAIRMAN. The Chair will state that the gentleman from Wisconsin (Mr. STEIGER) had obtained a unanimous-consent request prior to the gentleman from New York being observed by the Chair.

The Chair will ask the gentleman if the gentleman was on his feet prior to the unanimous-consent request made by the gentleman from Wisconsin?

Mr. RYAN. The gentleman was on his feet at the point the amendment was read.

The CHAIRMAN. The gentleman from New York was on his feet during the reading of the amendment?

Mr. RYAN. That is correct.

The CHAIRMAN. The Chair will state that the gentleman was simply not observed by the Chair prior to the granting of the unanimous-consent request of the gentleman from Wisconsin. Unless the gentleman from Wisconsin desires to make a unanimous-consent request that his previous unanimous-consent request be vacated, the Chair will state that there is no way the gentleman from New York can be heard on his point of order.

Mr. STEIGER of Wisconsin. Mr. Chairman, I do not wish to make such a request.

The CHAIRMAN. The gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes in support of his amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. STEIGER) is recognized in support of his amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I will admit I rise with some hesitancy to offer a substitute to the language contained in this appropriation bill. I would prefer to delete this language. I do so, however, as I indicated I would at the time of general debate, because I have a very serious concern about the varying provisions of the law which this Congress is apparently undertaking which relates to the withholding or cutting off of aid to students who are engaged in a number of actions which serve to disrupt an institution of higher education.

The language in the subtsitute is that language which is now before the Committee on Education and Labor. My reason for offering this as a substitute to that which is contained in the bill is twofold, first, because I think this language is clear, concise, equitable, and reasonable, for an institution to know how to apply it, and second, because I think the Congress has an obligation not to attempt to make the job of administering a college so difficult by applying different rules and regulations and different criteria to a variety of Federal programs which we in the Congress authorize and appropriate money for.

That is exactly what we do, and what we have done and what I think we ought not to do.

So my effort here is to suggest that this is a rational substitute. It is tough and it says to an institution of higher education that you shall have a hearing and if there is a finding that there has been such action by one who receives aid under this particular provision of the appropriation bill aid shall be withheld to that individual.

I would urge the Committee this afternoon to adopt this approach in order for us to begin to give some degree of rationality to our efforts to see that those who are invoking violence or to see that those who are found to have disrupted an institution are not going to be eligible for Federal governmental support.

I think that is a perfectly reasonable and legitimate position for this Congress to take. Frankly, I do not think we ought to go beyond that, but that is purely a personal view.

I think this approach is supportable and I hope the Committee will agree to it and adopt the substitute. I hope we can begin to have a better understanding of what we do.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the chairman of the subcommittee.

Mr. EVINS of Tennessee. I will say to my friend that the language in the bill was proposed by the gentleman from New Hampshire last year and was adopted and there is identical language in the bill this year.

The gentleman from Wisconsin wants to change that and proposes an amendment that he thinks is a perfecting amendment to make better what the committee has considered and which was in the bill last year.

I am not sure that the gentleman from Wisconsin has given it the thorough consideration that the full committee and the subcommittee has given to this matter. The identical language was adopted last year on this matter.

Mr. STEIGER of Wisconsin. May I say to the distinguished gentleman from Tennessee that I understand that, but I asked the gentleman from New Hampshire (Mr. WYMAN) as to whether or not any action had been taken to implement any of the restrictions adopted by any previous Congress similar to the Committee on Appropriations language and the answer is "No." Thus, new language is needed.

I think this approach would be more sensible.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 8 minutes, the last 2 minutes to be reserved to the committee.

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

Mr. ERLENBORN. Mr. Chairman, reserving the right to object, does the gentleman's request apply to the pending amendment only?

The CHAIRMAN. It is the understanding of the Chair that it applies to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) and all amendments thereto.

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

Would an amendment to the Steiger of Wisconsin amendment, in the nature of a substitute, be subject to the same time limitation?

The CHAIRMAN. It would cover the Steiger of Wisconsin amendment and amendments offered thereto in the course of the time limitation. It is the understanding of the Chair that it would.

Mr. ERLENBORN. Under the circumstances then, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ERLENBORN. Mr. Chairman, if the gentleman would yield to me, or whoever has the floor, I would suggest that we see how many amendments there are and how many Members wish to be heard before such a request is made.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that the time on the pending amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

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

SUBSTITUTE AMENDMENT OFFERED BY MR. ERLENBORN FOR THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment in the nature of a substitute for the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN as a substitute for the amendment offered by Mr. STEIGER of Wisconsin: On page 24, line 5, strike the colon and substitute a period, and strike all of the following language to and including line 15.

Mr. ERLENBORN. Mr. Chairman, my substitute amendment would in effect strike this provision from the bill. I think that we are taking the wrong road when we begin to amend each appropriation bill, each authorization bill, and we are going to come up with a dozen or more different provisions, each one to be enforced by the administrators of our colleges and universities. In this Congress we are going to have to address ourselves to the problem of student unrest in one comprehensive piece of legislation so that the school administrators will have to enforce only that one provision. If we are going to have one thing in the NASA bill providing for a cutoff of funds under certain circumstances, and another different provision in the HUD and independent offices bill, and when the HEW appropriation comes along, another and different provision, we are going to have so many confusing and conflicting sets of rules and regulations it will be impossible for the administrators of the colleges and universities around this country to enforce them. I think we are taking the wrong road when we treat this in a piecemeal fashion.

I think the Committee on Education

and Labor should act. A majority of the members of that committee, I believe, are ready to act.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I would support the gentleman from Illinois if I had any confidence that the Committee on Education and Labor was going to report a bill which would put into one section language providing for the cutoff of aid instead of different requirements on each bill that comes along. But I do not think that that is necessarily going to happen. We have not been able to get a quorum most of the days in our committee, and when we do get a quorum, the dilatory tactics of some members prevent us from ever coming to a decision on the question. I think we had better keep some language in the bill. If we adopt the amendment of the gentleman from Wisconsin (Mr. STEIGER) at least it is the same language we are trying to develop in our Education and Labor Committee.

Under the language offered by the gentleman from Wisconsin (Mr. STEIGER), it would be the responsibility of each institution at which students who are receiving Federal aid are attending to decide whether a disruption is of a serious nature and who the students or faculty are who caused it. The responsibility of each institution is much more clear in the amendment than it is in the bill before us.

The Chair recognizes the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I rise in opposition to the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN) and in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Actually, the language offered by the gentleman from Wisconsin is stronger than the amendment in the appropriation bill which applies solely to the National Science Foundation. This language was the same as the first amendment on this subject originally adopted over a year ago, so it has not resulted in a proliferation of other formulas that restrict educational activities. This was the first formula. There have been some added, as in the National Education Act last year, but this was the first. It would be a mistake to strike this section as the gentleman from Illinois proposes and if there is no point of order that can be made against the amendment offered by the gentleman from Wisconsin (Mr. STEIGER), I hope it will be accepted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I think it would be a mistake to write legislation with respect to student unrest on the floor tonight. I think further that anything which represents punitive legislation could imperil the freedom of higher education. Indeed we need no further legislation.

If I understand the substitute amendment offered by the gentleman from Illinois, he opposes the amendment offered by the gentleman from Wisconsin and he moves to strike, on page 24, lines 6 through 15. Is that correct?

Mr. ERLENBORN. Yes.

Mr. REID of New York. Mr. Chairman, I support the position the gentleman from Illinois (Mr. ERLENBORN) has taken, and if we are to take any action I would strike the language of the bill. I think this is a very complex and sensitive and indeed dangerous subject. I urge Members not to act on the subject in haste or emotion.

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

Mr. REID of New York. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, would the gentleman leave institutions with no legislative tools, with nothing at all available as a sanction except to expel the students in these circumstances?

Mr. REID of New York. As the gentleman perhaps knows, it is my position that the National Commission on the Causes and Prevention of Violence, under Milton Eisenhower, has correctly evaluated the matter and feels the universities are now moving firmly and clearly at their own initiative and with appropriate resort to the courts where necessary. Any Federal control over higher education or involvement in the internal affairs of universities would be a serious and tragic mistake. Either we have freedom of higher education or we do not. There can be no compromise on this principle any more than there can be with freedom of the press.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

I think the Congressman from Illinois (Mr. ERLENBORN) is absolutely correct, that if we do have 15 different types of amendments it will be impossible for the executive branch to administer them. However, to delete all reference to campus rioters might well be misinterpreted by the minority who seem to believe that Congress should say nothing at all about the major disruptions on campuses today. I think probably the opponents of any legislation in this area would prefer to have 15 different amendments, because they realize that memorandums would be sent out from the executive departments saying one amendment conflicts with another, so we would have an administrative monstrosity—impossible to put in operation. So I was glad to hear the gentleman from New Hampshire (Mr. WYMAN) say he accepts the amendment offered by the gentleman from Wisconsin (Mr. STEIGER). This has much to recommend it, so that the same language would be in every amendment which is added to a bill. I would prefer only one bill from the Education and Labor Committee which would be comprehensive, but if we should fail in that, then the riders attached to the various bills should be worded in the same fashion so there would be no administrative conflict.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. STEIGER of Wisconsin yielded his time to Mrs. GREEN of Oregon.)

Mrs. GREEN of Oregon. Mr. Chairman, I had finished what I had to say. I simply rise in support of the amendment offered by the gentleman from Wisconsin (Mr. STEIGER). I hope we have some kind of administrative order come out of this kind of question.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close debate on the two amendments.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) and the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

Mr. Chairman, this is language which has been thoroughly considered in the subcommittee and by other committees. It was adopted last year.

I was somewhat surprised to hear the gentleman from New Hampshire (Mr. WYMAN) opposing his own amendment. It has been adopted in conference and it has been adopted in the Senate.

Mr. Chairman, the language in the bill is clear and it is language we can live with. This gives authority to the college administrator to make a decision as to whether funds shall be withdrawn from a student. The Government does not run this. Each State does not run it. The colleges and universities themselves make the decisions. If there is violation of a lawful order, that decision is made by the educational institutions. This backs up the educational institutions.

I think we would be better off if we can leave the present language in the bill.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, the gentleman from Wisconsin made an impassioned speech before the House Committee on Education and Labor the other day, opposing the bill before our committee as being too tough. I suggest we stay with the committee.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. ERLENBORN) for the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 51, noes 85.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 69, noes 83.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or partici-

pations in Direct loan revolving fund assets or Loan guaranty revolving fund assets authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended (12 U.S.C. 1717(c)), $5,716,000.

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

Mr. Chairman, I take this time to ask some member of the committee the meaning of this $5,716,000 payment for participation sales insufficiencies. What does this mean?

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

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

Mr. EVINS of Tennessee. Some of the housing loans and veterans loans were made at less than market interest rates. So the Treasury Department conceived the idea of taking these loans and putting them in a pool and offering participation certificates in the public market. You can purchase a participation certificate that yields a higher interest rate than the loans which are pledged. The Veterans' Administration pledged certain of their loans to this pool. This appropriation provides for this difference in interest rates. The requirement is fixed by law. This is a debt of the Treasury which must be paid, I will say to my good friend.

Mr. GROSS. Then this is occasioned by inflation and the increased interest rates?

Mr. EVINS of Tennessee. I would say that the decision made concerning marketing these loans is this: The Government has various loans, housing loans, Veterans' Administration loans, which are low interest rate loans. They can put them in a pool and sell participation certificates on the pool. We must provide appropriations for the difference between the interest rate of those loans and the interest rate of the participation certificates This is an obligation of the Veterans' Administration which they must pay. It is a debt of the Government.

Mr. GROSS. Now let me ask a related question. The report indicates that this bill calls for the spending of $14,907,000,000. I assume that is correct.

Mr. EVINS of Tennessee. It represents an 18-percent cut from what was submitted to us in January.

Mr. GROSS. Just a minute. Are you or are you not looking directly at a substantial additional amount in an oncoming supplemental appropriation for the automatic pay increase on July 1? Do you have any idea of how much the pay increase as of July 1 will affect the totals in this bill? How much by way of supplementals are we looking at right down the road?

Mr. EVINS of Tennessee. I can say I do not know of anyone in the House who agrees with the gentleman more than I do with regard to supplementals. I deplore them. However, I hope we will not have any supplemental bills offered. We have already had two this year.

Mr. GROSS. I understand that but I am trying to get a comparison between what was spent for these agencies last year, and what we are looking at for the next fiscal year, 1970. I cannot seem to get a clear picture of what we are looking at down the road in this bill.

Mr. EVINS of Tennessee. What we are recommending by way of new appropriations in this bill would take care of participation sales insufficiencies which is an obligation of the Government.

Mr. GROSS. Confronted as we are with more and more inflation, I would like to know what we are looking at in this bill. Obviously it is more than $14,907,000,000 because we know a supplemental appropriation bill will be offered in the near future to take care of additional spending by these agencies.

Mr. EVINS of Tennessee. If the gentleman will yield further, like the gentleman, I deplore inflation. It is very bad, and we must do everything we can to stop it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

URBAN RENEWAL PROGRAMS

For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), $100,000,000 to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total amounts available in the current year from the amounts authorized for making such commitments through June 30, 1967, plus the additional amounts appropriated therefor.

AMENDMENT OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 35, line 1, strike out "$100,000,000" and insert "$200,000,000".

Mr. BOLAND. Mr. Chairman, I will not take the entire 5 minutes, because I believe this House recognizes what this amendment is, and the significance of the amendment.

What the amendment does is merely to restore $100,000,000 of the cut that was made by this subcommittee.

This administration recommended $250 million for the urban renewal program. This was cut to $100 million by the subcommittee. My amendment restores $100 million to this program, and it would still be less by $50 million from the request made by the administration for fiscal year 1970.

Mr. Chairman, I might say that this amount is less than the amount appropriated for urban renewal in this fiscal year 1969.

In addition to the $100 million that is appropriated by this subcommittee, there is a forward advance of $750 million that will become available on July 1 of this year, making a total for urban renewal for fiscal year 1970 of $850 million. But this is $223 million less than was appropriated, or was made available for this program in fiscal year 1969.

To my knowledge this is the only program in the entire bill that comes up with less money in fiscal year 1970 than it had in fiscal year 1969.

The administration recommended $250 million for this urban renewal program. It deleted from the recommendation of the Johnson budget $1.25 billion for forward funding of this program in fiscal year 1971.

Mr. Chairman, it is my judgment, as one who sits on the majority side of this committee, and who supports the recommendation made by the Nixon administration, that it will come up with some recommendation with respect to forward funding, and forward advance for urban renewal. I do not have to argue the merits of this program. Those Members who live in some of the larger cities, and even those who live in some of the smaller communities recognize the value of this program. This program has revitalized and has renewed some of the core cities, and some of the core towns. My argument here is that the money which has been recommended by the subcommittee is not sufficient to meet the applications that have been rolling in under this administration.

There is now as of May 31, 1969, a backlog of applications totaling $1.8 billion for this program.

Again I would remind the House this program comes up with less money in the fiscal year 1970 than it had in 1969. I think that is one of the strongest points we have here. I urge the adoption of this amendment.

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

Mr. BOLAND. I yield to the gentleman.

Mr. YATES. The gentleman stated that there is less money in this budget than there was in the year 1969. Are the needs of the cities less this year than they were last year?

Mr. BOLAND. No, I would say the needs of the cities are continuing to increase. There are 680 applications now before the Department of Housing and Urban Development totaling a figure of $1,800,000,000 that cannot be funded unless we make the same provision that I propose to make in this amendment.

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

Mr. EVINS of Tennessee. Mr. Chairman, I rise to see if we cannot agree on a limitation of time on this amendment. I ask unanimous consent that the time be limited to 8 minutes, with 2 minutes being reserved to the committee.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, a time when a scarcity of mortgage funds and sky-high interest rates threaten to retard all levels of housing and redevelopment construction in America is no time for the Federal Government to cut back its commitment to assist low- and middle-income housing.

The HUD appropriation bill now before us represents committee cuts of more than one-third in five vital urban programs. Administration requests for homeownership, rental housing, urban renewal, rent supplements, and model

cities total $1,225,000,000. This bill slashes $425,000,000 from this amount.

I am particularly concerned about axing $150,000,000 out of a $250,000,000 request for now obligational authority for urban renewal programs. This is a program of proven long-standing success which should not be slowed down to this extent.

It is inconceivable that HUD can carry out its proper role in providing urgently needed funds for housing and redevelopment under the budget restrictions placed upon it in this bill. The Housing Act of 1968 was a pledge by Congress to meet the housing needs of millions of people in middle- and lower-income levels. We are now being asked to renege on this pledge to help provide decent housing at prices our people can afford.

The Nixon administration carefully reviewed Johnson budget requests for all of these programs and it has recommended responsible levels of funding for each of them, consistent with Federal budgetary and economic pressures.

It is one thing for Congress to make prudent and sizable cuts in wasteful or nonessential portions of the Federal budget, but to ax huge sums from badly needed housing and urban programs is just not responsible.

I ask my colleagues to recall the pledge we made last summer when we passed the landmark Housing Act of 1968, and to act this afternoon to honor that pledge.

We cannot permit a backward set of priorities to hamstring these vital urban efforts.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, the independent offices and HUD appropriation bill includes a number of serious cuts in the proposed funding of housing programs on top of reductions already made from the January budget submission. All together HUD, which accounted for only 13 percent of the total in this bill, has suffered 80 percent of the cutback. While it would be desirable to restore many of the reductions, two items stand out as particularly urgent—urban renewal and fair housing.

The Housing and Urban Development Act of 1968 authorized $1.4 billion for the urban renwal program for fiscal year 1970. Against this the program has received $750 million in advance funding in last year's appropriation bill, but the administration's request for an additional $250 million has been cut 60 percent to only $100 million. The administration's own budget figures show a backlog of pending applications currently of $2.4 billion. At this rate it would take almost 3 years just to provide for applications already in hand.

The many purposes of the urban renewal program all deserve high priority. They include the elimination of slums, the halting of urban blight, the provision of new and rehabilitated housing, the strengthening of municipal tax bases, and the strengthening of the economic and social life of towns and cities of every size—and more than half of the 1,022 communities with active urban renewal projects are in the under 25,000 population group. In a word, adequate funding of the urban renewal program is fundamental to carrying out our national housing goals first expressed in the Housing Act of 1949 and reaffirmed and strengthened in 1968.

The principal victims of this cutback would be low-income nonwhite families living in ghettos. The urban renewal program is becoming an increasingly important factor in housing through legislative amendments in recent years emphasizing code enforcement, rehabilitation, and the requirement that a high proportion of urban renewal land be used for low- and moderate-income housing. Urban renewal has now been cut back twice since January.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. MCDADE).

Mr. MCDADE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

I think all of us have to recognize that housing in the United States of America is one of our major problems.

In the next 30 years we are going to have 100 million more people in this country. Unless we can begin to develop methods to produce housing for our cities, our Nation is going to face continual decay, continual problems, continual difficulties. This is the basic tool which is used by the Department of Urban Affairs to prepare sites in which we can put housing in the cities, large and small, may I remind you, in this country. Some 1,400 cities, over and under 50,000 people, participate in this program. You may hear the argument made that they have a lot of money down at HUD to do the job. Ask your local public authorities who administer this program what their forward funding position is and you will soon realize how tight this program is. I urge the adoption of the amendment of the gentleman from Massachusetts.

(By unanimous consent, Mr. BOLAND, Mr. YATES, and Mr. BARRETT yielded their time to Mr. ANDERSON of Illinois.)

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

Mr. ANDERSON of Illinois. Mr. Chairman, it is with humility, I can assure you, genuine humility, that I undertake to challenge the judgment of the distinguished members of the House Appropriations Committee. It is not often, I think you will agree, that I take the well of this House in an effort to dispute any of the figures that they have reported in an appropriation bill, but I do so today. I do so because I have taken the trouble to communicate with what is my administration downtown. I call it my administration. I have communicated with the Office of the Assistant Secretary for Renewal and Housing Assistance, Mr. Lawrence M. Cox, Assistant Secretary. I talked to him personally and tried to find out what the facts are. I cannot claim the degree of expertise I wish I could and that some of the distinguished gentlemen who have spoken earlier today can. And I wish I had been here during the entire time of debate today, but I have been running back and forth between here and the Rules Committee, trying to do a job up there.

But this is what I have been told by the Assistant Secretary for Urban Renewal and Housing Assistance, that if we go ahead with this reduction, we will have available only $850 million in the coming fiscal year, and that "the amount of money available for new urban renewal projects and new neighborhood development projects"—these are the programs where you can with incremental funding begin to rehabilitate some of the blighted neighborhoods in the core areas of our cities—"that if you reduce this appropriation by the suggested amount, you will have only $125 million instead of $275 million that the administration requested in their budget," in their revised budget that came to this Congress, and that "this $125 million would have to be distributed among the following and would not be adequate to meet the priority needs of the program, especially the model cities."

Then they list the four categories of programs that have to be funded under this amendment:

The new neighborhood development programs, including model cities areas;

Expansion of existing NDP's;

New conventional projects in new localities;

Finally, new conventional projects in existing programs.

I am further told that there are no less than 95 new first-year neighborhood development program applications, asking for money for the current or the coming fiscal year; that those total $110 million alone.

We simply have not got the money to do the job if we go along with this particular reduction. I would agree that our cities certainly need the help just as much today as they did during fiscal 1969. We have a new Secretary of Housing and Urban Development. He is a man who, I think, has the extra dimension that the President talked about when he introduced his Cabinet last December. I do not want to shackle him. I do not want to tie his hands. I want to give him the funds that I understand he needs to get the job done. I hope the amendment of the gentleman from Massachusetts is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. JOELSON).

Mr. JOELSON. Mr. Chairman, the cities of this Nation are crumbling and deteriorating in bleakness and ugliness, and those of us who want to protest the cut in funds in order to save them are given 45 seconds to do so. I think this is a measure of our concern. It appalls me. It makes me apprehensive. I think I am a spectator at a great, great tragedy. I yield back the balance of my 45 seconds.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, obviously one cannot say much in 45 seconds, but I must call to the attention of the com-

mittee a few facts. Now, you talk about their not having any money. They have $4,922,564,000 in this program unspent. If anyone in HUD tells you that is not so, tell them I am quoting from their own figures.

They have $1.5 billion unobligated, and they are changing their approach to urban renewal from a 6- or an 8-year program to a 1-year incremental program. If they do that, and the gentleman from Illinois says they already have $91 million in applications, they will recoup a lot of this money that is in the pipeline waiting for 6 or 8 years to expire before it is spent. Whatever they recoup will be available for use under the NDP program. My prediction is they will have substantial funds made available by that route and of course, whatever they do recoup will be added to the $850 million in new money that will become available on July 1, 1969.

The CHAIRMAN. To close the debate, the Chair recognizes the gentleman from Tennessee (Mr. EVINS).

Mr. EVINS of Tennessee. Mr. Chairman, if there is any complaint we hear, it is that we cut out advance funding. This year the administration decided not to do it for budgetary reasons. Last year we provided the advance funding, so there will be $850 million of new fresh money for urban renewal in 1970.

As the gentleman from North Carolina stated, they have $1.5 billion unobligated and they are changing the program. They have a total of $5.8 billion unexpended and $850 million in new funds, and we think this is enough for next year.

Mr. Chairman, we urge defeat of the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. BOLAND), there were—ayes 84, noes 85.

Mr. BOLAND. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND, and Mr. EVINS of Tennessee.

The Committee again divided, and the tellers reported that there were—ayes 101, noes 111.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COLLEGE HOUSING

For payments authorized by section 1705 of the Housing and Urban Development Act of 1968, $2,500,000: *Provided*, That the limitation otherwise applicable to the total payments that may be required in any fiscal year by all contracts entered into under such section is increased by $5,500,000.

AMENDMENT OFFERED BY MR. SCHERLE

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

The Clerk read as follows:

Amendment offered by Mr. SCHERLE: On page 35, at the end of line 24, strike the period and insert the following: "*And provided further*, That none of the funds appropriated by this act for payments authorized by section 1705 of the Housing and Urban Development Act of 1968, shall be used to formulate or carry out any grant or loan to any institution of higher education unless such institution shall be in full compliance with section 504 of Public Law 90–575."

Mr. RYAN. Mr. Chairman, I make a point of order against the amendment.

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

Mr. RYAN. I make a point of order on the ground that this amendment is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SCHERLE) wish to be heard on the point of order?

Mr. SCHERLE. Yes, Mr. Chairman, I do.

The CHAIRMAN. Would the gentleman from New York restate his point of order, please?

Mr. RYAN. I submit, Mr. Chairman, that the proposed amendment is legislation on an appropriation bill and not in order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa (Mr. SCHERLE), the author of the amendment, on the point of order.

Mr. SCHERLE. Mr. Chairman, the amendment is in order because it is in conformity with rule 21, clause 2. Jefferson's Manual in pages 426–427, specifying that amendments to appropriation bills are in order if they meet the qualifications of the "Holman Rule."

My amendment is germane, negative in nature, and shows retrenchment on its face. It does not either impose any additional or affirmative duties or amend existing law.

Very simply, my amendment states that none of the funds appropriated in this section will be given to institutions of higher education if they do not comply with the present law, section 504—Public Law 90–575—of the Higher Education Amendments of 1968.

In support of my amendment, I cite section 843 of the rules of the House discussing the Holman rule under rule 21:

Although the rule forbids on any general appropriation bill a provision "changing existing law," which is construed to mean legislation generally, the House's practice has established the principle that certain "limitations" may be admitted. It being established that the House under its rules may decline to appropriate for a purpose authorized by law, so it may by limitation prohibit the use of the money for part of the purpose while appropriating for the remainder of it (IV, 3936; VII, 1595). The language of the limitation provides that no part of the appropriation under consideration shall be used for a certain designated purpose (IV, 3917–3926; VII, 1580). And this designated purpose may reach the question of qualifications, for while it is not in order to legislate as to the qualifications of the recipients of an appropriation the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications (IV, 3942–3952; VII, 1655). The limitation must apply solely to the money of the appropriation under consideration (VII, 1596, 1600, 1720), and may not be made applicable to money appropriated in other acts (IV, 3927, 3928; VII, 1495, 1525). The limitation may not be applied directly to the official functions of executive officers (IV, 3957–3966; VII, 1673, 1678, 1685), but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation (IV, 3968–3972; VII, 1583, 1653).

The CHAIRMAN. The Chair is prepared to rule and holds that the amendment is a proper limitation. Therefore, the Chair overrules the point of order.

The gentleman from Iowa (Mr. SCHERLE) is recognized for 5 minutes in support of his amendment.

Mr. SCHERLE. Mr. Chairman, this amendment is identical to the one which the House adopted by an overwhelming vote of 329 to 61 in the supplemental appropriations bill last month. It states simply that no institution of higher education shall be eligible for college housing funds from section 1705 of the Housing and Urban Development Act of 1968 unless such institution shall be in full compliance with section 504 of the Higher Education Facilities Act, as amended by Public Law 90–575.

Since enactment of section 504 last fall, there have been over 250 campus disruptions, resulting in millions of dollars in property damage yet not one single educational institution has invoked the mandatory cut-off of Federal aid. This is a deliberate, flagrant violation of the law.

Relatively few colleges have held hearings but none, to my knowledge, have invoked the mandatory cut-off of financial aid to those students who were receiving Federal assistance and who engaged in serious campus disruption.

Recently I received a letter from Orion C. Hopper, Jr., dean of students at Upsala College in East Orange, N.J., in which he concedes that a hearing was held by their college judicial board. He states that three students receiving Federal aid were found to have been involved in a serious campus disruption. Regardless of the arguments made by the college as to why they did not suspend the Federal assistance to the three students, the law is clear that the college "shall deny, for a period of 2 years, any further payment to, or for the direct benefit of, such individuals under any of the programs specified" to such individuals.

My amendment would serve notice on the colleges that failure to comply with section 504, which requires that hearings be held if there is a serious campus disorder, will result in the school being ineligible for Federal assistance. Under the present law, if a college fails to comply with section 504, there is no penalty for not complying with the law.

This amendment would affirm the policy outlined in HEW Secretary Finch's recent letter to college and university presidents setting forth the mandatory provision in the act requiring that hearings be held to determine if any student receiving Federal assistance had contributed to serious campus disorder which prevented teachers or students from pursuing their educational objectives.

I urge the adoption of this amendment.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I yield to the chairman of the committee.

Mr. EVINS of Tennessee. I will say to the gentleman from Iowa, his amendment is identical with the intent of the Wyman language which applies to the National Science Foundation. His amendment would apply to college housing loans of HUD. It has been previously

adopted on a supplemental bill. We therefore will accept the amendment.

Mr. SCHERLE. Thank you, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SCHERLE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NEW COMMUNITY ASSISTANCE

For supplementary grants as authorized by title IV of the Housing and Urban Development Act of 1968 (42 U.S.C. 3911), $2,500,000, to remain available until expended.

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

Mr. Chairman, I will not take the full 5 minutes, but I had intended to introduce an amendment to extend the funds for Secs. 235 and 236, and the rent supplement programs. I will not do so.

However, I believe that this RECORD should indicate that the appropriation approaches that we have been using for these kinds of programs are demonstrably not performing to the needs of our country, and they are not performing in conformance with what I understand to be a basic tenet of the Republican Party.

Mr. Chairman, I would point out to the gentleman that under the funding that is now being appropriated under this bill that we are going to fall short of asking to put on the line the capability of the private sector. The private sector does not operate on a yearly budget. The private sector has to operate on the basis of how long it takes to get into a partnership with the Government, and they have to see in this approach enough money so that it makes it worthwhile to go through all of the problems of trying to be a partner.

The money that has been constantly referred to as being in HUD is already money committed to get partners on the line, and those partners are still having a hard enough time to perform with us.

Mr. Chairman, here we are undercutting here a program so that it cannot provide the impetus, and we are saying that we are going to save the people, and we are showing ourselves as great Americans because we refer to this money at this time for this program, and we are saving the people from a great indebtedness—balderdash.

It does not save the people at all, because if we really want this problem to be solved, we will not solve it in this way. There is going to be a point somewhere down the line on maybe one of the other departments of the government, whether State or local, who will have to pay for the problem.

So, Mr. Chairman, I suggest to the Members that somewhere very soon if we are really going to solve the basic problems of America we are not going to be doing it by this process, and by holding these programs to a limit of 1 year.

If we want the private sector of America to work with us, to be a partner, we had better prove to them that it pays off, and that we really mean it. And I do not see in these programs many inducements for many partners to get on the line with us. And I do not care who you point to, or what you blame—and I certainly do not say this as any criticism of the Committee on Appropriations. I am not speaking to the committee, I am speaking to the House of Representatives, and the processes of the House, and the traps we have dug for ourselves in the terms of how we measure ourselves as to whether we are big savers or big spenders.

The sole measurement down the line, Mr. Chairman, will be: Do we solve the problem? I do not believe that we are solving it in the programs that we now have on the books with the kind of approach that does not build very much of a partnership to be on the line with us from the private sector, so that we can really solve the problems of the size that we have today.

Mr. Chairman, I would hope this House in its wisdom would come to grips with what I believe is a necessity for the handling of the more fundamental problems that we will when we pass this bill. But I do not know whether or not we can really summon up the kind of strength, the kind of inducement and the kind of performance that can take the vitality that exists in the private sector and put it in partnership with us.

Every program that you want to look at in HUD right now in the Department of Housing as it was, all of them ultimately stifled the incentive of partnership and ultimately came to the point where there were so many confusions and so many disappointments that the people who were in the program decided they would get out.

That is the reason the FHA, the one covering over 80 percent of the housing covered is going to have 25 percent of the housing covered.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HANNA. I yield to the gentleman.

Mr. EVINS of Tennessee. Mr Chairman, I think the gentleman is making an excellent speech. I certainly do not disagree with him or with his remarks and observations.

Mr. HANNA. I would hope that this is the appropriate place to bring our attention to this question, Mr. Chairman, at the point which we are discussing how we are going to fund. We are talking about $14 billion plus of the peoples' money. I wonder just how wisely we are approaching this particular problem of housing for people in this bill which takes so much money. I think there is a better way to do it than what seems to be demonstrated here.

AMENDMENTS OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer two amendments which are at the Clerk's desk and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. YATES: On page 39, line 22, strike out "$80,000,000" and insert "$90,000,000."

On page 39, line 24, strike out "$70,000,000" and insert "$90,000,000."

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES) in support of his amendments.

Mr. YATES. Mr. Chairman, during general debate I spoke about the paradox of this bill which cuts national space agency's $3 billion budget by $18 million and cuts the housing agency's $2 billion budget by $384 million.

The reason I bring this point up is because a few days ago I was privileged to hear on television an interview at which two of the younger Members on the Republican side were being interviewed about their experience in interviewing college students on the campuses throughout this country.

I was impressed by what they said. They said they found the vast majority of students to be fine, intelligent, idealistic men and women. They said they were impressed also by the views of young people on the Nation's priorities.

I think it was the gentleman from Michigan (Mr. RIEGEL) who said that one of them had said to him that it was unfortunate in this country that we placed greater emphasis on our flights to the moon than we do on providing a decent neighborhood and a decent home in which people can live. How right they are. How much better it might be if a space flight were deferred and the $100 million saved allocated for housing for the elderly or the needy.

Mr. Chairman, this is a bill that was cut to the bone when it came before this Appropriations Committee. The Johnson budget called for a $4 billion budget for housing in this country. The Nixon administration cut that request by almost $3 billion.

So that emasculated housing program budget was even further reduced by the actions of this committee.

The distinguished gentleman from Illinois (Mr. ANDERSON) spoke about his administration and spoke about his Secretary of Housing and Urban Development, Mr. Romney. Well, this is what Mr. Romney said about the sections to which my amendments are directed, section 235 and section 236. I will read from page 12 of the hearings.

He said:

First, I want to give special mention and emphasis to the fact that President Nixon's budget, like the original budget, calls for release of the full amounts of contract authority authorized by the 1968 act for the federally assisted homeownership and rental housing programs under sections 235 and 236 of the National Housing Act, as well as an additional $100 million of authority for the rent supplement program.

This is what Secretary Romney said:

I cannot emphasize too strongly the importance of these authorizations and the need to have them at the earliest possible time.

Yet, in spite of the request of Secretary Romney, the Appropriations Committee cut section 235 by $20 million and section 236 by $30 million, a 20-percent cut in one instance and a 30-percent cut in the other.

My amendment does not provide for full funding. My amendment provides for a 10-percent cut in each program.

The cities in your district have no money left for sections 235 and 236. I know that in my own district in Chicago there are so many applications that have been approved and are awaiting funding under these particular sections.

I point out to you, too, if you are interested in housing for the elderly programs, that that, too, is in jeopardy because of the cuts that have been made. The housing for the elderly program has been merged with title 236. That program is cut by $30 million. I do not know whether your districts are like mine, but in my district people over age 65 are lined up for blocks presenting their applications for an opportunity to live in the decent housing that the Federal program provides for them.

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

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

Mr. BINGHAM. I commend the gentleman for his amendments. I think they provide a modest and minimum increase in what the committee recommended, although they do represent a reduction in the budget requests. I hope the gentleman's amendments will be approved.

Mr. YATES. I thank the gentleman for his contribution. I wanted the full funding for the two programs, but I am trying to be a realist here. The Appropriations Committee will never let anything be fully funded. Even the Space Agency was cut by $18 million.

Mr. EVINS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the Yates amendments and all amendments thereto close in 10 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I had prepared and have pending at the desk an amendment which would fully fund the section 236 program by providing $100 million. I certainly defer to the distinguished gentleman from Illinois (Mr. YATES) and support him in his effort to fund it at least in the amount of $90 million.

We must recognize that Congress made a commitment last year when we passed the Housing and Urban Development Act of 1968, at which time Congress said that over the next 10 years some 6 million units of low- and moderate-income housing would be constructed. One of the most innovative features of that legislation was the interest subsidy program—the section 236 rental assistance program and the section 235 homeownership program. Neither one has been fully funded.

Now we have the opportunity, by supporting these amendments, to fund them almost to the authorization and almost to the request of the Nixon administration.

The section 236 rental assistance program provides assistance payments to reduce the market interest rate—which includes principal, interest, and cost of insurance premiums—to an amount commensurate with an interest rate of 1 percent. The tenant pays no more than 25 percent of his income.

The Housing and Urban Development Act of 1968 envisioned a total of 720,000 units of housing to be funded over a 3-year period. The total appropriation for fiscal year 1969 of $65 million, including the supplemental appropriation bill which is still pending in the other body, represented potential production of between 66,000 to 88,000 units. The fiscal year 1970 appropriation of $70 million in the present bill reduces the revised budget request by 30 percent, which means that between 92,000 to 112,200 new units will be funded during the coming fiscal year.

If section 236 is funded at the recommended level, the goal for 3 years cannot possibly be met. To allow a cut of the revised request by 30 percent is unacceptable.

Therefore, the pending amendment to H.R. 12307 increasing the appropriation by $20 million for fiscal year 1970 to carry out the low-income rental and cooperative housing programs administered under section 236 of the Housing and Urban Development Act of 1968 should be supported, and I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, I want to take this opportunity to commend again the gentleman from Illinois (Mr. YATES) for his very eloquent plea for restoration of these funds, and I want to associate myself with his remarks. I simply wish to say in the time I have that I cannot think of a more important area in the entire bill, as far as my district is concerned, where there are enormous needs for housing and rental subsidy.

Mr. Chairman, in my visits to my district this question constantly comes up, about how we can get money for these particular programs in the amounts sufficient to do the job.

Mr. Chairman, I urge full support for this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, it seems to me that when we cut the agricultural budget 2.5 percent, it is eminently unfair to treat the large cities in this manner on a subject that is most vital to them, when the cities are accepting immigrants from other parts of the country. When the cities are accepting immigrants, it makes the lives a bit more difficult in the inner cities because of lack of housing. I think the least Members can do is support any amendment that will ease the plight of those who live in the central cities.

I think the gentleman from Illinois is not asking too much by asking Members to restore the small sum in his amendment. I sincerely hope in the hearts of Members they will realize the justice of his request and support his amendment.

Mr. Chairman, the committee feels that sections 235 and 236 are among the most promising programs in the Department and should contribute substantially to alleviating housing problems for lower income families. Yet it recommends a $20 million cut in section 235 appropriations and a $30 million cut in section 236 appropriations. I cannot understand this.

The need for restoration of funds for both these programs is amply demonstrated by the huge backload of requests for funding under them. According to the Department, as of June 1, there was a backlog of requests for section 236 housing assistance of 125,000 units. In another week they expect that figure to reach 160,000 units. These are requests for funding under the program of rental housing assistance which have, with the exception of 12,000 units which have been requested by the States, all passed the stage of initial feasibility. If money were available today many could be immediately funded. At an average cost of $804 a unit—this is before the recent increase in interest rate—construction of these 125,000 units would cost over $100,000,000. This is the appropriations level requested by the Nixon administration. It is sufficiently "bare-bones" as it is that it would not permit the approval of even one new unit beyond those which now have applications pending. I cannot understand, and I certainly disagree, with a set of priorities which do not even fund this minimal level.

If the appropriations level for section 236 is not restored, the effects on New York City will be particularly adverse. New York State has a backlog of requests for 46 projects, or 14,132 units—$15 million in assistance payments. Of that number 41 of these 46 projects or 13,085 of the units are for New York City.

I believe the Congress needs to do a turnabout on national priorities. We cannot afford to cut the HUD appropriations bill 18 percent.

I urge the adoption of the pending amendment to restore at least a part of this cut.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. JOELSON).

Mr. JOELSON. Mr. Chairman, I think this bill provides too much for space and too little for the cities.

I heard a story about a little girl whose grandmother gave her a pin cushion for her birthday. The little girl wrote a letter and said:

> Dear Grandma: Thanks for the pin cushion. It is just what I wanted—but not very much.

Well, we are saying to the people of the cities that we are concerned about them—but not very much.

I think if it were not so sad, it would be very funny.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I too rise in support of the amendment offered by the gentleman from Illinois (Mr. YATES). I aline myself with the thinking expressed by the gentleman from Illinois. I urge this committee to support the gentleman in his efforts to furnish these funds that are needed in a very desperate way. There is a desperate need in our cities and urban communities.

The CHAIRMAN. The Chair recognizes

the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, the cut in this bill is only 3 percent. I also wish to say that we are now talking about $90 million next year for 235 and $90 million for 236. It is $90 million for next year and the next year and the next year, and so on, for a maximum of 30 years for section 235 and for a maximum of 40 years for section 236. That figures out to a maximum liability under section 235 of $2.7 billion and a maximum of $3.6 billion under section 236.

We are not talking about money that will be spent next year. We are talking about giving the department contract authority to bind the taxpayers of this country to pay out $90 million a year, for up to a maximum of 30 or 40 years.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS) to close the debate.

Mr. EVINS of Tennessee. Mr. Chairman, we have heard the speeches which have been addressed to the cuts in this bill. I thought somebody would point out the substantial increases that have been provided in this bill for the housing programs.

If I had time I could show the four main programs, as I attempted to do earlier in the debate on this bill, such as rent supplements, for which we have provided $50 million additional contract authority, which could mean $2 billion in future expenditures; and for the public housing program $150 million new money is provided, which means that could cost $6 billion in cost over a 40-year period; and for section 235, we are providing $80 million and for section 236, $70 million. The resulting expenditures could add up to $2.4 billion for section 235 and $2.8 billion for section 236. To total up these four main housing programs means a possible $13.2 billion of expenditures in future years.

I would think people would be pleased with these increases. The remarks have been addressed to the cuts in the bill. We have $13.2 billion, in possible expenditures for future years included in this bill, of mortgage credit for housing under four main programs. So we are providing generously in this bill for the housing programs.

I do not see why we should be talking about cuts. We should emphasize the large increases. I would think our friends in the cities would be very pleased with the large increases this bill provides. The need is great, and the funds in the bill are directed at meeting the needs of our urban centers.

I ask that the two amendments offered by the gentleman from Illinois be defeated.

The CHAIRMAN. All time has expired on the two amendments being considered en bloc.

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

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 71, noes 96.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RENT SUPPLEMENT PROGRAM

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, $23,000,000: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by $50,000,000: *Provided further*, That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. Ryan: On page 40, line 7, strike out "$50,000,000" and insert in lieu thereof "$100,000,000."

Mr. RYAN. Mr. Chairman, there is a stark contrast in this bill between the appropriations of some $3.7 billion for the National Aeronautics and Space Administration and some $1.6 billion for HUD. Let us look at the budget request which was submitted by the administration for the rent supplement program and compare that with the amount recommended in the appropriation bill. We find that the $100 million budget request has been cut exactly in half, by 50 percent, to $50 million.

My amendment would increase the rent supplement appropriation to $100 million for fiscal year 1970, the amount originally requested by the present administration. The rent supplement program has been hailed as the private sector complement to the low-income public housing program. The aim of the program is to enable private enterprise to take a larger measure of responsibility in fulfilling our urban housing needs.

If we are serious—and there is often a great deal of lip service paid in this House to the private enterprise concept—the program offers a unique opportunity to involve private enterprise in providing this housing which is so necessary for all of our people both in the cities and rural areas. Unfortunately, this program has been inadequately funded. Last year the program was cut by over 50 percent from an authorization of $65 million to $30 million. This year it was cut exactly 50 percent from the budget request of $100 million to the appropriation of $50 million.

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

Mr. RYAN. I yield to the gentleman.

Mr. WYMAN. Is the gentleman aware of the fact that the figure to which his amendment makes reference, $50 million, is actually $2 billion?

Mr. RYAN. I am aware of the fact that the amendment would provide an increase for annual contract authorization in the next fiscal year. To project the cost over the next 30 or 40 years will not take away from the point that I am trying to provide more rent supplement housing for the next fiscal year. This amendment would exactly double what the Committee on Appropriations has recommended and match what the Nixon administration asked the Congress to do. That is the important point: How many units of housing will be provided through the rent supplement program. The committee's figure of $50 million represents 42,300 units, whereas my amendment represents 84,600 units assisted.

Mr. FARBSTEIN. Will the gentleman yield?

Mr. RYAN. I yield to the gentleman.

Mr. FARBSTEIN. Does the gentleman from New Hampshire realize that there are no funds available at the present time and all rent supplement funds have been used up? Does he know that?

Mr. WYMAN. I disagree with the gentleman.

Mr. JONAS. If the gentleman will yield, I do not know that, and it is not true.

Mr. FARBSTEIN. It is a fact that all rent supplement moneys for this year have already been used up.

Mr. JONAS. They have accumulated $132 million a year.

Mr. FARBSTEIN. I disagree with the gentleman. I am sorry.

Mr. RYAN. The $50 million which my amendment would add would provide only some 42,000 units of additional housing for the next fiscal year. In view of the great need and the commitment made by the Congress last year to provide in the next 10 years, 6 million units of low- and moderate-income housing, this is a drop in the bucket. It is clear that at this level of appropriations the rent supplement program will not answer the needs or fulfill the commitment that this Congress has made. This is a promising and vital program, and yet it is being starved for funds—at a time when our urban needs are mounting and the crisis in our cities is more acute than ever.

At current appropriation levels, the rent supplement program will never reach its maximum potential. If Congress refuses to appropriate sufficient funds for the program to have a substantive impact, a vital part of our national housing program will have been frustrated. At a time when the condition of housing in our major urban areas is deteriorating daily, a refusal to grant necessary funds to the rent supplement program will have disastrous results. The housing needs of our urban areas will not evaporate. On the contrary, they will only grow more acute and more difficult to meet the longer Congress delays making the appropriations to housing programs that are necessary.

There is no hesitation about appropriating $3.7 billion in this bill for the space program. To shortchange the rent supplement program in the face of the massive spending on the military and space budgets is a gross injustice to those millions of Americans who live in desperate need of adequate housing.

I urge that the $50 million for rent supplements deleted by the Appropriations Committee be restored and that an appropriation of $100 million be approved.

Mr. EVINS of Tennessee. Mr. Chairman, if there are no requests for time,

let me say that I oppose the amendment and urge that it be defeated.

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

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING PROGRAM

For expenses necessary to carry out the functions of the Secretary of Housing and Urban Development under the provisions of title VIII of the Civil Rights Act of 1968 (82 Stat. 81), $3,000,000.

AMENDMENT OFFERED BY MR. M'DADE

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

The Clerk read as follows:

Amendment offered by Mr. McDADE: On page 41, line 8, strike out lines 8 through 13, and insert the following:

"FAIR HOUSING AND EQUAL OPPORTUNITY

"For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), section 3 of the Housing and Urban Development Act of 1968 (82 Stat. 476), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and Executive Orders 11063 (27 Fed. Reg. 11527) and 11246, as amended (30 Fed. Reg. 12319, 32 Fed. Reg. 14303), $5,000,000."

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

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I will be delighted to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, the committee has the amendment offered by the gentleman from Pennsylvania, who is a member of the committee. The amendment was considered by both sides of the aisle, and we accept the amendment.

Mr. McDADE. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDADE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

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

There was no objection.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. EDMONDSON, 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. 12307) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

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

The amendments were agreed to.

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

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

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

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 388, nays 6, not voting 37, as follows:

[ROLL. NO. 89]

YEAS—388

| | | |
|---|---|---|
| Abbitt | Caffery | Evans, Colo. |
| Abernethy | Camp | Evins, Tenn. |
| Adair | Carter | Farbstein |
| Adams | Casey | Fascell |
| Addabbo | Cederberg | Feighan |
| Albert | Celler | Findley |
| Alexander | Chamberlain | Fish |
| Anderson, Calif. | Chappell | Fisher |
| | Clancy | Flood |
| Anderson, Ill. | Clark | Flowers |
| Anderson, Tenn. | Clausen, Don H. | Foley |
| | | Ford, Gerald R. |
| Andrews, Ala. | Clawson, Del | Foreman |
| Andrews, N. Dak. | Clay | Fountain |
| | Cleveland | Fraser |
| Annunzio | Cohelan | Frelinghuysen |
| Arends | Collier | Frey |
| Ashbrook | Collins | Friedel |
| Ashley | Colmer | Fulton, Pa. |
| Aspinall | Conable | Fulton, Tenn. |
| Ayres | Conte | Fuqua |
| Baring | Conyers | Galifianakis |
| Barrett | Corbett | Gaydos |
| Beall, Md. | Corman | Gettys |
| Belcher | Coughlin | Giaimo |
| Bell, Calif. | Cowger | Gibbons |
| Bennett | Cramer | Gilbert |
| Berry | Culver | Goldwater |
| Betts | Cunningham | Gonzalez |
| Bevill | Daddario | Goodling |
| Biaggi | Daniel, Va. | Gray |
| Biester | Daniels, N.J. | Green, Pa. |
| Bingham | Davis, Ga. | Griffiths |
| Blanton | Davis, Wis. | Grover |
| Blatnik | Dawson | Gubser |
| Boggs | de la Garza | Gude |
| Boland | Delaney | Haley |
| Bolling | Dellenback | Hall |
| Bow | Denney | Halpern |
| Brademas | Dennis | Hamilton |
| Brasco | Dent | Hammer-schmidt |
| Bray | Derwinski | |
| Brock | Devine | Hanley |
| Brooks | Dickinson | Hanna |
| Broomfield | Diggs | Hansen, Idaho |
| Brotzman | Dingell | Hansen, Wash. |
| Brown, Mich. | Donohue | Harsha |
| Brown, Ohio | Dorn | Harvey |
| Broyhill, N.C. | Dowdy | Hechler, W. Va. |
| Broyhill, Va. | Downing | Heckler, Mass. |
| Buchanan | Dulski | Helstoski |
| Burke, Fla. | Duncan | Henderson |
| Burke, Mass. | Dwyer | Hicks |
| Burleson, Tex. | Eckhardt | Hogan |
| Burlison, Mo. | Edmondson | Holifield |
| Burton, Calif. | Edwards, Ala. | Horton |
| Bush | Edwards, Calif. | Hosmer |
| Button | Edwards, La. | Howard |
| Byrne, Pa. | Eilberg | Hull |
| Byrnes, Wis. | Erlenborn | Hungate |
| Cabell | Eshleman | Hunt |
| Hutchinson | Montgomery | Scott |
| Ichord | Moorhead | Sebelius |
| Jacobs | Morgan | Shipley |
| Jarman | Morse | Shriver |
| Joelson | Moss | Sikes |
| Johnson, Calif. | Murphy, Ill. | Sisk |
| Johnson, Pa. | Myers | Skubitz |
| Jonas | Natcher | Slack |
| Jones, Ala. | Nelsen | Smith, Calif. |
| Jones, N.C. | Nichols | Smith, Iowa |
| Jones, Tenn. | Nix | Smith, N.Y. |
| Karth | Obey | Snyder |
| Kastenmeier | O'Konski | Springer |
| Kazen | Olsen | Stafford |
| Kee | O'Neal, Ga. | Staggers |
| Keith | O'Neill, Mass. | Stanton |
| King | Ottinger | Steed |
| Kleppe | Passman | Steiger, Ariz. |
| Kluczynski | Patman | Steiger, Wis. |
| Koch | Patten | Stephens |
| Kuykendall | Pelly | Stokes |
| Kyl | Pepper | Stratton |
| Kyros | Perkins | Stubblefield |
| Landgrebe | Pettis | Stuckey |
| Landrum | Philbin | Sullivan |
| Langen | Pickle | Symington |
| Latta | Pike | Taft |
| Leggett | Pirnie | Talcott |
| Lipscomb | Poage | Taylor |
| Lloyd | Podell | Teague, Calif. |
| Long, La. | Poff | Teague, Tex. |
| Long, Md. | Pollock | Thompson, Ga. |
| Lowenstein | Preyer, N.C. | Thomson, Wis. |
| Lujan | Price, Ill. | Tiernan |
| Lukens | Price, Tex. | Tunney |
| McCarthy | Pucinski | Udall |
| McClory | Quie | Ullman |
| McCloskey | Quillen | Utt |
| McClure | Randall | Vander Jagt |
| McCulloch | Rees | Vanik |
| McDade | Reid, Ill. | Vigorito |
| McDonald, Mich. | Reid, N.Y. | Waggonner |
| | Reifel | Waldie |
| McEwen | Reuss | Wampler |
| McFall | Rhodes | Watkins |
| McKneally | Riegle | Watson |
| McMillan | Rivers | Watts |
| MacGregor | Roberts | Weicker |
| Madden | Robison | Whalen |
| Mahon | Rodino | Whalley |
| Mailliard | Rogers, Colo. | White |
| Mann | Rogers, Fla. | Whitehurst |
| Marsh | Ronan | Whitten |
| Martin | Rooney, N.Y. | Widnall |
| Mathias | Rooney, Pa. | Wiggins |
| Matsunaga | Rosenthal | Williams |
| May | Rostenkowski | Wilson, Bob |
| Mayne | Roth | Wilson, Charles H. |
| Meeds | Roudebush | |
| Meskill | Ruppe | Wold |
| Michel | Ruth | Wright |
| Mikva | Ryan | Wyatt |
| Miller, Calif. | St Germain | Wydler |
| Miller, Ohio | St. Onge | Wylie |
| Minish | Sandman | Wyman |
| Mink | Satterfield | Yates |
| Minshall | Schadeberg | Yatron |
| Mize | Scherle | Zablocki |
| Mizell | Scheuer | Zion |
| Mollohan | Schneebeli | Zwach |
| Monagan | Schwengel | |

NAYS—6

| | | |
|---|---|---|
| Brinkley | Gross | Rarick |
| Griffin | Hagan | Saylor |

NOT VOTING—37

| | | |
|---|---|---|
| Blackburn | Green, Oreg. | Murphy, N.Y. |
| Brown, Calif. | Hastings | Nedzi |
| Burton, Utah | Hathaway | O'Hara |
| Cahill | Hawkins | Powell |
| Carey | Hays | Pryor, Ark. |
| Chisholm | Hébert | Purcell |
| Esch | Kirwan | Railsback |
| Fallon | Lennon | Roybal |
| Flynt | Macdonald, Mass. | Thompson, N.J. |
| Ford, William D. | | Van Deerlin |
| | Mills | Winn |
| Gallagher | Morton | Wolff |
| Garmatz | Mosher | Young |

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hebért with Mr. Morton.
Mr. Kirwan with Mr. Cahill.
Mr. Carey with Mr. Esch.
Mr. Mills with Mr. Burton of Utah.
Mr. Brown of California with Mr. Mosher.
Mr. Macdonald with Mr. Railsback.
Mr. Pryor of Arkansas with Mr. Blackburn.
Mr. O'Hara with Mr. Hastings.
Mr. Hays with Mr. Winn.

Mr. Garmatz with Mr. Lennon.
Mr. Fallon with Mr. Rarick.
Mr. Powell with Mr. Roybal.
Mr. Nedzi with Mrs. Chisholm.
Mr. Flynt with Mr. Purcell.
Mr. Gallagher with Mr. Murphy of New York.
Mrs. Green of Oregon with Mr. Young.
Mr. Hawkins with Mr. Thompson of New Jersey.
Mr. Hathaway with Mr. Van Deerlin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include tables, charts and other printed facts.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 11400, SUPPLEMENTAL APPROPRIATIONS, 1969

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

The Chair hears none, and appoints the following conferees: Messrs. MAHON, WHITTEN, ROONEY of New York, EVINS of Tennessee, NATCHER, FLOOD, BOW, JONAS, CEDERBERG, and DAVIS of Wisconsin.

## LEGISLATIVE PROGRAM FOR THE BALANCE OF THE WEEK

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

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, and any other information concerning the tax bill or other matters at this time.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman, H.R. 12290, the surcharge extension bill will be put over until a later date. We will go on with the program as previously announced with that one exception.

Tomorrow we will consider H.R. 7906, the Interstate Taxation Act.

Mr. Speaker, I must advise the House that it may be necessary to meet later in the week due to conference reports or other resolutions which we might have to consider.

Mr. GERALD R. FORD. Mr. Speaker, I would ask the gentleman if it is anticipated that we will meet Thursday?

Mr. ALBERT. We will meet on Thursday.

Mr. GERALD R. FORD. But because of the funeral services for our former colleague there will be no legislative business on Thusrday, but possibly we will meet on Friday?

Mr. ALBERT. The gentleman is correct.

Mr. GERALD R. FORD. I know that the distinguished majority leader was as disappointed as I was for the reasons that we could not consider the Surtax Extension and Investment Credit Repeal Act.

Could the distinguished majority leader give us any guidance as to that? I have been asked many times in the past three-quarters of an hour when the bill will come up.

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

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

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished gentleman. We want to discuss this matter with the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS) before we make any definitive statement of the date when the matter might be called up.

We can say for the benefit of Members of the House that it will not be called up next week.

Mr. GERALD R. FORD. I know from conversation with the distinguished majority leader that the chairman, the gentleman from Arkansas (Mr. MILLS) did ask that it be put over for good and valid reasons so far as he is concerned. But I know the gentleman from Oklahoma shares my feeling that it is important to pass the tax bill, and I know he will program it and schedule it as quickly as possible because we as a nation cannot afford to have the potential ill effects in the economy if this matter does not come to the floor of the House and does not get the approval of the House.

There are many, many elements both at home and abroad that are concerned about any lack of action on the part of the Congress in considering this bill.

Mr. ALBERT. I would say to the distinguished gentleman that there is no reason for any fear that this matter will not be brought up or that this is a postponement which indicates that there is opposition to the bill from the standpoint of the leadership. We intend to program this matter when the distinguished chairman of the Committee on Ways and Means is ready to bring it to the floor.

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

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

Mr. PUCINSKI. Will somebody offer some explanation or suggestion as to why this bill is not coming up tomorrow?

I understand a rule has been granted and this legislation expires June 30. Those who are seriously in doubt about wanting to extend this legislation might want to know why we are waiting until after the Fourth of July.

Is anybody prepared to give us some explanation? What happens after the first of July when the surtax expires? I have been hearing statements by Mr. Stans and various others about the great catastrophe that will sweep the country if this legislation is not extended. What happens on the first of July? Is somebody prepared to tell us?

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

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

Mr. ALBERT. This matter, as I indicated before, has been put over at the request of the distinguished chairman of the Committee on Ways and Means.

Mr. PUCINSKI. I am sure the leadership of this House wants to call this legislation up and the leadership is most cooperative. I know the leadership is doing everything it can to bring this matter up. But I am somewhat intrigued by the machinations of the Committee on Ways and Means in now putting this over.

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

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

Mr. GROSS. Perhaps it is that they want you to enjoy your independence on Independence Day.

Mr. PUCINSKI. That is, independence from the surtax—I presume that is what the gentleman means.

Mr. GERALD R. FORD. Let me say to the gentleman from Illinois, I have consulted with the leadership and I believe they share my view and my belief that this is a mattter of the highest priority. They are concerned about repercussions that might take place if there is any failure on the part of the Congress to act affirmatively. I just hope and trust that our friends at home and those abroad will not misconstrue this, what I hope is, only a temporary delay. I hope there are no adverse economic repercussions by the fact that we are not acting expeditiously. I believe very strongly that the legislation must be approved and it would, I think, be disastrous if it was not enacted in due course as quickly as possible.

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

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

Mr. ALBERT. There is no reason for anyone to have any concern along the lines expressed by the gentleman in his statement just now.

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

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

Mr. PUCINSKI. I agree with the distinguished majority leader. I have no doubt that the leadership will not call up this legislation. Of course they will call it up. I think the leadership is committed to that. But I wonder if someone in the House is prepared to speculate on whether or not this delay on this very urgent matter that we have heard drums beating about here now for some time does not indicate that perhaps the votes

are just not there. The fact remains there are many who are very seriously concerned about continuing this tax program for a whole year, when last October all over this country there were promises that there was not going to be an extension of the surtax. I remember people coming into my district and saying, "You are not going to have a continuation of the surtax if certain things happen on election day." So I wonder if this delay is perhaps being caused by reason of the fact that the votes just are not there.

The SPEAKER. The time of the gentleman has expired.

## WAKE UP, AMERICA

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

Mr. HALEY. Mr. Speaker, because of the vast publicity that has been given to disorder and violence on the Nation's campuses, the daily reporting in newspapers, on television, and radio, emphasis is constantly given to the misguided youth who have disrupted the educational processes at many of our universities and colleges and little attention is given to those young Americans who work diligently for the betterment of our Nation.

Recently the Winter Haven Daily News-Chief, one of the fine newspapers of the State of Florida, featured as an editorial excerpts from an excellent article by Tom Donnelly, executive vice president of the U.S. Jaycees.

Certainly the members of Mr. Donnelly's organization have exemplified the finest in service to the enrichment of their communities, States, and Nation. Mr. Donnelly expresses his own awareness to the fact that the people of our Nation must wake up to the forces that work among us that would destroy our institutions. His example is the turmoil on our campuses, where misdirected and rebellious young people are playing into the hands of those who would bring about complete chaos and rebellion in the United States.

We must remember that free education will be lost if college administrators and trustees surrender to radical dissenters. Most of all we must remember that a free society cannot survive if such lawlessness is allowed to continue. It is time we restore law and order in every area. It is time the people of the Nation heeded the words of Mr. Donnelly and other clear-thinking Americans. The excerpts from Mr. Donnelly's article follow:

WAKE UP, AMERICA

Wake up, America—before it's too late!

Our nation is being burned down around our ears, and we sit back and watch, and capitulate to the torch bearers. American youth—terribly misguided and misled—are trying to "restructure" the country that has given them more than any other nation on this earth could.

Personally, I'm sympathetic with a number of the student demands for more constructive involvement in campus affairs. There are grievances in many cases that should be investigated and corrected. I'm glad that the U.S. Jaycees can present both sides of the picture.

One problem itself has grown to the point where the television screen recently reported the incident at Cornell—a group of Negro students marching out of the administration building they had occupied, by armed force. They looked like a band of guerrilla fighters, rather than students interested in an education. And even more sickening was what happened the next day—the complete capitulation, and that's all it could be called, to their every demand by the Cornell administration. Am I crazy, or is that anarchy of the highest degree?

Here at U.S. Jaycee headquarters we have in our employ many people, with many different political views . . . the extreme liberal, the conservative, the moderate. In recent discussion, everyone seemed to agree that something must be done—a halt must be called, now!

Anyone who thinks that the SDS—the chief cause of all the trouble in all the campuses across the nation—is not heavily membered with avowed young Communists . . . is living in a dream world. Read the papers, the magazines, watch the newscasts, talk with concerned students. It's there—plain as day! We are in the growing stages of a revolution that could sweep this nation into chaos just as sure as Mao is a Chinaman.

I'm certainly not an alarmist, a Bircher, or a Racist . . . I'm merely a political moderate who is fast becoming a frightened American—frightened for the future of this great country.

Let's get tough with these young punks! We can either surrender every institution of higher learning in the nation to them, or we can begin showing them they don't rule our world—not yet!

## THE 1970 CENSUS

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

Mr. QUILLEN. Mr. Speaker, the controversy over the 1970 census boils down to a simple question of values: Is it more important to tabulate an accurate head count than to ascertain the number of color television sets in the United States?

Unquestionably, both of these objectives cannot be attained in the 1970 census as it now stands. And there is some question if either of them can be, when we consider the great proportion of the population which will ignore the census questionnaires or willingly accept the penalties rather than be subjected to another Government intrusion into their personal and private lives.

I introduced legislation in June 1968, and again in January of this year which would eliminate the criminal penalties for failure to answer personal questions on the 1970 census and reduce the number of mandatory answers.

I am not only opposed to the criminal penalties of a $100 fine and 60 days imprisonment attached to the subjects on the questionnaire. I strongly believe the nature and number of questions constitute an invasion of privacy.

That a Government agency should require the American people to reveal information that is strictly personal and private seems to me to be outrageous and a burden to the public.

Does a Government agency have the right to inquire of a man or woman how many times they have been married, or how the first marriage ended? Further, do we really need to know the answers to all the foolish questions which in no way relate to the number of people in this country?

I fail to see the justification for such items listed on the questionnaire as means of transportation to and from work, rent paid, kind of heat, whether the home has a bathtub or shower, whether the householder has a clothes washer and dryer, television, radio, dishwasher, food freezer, and other similar questions.

Considering these questions, Mr. Speaker, I cannot believe the penalties. Should a person be fined $100 or jailed for 60 days for refusing to answer these questions? Are we to allow hundreds of innocent people to acquire criminal records for refusing to answer them?

The Congress must consider the purpose of the census, an accurate count of the number of people in this country, and bring the questions into proper focus upon that purpose. The questions have no place on a census aimed at enumerating the population, and if they are allowed to remain in the 1970 census they may very well defeat its purpose.

There seems to me to be only one solution. The number of mandatory questions contained in the questionnaire must be cut down to seven: Name, address, age, sex, head of household, race or color, and persons in home at time of census, and criminal penalties must not be attached to other questions.

Demanding cooperation is no way to get it. And in view of the 3-percent undercount in 1960 when almost 6 million people were not counted, I think for the census in 1970 we should concentrate on achieving the greatest amount of cooperation possible.

Committee hearings on all census bills have been completed. I hope that a reform measure can be brought to the floor of the House as soon as possible.

## THE SUPREME COURT AND THE POWELL CASE

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

Mr. HALL. Mr. Speaker, in some sectors of the public press, the supremacy of the Supreme Court is being hailed as the new order in this country. The Court is represented to the people as the benign and beneficent ruler of men, remote from the people, and immune to public influence, men who will shape this Nation to their own desires of the political order.

These views of court or judicial supremacy can only be described as a perversion of the constitutional order. This Government was instituted as a government of law, and not of men. The powers of the Congress, the Executive, and the judiciary are prescribed in the Constitution, and the sole lawful means of changing those orders is also prescribed. To suggest that the Supreme Court can by judicial fiat alter the constitutional powers, is to mock the Constitution. All perceptive peoples know that in recent years they have legislated by opinion and de-

cree, wrapped in sacrosanct robes of judicial opinion.

Questions of constitutional powers have more than academic significance for this House. We face for the first time in the history of the Congress an attempt of the Supreme Court to usurp jurisdiction over the qualifications of Members of this House. The Constitution is explicit in providing that—

> Each House shall be the judge of the election, returns, and qualifications of its own Members.

This provision expressly contradicts the conclusion of the Court that only the constitutionally specified requirements of age, citizenship, and residence define the qualifications of Members. The Court not only would require this House to admit knaves and scoundrels, but it issues this edict in defiance of the constitutional powers of this House.

Mr. Speaker, this House stands at a great crossroads. Either we shall reject the Court usurpation and sustain the Constitution, or we shall supinely submit to the spreading judicial tyranny, and sublimely admit to coequal branches of Government, being off balance. There is no compromise which can evade the issue. Either we here and now reject the decision of the Supreme Court in the case of ADAM CLAYTON POWELL, as an illegal usurpation of powers not constitutionally vested in the judiciary; or we invite the destruction of our system of a balanced representative form of government in a republic under a constitution in this country. The genius and success of the latter for the last 175 years is the ability to change as necessary, from within, by due process, and never by fiat or dictation.

## JUDICIOUS MIX OF MONETARY AND FISCAL POLICIES REQUIRED

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

Mr. FASCELL. Mr. Speaker, 3 years ago we began to experience the first clear sign that extraordinary measures were needed to control the inflationary pressures on our economy. At that time it was evident that the monetary restraints then in force, mainly in the form of higher prime rates of interest and reserve requirements, were having little impact on excess demand and rising prices.

In September 1966, I said that "efforts to curb inflation must be shifted from restrictive monetary policy to selective fiscal restraints." My fear was then and is now that a continued overemphasis on monetary policy in controlling inflation can have a severe detrimental effect on the economy generally. More specifically, an overemphasis on monetary policy has a direct and harmful impact on some of the most basic and critical needs of this country. For example, the housing shortage is not alleviated by the alarming rise in interest rates which puts the ability to purchase a home beyond the reach of many Americans, especially the young and the old.

Nor is the capacity of our municipalities to finance their expanded functions enlarged by the necessity of competing in the bond market with Federal and private issues having yields greatly exceeding those which local governmental units can afford.

Beyond this, the harm caused by inflation affects the well-being of every American. The latest Consumer Price Index indicated that the rise in consumer prices over the past 3 months was the steepest in 13 years. The cost of medical care services has gone up nearly 8½ percent in 1 year. Prices for transit fares, food, furniture, and used cars are also at the highest levels in years. This situation is causing severe hardships to all Americans, especially those on fixed incomes like most of our elderly.

Attempts to cure this illness in our economy must combine judicious utilization of both monetary and fiscal tools. Reliance on one to the neglect of the other merely distorts the economy and causes misallocation of investment and savings resources. Recognizing this hard and inescapable fact, I voted for continuation of excise taxes on telephone service and automobiles and for reductions in nonessential Federal expenditures during fiscal year 1969.

Another fiscal restraint which I support is repeal of the 7-percent investment tax credit. It was enacted at a time when a lagging economy needed stimulation. There is little doubt that this device has outlived its usefulness in terms of beneficial business expansion at this time. Its principal effect now is that it adds an unchecked supply of fuel to the fires of inflation.

And so, Mr. Speaker, the nub of the matter is this: Our restrictive monetary policies have not produced the intended results. Our fiscal policies, in the form of limitations on Federal spending and retention of excise taxes on certain goods and services, although certainly efficacious, need continuation.

But more than that, we must retain the surtax which is due to expire in less than 2 weeks. I favor extension of the surtax at the current rate of 10 percent until December 1969 and at a rate of 5 percent from January through June of 1970.

Few things are more distasteful than advocacy of higher taxes. However, in the situation we now face, the alternatives are few and worse. None will deny that devaluation of the dollar would have serious repercussions extending far beyond the United States. Nor is the prospect of wage-price controls more appealing.

I want to make it unmistakably clear that continuation of the surtax must be coupled with further reductions in nonessential Federal expenditures. I recently cosponsored a resolution calling for a searching reexamination—by the administration and the appropriate congressional committees—of all military commitments and expenditures so that the following ends may be achieved:

First. Reduce such expenditures in fiscal 1970 as substantially as possible consistent with the security of the United States; second, eliminate excessive and wasteful spending practices; third, halt the present trend of constantly increasing defense expenditures.

Other areas of Federal spending can also stand similar scrutiny.

Two months ago, I presented, what I consider to be, essential tax reform proposals to the Ways and Means Committee. I said then that what is needed is a fundamental, rather than a patchwork, restructuring of our tax laws so that greater equity and simplicity could be achieved. That goal must not be allowed to vanish as a result of our deliberations on the surtax.

The national economy requires retention of the surtax for a reasonable time and the American taxpayer requires more equal treatment from our tax laws. Both are indispensable goals.

## CPL. FRED TRAYLOR KILLED IN VIETNAM—ONLY SURVIVING SON

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

Mr. NICHOLS. Mr. Speaker, I rise today to share with this House one of the saddest experiences I have had as a Member of the Congress. Each of us has had numerous men from our districts killed in Vietnam. I know many of you have attended funeral services for these men just as I have.

In May of 1966 the Howard Traylor family of Heflin, Ala., lost their son Wayne in Vietnam. Shortly afterward their younger son, Fred, enlisted in the Marine Corps. Because there were only two sons in the family, Fred qualified under the only-surviving-son regulation but because his drill instructor told him he might not be promoted if he hid behind this regulation and also because of his great patriotism, Fred waived his right to be an only surviving son.

Then because of his family's anxiety, Fred changed his mind and tried to have his waiver reconsidered but it was turned down. He asked me for help and I was unable to get the Marine Corps to reconsider, so Fred went to Vietnam. Last Tuesday, June 17, 1969, Cpl. Fred Traylor was killed in action in Vietnam.

Mr. Speaker, there is no better supporter of a strong defense system for America in this Congress than I am, there is no greater believer in what we are doing in Southeast Asia than the Congressman from the Fourth District of Alabama. But, Mr. Speaker, there is something wrong with a system which refuses to allow the only remaining son of a family who has already given one son in Vietnam, to change his mind and not go into a battle zone. There was no question but that he qualified as an only surviving son.

I have today written to the Secretary of Defense, asking that he take steps to prevent such situations from happening in the future. It is difficult for the Howard Traylor family to understand why they must give two sons for their country while there are many thousands of men who have not yet had to serve their country. I find this difficult to understand too. I sincerely hope that the Secretary will give immediate attention to this situation so that no such incidents are allowed to happen in the future.

## FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

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

Mr. BURTON of California. Mr. Speaker, on June 17, my distinguished colleague, the Honorable OGDEN R. REID, placed in the RECORD findings of the U.S. study team on its trip to Vietnam. This study team was composed of such distinguished Americans as James Armstrong, bishop, United Methodist Church; Anne M. Bennett; Allan Brick, director of national program, Fellowship of Reconciliation; JOHN CONYERS, JR., Member of Congress; Robert Drinan, S.J., dean, Boston College Law School; Peter W. Jenkins, pastor, Congressional Church, Wimbledon, England; John de J. Pemberton, executive director, American Civil Liberties Union; Seymour Siegel, rabbi, professor of theological seminary; and Arnold E. True, rear admiral, USN (retired).

From reading this report, it is obvious that while it is our stated policy to protect and guarantee freedom in South Vietnam that very little actual political and religious freedom exists there.

Just the following day, June 18, I read an article in the New York Times which stated that four members of a liberal opposition group in South Vietnam, had been summoned for police inquiry.

More specifically, I should like to bring this most serious situation to the attention of my colleagues and to commend my distinguished colleague, JOHN CONYERS, JR., for his untiring efforts as a member of the U.S. study team, which visited Vietnam and produced this report. The article follows:

FOUR OF OPPOSITION GROUP IN SAIGON ARE SUMMONED TO POLICE INQUIRY

(By Terrance 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 reconciliatiton" were ordered to report for questioning by the National Police.

Summonses were delivered 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 at 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 delivered 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."

## ON ENDING DISCRIMINATION

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

Mr. EDWARDS of Alabama. Mr. Speaker, the Voting Rights Act of 1965, for the first time in American history, put the Federal Government into the business of passing judgment on voter qualifications of the various States.

It does this on a basis carefully prescribed to apply in only a few States. And it attempts to deal with only one aspect of the voting process.

In discussion relating to possible extension of the Voting Rights Act I believe it is very important to decide whether we really want to begin setting up Federal standards in voting. I would argue that the Federal Government ought to stay out of this field. But if Federal standards are imposed, they should be applied even-handedly, both in terms of geographic regions and in terms of all pertinent aspects of the voting process.

If we are going to ban literacy tests then let us do it openly and above board and evenly across the country. Let us do it evenly both in writing of the law and its enforcement.

But let us go further than that and consider not just one problem, but others. What about the cases of fraud that have apparently turned up time and time again in some counties of the Nation?

What about vote-buying, multiple voting by one person, and irregularities in tabulation? Are we properly to ignore these?

There should be no discrimination in voting. We can all agree to that. But by the same token, there must not be any discrimination in applying Federal voting laws evenly to all parts of the country. Let us not have any more laws aimed at one small section of the country.

## SELF-SERVING STATEMENT BY MAX M. KAMPELMAN

The SPEAKER. Under a previous order of the House the gentleman from Iowa (Mr. GROSS) is recognized for 40 minutes.

Mr. GROSS. Mr. Speaker, I noted with more than passing interest that on June 5, a long and self-serving statement by one, Max M. Kampelman, was inserted in the CONGRESSIONAL RECORD.

It was a statement that had been prepared for delivery by Kampelman at the Senate hearing on his nomination to be president of the City Council of Washington.

When it was revealed that Kampelman was one of the architects of an alleged multi-million-dollar swindle of the Agency for International Development, and when certain other aspects of his life were exposed, Kampelman withdrew his name rather than face questioning which would have brought to light still other machinations in which he has involved himself.

Mr. Speaker, I am intrigued by the timing of the insertion of this statement in the CONGRESSIONAL RECORD. It was written in the fall of 1967, nearly 2 years ago.

Why has it been publicized at this particular time?

Could it possibly have something to do with the fact that Kampelman's Napco Industries, Inc., the firm that operated the infamous AID swindle, has

been accused in Federal court by the Justice Department of deceit, false claims, and breach of contract in this case?

It will be remembered that Kampelman became officially associated with the NAPCO crowd in 1955 when, shortly after he resigned as the then Senator Hubert H. Humphrey's top assistant, he was hired as NAPCO's Washington counsel.

Several years later, when the multimillion-dollar scheme to defraud AID had been devised, Kampelman became a director of a NAPCO subsidiary that was an essential part of the conspiracy. And, more recently, he was made a director of NAPCO itself.

Since Kampelman has now chosen to have his self-serving statement aired publicly, defending his associates in NAPCO as being "among the finest people that I have had the privilege of working with." I should like to discuss this organization further.

NAPCO, you will recall, is a Minneapolis firm whose former president, the late Max E. Rappaport, was a close friend of and heavy contributor to Humphrey.

Humphrey pulled out all the stops in pushing the deal whereby NAPCO hoodwinked the Government's foreign aid agency out of nearly $4 million in order to unload NAPCO's obsolete and worn out gearmaking machinery on India.

Humphrey wrote letters to, among others, the Administrator of AID, the Chairman of the Export-Import Bank, an Assistant Secretary of the Treasury, an Under Secretary of State, the Director of the Development Loan Fund, and the U.S. Ambassador to India.

There can be no question that Humphrey's special "interest" in the loan to NAPCO, and his unbounded praise of Rappaport and others associated with this scandalous operation went a long way toward inducing AID to make the loan that has now resulted in Federal charges of deceit, false claims, and breach of contract.

In his recently published statement Kampelman says that he is "proud of his relationship" with the NAPCO crowd, and Humphrey wrote in 1961 that they "are highly reputable" men.

These paeans of praise are doubly interesting when one examines NAPCO's dealings with the Government of Israel in the mid-1950's.

Mr. Speaker, Kampelman and Rappaport tried to foist off on the Israeli Government much the same type of deal they pulled on the AID agency, and I am informed that Humphrey also had his hand in this one.

In late 1955 or early 1956, the Israeli Purchasing Mission in this country purchased 15 supposedly new trucks from NAPCO. Kampelman was NAPCO's Washington representative.

Eleven of these trucks were shipped before the Israelis discovered they were little more than junk.

Perhaps it will be remembered that in the fall of 1967, when I first called attention to the NAPCO gearmaking plant that was palmed off on Indian purchasers as so much junk, I did not make that charge idly, nor do I do so today when referring to these trucks.

The Israeli Government was, to put it mildly, outraged over such treatment from those it had every right to believe would deal honestly.

It requested, and received, two independent inspection reports on the remaining four NAPCO trucks which were awaiting shipment from New York.

Mr. Speaker, let me quote from one of these reports, dated July 18, 1956, which was made to the Office of the Israeli Government, room 1718, Fish Building, 250 West 57th Street, New York City:

This contract was made as requested to investigate a condition wherein the Government of Israel Representatives accused the Federal Motor Truck Company (a division of NAPCO Industries) of using war surplus material in fifteen (15) army vehicles recently purchased. Our purpose in making this contract was merely to identify equipment used in these vehicles.

Continuing to quote from the report:

In any event, the writer, with Mr. Cohen and Major Rafaeli (identified as T. Cohen and Maj. Robert Rafaeli, representatives of the Israeli Government), examined one of the trucks which was at the Mott Haven Company on Bruckner Blvd., and 144th St., Bronx, N.Y. This vehicle, Model T600RS, Serial 180191 was in the process of being completely dismantled by the Mott Haven Company.

Examination of this vehicle revealed the following:

"Rear rear axle markings 75780 WX 9, date stamping not legible.

"Front rear axle marking 75764 WX 11, dated, F-25-45."

"The markings on both gear carriers, as well as on the front axle had been ground off.

"On all axles, as well as on the transfer case there were from three to four coats of paint and under the paint the metal was covered with rust.

"The wheel bearing surfaces were approximately .025" undersize, which, in the writer's opinion, was caused by grinding off of the rust.

"Some of the spur gears in the axles, as well as some gears in the transfer case appeared to have been used gears.

"The brake linings on some of the shoes had been replaced with different size rivets. The brake drums were very badly rusted and the wheel stud nuts in two of the drums were not staked or prick punched.

"The rubbers in the torque rods were badly deteriorated and cracked. Writer was told that the vehicle had the wrong transmission in it and that the Gar Wood Hoist was rebuilt.

"All in all," said the report, "this is the worst piece of junk the writer has ever had the experience of examining, especially when the vehicle was supposed to be new. It appeared that the only new parts on the vehicle were the engine and the steering post."

That was the conclusion of one expert who examined the goods sold to Israel by these so-called estimable Napco officials.

But the Israeli authorities went to even greater lengths to verify their suspicions.

On June 28, 1956 they retained the internationally respected Bureau Veritas, the Paris-based society which has been in existence since 1838.

I have, Mr. Speaker, a copy of Bureau Veritas Report 7470, dated July 20, 1956. It is a seven-page indictment of this junk, ranging from the absence of lock washers or any method of locking nuts onto brake drum studs; rusted and worn parts; unevenly and irregularly welded drive shafts; rear springs that were more than 4 inches too long and an inch too wide and that were damaged and painted several times; and the installation of used, worn, and damaged gears in a housing that appeared to be unused but was a surplus item.

In addition, Bureau Veritas discovered such defects as a cross-threaded wheel locking nut which prevented the proper installation of the wheel; cracked axle frame mounting brackets and a deteriorated component in an air brake diaphragm assembly.

There was not even a spare wheel.

This was the type of junk that Max M. Kampelman and Max Rappaport unloaded upon the Army of the State of Israel.

Mr. Speaker, officials at the highest level in the Pentagon were notified of this fraudulent transaction by the Israeli Government shortly after it was discovered.

The considerable publicity in 1967, concerning the leading role played by Kampelman in the scandalous fleecing of AID of nearly $4 million, again gave the Pentagon more than adequate notice of the character of NAPCO's officials.

Yet I have discovered, Mr. Speaker, that NAPCO was given more than $2 million in military contracts during 1968—the last year of the Johnson-Humphrey administration.

Here we have the sorry spectacle of a politically favored company reaping fat contracts from the Defense Department, whose officials knew its unsavory reputation, while, across town, the Justice Department was accusing it of deceit, fraud, false claims, breach of contract, and conspiracy.

Until such time as NAPCO or any other firm establishes its innocence of charges of wrongdoing, or demonstrates on the basis of performance that it will do business honestly and decently, it should be barred from a single dollar of business with the Federal Government.

## CHIEF JUSTICE WARREN

The SPEAKER. Under previous order of the House, the gentleman from California (Mr. CORMAN), is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on former Chief Justice Earl Warren.

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

There was no objection.

Mr. CORMAN. Mr. Speaker, one is rarely as privileged as I am this afternoon, for I have the special honor to pay a richly deserved tribute to the Chief Justice of the United States, Earl Warren, as he begins his retirement from the Supreme Court.

When the title was conferred upon him on October 5, 1953, as the 14th Chief Justice in this Nation's History, it was

clear to those who knew him that he was eminently suited for that responsibility and that the contribution he would make to that office would be significant and lasting.

Chief Justice Warren set the highest standards for the highest Court in the land. He became a force for promoting justice and protecting individual rights—a Chief Justice who recognized that the Constitution is a living embodiment of the words inscribed over the Court's entrance—"Equal Justice Under Law." Rarely before has a man fitted the title so well—and the title the man.

As Earl Warren leaves the Court after 16 years of wise and strong leadership, he takes his rightful place with those other great Chief Justices who have been placed by history in that special category of men who were not only notable jurists but statesmen with the wisdom and courage to help the Nation honor its commitment to the rule of law and equal justice for all.

Earl Warren began his life in my home State of California. Born of immigrant parents who had been brought to the United States in infancy, his Norwegian father and Swedish mother settled first in San Diego and then moved to Los Angeles where Earl Warren was born on March 19, 1891.

The Chief Justice's social outlook stems from the circumstances of his youth. His father was a railroader who lost his job and home when the workers organized and struck for better working conditions. Those were the days when employers refused to rehire strikers. That disturbing episode in his early life left its mark and undoubtedly explains why the needs of people have always been important to him.

He was reared in an atmosphere of love and devotion and very little money. Matt Warren, who exerted much influence on his son, was determined that the boy would receive the formal education that he had been denied.

Earl Warren's interest in law began early in his life. Bakersfield, where the family had moved, was still something of a lawless frontier town when Earl Warren was growing up. When the violence of a Saturday night brawl shifted to the court, he would stop on his way home from school to watch the proceedings in this county courthouse. The Chief Justice has said that his determination to become a lawyer goes so far back that he can hardly remember ever having been without it.

He was admitted to the California bar in the spring of 1914, having worked his way through college and law school at the University of California at Berkeley. His first post was in the legal department of the Associated Oil Co. at San Francisco. Discharged as a first lieutenant at the end of World War I, he became clerk of the judiciary committee of the California Assembly, the beginning of a long and distinguished career of public service.

From there, Earl Warren became the deputy to the Oakland city attorney; later the district attorney of Alameda County. His strong commitment to law and order, which lies at the core of the Chief Justice's being, surfaced in the years he was district attorney of Alameda County. He successfully fought to rid the county of crime, and gained a national reputation for honesty and devotion to good government. He was reelected to this office in 1930 and again in 1934.

As a candidate in 1938 for attorney general of California, he promised a nonpartisan administration and was elected as the nominee of all three parties: Democratic, Republican, and Progressive—in a cross-filing procedure. His remarkable job of reorganizing that office presaged his expertise in later years as Governor of California and as Administrator of the Federal courts when he became Chief Justice of the United States.

In 1942, Earl Warren became a candidate for Governor of the State of California. He announced his candidacy by declaring that—although a Republican, he would seek the support of both parties. and that he could do this honorably because he was an independent and, therefore, in a position to serve the people fairly regardless of political differences—a credo to which he held fast in all the years of public service. And, in the November election of that year, he carried every county in the State.

His popularity continued to increase in his first 2 years as Governor. Relations with the State legislature were effective and his efforts for the people were clearly defined. In 1946, he received both the Republican and Democratic nomination for Governor, becoming the first of California's Governors in 32 years to win a second term.

Earl Warren's political interests during those years took him into the national scene, serving first as an alternate delegate to the 1928 Republican National Convention, to become a favorite son nominee for the Presidency in 1944, and to an announced candidate for President in the 1948 campaign. When the nomination went to Thomas Dewey, he accepted his party's Vice Presidential bid, and with the loss of the election, Earl Warren in 1950 was reelected to a third term as Governor of California.

There were few critics during the years that Earl Warren served as Governor. His belief that government should be active and positive in serving people and that the highest State office should be administered on a nonpartisan basis gave credibility to the realization that it was certainly more than political power that led the people of California to elect him three times.

He searched for competence rather than political qualifications in his appointments. Honesty, integrity, administrative excellence were the hallmarks of his administrations. California's fast-growing heterogeneous population gave rise to immense problems for the State government. Governor Warren had an extraordinary sense of knowing exactly where to seek help for ideas on how best to govern. He bypassed political parties and went directly to the people—to citizens' committees and the like. He used his own civil service as a source of information, and revived the Governor's council and used it freely and consistently. He adhered strictly to the principle of an independent legislature, and when he decided not to run for reelection as Governor for a fourth term, it was because of a deeply ingrained belief that periodic change was necessary.

Governor Warren had no idea then that the highest judicial post in the Nation would soon be offered to him. Five days after the announcement on September 3, 1953 that he would not seek reelection, Chief Justice Vinson died. On September 30, President Eisenhower announced to the Nation his intention to designate Gov. Earl Warren as Chief Justice of the United States. His reputation for integrity, honesty, experience in Government, and law convinced the President that the Governor "was a man who had no ends to serve except the United States."

On October 4, 1953, Earl Warren resigned as Governor of California, and the next day he donned the robes of the 14th Chief Justice of the United States.

A new era was inaugurated in the Supreme Court.

Up to this point in his life, Earl Warren had achieved the so-called "American dream." His life read like a vertiable Horatio Alger story. From poverty, he rose through his own efforts to the governorship of one of the largest States in the Nation and served through three elected terms. His own political party had selected him to be its Vice Presidential nominee and he was accorded—at age 62—the second highest honor this country can bestow upon a citizen—the Chief Justiceship of the United States.

Had he been willing to do so, he could have well served the country and the Court in a strictly traditional sense. The issues before the Court when the Chief Justice took office called for a choice of carving out new judicial frontiers or following established precedent. The power to broaden the meaning of certain constitutional concepts that had lain dormant for many years now could be exercised to meet the revolutionary changes and needs of the second half of the 20th century—or things could go on as they were. He could have taken the latter road, but instead he acted to set the country on a course that would wipe out the legal basis for discrimination, break the deadlock on reapportionment—and would safeguard individual rights.

Like another great American 100 years before him, who saw the injustice of people shackled in slavery and knew that man's inhumanity to man could not exist in a nation that called itself free, Chief Justice Warren could not preside over a court without making certain that the basic principles inherent in the Constitution would be made a reality for all citizens—those who came from slavery: Those who lived as free men. He sensed a growing concern in America. about individual liberty, and he acted on his assessment with the full strength of his public reputation, leadership ability and ideals—which were a natural part of his character and experience.

While the Chief Justice has only one vote on a bench where nine strong, decisive jurists sit, it is unquestionably

true that the times have enabled Chief Justice Warren to play a special part in the history of the Supreme Court. Under his leadership, the Court has demonstrated its capacity to meet with conviction and wisdom the challenges of changing times in our society.

Not since Abraham Lincoln has any American done as much as has Chief Justice Warren to give the Negro the legal right to live in dignity and equality as a human being. In the 1954 landmark decision of Brown against Board of Education, segregation in our school system was halted and the decision signaled the demise of all aspects of racial segregation in American life.

A monumental Warren opinion in 1966 made the Constitution's guarantee of due process a reality for all men. The right for every arrested person to see a lawyer before being questioned by the police; the right to be informed of the nature and cause of an accusation; the guarantee that no one shall be compelled in any criminal case to be a witness against himself—these were the constitutional rights that the Court upheld in its Miranda decision.

It was repugnant to the Chief Justice to see a penniless prisoner standing without counsel before the power of the court of law. The right to counsel is a fundamental right and essential to a fair trial, he held, and in Gideon against Wainwright, he made certain that this right, embodied in the sixth amendment, was protected.

The fourth amendment's protection against unreasonable searches and seizures was buttressed in the Mapp decision by the Court's declaration that evidence illegally seized in violation of this amendment could not thereafter be used in court.

The first amendment was upheld. In the face of villification and abuse, the guarantee of freedom of speech was reaffirmed.

The Chief Justice once was asked to name his most important decision. Without hesitating, he replied, "Reynolds against Sims, of course."

With the decision on reapportionment, the "one-man, one-vote" rule became a cardinal principle in the democratic process of Government. In reading the opinion, the Chief Justice declared simply that "legislators represent people, not trees or acres—and are elected by voters, not farms or cities or economic interests." The decision on reapportionment may be the most significant step taken by the Court in the last hundred years. The issue begged for reform, especially in view of the inaction—year after year—of State legislatures to uphold their own constitutions—and in 1964 the voice of a statesman, as well as a jurist, was heard in the land. The Chief Justice provided the indispensable leadership for a solution of this problem.

Such were the opinions handed down by the Supreme Court under Chief Justice Warren. In Mallory, in Miranda, Mapps, Gideon against Wainwright, and in many others, the court fulfilled the promise of the Constitution that men, rich or poor, black or white, have equal rights under law.

The Warren court, through decision after decision, set aside the outrages and indifference to legal rights that were prevalent in American life—official racism, abuse of police authority, an unbalanced political system, intolerance of free expression—these and many more. Not always in the history of this Nation has the Supreme Court been able to demonstrate its capacity to insure the human rights guaranteed by the Constitution.

The Warren court did so. The impact of these historic decisions will be a true and lasting monument to Chief Justice Warren.

Added to his already impressive career, the Chief Justice in 1963 accepted the duty to head the sensitive Commission inquiring into the assassination of President John F. Kennedy—even though he strongly believed that members of the Court should not be involved in extrajudicial matters.

Ten months later—when the ordeal came to an end—it was evident that the report bore the strong imprint of the Chief Justice's renowned judicial expertise. His capability for administration was evidenced in the high standards of work he set for himself and for the Commission members. Warmth and kindness were reflected in his treatment of witnesses in the painful process of testimony.

It is not possible for me, with my tremendous respect and admiration for the Chief Justice, to say less than I have about him. I could say more—much more—for I have barely touched the highlights of the character and achievements of this great and good man.

With his sense of history and understanding of people—his decisiveness and courage—his calm and serenity in the face of opposition—the Chief Justice represents the promise of America for all the world to behold. Because he understands human failings, he sees the potential for good in people. In an age of political sophistication and cynicism, his greatest virtues are his simplicity, his humanity and openness, his instinctive courtesy and decency in every situation.

Added to these qualities are the training, experience, and knowledge of a brilliant prosecutor, an expert administrator, and a distinguished jurist. His whole personality reflects to a remarkable degree the concept of justice. The wisdom with which he reached his decisions and administered the Court will inspire Americans for many generations to come. He has served his Nation with exceptional distinction—and he deserves the gratitude of all Americans as he and Mrs. Warren begin their retirement years.

The Nebraska Law Review dedicated its November 1968 issue to the Chief Justice. It is rewarding to read the brilliant and laudatory dedications. Among these is an open letter to the Chief Justice from Charles Morgan, Jr., director of the southern regional office of the American Civil Liberties Union.

I must at this point mention briefly one of the Chief Justice's interests that has no bearing whatever on jurisprudence. It is a very human interest. As one of the most enthusiastic baseball fans in the Nation, it is reported that the Chief Justice is a walking encyclopedia of baseball lore—and that he has not missed a world's series game, either in person or on television, for 14 years.

Mr. Morgan, in his letter, relates a warm, personal incident at a baseball game, which I am sure the Chief Justice will long remember.

Mr. Morgan writes:

Several years ago I took my wife and our then eleven year old son to the baseball game at Yankee Stadium. Searching for a taxicab to the airport we stood near the Yankee club house exit.

Hundreds of children clamored for autographs from Ralph Houk and shouted "Yogi!" "Yogi!" You and two other men walked unnoticed to a waiting automobile.

My son waved at you. You waved back.

I felt it strange that children sought the Yankee catcher and let the Chief Justice of the United States, out of uniform and unrecognized, walk by.

But those children were happily seeking their own heroes at an age when others not too long ago marched stiff-legged as a part of the Hitler youth.

Our children do not yet have an equal chance to grapple with the opportunity that is the hope of this land, but the Warren court has opened doors and kept alive the chance that their dreams may be realized. And, perhaps our children will do more to make a still better life for all of us.

And then—I thought—why should those children have recognized you? It sometimes takes time for men—let alone children—to recognize those who've fought their battles for them and kept them free.

And Mr. Morgan continues:

So thank you, Mr. Chief Justice, for fifteen years of building constitutional walls of protection and bridges of equal access for all Americans.

I agree. Earl Warren could have done no greater good for his country than to have served as Chief Justice of the United States. And, the country could have given him no more fitting honor than to have placed him there.

Mr. Speaker, a distinguished California author, John Downing Weaver, 2 years ago wrote a penetrating biography about Chief Justice Warren, entitled, "Warren, the Man, the Court and the Era." In his book, John Weaver caught the full essence of the man and his times.

In the fall of 1968, Mr. Weaver was a contributor to the University of Pittsburgh Law Review issue, which was dedicated to the Chief Justice. His article, in a sense, is a brief digest of his larger work on the Chief Justice.

In closing our tribute to the Chief Justice, I believe it would be fitting to quote from John Weaver's article in the Pittsburgh Law Review, for it reflects, briefly and precisely, the greatness that is Chief Justice Warren:

ARTICLE BY MR. WEAVER

It is ironical that this courtly, God-fearing family man, who sleeps with the Bible within reach, who has never been known to tell an off-color story and who first came into prominence as a tough but scrupulously fair prosecutor should round out his half-century of public service presiding over a tribunal charged with coddling atheists, pornographers and criminals. In fact, he is a deeply religious lawman.

He grew up in a lively California town where ranch-hands and oilfield workers crowded the muddy streets on Saturday night, shooting and knifing one another in drunken quarrels over cards and women. They would awaken in the county jail on Monday morning, and when they came to trial in the county courthouse in Bakers-

field, Matt Warren's tow-headed son was likely to be sitting in the courtroom, his bicycle parked outside. The law, he had decided long ago, was to be his life.

He began in Oakland in the 1920's, putting bootleggers, cardsharps and crooked politicians behind bars. When he first ran for Governor of California in 1942, he was accused of being a mean sort who "reveres policemen, deputy sheriffs and investigators." Actually, it is the law he reveres, and it is the law he has devoted fifty years to—enforcing, administering and interpreting.

As a county prosecutor in 1936, he could have played down his role in a controversial waterfront murder case which jeopardized his political career and his personal safety. Instead, he lumbered past picket lines, ignored the threats made on his life and packed the defendants off to prison. As he saw it, he had no choice but to do what he had taken an oath to do.

As Chief Justice, he felt equally certain that he had no choice but to plunge into the "political thicket" of malapportioned legislative districts. Justice Frankfurter went to his grave arguing the other side of the question. In 1946 when it came before the Court in Colegrove *v.* Green, Justice Frankfurther spoke for a 4-to-3 majority. "It is hostile to a democratic system to involve the judiciary in the politics of the people," he wrote, thus leaving about two-thirds of the American people with no recourse except to the rural legislators who had partially disenfranchised them.

Justice Frankfurter did not live to see the "one man, one vote" doctrine applied to seats in Congress and in state legislatures by *Wesberry* and *Reynolds*, but Warren seemed to be speaking directly to his view of the judiciary's chaste abstention from any involvement with "the politics of the people," when he declared that "a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us."

In electing to write the majority opinion in *Reynolds*, the Chief Justice put himself in the embarrassing position of having to reverse a stand he had taken in 1948. As Governor of California, he had opposed reapportioning the State Senate on the basis of population. "Why didn't you turn the opinion over to somebody else to write?" a friend asked him that summer, and he replied with characteristic bluntness: "I wasn't going to let anybody say I didn't have the guts to write it myself."

The Chief Justice was sixty-two years old when he came to the bench. He had held three important jobs in California. To each of them he had brought the same abundant energy, good nature and stubborness he brought to the Court. In each job, he had begun by rounding up a first-rate staff and had ended by overhauling the administrative machinery and leaving the office stronger and more efficient than he had found it.

As district attorney of Alameda County (1925–39) he had set up a model law enforcement agency and succeeded in getting local lawmen to work together as part of a streamlined, statewide system. As Attorney General (1939–43), he had modernized an antiquated office and made it second only to the Governor's in power and influence. As Governor (1943–53), he had shored up the foundations of California's remarkable university complex, reorganized the prison system, provided modern medical care for the mentally ill, beaten back the oil lobby to build new freeways, waged a losing fight for compulsory health insurance, and left his successor a superb civil service run on nonpartisan lines by highly respected officials who were reappointed time and again by subsequent Governors, both Republican and Democrat.

As Governor and as Chief Justice, Warren had the historic good fortune to find himself holding the center of the stage in a period of revolutionary change. During his decade in the State Capitol, he presided over California's wartime industrialization and postwar growth. During his fifteen years on the bench, he presided over the Court at a time when an accumulation of assorted injustices could no longer be swept under the judicial rug.

Black children were attending public schools that were considerably more "separate' than 'equal', and penniless prisoners were being put on trial without assistance of counsel. Even when a lawyer was appointed to represent an impoverished defendant in court, his conviction might already have been assured by a confession wrung from him in the station house by force, by guile, or simply by taking advantage of his ignorance of his right to silence and to counsel.

The Chief Justice is a hard-working, plain-speaking man who took an oath to 'administer justice without respect to persons and do equal right to the poor and to the rich. . . .' In Washington, as in Oakland and Sacramento, he has done his best to do what he swore he would do, and in the process he has grown to greatness.

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

Mr. CORMAN. I yield to the distinguished chairman of the Committee on the Judiciary.

Mr. CELLER. Mr. Speaker, I rise to express some words of tribute to one of the most outstanding Chief Justices in the history of this Nation. I rise to acclaim the judicial leadership, personal integrity, and profound devotion to public service of Earl Warren.

Perhaps the most appropriate tribute any one of us can make to this great Chief Justice is to recall some of the landmark decisions that he has rendered over the course of the past 16 years; decisions which held segregation in public schools to be invalid; or which held that malapportionment in State legislatures was challengeable on the basis of the equal protection clause of the 14th amendment. Consider, for example, these words written by Chief Justice Warren in Reynolds against Sims, decided only 5 years ago:

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our [state] legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system . . .

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.

Every Member of this House has experienced the impact of the reapportionment decisions, and every citizen of the Nation, I believe, benefited from them.

The gist of the historic end of "separate but equal" public education in Brown against Board of Education was put in these words by Earl Warren:

To separate [Negro children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . We conclude that in the field of public education the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.

In the course of his tenure as Chief Justice, the Court has rendered many significant decisions interpreting numerous parts of the Bill of Rights. Many of these cases involved denials or abridgments of rights guaranteed by the first, fourth, fifth, sixth, and eighth amendments to the Constitution. These cases required the Court to apply constitutional standards concerning the right possibly to assemble, to petition the Government for redress of grievances, the right of free exercise of religion, the right to be secure against unreasonable searches and seizures and the right to due process of law, among other matters. All of these decisions have focused on the exercise of governmental power vis-a-vis the individual citizen.

The Warren court, as it has come to be known, has given contemporary definition of the safeguards constitutionally required in criminal procedures and law enforcement. Illustrative is the Court's opinion written by the Chief Justice in Miranda against Arizona. There, the Court dealt with custodial police interrogation and the necessity for procedures to protect the rights guaranteed under the fifth amendment to the Constitution. It held that a person in custody must be informed that he has a right to remain silent, that anything he says may be used against him in court; he must be clearly informed that he has a right to consult with a lawyer and to have that lawyer with him during the interrogation and that if he is indigent a lawyer will be appointed to represent him. The Chief Justice made clear that the majority was concerned also with the impact of its decision on law enforcement:

In announcing these principles, we are not unmindful of the burdens which law enforcement officials must bear, often under trying circumstances. We also fully recognize the obligation of all citizens to aid in enforcing the criminal laws. This Court, while protecting individual rights, has always given ample latitude to law enforcement agencies in the legitimate exercise of their duties. The limits we have placed on the interrogation process should not constitute an undue interference with a proper system of law enforcement. As we have noted, our decision does not in any way preclude police from carrying out their traditional investigatory functions. Although confessions may play an important role in some convictions, the cases before us present graphic examples of the overstatement of the "need" for confessions.

In addition to his service on the bench, Chief Justice Warren exemplified qualities of outstanding leadership in both judicial administration as presiding officer of the Judicial Conference of the United States and also as a citizen. His service as Chairman of the President's Commission on the Assassination of President Kennedy gave reassurance to a grief-stricken people and provided stability at a time of national crisis.

Earl Warren's career as Chief Justice is reminiscent of the career of John Marshall, the fourth Chief Justice of the

United States. History records Marshall as an influential progressive force in the growth of our political institutions, but also records that he was continually the center of heated public controversy throughout his career on the Court. So, too, Earl Warren has been the focus of virulent, irrational criticism, but I am confident that history will record him as an outstanding humanitarian, judicial scholar, and national leader. His impact on American jurisprudence will be deep and lasting. His devotion to the cause of justice exemplifies the highest ideals of a nation committed to government under the rule of law.

Mr. CORMAN. Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. I thank the gentleman for yielding.

Mr. Speaker, our forefathers wrote a constitution to make this a country where it would be safe to be unpopular. Chief Justice Earl Warren understood and nobly carried out that purpose during his service. Those who really love freedom will be forever in his debt.

I thank the gentleman for yielding.

Mr. CORMAN. Mr. Speaker, I yield to the gentleman from California (Mr. TUNNEY).

Mr. TUNNEY. Mr. Speaker, I would like to compliment my friend from California for having made such an eloquent statement and for honoring Chief Justice Warren who has done great honor to this country in the years that he has served so nobly and so well as Chief Justice of the Supreme Court. I want to thank my friend for having given all of us here today an opportunity to join with him in praising the former Chief Justice.

Mr. OTTINGER. Mr. Speaker, I am pleased to join in this tribute to Chief Justice Earl Warren. It is a tribute he richly deserves and I am confident that years from now, the perspective of history will more than justify the words uttered here today.

When President Eisenhower announced his choice for Chief Justice of the United States in 1953, he described him as follows:

> A man whose reputation for integrity, honesty, middle-of-the-road philosophy, expertise in government, experience in the law, were all such as to convince the United States that here was a man who had no ends to serve except the United States, and nothing else.

For those who expected Earl Warren to be a bland middle-of-the-roader with a static, technical approach to the law, the past 16 years must have been traumatic, indeed, for the years of the Warren court have seen sweeping changes in the fabric of our society—changes in which the Supreme Court and its Chief Justice have been intimately involved.

Less than a year since he became Chief Justice, Earl Warren read a unanimous decision in Brown against Board of Education that set off a series of convulsive changes in our Nation's schools—changes which have not yet reached a climax. He said:

> In the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

Ten years later, in 1964, the Chief Justice announced another landmark ruling, enunciating the one-man, one-vote principle in Reynolds against Sims:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.

These two rulings are indicative of the concern and compassion which marked Supreme Court decisions under the leadership of Earl Warren. In interpreting the Constitution as a living, viable set of principles, the Warren court reached deep into the conscience and being of America.

The retiring Chief Justice has served his country long and honorably. There are many of us who sincerely hope that his wise judgment will be available to the councils of government for many years to come. In the final analysis, I can only share the sentiments expressed by Associate Justice Tom C. Clark:

> The worth of the United States—in the long run—and the worth of the individuals composing it will be the greater for Earl Warren having been their Chief Justice.

Mr. FRASER. Mr. Speaker, I am honored today to join many of my colleagues in paying tribute to the retiring Chief Justice of the U.S. Supreme Court, Earl Warren. Beyond any doubt, Justice Warren has earned his place as one of the greatest—many observers think the single greatest—Chief Justices in the history of our Nation.

Justice Warren has been described as a simple man. Among the adjectives applied to him by his biographers are "jovial," "warm," "realistic," and "pragmatic."

Of Scandinavian ancestry, Justice Warren is the son of a woman who lived in my State of Minnesota. His origins are modest; he grew up in a five-room frame house in Los Angeles. Throughout his long life he has shown compassion for minority groups and for his fellow Americans who have needed help, sometimes against great odds. His compassion has influenced some of the historic decisions made by the Warren court since his appointment in 1953. These decisions have done much to strengthen the constitutional rights of all Americans. "Landmark" is an appropriate—though much-overworked—adjective applying to the Warren court, particularly in the Court's decisions on school desegregation, voting rights, and protection of the rights of persons accused of criminal acts.

Justice Warren's well-deserved reputation as a civil libertarian has brought him censure and abuse from racists and radical rightists who have for years made "Impeach Earl Warren" one of their shrillest and most persistent slogans. Others, and I am proud to list myself among them, look upon the libertarianism of the Court during the last 16 years as a lasting service to the preservation of our national ideals.

According to what I have read about him, the 14th Chief Justice is not renowned so much for his legal scholarship as for his down-to-earth realism and pragmatism. He is a product of a political background. Before his appointment as Chief Justice, his legal experience was concentrated in government, first as a district attorney and later as attorney general of California. He was a distinguished Governor of his State, serving an unprecedented three terms. In 1948 he was his party's candidate for Vice President of the United States.

In a March 13, 1966, article in the New York Times magazine, marking Justice Warren's 75th birthday, the author referred to the "result-minded pragmatism and power of Earl Warren." He summarized much of Justice Warren's effectiveness, I think, in the following two paragraphs:

> It is precisely that sort of pragmatism that a Supreme Court Justice most needs today—when half the cases the Court hears deal with some new issue or new angle of individual rights and liberties, subjects which took up barely 2 per cent of the Court's calendar 30 years ago. Further, almost every case the Court now deals with is a public law case, involving, if not a constitutional question, the interpretation of a statute or the overseeing of an administrative agency.
>
> That is why Justice Brennan, who spent 7 years on various New Jersey courts, dealing with private litigation over wills and property rights and torts and trusts and such, laughs at the notion that prior judicial experience is worth 2 cents to a Supreme Court Justice, except in learning how to put on a robe. That is why such learned legal scholars as Holmes and Cardozo made their greatest contributions on state courts, not on the Supreme Court. And that is why such politically-minded realists as Marshall and Warren might have been failures as state—or even lower Federal—judges but can become giants as Supreme Court Justices.

Mr. Speaker, my views about Chief Justice Warren are reinforced by those of my father, Everett Fraser, who now lives in retirement in Washington. Before retiring 4 years ago at the age of 85, he was law professor and dean at the Georgetown University and University of Minnesota Law Schools and professor at the Hastings College of Law in San Francisco, Calif.

My father, having joined the Hastings faculty in 1949, lived in California during the Warren governorship. He approved highly of Governor Warren's appointment to the Supreme Court. My father believes that public or political experience such as Justice Warren had is important preparation for the Supreme Court. Because of the unique responsibilities of the Supreme Court, he said the other day, "I regard the work of an outstanding Chief Justice as equal in many respects to the work of an outstanding President."

The absence of Earl Warren from the Supreme Court inevitably will be felt, directly or indirectly, by all Americans. He has left his footprints in the sands of American history, as the Washington Post cartoonist, Herblock, graphically recorded a few days ago. As the Chief Justice's illustrious public career comes to an end, we wish him success in retirement.

Mr. MOORHEAD. Mr. Speaker, retiring Chief Justice of the United States, Earl Warren, will go down in history as one of our greatest leaders and most dedicated public servants. Not since the formative days of the Republic when John Marshall presided over its deliberations has the Supreme Court played so dynamic a part in American affairs

as during the 15½ years that Earl Warren has been the Chief Justice of our Nation. In this difficult era of turbulent social change the Supreme Court under his leadership has protected and expanded our constitutional liberties and served effectively as guardian of a living Constitution related to current realities.

The whole of Earl Warren's lifetime in public service has been dedicated to his conviction of the equality of all men, politically, racially, and economicaly, before the law. If through the years the Court's work is well done, he said in 1953 when he accepted President Eisenhower's call to be Chief Justice:

> The home of every American will always be his castle—every human life will have dignity and there will forever be one law for all men.

This was the guiding principle behind such great milestones as Brown against the Board of Education, Baker against Carr, and Gideon against Wainwright, the principle that the worth of every human being should be the first concern of the rule of law.

By example, Chief Justice Earl Warren has taught us to realize that law is not an arid game of words, to be played only in libraries, but the organizing principle of society; that law is part of life, and that it must be studied and practiced in its full context of history, philosophy, and social experience. Above all, he expounded the basic lesson of Justice Holmes' "Common Law"—that the law must make sense—make sense in what it does and what it says, and make sense as a vital force in public policy.

Earl Warren's term of office has been a period of intense and threatening social conflict. Major social change is never accomplished without some conflict, and the Supreme Court's decisions of the last 15 years have often been controversial. The Chief Justice has not evaded his share of responsibility, nor has he sought trivial solutions. Instead, he has calmly applied the law, meeting the test of history head on, and without flinching, confident that his farsighted views would be accepted in the end because they are right.

Of course, no Chief Justice controls or dominates the strong-minded independent associates who sit with him on the Supreme Court. Earl Warren has served the Court as a catalyst, finding common ground in crucial situations to harmonize their differences and fostering among them a recognition of their common purposes. His robust, healthy good humor, good will, and good sense have done much to unify the Court in spirit if not in opinion and give it a sense of direction and force in meeting emergent issues.

It was Earl Warren who wrote the historic opinion—and for a Court made unanimous in no small measure by his leadership—in the 1954 decision that toppled the whole structure of segregated public schools—and of other forms of racial discrimination as well. Under his guidance, the Court has given new assurance of religious liberty and strengthened our constitutional separation of church and state.

The Warren court entered the political thicket of malapportionment in Congress and in State legislatures and wrested from it a redress of the rural dominance which had for so long frustrated solution of our Nation's mounting urban problems. It has secured for all Americans the restraints imposed upon law enforcement by the Bill of Rights, protection for the little man, the poor and illiterate, as well as for the rich and powerful.

No Chief Justice has better served his Court or his country than has Earl Warren. Under his guidance the Supreme Court has led America forward irrevocably toward true justice and equality under law. I have no doubt that Earl Warren will be judged one of the staunchest and most perceptive of our Chief Justices, true in every sense to the duties of the post, and to the purposes of the Constitution. I join my countrymen in paying tribute to a man whose contribution to our Nation's welfare has been immeasurable. He has earned our most profound respect and gratitude, and I wish him many rewarding years in his richly earned retirement.

Mr. ASHLEY. Mr. Speaker, with the retirement of Earl Warren yesterday, we are losing a great Chief Justice. I believe that his life and career are representative of the best that America has to offer.

Earl Warren is an authentic Horatio Alger, the son of a Norwegian-born railway-car repairman who used to tell him that the family was too poor, on a $70 monthly wage, to give him a middle initial.

When his son was barely 4 years old, Methias Warren followed Eugene V. Debs' American Railway Union on a futile strike against the Southern Pacific and lost his job. He later prospered as a master car repairman and small property owner until he was bludgeoned to death over his account books in a still unsolved robbery-murder in 1938. But Methias Warren never forgot his hard times, and he would not let his son forget either. From the age of 10 on, Earl Warren worked summers and after school, driving an ice wagon, delivering papers, selling books door-to-door, and doing odd jobs as a freight hustler and farmhand.

While deputy district attorney in Alameda County, Calif., for 5 years and district attorney for 13, he was bothered by the power he wielded:

> I never heard a jury bring in a verdict of guilty but that I felt sick at the pit of my stomach.

But he followed his conscience, won many such verdicts, dispatched a succession of grafting public officials to jail, and never suffered a reversal on appeal.

In 1942, he won a first term as Governor of California by 342,000 votes, then a second in 1946 when he won both major party primaries, and an unprecedented third term in 1950 by 1.1 million votes. He was, as he had promised, safe, sane, and liberal, and assiduously bipartisan as well. He built highways, hospitals, and schools; won welfare and prison reforms, and three times went down fighting for a State health-insurance program.

Earl Warren brought to the governorship a philosophy which placed the welfare and progress of the State above any small consideration of party or group. In the implementation of that philosophy he exerted quiet, steady pressure toward his objectives, refusing to be jarred off course by the pleadings of special interests or lured off the deep end by plausible propositions which attached rewards to compromises of principle.

It was this implacable dynamism, this liberalism of deed rather than word, that made Earl Warren an outstanding Governor and that he brought with him to the bench.

In September 1953 President Eisenhower announced his intention "to designate Gov. Earl Warren as Chief Justice of the United States" because he "wanted a man whose reputation for integrity, honesty, middle-of-the-road philosophy, experience in government, experience in the law, were all such as to convince the United States that he was a man who had no ends to serve except the United States." It was widely assumed at the time that Warren's appointment was a reward for party loyalty.

However, from the very beginning, Earl Warren failed to fit the stereotype. Instead, he became the ideal Chief Justice, a leader setting a high standard for the highest court in the land. He abandoned partisan politics, moderate Republican or otherwise, and became a force for fairness, for "equal justice under the law." Warren has been very simply a constitutionalist. However, considering the truly radical doctrines of equality embodied in that revolutionary document, that remains extremely inflammatory to this day. It seems clear that in future years the decisions on individual liberties and civil rights of the Warren court will be recognized for their historical awareness, not for any historical indifference. For, underneath Earl Warren's opinions can be found a deep recognition that the Constitution is a living document, in need of preservation by a Court of understanding, concern, and compassion.

Consequently, the true and lasting monument of the Chief Justice will be the impact of the decisions of the Warren court, many of which bear Earl Warren's name. For in the final analysis the Warren court has been dedicated to promoting justice and protecting individual rights and that, ideally, is what America is all about.

The first of the landmark decisions which were to characterize the Warren court came on May 17, 1954, when the Chief Justice, writing for a unanimous court, read the opinion in Brown against Board of Education:

> To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely to be undone. . . .
>
> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate education facilities are inherently unequal.

Later he expanded this view to other matters affecting relations between the black and white races, as the Court struck down segregation in public accommodations, transportation, restaurants and other areas.

Furthermore, the executive and legislative branches followed the Court's lead. Thus, President Eisenhower sent Federal

troops into Little Rock, Ark., in 1957 to enforce admission of Negroes to Central High School, and Congress enacted the Civil Rights Act of 1964 prohibiting discrimination in places of public accommodation. Also, Earl Warren's clear observation that separate facilities are inherently unequal was sadly echoed in the Kerner Commission Report on the direction that our society is moving in.

In a second landmark decision, Reynolds against Sims, the Court moved to right the electoral balance between the overrepresented farmer and the underrepresented city dweller. Writing the majority opinion, Warren laid down the guiding principle of one man, one vote.

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.
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> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that might strike at the heart of representative government. And the right of suffrage can be denied by a debasement of dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

This decision represented one more giant stride to make America live by its own promise, to make the system work on its own terms.

In the area of criminal procedure—one of the major determinants of a "civilized" society—the Court moved to assure all criminal suspects equal rights. Thus, in Miranda against State of Arizona, Warren wrote:

> The current practice of incommunicado interrogation is at odds with one of our nation's most cherished principles—that the individual may not be compelled to incriminate himself. Unless adequate protective devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

Thus, the Court placed strict limitations on the admissibility of confessions. During Earl Warren's tenure, it also banned evidence obtanied by illegal search and seizure, placed strict limitations on the use of lineup identifications, and moved to guarantee both rich and poor the right to counsel at all relevent stages of the criminal procedure. In essence, the Court moved to make it clear that the police, in the administration of the law, are not above it.

Our forefathers conceived this Nation as an escape from tyranny and its founders devised its basic charter as a protection to the unalienable rights of both the rich and the poor, the ignorant and the educated, the black and the white. And in that instrument they created the Court as every man's protector of those national privileges. The cases that I have mentioned, therefore, have a universal bearing and impact. While the executive and legislative branches perhaps acted merely to contain ferment, the Warren court moved to strengthen the great instruments of power in a democratic society—the right to vote, the right to be tried fairly, the right to equal opportunity, and the right to voice one's opinions freely. Thus the Court was fair and true to the promise of the Constitution.

The impact of the Chief Justice and the Warren court on our society was well stated by former Associate Justice Tom Clark:

> If a civilization is ranked according to its system of justice, I submit that ours is the most enlightened civilization in history. Moreover, the fifteen-year period covering Chief Justice Warren's tenure has added more stature to our judicial system than any era in our history. Beyond question, the rights of man have been enlarged and extended further and given more constitutional protection than ever before. This is not to say that the Chief Justice brought this about singlehandedly. He would be the first to say that it was the Court that accomplished it. But as one who was on the Court, I add that it might well have never been done without him. As I have noted, he is a man of action. By this, means that he never dodged any of the issues nor hid behind any of the technicalities that afford avoidance and delay. He met the question head-on, considered all of its ramifications and came up with his own honest and sincere answer. He was an indefatigable worker in the vineyard—an equal among equals—but always responding to the duties of Chief Justice with humility, friendliness and integrity that was his hallmark. He was an example that not only endeared him to each of us but stimulated greater achievement in all of us.

It is most fitting that the Congress honor this man today, for he is responsible for much of our finest legislation. John Stuart Mill once said:

> The worth of a state, in the long run, is the worth of the individuals composing it . . . a state which dwarfs its men, in order that they may be more docile instruments in its hands even for beneficial purposes—will find that with small men no great thing can really be accomplished.

The worth of the United States—in the long run—and the worth of the individuals composing it will be greater for Earl Warren having been their Chief Justice.

Mr. FARBSTEIN. Mr. Speaker, it was my distinct privilege and honor to serve with Chief Justice Earl Warren as representatives of the U.S. Government designated by the then President Lyndon Johnson at the independence day ceremonies of the Republic of Barbados some years ago. During that time, my wife and I had occasion to spend several days with the Chief Justice and his charming wife. I found him to be an extremely forthright individual, quite friendly and warm—a very decent human being.

In the years he served on the highest Court of the land, Mr. Warren has weighed many decisions with the utmost interest of maintaining the integrity of the Court. Chief Justice Warren launched his historical Supreme Court career with the landmark decision of 1954—Brown against Board of Education. He has protected the individual's rights by the several decisions which reaffirm due process of law.

As a result of these controversial opinions handed down on such issues as racial integration, rights of suspected criminals, subversives, and the prerogatives of States, Chief Justice Warren has made the pursuance of greater justice and the guarantee of personal freedom the keystone of his tenure.

In setting this tone, he has made it clear that the Court cannot permit flagrant violations of constitutional liberties in view of the dire consequences which they are almost certain to bring about.

We cannot necessarily measure a man's deeds and whether they are of far-reaching effect with the time he serves his country. However, in the case of Chief Justice Earl Warren, we do not have to differentiate. His deeds are commensurate with his service. To most men, 15 years would be a short time in which to accomplish much. Mr. Warren in this brief period, was able to influence the history of the United States for the next 100 years.

It is my opinion that his name will go down in history as one of the Supreme Court greats in the class of Marshall, Holmes, Brandeis, and Cardoza.

Mr. REUSS. Mr. Speaker, I join in saluting Chief Justice Earl Warren on the occasion of his retirement from a long and distinguished career in public life.

During his 16-year tenure as Chief Justice, Earl Warren was a prime mover in Court decisions that have played a fundamental role in our constitutional history.

Just 2 months after the former California Governor assumed his post at the head of the Nation's highest tribunal, he read the famous decision reversing the "separate but equal" doctrine of school segregation, a decision that signaled the beginning of today's social revolution in America.

Since 1954, the Warren court has handed down many other landmark decisions, such as that on reapportionment which have sought to safeguard individual and minority rights.

Chief Justice Warren has been a leader of those who sought to exorcise the poisons of hatred and prejudice in our Nation. The work of the Court under Chief Justice Warren in promoting racial justice may well have been its greatest achievement.

Earl Warren has been in the public service for 30 years. All Americans can be proud of his record. While he has left the bench, his accomplishments remain with us. We know that in years hence we shall continue to have access to his wise counsel and judgment.

Mr. DADDARIO. Mr. Speaker, it is rare, indeed, when a nation recognized the greatness of a man who is still in the midst of his career. Earl Warren, 14th Chief Justice of the United States is such a man. For 15 years, he has led the highest court of the land with integrity. During an era of intense and threatening social conflict, he has set the calm tone necessary for the important work of the Supreme Court.

As a judge and a lawyer, Earl Warren has set a fine example, for the other Supreme Court Justices, for judges and lawyers all over our land, and for the young people of this country, who lack for heroes.

We recognize the devotion and hard work that Earl Warren has put into his office, as well as the results of that dedication. Chief Justice Warren has been a champion of humanitarian law: Believing that the Constitution of the United States was written for the people of this country, he has led the Court in making decisions that have improved the lives of our citizens.

On the occasion of his retirement, I should like to add my voice to the hundreds of others raised in tribute to this outstanding servant of humanity. I believe that time will demonstrate how very unique and progressive was the Supreme Court under the leadership of Earl Warren.

Mr. CLAY. Mr. Speaker, Earl Warren not only served as Chief Justice of the United States—but he is chiefly responsible for justice heretofore not realized by black citizens of this Nation. Some men see only law—other men's vision includes people as they relate to the law. Earl Warren saw people suppressed by the law as applied and said, "It is not right."

There is no means by which we can pay due tribute to this man. In our own time—we simply cannot do it. It will take more words, more effort, more concern, and more understanding than we can produce in the century which remains. Due tribute will be made, however, and there is not a doubt in my mind but that this man, Chief Justice Earl Warren, will stand in the annals of history as a landmark to this Nation of law and to the institution which serves as the third branch of our Government.

"Inflexibility of institutions," they will say, "need not be the rule," and then they will cite Earl Warren's court. "Responsiveness to the people and to the times is possible," they will say, and then, they will cite Earl Warren. "For 200 years, minorities were denied equal protection of the law—and then, there was Earl Warren's court—when black men started an ascent toward equality in the United States." And they will say, "With this court, all Americans shared in the realization of true citizenship, when equal rights and protections of the law were set down."

The texts will go on and they will elaborate on the character and the sensitivity of Earl Warren who stood nobly as the Chief Justice of the United States and read the climate of the country. Cases such as Brown against Board of Education, Gideon against Wainright, and Baker against Carr—will be noted in history books as well as in law books. And there may even be one paragraph to the effect that this Court not only endured but plunged on in the midst of cruel and harsh criticism inflicted upon the Chief Justice and the men who served with him.

Personally, I must tell Justice Warren what he has meant to me and to the people I represent.

Prior to your court, Chief Justice Warren, my family and I had to travel from St. Louis to California in knowledge of the fact that we could not find overnight accommodations. We sought out the correct labels and signs in order that we might find restrooms, drinking fountains and sometimes, even the right gasoline station.

Prior to your court—Justice Warren, black men stood in stark fear of arrest—because color stood as the only judge and jury—and physical injury or intimidation was inflicted with total disregard for citizenship or manhood

Prior to your court, Justice Warren, we sought to educate our children in underfinanced and undermanned schools. Sometimes, we sent them miles from home—on past the new schools—to the old facility which served black children.

Prior to your court, Chief Justice Warren, there were many who felt black people would never be admitted to this society. When we were struck by the hopelessness of racism, you gave us hope. When black ghettos were ready to explode, you helped to relieve the pressure.

To those who insist you made law—I say no—you only gave it the meaning it was intended to have. You did not write any new paragraphs into the existing Constitution, you merely erased the heavy marks which hid the words which were always there. There was no juggling of the written word—merely an effort to put the puzzle back together. For when you assumed your office, you found your charge torn in a million pieces and scattered across the 48 States. That was 1953, when men had assumed precedence over the law by taking from it only what served their immediate and prejudiced purposes.

To those who say you shaped the law—I say yes, thank God—he breathed life back into the law when he found it on the brink of death.

It will be known that Justice Warren survived attacks because they held no meaning for Americans. Meaning is in truth and truth may now be found in the laws which passed in review before him. Truth—that is what Americans have learned to demand—but when truth is given, some Americans yearn for a return to lies. To abide the truth when it casts doubt upon personal bias or value—is not always a simple matter. But to provide the truth as Chief Justice Earl Warren has done through his courageous leadership of the Supreme Court—stands at the height of difficult honesty. The fact that he stood for it when simpler paths courted his attention—speaks for the greatness of this man.

I commend Earl Warren, I honor Earl Warren, and I say—thank you. May the influence you have brought to bear upon our democratic form of government serve to inspire and to encourage those who aspire to serve this Nation.

Mr. BELL of California. Mr. Speaker, yesterday marked the end of an era in judicial history. Earl Warren has retired as Chief Justice of the U.S. Supreme Court.

Two years ago Chief Justice Warren said:

> I believe that the strength of our system in this country depends on the infusion of new blood into all our institutions.

Acting on this conviction, Chief Justice Warren has graciously stepped down from his position of responsibility and power leaving the way open for new leadership on the highest court in the land.

Exaggerated praise and criticism alike have accompanied many decisions made by the Warren court. Many unwarranted attacks have been made upon the Chief Justice himself.

Earl Warren did not shrink from even the most severe critics. Rather, he gave the Court his loyalty and full support with integrity and quiet dignity in the best traditions of the office he held. And he performed his duties with a consistent view to the maintenance of human rights and "equal justice under the law" for all Americans.

Throughout his long career of public service Earl Warren has fairly served those he represents. Recognized for independent leadership in California, he received the gubernatorial nomination from both the Republican and Democratic parties.

History will determine the greatness of Earl Warren as Chief Justice. History will be the ultimate judge of the Warren court and the measure of its impact on the quality of life in America.

Earl Warren has served his country well for many years. I join those who now rise to praise him. And I wish him well in his retirement from a distinguished career which cannot be easily emulated.

Mr. VAN DEERLIN. Mr. Speaker, I feel I have known Earl Warren throughout most of my adult life. I was barely out of college when he began acquiring fame as our racket-busting State attorney general in California. And later, Mr. Warren was such a success as Governor that it seemed we had never had another one—he was and still is the only person ever to win election three times to our State's highest office.

But it was after he moved to the Federal Government, as Chief Justice, that he really began to place his mark on history.

In civil rights, criminal law, and voting rights, the Warren court has blazed new paths through what I firmly believe has been an enlightened interpretation of our Constitution.

Justice Warren and his court have been under heavy attack, and at times I have quarreled with some of the High Court's decisions.

Nevertheless, I believe the Court, over the past 16 years, has been consistent in a way that reflects the highest kind of credit on Justice Warren and his associates.

If we examine the great decisions in which Mr. Warren has played such a vital part, we find that virtually all of them were intended to uphold the integrity of the individual when confronted with the massive power of the state. Although some of the rulings have been highly controversial, I think we can all appreciate them a little better if we contemplate the alternatives.

I suspect that the very controversy which has attended so much of Mr. Warren's work on the High Court attests to his effectiveness. Could the Nation possibly have been as well served if Earl Warren and his colleagues had been content with a bland, passive role; stayed out of the limelight, and permitted injustice to go unanswered by our final court of appeals?

Mr. BINGHAM. Mr. Speaker, as we mark the end of the Warren court, it is with deep respect that we express our gratitude to Earl Warren for his outstanding contribution to American Government. During his tenure as Chief Justice, Mr. Warren led the Court in

bringing compassion and purpose to our legal system. At a time when the Nation needed strong guidance, Earl Warren had the courage to give modern meaning to the concept of "a living Constitution."

His record is replete with achievements in many areas of the law. The diversity of his Court's work reflects both the breadth of Mr. Warren's scholarship and his brilliance as a student of the law, and the vitality of his leadership as Chief of the American judicial system.

As the impact of Mr. Warren's work expands over the years, it shall be for future generations of Americans to realize the full scope of the Court's precedents. But if there is to be one thought in our minds today when we review the decisions of the Warren court, it is that during these past 14 years the Supreme Court has given even deeper meaning to its fundamental principle of "Equal justice under law."

Mr. HOLIFIELD. Mr. Speaker, I join today with my colleagues in expressing best wishes to Chief Justice Earl Warren on his retirement. With the close of the Court's present session, he leaves that august body after 16 years of service under four presidents.

Earl Warren was a distinguished public official in California, serving as district attorney of San Francisco, attorney general of the State for 4 years and three terms as Governor of California—1943 to 1953. As a Californian he has not only served his State well, but he has brought additional honor to all Californians in his 16 years of service as Chief Justice of the Supreme Court of the United States. I salute him as one of the greatest public servants of our time.

This is also a momentous occasion for the country, for with the end of the Warren court, we close an important chapter of social progress. We hope, however, that Mr. Warren's retirement does not mean an end to the great period of progress which began under his direction at the Court. To turn back the clock in the many areas of recent decisions would be a tragedy for the Nation; to refine and strengthen these decisions by further precedents would do much to insure the continued progress we have now begun in the area of human rights and individual liberty. Though many of its decisions have been controversial, the cases brought before the Court were indicative of the spirit of the Nation, as the issues of human rights moved to the forefront of public concern.

Earl Warren has been the embodiment of that spirit. Calling himself a friend of social progress, he has stated:

> In government, as in all other affairs of life, it is not so much the size of the steps that determine progress as it is the directions in which the steps are taken.

It is my opinion that the Supreme Court, under Chief Justice Warren's direction, has rendered exemplary decisions in the field of individual rights.

The era of the Warren court began in 1953, with his appointment to fill the vacancy caused by the death of Chief Justice Fred Vinson. At the time, the Court was sharply divided on a case pending before it, Brown against Board of Education. Seven months later, a unanimous ruling was read by Chief Justice Warren, stating that racial segregation in public schools was unconstitutional. In it, he stated:

> We conclude that in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

This action set the stage for future decisions championing civil liberties. It was also the beginning of a change in the Court, reflecting the mood of the Nation. Further civil rights reform included consistent rulings against all forms of racial discrimination. A 1968 ruling banning discrimination in the sale or rental of housing was based on an 1866 law. These decisions have no doubt provided impetus to minority groups in their struggle for equality—a struggle which must continue. I am hopeful that these decisions will not be reversed, sending us into a regressive period of judicial and national history.

The Supreme Court which Earl Warren joined in 1953 consisted of men with widely varying philosophies. The change of the Court to a cohesive body has been gradual, due to the types of cases brought before it, the succession of Justices, and the direction of the man to whom we pay tribute today. Often faced with eloquent presentations by both sides, his guidance has been a catalyst to the Court to meet on common ground and resolve their differences.

Another issue of magnitude confronted by the Court was the need for reapportionment in both State legislatures and congressional districts.

While opposition to malapportionment had been growing in most of the States, it was not expected that the Supreme Court would take action on individual complaints. Precedents were against judicial intervention and the entire matter was thought to be politically volatile. Moreover, few of the States took action to correct severe inequalities in representation. Fear was expressed that our democratic government was in danger.

In 1962, the Warren Court heard its first case dealing with apportionment and legislative districting in Baker against Carr. The 6 to 2 decision directed a Federal court to hear a challenge to Tennessee's State Legislature, where no reapportionment had been made since 1901. This ruling opened the Federal judicial doors to future reapportionment cases.

The Court's first ruling on the one-man, one-vote theory came in 1963 in which they stated:

> Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in the geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment.

This case dealt with a county unit system of primary elections for statewide offices, which was specifically designed to give more weight to rural areas in the electoral process. In 1964, the same principle was applied to congressional districts and, the same year, the State legislatures of 15 States were found to be unconstitutional by the Supreme Court in Reynolds against Sims.

Mr. Speaker, history will record the decisions made by the Supreme Court under the Chief Justice Earl Warren's direction, and will judge accordingly. I have no doubt that this era will be regarded as one of the Court's greatest, taking its place with the Marshall era of 1801–35. It has often been said that the Supreme Court is the conscience of our Nation, and Earl Warren has embodied that conscience and spirit. We have shared with him an important era of growth in our national life and a broadening of the concept of liberty for all men. I want to wish him good health and commend him for the distinguished service he has given to the Nation as its Chief Justice.

Mr. WALDIE. Mr. Speaker, yesterday marked the end of the Warren court and many have said that a unique period of American life and history has ended as well.

I would doubt that assessment. To me the Warren court has indeed held its last session, but the Warren epoch, the beginning of a period in which striking events will take place is here because of the Warren court and because of the dynamic leadership of Chief Justice Earl Warren.

I say this marks a beginning, because the decisions of the Supreme Court, under the leadership of Chief Justice Warren, relating to the equality and rights of minorities; the rights of the accused and the rights of the voter to fair representation all have had a profound impact on the American social structure, not only today, but will have such an effect for many, many years to come.

Judge Walter Schaefer of the Illinois Supreme Court recently commented on the effects of Justice Warren's court on American life.

Judge Schaefer said:

> The Court is taking our ideals down from the walls where we have kept them inscribed to be pointed at with pride on ceremonial occasions, and is now putting flesh and blood on them. Coming face-to-face with our ideals and looking them in the teeth is not always a comfortable process, nor is it always an easy one.

Judge Schaefer's assessment is most correct. The Warren court and the Chief Justice have been the targets of criticism by those who felt the discomfort of facing our exalted ideals face to face. And, Mr. Speaker, that discomfort was long overdue.

This entire Nation now faces a period of discomfort and reassessment. A period of change largely resultant of the great decisions of a great Court.

We now enter the Warren epoch—an age of facing up to our ideals—and no one can forget the great man who launched that period in our history.

We have had a Court of truth and honor. Now we must live up to that Court and pursue the ideals that are renewed with the flesh and blood given them by the Court. The flesh and blood of Brown against Board of Education, Baker

against Carr, and Miranda against Arizona.

We are a fortunate Nation indeed, Mr. Speaker, to have had such a Court and such a Chief Justice.

Mr. BOLLING. Mr. Speaker, I am most pleased to join today in a tribute to the retiring Chief Justice of the United States, Earl Warren.

Just as in a sense the history of this House of Representatives is contained in the history of its Speakers, so the history of the Supreme Court, a coordinate branch of the Federal Government, may be read in the judicial positions of its Chief Justices, beginning with that of John Marshall of Virginia. It may be said that the Congress has not been consistent in respect to its attitude toward the Supreme Court during the 180 years of this Republic. However, I believe it can be fairly stated that the Supreme Court has secured a firm position of respect—and perhaps even distant affection—in the minds of most Americans. Indeed, I would advance the judgment that in recent years the Supreme Court, during the 16 years of Chief Justice Warren's administration, has served the country well. In three vital respects, it has rescued the Congress from its follies and from its derelictions. It has struck down enforced legal segregation in the public schools; it has forced a neglected redistricting of both congressional and State legislative districts; and, third, it has insisted that all Americans, whether indigent or affluent, colored or white, mentally deranged or genius, should have the same constitutional guarantees. I suggest that the stature of the Congress would be far improved than at present if it had in fact not left the affirmation of so many of the rights of all Americans to the responsibility of the Supreme Court. Learned lawyers may dispute in learned language in learned law school journals aspects of the Warren court—such as its "liberal" and its "conservative" leanings. However, I believe the record under Chief Justice Warren is already written, bold and wise. Its influence as watchman of our guarantees has generally been an affirmative and constructive one. As Chief Justice, Earl Warren represents, in the words of a former law clerk, "the consensus of decent opinion." A frequent question he asked prosecutors who appeared before the Supreme Court was: "Yes, but were you fair?" How decent that is.

In support of my characterization, Mr. Speaker, I will close these remarks with four direct quotations of the Chief Justice—three of these from Court decisions for which Earl Warren wrote the majority decisions.

First. Brown against Board of Education—1954, school desegregation decision:

> To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority . . . that may affect their hearts and minds in a way unlikely ever to be undone . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.

Second. Reynolds against Sims—1964, one-man-one-vote reapportionment:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

Third. Miranda against State of Arizona—1966, police questioning standards:

> The current practice of incommunicado interrogation is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself. Unless adequate protection devices are employed to dispel the compulsion inherent in custodial surroundings, no statement obtained from the defendant can truly be the product of his free choice.

Fourth. Address as Governor to a committee of the California State Legislature:

> The heart of any constitution consists of its bills of rights, those provisions that secure to the people their liberty of conscience, of speech, of the press, of lawful assembly, and the right to uniform application of the laws and to due process.

Mr. THOMPSON of New Jersey. Mr. Speaker, I am delighted at this opportunity to pay official homage to Earl Warren as he retires from the Chief Justiceship of the United States. The 16 years of his leadership of the Supreme Court have been remarkable years; years of economic growth and scientific progress without parallel; but also years of turmoil and trouble; years in which the Supreme Court has come to grips with thorny and difficult problems basic to our very democratic beliefs and ideals.

Much can be said about the performance of Chief Justice Earl Warren and the Supreme Court during these years. I would like to stress the Court opinions which opened the doors to citizens hitherto excluded from the basic amenities and opportunities of our American society.

THE DOORS TO PUBLIC FACILITIES AND PUBLIC ACCOMMODATIONS

Earl Warren and his Court are perhaps best known for opening the public schoolhouse door to all, without regard to color or race. In 1954, he wrote for the Supreme Court that the States could no longer send white children to one school and Negro children to a different one, because "separate education" was inherently unequal and because State required segregation stamps the badge of inferiority on the hearts and minds of young Negro schoolchildren to a degree which can never later be undone.

In logical progression Earl Warren and his Court ruled that the States and municipalities can no longer bar Negro citizens from parks, playgrounds, golf courses, or make them ride on the back of the city bus. This discrimination violated the 14th amendment guarantee of the "equal protection" of the laws.

When Congress made it unlawful for private proprietors to discriminate on the basis of race, the Supreme Court agreed that the Federal Government has constitutional authority to prevent the Heart of Atlanta Motel, and Ollie's Barbeque in Birmingham—and all other hotels and restaurants licensed to serve the public—from operating on a "whites only" basis.

In these and other decisions involving invidious racial discrimination, the Earl Warren Court refused to turn back the clock to the pre-Civil War period and instead made every effort to eliminate from present society the vestiges of servitude and slavery from that unhappy period of history.

THE DOORS TO POLITICAL PROCESSES AND PEACEFUL CHANGE

The Warren court opened wide the doors to political processes and peaceful change.

It opened the newspaper columns to those who wished to run an "institutional advertisement" soliciting funds or political support; by holding that the newspapers could not be sued because of error in small detail unless the newspaper published the libelous material with knowledge of the error and actual malice or intent to defame. The Court theorized that in our society debate on public issues should be "robust and wide open."

For those who lacked the financial resources to buy advertising space in newspapers, the Warren court opened the streets as a place for the dissemination of views. Apart from uniform regulations regarding the time, place, and manner of parades, the city officials could no longer deny a permit to Martin Luther King, the White Citizens League, or any other group merely because the city authorities disapproved of the views expressed by the marchers. The theory here, of course, is that all points of view are entitled to be presented in the marketplace of ideas.

The Warren court extended the right of peaceful protest from the street into the public library. It held that Louisiana could not punish those engaged in a peaceful "stand in" under the State trespass law, because their peaceful "silent, reproachful presence" was a protected form of protesting their exclusion—because of race—from the public facility. The Court reached a contrary result when the protest against segregation—on this occasion, on the driveway and lawn of a city jail—interfered with the operations of the municipal facility.

Peaceful protest, if meaningful, leads to political action, and the Warren court opened the ballot booths to hitherto excluded groups. It struck down the so-called "literacy" barriers, education tests—"traps" in reality—when administered in a fashion to exclude most blacks even Ph. D. graduates hired by the State to teach at the Negro institutions of higher education. It upheld the power of Congress to entirely eliminate any educational qualification for voting in those situations where the States first denied Negroes an education, and then used their illiteracy as justification for denying them the right to vote.

Most importantly, the Warren court established the principle of one-man, one-vote, and struck down the gerrymandered voting districts and systems whereby the strength of a citizen's vote could be diluted by his race, his place of

residence, or other invidious classification.

The Warren court opened the nominating processes by which political parties—in this instance, the "George Wallace" Party—could present themselves for voter approval. It struck down stringent and impossible to realize signature and petition requirements which eliminated in fact, if not in theory, all but the two major parties from the ballot.

Finally, the Warren court made the whole preliminary political processes meaningful with its decisions that those elected to State or Federal legislative office—Julian Bond in Georgia, and Adam Clayton Powell in Washington, D.C.—could not be denied their seats if they met the constitutional requirements of age, citizenship, and residence. Otherwise, the whole political process goes for naught. Why bother to speak, to vote, to run candidates for office, if the victorious candidate can be denied his seat because of his race, or because his political views are repugnant to the majority of legislators. However, the Warren court did not hold, and this is important, that the Congress is precluded from expelling a Member for abuse of his high prerogative once he has assumed office.

THE DOORS TO KNOWLEDGE; FREE INQUIRY AND LIBERTY OF CONSCIENCE

The Warren court freed the American people from official censorship; and affirmed a constitutional right of access to the media of communication.

The Warren court was the first Supreme Court in our history to declare that the exhibition of motion pictures is a form of communication protected by the first amendment; and it struck down State and local laws giving a government appointed body the right to censor out those films which for religious, racial, political or sexual reasons were thought unfit for public viewing.

The Warren court also gave new freedoms to the circulation of books and periodicals. The Court was very careful to make sure that obscenity could not be purveyed for commercial exploitation; but it refused to permit the censorship of books and magazines of social value, merely because there might be an occasional passage appealing to the prurient interest.

However, the Warren court recognized a variable concept of obscenity—that a movie or book or magazine might be obscene in the hands or eyes of an infant, but only tedious trash in the hands or eyes of an adult. Accordingly, the Warren court permitted the States and municipalities to impose higher standards on the sale of books or on theater admissions when children are concerned. But under no conditions may a State reduce the adult reading materials to the level thought appropriate for children.

The Warren courts also tussled with the Post Office Department, and ruled that the Post Office had no constitutional authority to compel public registration as a prerequisite to receiving what the Post Office considers to be foreign Communist political propaganda.

The reverse side of the coin of free inquiry, is the right to be free of compelled indoctrination. The right of choice, and the right of rejection, are obvious corollaries. Therefore, the Warren court held that the New York Board of Education—or Board of Regents as it is called—had no power to write a prayer and compel its daily recitation by school children. This is the kind of law respecting the establishment of religion which is prohibited by the first amendment. Similarly, neither the States of Pennsylvania nor Maryland were permitted to require the reading of the King James version of the Bible, or the recitation of the Lord's Prayer, as part of a daily, compelled devotional exercise. This does not mean that the Bible is excluded from the classroom. Far from it. It can be read, studied, and appreciated in any context other than a religious or devotional exercise. Nor does this mean that the state must be hostile to religion. The Warren court sustained a New York law authorizing the distribution of free textbooks of a nonsectarian nature to all students, including those attending private, denominational, parochial schools.

The Warren court protected the political scruples of persons employed in industries and shops where the majority of employees voted for union representation. The Court held that Congress could validly authorize the majority union and employer to enter into agreements requiring all employees—union members and nonunion employees alike—to pay their fair share of the costs of union economic programs. But the Court called a halt when the unions sought agreements requiring all employees to contribute to the political programs of the unions. Interference with the pocketbook is permissible, but not interference with the political conscience.

Finally, the Warren court came to the aid of those with conscientious scruples against war, but who are unable to phrase their beliefs in a way which meets traditional tests and standards. Since the very first Continental Congress, this country has respected and protected those with religious beliefs against participation in war in any form. The 1948 Universal Military Training and Service Act continued this tradition by excluding from military obligation those who are opposed to war by reason of "religious training and belief." The Warren court held that this religious training and belief was not restricted to an orthodox training or a belief in the traditional anthropomorphic deity; but also includes the broader concept of "a power or being or faith to which all else is subordinate or upon which all else is ultimately dependent."

THE DOORS TO PROCEDURAL DUE PROCESS AND A CIVILIZED CRIMINAL PROCEDURE

For many years in our country the well-to-do have known and enjoyed a civilized criminal procedure. The Mafia, and other organized criminals, also were informed of their rights by private counsel, and enjoyed these rights to the hilt. But for the poor and the destitute, it was a different story. The rich tax-evader went to court with a battery of lawyers. The "mobster" knew of his right to "habeas corpus." But the indigent charged with crime neither knew of his rights or, if so informed, had the financial wherewithal to make them effective. For him, the Bill of Rights was a hollow mockery. Worst of all, no one seemed to care about his plight—that is to say, until the Warren court seized upon the issue.

In the 16 years of Earl Warren's Chief Justiceship, the Supreme Court has taken long strides in opening the doors to due process to the indigent charged with crime.

It gave him access to a court-appointed lawyer, paid by the State, to defend him against the criminal charges which might result in serious penalties—in the case of Earl Gideon, an elderly indigent charged with the felony of breaking into a Florida pool hall with the intent to rifle the loose change in the cigarette machine.

It gave access to a trial by jury: to Negroes in Louisiana charged with assault and battery with a maximum potential penalty of 3 years imprisonment; to businessmen charged with contempt of a Federal court order enforcing a Government agency's mandate to cease and desist from false and misleading business practices; to everyone everywhere when charged with something more serious than a "petty" offense.

It gave the right to a "speedy trial"—in the case of Duke zoology Professor Klopfer, charged with "trespass" in a segregated North Carolina restaurant—when the prosecuting authority chose not to proceed with the case, nor to dismiss it, but instead to leave it hanging over the professor's head, ready to fall at the whim of the State authorities.

It gave the right to confront one's accusers, to cross-examine adverse witnesses, to subpena friendly witnesses for the defense—techniques long thought essential to the development of the truth, but not applied in some State courts until the issues reached the Warren court.

It assured the right of privacy, by forbidding the Federal Government to snoop with the electronic bug in a public telephone booth; and by forbidding the Florida authorities to tap the telephone lines of suspected "bookmakers."

Most of all, it insisted that the indigent and uneducated be made aware of the rights long known and enjoyed by others—the right to be informed that they need not answer any police questions once suspicion of crime had focused upon them; the right to know that anything they chose to say could be used against them; the right to enjoy the assistance of counsel; and the right to know that counsel would be appointed at State expense to assist them in the difficult hours closely following arrest.

These rights, and others, have been enshrined in the Bill of Rights since the founding of this Nation; but it was not until the Earl Warren chief justiceship that the Supreme Court made them a reality in the police stations and trial courts throughout our land.

The former President Johnson assessed Earl Warren as "the greatest Chief Justice of them all."

Prof. William M. Beaney of Princeton

University recently wrote of the Warren court:

> Generations hence, it may well appear that the Supreme Court was the institution that did the most to help the nation adjust to the needs and demands of a free society.

But whatever the ultimate verdict of history, it is manifest that the bold, aggressive strokes by the Warren court on behalf of society's outcasts and underdogs represent the epitomy of fair play to which all Americans ultimately respond.

The famous rulings of the Warren court—school desegregation, school prayer; one-man, one-vote; the right of criminal defendants not to be isolated and browbeaten into confusion—were not without risk to the Court's authority and prestige. But Earl Warren did not seek easy popularity by bowing to the pressures of conformity. Instead, to his everlasting credit, he made the Supreme Court relevant to the burning issues of our time with decisions and opinions which reflected the same deep passion for the liberal and egalitarian values which much earlier had moved Thomas Jefferson, Andrew Jackson, Woodrow Wilson, Franklin Delano Roosevelt and countless others who founded and kept our Nation one and indivisible.

Mr. MEEDS. Mr. Speaker, as Chief Justice Earl Warren steps down from the bench of our highest Court, Americans turn to reflection. The focus of this reflection is on the role of the Supreme Court in the molding of our society.

Few will deny that these are times of great moments for the United States—external stresses and internal strains. For the last 15 years the Supreme Court has been at the center of these internal strains. And Chief Justice Warren has been at the center of that Court.

The case that sparked the era and set its tenor was the unanimous Brown against the Board of Education of Topeka. Justice Warren's opinion can be compared to Lincoln's Gettysburg address for its brevity and poignancy. And like Lincoln's address, it will be remembered. The Civil War and the Gettysburg address gave many their freedom. Nearly 100 years later, Brown against the Board of Education made that freedom a right to many.

Under the leadership of Chief Justice Warren, the Court went on to enforce the criminal's rights given by the Constitution, but which were merely words on paper for so long.

Additionally, we received the apportionment decision which guarantees that each citizen's vote will carry nearly equal weight and effect in Congress.

In sum, during the tenure of Mr. Chief Justice Earl Warren, we have seen a Supreme Court undaunted in its seeking of justice, at a time when other organs of our society were not up to the task.

For his leadership and courage, we thank Mr. Warren.

Mr. ANDERSON of California. Mr. Speaker, today I rise to pay tribute to one of the outstanding men of this century, our Chief Justice Earl Warren.

I feel privileged to be able to regard him as a close friend as well as a leader. During my tenure in the California Legislature, he was Governor of our State. Actually, I took office the same day he was sworn in, and I am convinced he will go down in history as one of the great Governors of California.

History will also regard him as one of our great Chief Justices. I choose to repeat the recent words of former President Harry Truman on the occasion of the Chief Justice's appointment as Chairman of the International Order for the Advancement of Peace:

> Earl Warren's reputation in the world community symbolizes justice, understanding and compassion for all peoples of all Nations.

These words aptly sum up that for which Earl Warren has stood throughout his public life, including his service in California as a district attorney, State attorney general and three-term Governor, as well as for the last 15 years during which he has served as Chief Justice of the Supreme Court of the United States.

These words also suggest what in the best and most meaningful sense is so often called the "Warren Court." As Chief Justice, Earl Warren has headed the Supreme Court during a time of unprecedented turmoil and change in the world and the Nation. It has been a time when the Court has been called upon to decide some of the most significant and controversial issues ever to come before it.

The decisions of the Court under Chief Justice Warren's leadership, as many others have pointed out, have had a revolutionary impact on our legal, social, and political structures. It no doubt is unfair both to the Chief Justice and to the Court to label it and the decisions it has made during his tenure with the name of one man. The Court's responsibility is a collective one, while at the same time each Justice is responsible in the Court's collective judgments for his own decisions. Yet there is no doubt that Earl Warren has been particularly suited by his experience, character, and abilities to head the Supreme Court during a period marked by "judicial activism" and, as has been said by Justice Schaefer of the Illinois Supreme Court, by its intentions to put "flesh and blood" on our constitutional ideals. One does not have to agree with all or each of the specific decisions of the Court in the Warren era. But history will not fail to recognize the tone and quality of the leadership Earl Warren has provided as the Court has sought to fulfill the substantive meaning of our constitutional rights, concepts and ideals.

In a recent statement on the work of the Court over the past 15 years, the Chief Justice mentioned those decisions which he thought were the most important rendered by the Court in this period. These were *Brown* v. *the Board of Education*, 347 U.S. 483 (1954), the first of the school desegregation cases, which spurred and dramatized a national awakening to the problem of racial justice in our society; *Baker* v. *Carr*, 369 U.S. 186 (1962), which required a reapportionment of the State legislatures in accord with precepts of justice in political representation during a time when the Nation's population has shifted massively to great metropolitan areas; and *Gideon* v. *Wainwright*, 372 U.S. 355 (1963), which symbolizes the Court's concern with civil liberties in the field of criminal procedure.

This summary by the Chief Justice of the Court's work during his tenure reflects Earl Warren's passionate concern for justice under the law that has distinguished his leadership of the Supreme Court, and the judicial philosophy which has guided his and the Court's decisions during this period in its history. This concern and philosophy were given eloquent expression by the Chief Justice himself in an address made in 1968 after he announced his impending retirement from the bench. The following excerpt from this speech deserves to be repeated as a testimony to his long record of public service to the Nation:

> Justice in individual cases is the basis of justice for everyone. A failure to protect and further anyone's individual rights leads to justice for no one . . . Justice will be universal in the country when the processes as well as the courthouse are open to everyone. This can occur only as the institutions of justice, the courts and their processes are kept responsive to the needs of justice in the modern world. Such a goal will be accomplished only as all elements of the legal system, the law-makers, practicing attorneys, legal scholars and judges, recognize the ever-changing effects of the law on society and adapt to them within the principles which are fundamental to freedom.

Mr. MIKVA. Mr. Speaker, the custom has developed in this country of designating a particular era of the Supreme Court of the United States by the name of its Chief Justice at that time. In the case of Chief Justice Warren, however, it is more than custom which dictates that a portion of Supreme Court history should be identified by his tenure as Chief Justice. Earl Warren has left a singular imprimatur on the Court. Part of the uniqueness of Chief Justice Warren is his gentleness, a gentleness that belies the strength of his convictions and of his leadership. As a lawyer who had the privilege of arguing to the Warren court, I can testify to the effects of this unusual mixture. His questioning during oral argument had none of the needling qualities of a Frankfurter or a Jackson. It was almost with relief that one turned to his questions. Only later did the advocate realize that the good humor and gentility of tone in no way softened the incisiveness of the probe. One can argue whether times make the man or man makes his time. However, no one merely could be "passing through" while so many momentous decisions were being handed down. The Warren court construed and interpreted the Constitution and laws of the United States during a powerful and permanent changing of the guard in this country. Those critics who insist that the Court precipitated the changeover are more than offset by those who recognize that the problem was segregation in the schools, not the ending of it; that the problem was malapportionment of the legislative bodies, not an undoing of it; that the problem was a set of standards for criminal justice that penalized the poor, not the decisions which remedied that evil. In short, to say that Chief Justice Warren presided over a very active court was merely to

acknowledge that the Warren court was faced with a backlog of justiciable problems that brooked no delay in their solution.

History will treat Chief Justice Earl Warren very well. It cannot help but record that notwithstanding the diversity and severity of the strains put on the Court during his Chief Justiceship, this gentleman's capacity to lead never faltered.

As the New York Times said on Monday:

> He has depended . . . upon an unblinking integrity, a firm common sense, and a deep feeling of the liberal and egalitarian values which moved Thomas Jefferson and the other founders of this nation. Those values must be brought to bear on the problems of each generation in live and relevant ways if the American ideal of self-government is to survive and flourish. It is to the lasting honor of Earl Warren that he contributed so effectively to the liveliness and relevance in his time.

Mr. OLSEN. Mr. Speaker, I take great pleasure in joining with the gentleman from California in paying tribute to Chief Justice Earl Warren as he retires from the Supreme Court. Mr. Warren has spent 50 years in service to the public as district attorney of Alameda County, attorney general of California, Governor of California, Republican candidate for Vice President in 1948 and, of course, Chief Justice of the Supreme Court. That is an enviable list of accomplishments.

Today we honor Mr. Warren for his work as Chief Justice. It has been stated that the single most important appointment made by the late President Eisenhower was his selection of Mr. Warren as Chief Justice. As history now stands this statement is correct.

The Warren court has presided over an era of great political, social, and legal changes. Three decisions handed down by the Warren court are, in every sense of the word, landmark decisions. In Brown against The Board of Education, the Supreme Court had the effect of laying the groundwork for the abolition of discrimination because of color, race, and creed. It followed up that decision with supplementary and correlative ones that included areas other than schools. The result of these decisions was tantamount to social revolution.

In Gideon against Wainwright the right of the indigent to legal counsel was guaranteed. Other decisions in this area have given further protection to the rights of those accused of criminal activities.

Baker against Carr has become known as one-man, one-vote, and has brought about balanced and more equal political representation. This decision may have a more far-reaching affect than any of the others.

While it is true that the temper of the times demanded most of these decisions and while it is also true that the makeup of the Supreme Court encouraged activism it is also true that the court might not have functioned so effectively and so self-assuredly had it not the guiding hand of Earl Warren.

Sixteen years is not a long period of time; yet, this is all the time that Earl Warren and his fellow Justices needed to bring about the monumental changes that were necessary and for which future generations will be thankful.

Mr. Speaker, as Earl Warren leaves public life we all owe him a debt of gratitude for his staunch support and protection of the rights of all individuals.

Mr. CHARLES H. WILSON. Mr. Speaker, the end of an era is upon us. This end, however, does not mean the conclusion of a philosophical drive that has manifested itself through the judicial pronouncements of our courts since 1953. No, our Nation is fortunate in that the momentum of justice and reason shall continue unabated, regardless of the loss of men of great wisdom and strength. The end of the era to which I am referring is rather the stepping down of one of these men, one of the foremost architects of change through law, the navigator and captain for 16 years of that vessel of justice which is the Supreme Court of the United States: Mr. Chief Justice Earl Warren.

Since October 5, 1953, when this great American from California took his seat as the titular leader of the judicial branch of Government, the Court has asserted itself as a catalyst for progressive political and social change, striking down inequities, righting wrongs that had been previously ignored, and providing hope for an increasing number of Americans who were giving up dreaming the dreams that all Americans are entitled to have.

In the civil rights field, the Court of the Warren era, with the name Warren accurately serving as a descriptive adjective, swept aside the "separate but equal" educational facilities concept as racist propaganda, pointing out that segregated facilities for white and black students were "inherently unequal" and denied equal protection of the laws guaranteed by the 14th amendment of the Constitution. This decision, *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954), was followed by *Brown* v. *Board of Education*, 349 U.S. 294 (1955), which directed local school officials to move with all deliberate speed to end segregation in public schools.

Mr. Warren as leader of the Court has himself led the way in protecting the rights of individuals from abridgment by either Federal, State, or local government, public or private corporations or businesses or even by single individuals who were in position to discriminate and thereby effect the general public. Consequently, in 1964, the Court acted to mitigate various delaying tactics utilized to forestall desegregation and served notice that desegregation must be brought about and accomplished as quickly as possible. The underlying principles of these cases have recently been reaffirmed in Goston County, N.C., against United States—June 2, 1969—which held that the previous maintenance of segregated schools systems in that county required the denial of the North Carolina county's request under the Voting Rights Act of 1965 for judicial reinstatement of literacy tests because such tests, when viewed in light of the previous deprivation of equal educational opportunities for black residents who are now of voting age, had the effect of abridging the right to vote because of race. The majority opinion stated:

> (A)ffording today's Negro youth equal educational opportunity will doubtless prepare them to meet, on equal terms, whatever standards of literacy are required when they reach voting age. It does nothing for their parents, however.

Another potential wrong has been eliminated by a sensitive and observant Court.

Other civil rights decisions mark the Warren era. The poll tax, a device utilized in some areas to keep Negroes from voting, was declared unconstitutional and the right of the franchise was returned to many of our citizens who had been illegally denied it. *Harper* v. *Virginia State Board of Elections*, 383 U.S. 663 (1966). State laws forbidding interracial marriages were struck down as violating the equal protection and due process provisions of the Constitution. *Loving* v. *Virginia*, 388 U.S. 1 (1967). Discrimination in the sale or rental of property was declared to be prohibited under the old Civil Rights Act of 1866. *Jones* v. *Mayer*, 389 U.S. 968 (1968). These cases but illustrate the tenor of the Court that the Chief Justice presided over; the tenor being that of equality of law for all citizens.

The Court under Warren did not shirk from conflict with other branches of Government. In 1960 through its decision in *Gomillion* v. *Lightfoot*, 346 U.S. 339, political redistricting along racial lines was held to be in violation of the 15th amendment and accordingly forbidden. Only last week, Mr. Chief Justice Warren writing the majority—7-to-1—decision in Powell against McCormack once again asserted the Court's role as the ultimate interpreter of the Constitution, a role that I believe has helped make this country as strong as it is today by withstanding attacks and abuses upon fundamental liberties and rights.

*Baker* v. *Carr*, 369 U.S. 186 (1962), provided for the review of State electoral apportionment by Federal courts. *Westberry* v. *Sanders*, 376 U.S. 1 (1964), applied the "one-man, one-vote" rule to congressional districts. Though much discussion concerning these decisions has gone on and various criticisms have been leveled at them, it cannot be denied that Mr. Warren and the Court have always acted in good faith, honestly interpreting the Constitution, which is their role, and protecting the rights of each and every citizen.

Americans have become very familiar with cases dealing with the rights of defendants in criminal actions. *Gideon* v. *Wainwright*, 372 U.S. 335 (1963), stipulated that indigent defendants are entitled to the assistance of counsel in all serious cases. *Escobedo* v. *Illinois*, 378 U.S. 478 (1964), and *Miranda* v. *Arizona*, 384 U.S. 436 (1966), concerned informing suspects of their various constitutional safeguards. Criticism of these decisions have also been leveled at the Court. We must, however, bear in mind that in order for our Nation to be free, its citizens must be afforded the liberties that our land ostensibly holds out to its people. Mr. Warren has been a man whose life has been based upon the

words engraved upon the Supreme Court Building—"Equal Justice Under Law." Nowhere in the history of mankind, not even under the Athenian city-State democracy, have the rights of all the people been as zealously and effectively protected as they have under Earl Warren's guardianship of the Supreme Court and the laws of the United States.

The time has now come for us to try to express our gratitude, though no expression that we voice today can measure the debt that this Nation owes Mr. Warren for a lifetime of public service. Sixteen years as Chief Justice of the Supreme Court, 16 years during a most turbulent period in American history, in and of itself dictated that this man would have a tremendous impact on the course that our country followed. If the crises that our Nation faces today are to be solved, if the elements of divisiveness and alienation are to be thwarted, if our Nation is to progress toward foreign and domestic peace and all Americans are to enjoy the good life that should belong to all citizens, then the magnitude of the debt to Earl Warren begins to emerge for all to see. All I can say is that Americans of all races, religions and creeds can sleep better tonight because Earl Warren passed this way.

Mr. BURTON of California. Mr. Speaker, in 1789, James Madison wrote to Thomas Jefferson concerning the need for a bill of rights saying such a document would "be a good ground for an appeal to the sense of the community" and that the liberties declared therein would "acquire by degrees the character of fundamental maxims and as they become incorporated with the national sentiment, counteract the impulses of interest and passion."

Madison added almost parenthetically, although somewhat prophetically, "independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights."

Yesterday, the resignation of Chief Justice Earl Warren brought to a close a chapter which history may well refer to as the Court's golden era in the defense of individual rights and the fulfillment of the Madison view of the Court as a bulwark against the "impulses of interest and passion" that threaten those rights.

The Washington Post on the occasion of his 75th birthday said:

> Not since the formative days of the Republic when John Marshall presided over its deliberations has the Supreme Court played so dynamic a part in American affairs as during the dozen years since Earl Warren became Chief Justice of the United States. Great issues of individual rights, not yet ready for judicial decision in the first century and a half of the country's territorial and economic development, presented themselves inescapably for adjudication. A willingness on the part of Justices to meet issues when they become ripe for resolution * * * is really nothing more than a recognition of the Supreme Court's responsibility to serve effectively as guardian of a living Constitution related to current realities—and to serve especially as guardian of the spirit of liberty characterizing that Constitution.

Earl Warren has for 16 years been the guardian of our living Constitution.

When asked in 1953 how he would classify himself, Earl Warren is reported to have responded by quoting Abraham Lincoln:

> I am a very slow walker, but I never walk backward.

Warren added:

> And so I like to feel that while I also am a slow walker, I always like to walk forward and it is a sad day for me if I go to bed at night thinking we have not made some progress.

In the 16 years he has served as Chief Justice he has never walked backward. He has moved this Nation forward, lending the weight and prestige of his high office to the struggle for equal rights for all persons and has been an outspoken defender of the civil liberties guarantees of our Constitution.

His has been a life of public service spanning some 50 years. I join with my colleagues in honoring him today, although his works and service do him greater honor than it is in our power to bestow.

I can only add, as one who deeply respects and admires this great civil libertarian and humanitarian, my wish for him of years of health and a full enjoyment of a well-earned rest and my prayerful hope for this Nation that we may draw upon his strength, moral leadership, and continue to hear his voice whenever those liberties he so tirelessly and steadfastly defended should be in jeopardy.

Mr. EDWARDS of California. Mr. Speaker, we of this group of Congressmen here today in this historic House Chamber are sharing a unique experience. It is extremely unlikely that any of us will again during our lifetimes have the privilege of meeting like this and celebrating the life and accomplishments of a man comparable in stature to Chief Justice Earl Warren.

In the years that we here have been in Washington, Congress has had some shinning moments—legislative acts, where we have broken new ground in our efforts to create a just and humane society. We all wish there had been more, that we could have, by our legislative efforts, risen to the heights dreamed of by our founders. That we did not was not because we did not try. Our country is incredibly complicated, large, and difficult to govern.

The genius of our separation of Federal power into three parts, legislative, judicial, and executive is not just the protections to the people through checks and balances. Perhaps more significantly it offers three opportunities for greatness instead of one. A first Congress can enact a bill of rights whether or not the President or the Supreme Court share its vision. A President Franklin D. Roosevelt can move the country forward despite a reactionary court. And a Warren Supreme Court, with little help from a laggard Congress and White House, can through its decisions, help the country take a giant step toward our national goal of equal justice under law.

The philosophy of the Warren court can well be spelled out in the experience of another great Justice of the Supreme Court.

One day in his 71st year Justice Oliver Wendell Holmes was riding the train from Boston to New York. He took out an envelope and scribbled on the back of it:

> For most of the things that properly can be called evils in the present state of law I think the main remedy is for us to grow more civilized.

I repeat this because it seems to me to sum up best what the Warren court has meant to our country—to help it grow more civilized. The new Court will be different. Each lawyer views the law through his own eyes. But I venture to predict that the great decisions of the Warren court—the decisions that have done so much to make our society more civilized—will not be reversed regardless of how many vacancies President Nixon will fill.

Let us examine some of the most controversial decisions of the Warren court in the light of today's realities.

Already, time, events, history itself are proving the great decisions. Breathtaking though they may have been when announced, they are being found by lawyers and judges to be firmly grounded in the Constitution.

Who would speak today against Gideon against Wainwright? As emotions have cooled, we see that Gideon is exactly what the Court said it was—a restatement of the sixth amendment that says clearly that "in all criminal prosecutions the accused shall have the assistance of counsel for his defense."

Before Gideon defendants had been entitled to counsel only if tried in Federal court for felonies. All the Warren court did was read the plain language of the Constitution.

Although it caused a storm in 1954, few lawyers or judges today would dissent from the Brown case. Again the Warren court restated a clear constitutional mandate:

> No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.

Segregated schools, said the unanimous Court, are "inherently unequal." Who today, 15 years later, could responsibly say otherwise?

So it goes with all of the great decisions protested initially by a noisy, often bigoted, minority as rewriting the Constitution.

Americans are now entitled to be free from illegal searches by local police as well as Federal police. As prescribed in the first amendment, religious services may not be held in public schools. The vote of one person for Congressman, State legislator, and local supervisor now counts as much as his neighbors. All of these and many more historic decisions are generally accepted now as sound constitutional law.

The Chief Justice's roots are deep in my own native State of California. He was born in California, attended public schools in California, and is an alumnus of both the undergraduate and law schools of our great University of California. In the few treasured private conversations I have enjoyed with him, his interest in and affection for our State

and its people always made the visits delightful.

As district attorney of California's Alameda County, as attorney general, and later Governor of California, his record of public service left legacies of fairness, honesty, and ability, his successors have found difficult to equal, impossible to surpass.

As the Chief Justice of the United States I am suggesting that historians will rank Mr. Warren as the greatest in our history. Certainly the Court under Earl Warren did more to strengthen the rights of the individual than it ever did in the previous 162 years of its existence.

I include in my remarks, Drew Pearson's excellent article "Warren a Molder of U.S. History," which appeared in the Washington Post June 23, 1969:

WARREN A MOLDER OF U.S. HISTORY

(By Drew Pearson)

DEAR DANNY: A very great man retires from the Supreme Court today. He is also a very much criticized man. But when you grow older you will find that the greater a man is, the more he is criticized. George Washington for instance, was probably more severely criticized by the newspapers during his last term than any President in history.

You are now in the fourth grade. And by the time you are in college Earl Warren will be regarded as a man who molded America as much as any of our great Presidents.

Though he handed down hundreds of important decisions, I think the two which molded America most were, first, the school desegregation decision; and, second, the one-man, one-vote decision which gave a break to our long neglected cities.

In your history book you will learn how for 100 years Negroes had not been getting a fair break in this country. This is why the school desegregation decision is so important. For if Negroes can get the same education as white men, eventually they can be able to take their place economically alongside of white men. Of course, we're now in the throes of much turbulent readjustment, but turbulence always comes with readjustment, and we'll get over this in time.

The other problem which Chief Justice Warren tried to resolve grew out of the fact that this country has become largely urban, whereas it used to be rural. As people moved to the big cities and the suburbs they did not have equal rights in the state legislatures, which had long been stacked in favor of rural areas. So the Chief Justice, in a very bold and sweeping opinion, readjusted the balance of voting strength in this country.

He did it just in time, for the big cities had already started to boil over from lack of improvements, lack of money, and neglect.

HE NEVER DUCKED

Another great quality of Earl Warren's was that he didn't duck tough issues. One of the last decisions he handed down was one which he could have ducked, namely that of Adam Clayton Powell. Powell is a Negro Congressman who had misbehaved rather flagrantly and who was barred from taking his seat in Congress when elected by his own people.

The Chief Justice knew it would infuriate Congress if he told them they were wrong in refusing to seat Powell. There is nothing Congressmen hate more than being told they are wrong—especially a white Congress regarding a Negro.

Nevertheless, the Constitution was quite clear that only the people, not the Congress, have the right to decide whom they will send to Washington.

He has traveled to Bolivia, the most out-of-the-way country of South America; to Ecuador, which is right on top of the Equator; and to Colombia; also to the Communist countries of Bulgaria, Rumania, Yugoslavia and Russia.

I once asked him whether it was a good idea to have it known that he had visited these countries. He replied that these countries were very important in regard to peace and he wanted to know more about them. "I am not going to sit in isolation just because I am on the Supreme Court," he said.

He even traveled with me through Montenegro to the edge of the Albanian border, where, after World War I, I worked with a Quaker reconstruction unit. It was very hard traveling over very high mountains, and we had to get up about 5 o'clock every morning. But not once did he complain.

The Chief Justice loves to swim. He stays in the water like an old sea dog—much longer than your grandfather—in the Black Sea off the Turkish coast, in the Aegean Sea off Greece, and in the Adriatic off Yugoslavia. Once President Tito of Yugoslavia warned him to be careful about the sharks, but he kept on swimming just the same.

And despite all the dull, dry legal papers he has had to read during his 16 years on the Court, the Chief always kept in touch with the sports world. "I read the sports pages first," he once told me, "because they record men's achievements. Then I look at the first page because it records men's failures."

Once after dinner on the mid-Pacific island of Maui, your grandmother asked Mr. Warren about a certain crucial period of his life when he was running for Vice President in 1948 with Gov. Tom Dewey of New York.

"If you had won and been elected Vice President," she asked, "would you be the same Earl Warren you are today?"

"No, I don't suppose I would," he replied. "I expect I would have been just another member of the Establishment."

That remark illustrates how history is made. If Gov. Dewey had not lost that election to President Truman—and it was a very close election, influenced by such small things as a railroad engineer who backed his train at the wrong time—we would not have had a very strong man molding our history for the last 16 years. As he retires today the critics will be delighted. But I predict the history books when you are in college will describe Earl Warren as one of the truly great men of our day.

Have a good time in Maine and do more swimming than studying. You'll get plenty of that next fall.

Love,

YOUR GRANDFATHER.

Mr. LEGGETT. Mr. Speaker, on October 5, 1953, 16 years ago, Earl Warren was sworn in as the 14th Chief Justice of the U.S. Supreme Court. These last 14 years have been among the most tumultuous, far reaching, and controversial in the long history of the Court.

The Chief Justice of the U.S. Supreme Court in terms of official power or influence does not stand any higher than the other eight members. The Chief Justice differs from the Associate Justices only in his administrative duties; yet, the Court for the past 14 years was the "Warren Court," in fact as well as name, for Earl Warren dominated his tenure by force of personality and intellect. This was a cohesive and unified Court presided over by a Chief Justice who was "Chief" in the best sense of the word.

At a time when America was beginning to come out of that paranoic phase of its existence known as the McCarthy Era, Earl Warren took over the leadership of a divided Court and paved the way to justice, social equality, and unity in this country.

Many people have argued that the Supreme Court has overstepped the bounds of judicial restraint and pushed the country too far too fast. If the Court has been moving fast it is only in relation to the legislative branch which has not moved fast enough. The era since World War II has been a period of massive change and dislocation in this country as well as the rest of the world. Congress has been deficient in recognizing this change and has in many ways remained entrenched in its archaic traditions. For this reason, the Supreme Court under Earl Warren seemed to be outpacing us while it brought unity and justice to our system.

The Warren court decided an incredible number of cases which stand as landmarks on the constitutional landscape. Chief Justice Warren wrote a number of these opinions himself. I do not intend to enumerate the individual cases as they are well known and have been fully discussed before. The impact of some has already been felt. The impact of others will not be seen for some time. Yet, one common thread runs through all of the decisions of the Warren Court. This thread is the affirmation of the American system, and the American standard of justice.

The American system has lately fallen into ill repute by the demagogs of the left and right, but neither of these factions seems to understand the basis of this system as set out in the Constitution. Our system is not substantive—not exemplified by a specific decision or law. Our system is a set of procedures which form the basis by which we make our subtantive decisions.

In its basic premise the Constitution says:

Follow the procedures set out herein and the resulting decisions will reflect our form of democracy and justice under the law.

The Warren court recognized this and in its leading cases reaffirmed the American system, reaffirmed the strength of constitutional procedure which is the strength of our country. The Warren court let the chips fall where they may, and many times these chips fell hard on one group or another, but we are better for it.

Many of the important opinions of the Warren court have been in the area of criminal law and specifically, the methods by which the police can gain evidence. Often the police complain that they are hampered in their attempts to get convictions under these restrictions. The record does not bear this out however. The rate of conviction in court has not diminished, only the rate of apprehension. In other words the police have not been apprehending the criminal at a sufficient rate. The fault lies not with the Supreme Court, but with the legislatures which have been deficient in providing the necessary funds for adequate law enforcement. The Supreme Court has been a convenient scapegoat behind which the parsimonious legislatures have been hiding. It is time to pinpoint the blame and stop spreading the fiction that

protection of the rights of the individual is the cause of crime.

Yesterday marked the end of the Warren era, and the former Chief Justice has announced plans for a long vacation. This is a deserved rest after having served our country so well. I am sure all my colleagues in the House join me in wishing Chief Justice Warren a long, happy, and productive retirement.

Mr. MATSUNAGA. Mr. Speaker, it was that most distinguished advocate of judicial restraint, Justice Felix Frankfurter, who wrote:

> Law is not a system of abstract logic, but the web of arrangement, rooted in history but also in hopes, for promoting to a maximum the full use of a Nation's resources and talents.

No words could better describe the working philosophy of Chief Justice Earl Warren's 16 years of service on the Supreme Court, years of momentous changes in American life, changes inextricably associated with the major decisions of the "Warren Court."

Essentially a man of action, Chief Justice Warren came to the Court as a seasoned political leader who had never lost an election and whose comprehension of the American scene had been progressively shaped by time and experience. Sensitivity to change and intellectual growth characterized his fundamental approach and gave an open-ended, optimistic temper, allied with a deep humanitarianism, to his influence on the Court. He became, as it were, the instrument for ideas whose time had arrived—in at least three major areas of our national life: First, the aspiration of American Negroes for full participation in the mainstream of our society; second, the protections and restraints which shield the accused from all forms of coercion by police power; and, third, the rising demand for an egalitarian franchise in apportionment—as reflected in the slogan, "One Man—One Vote." In these, as in other areas such as obscenity and censorship laws, prayers in public schools, and the like, Chief Justice Warren defined the judgment of the Court with fearless integrity regardless of consequent controversy.

In this manner, he came to symbolize the hopes for justice and equality on the part of millions of Americans, even as he also became the object of the fear and hate of others. His view of the Court as the active instrument of constructive social change was clearly in tune with the needs of the time, and calls to mind those discerning words of Justice Holmes regarding "the secret root from which the law draws all the juices of life—considerations of what expedient for the community concerned" including "the felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious." In his understanding of the law as rooted in experience Chief Justice Warren has exemplified a deeply American strain of practical idealism from which ideological bias has been markedly absent.

As the Court and our Nation confront anew the continuing problems and unfinished tasks of our American democracy, we do so in the strength of the achievements wrought by the Warren Court, defining the basic concerns of our day with that honesty, simplicity, fairness, humanity, and courage which constitute the spirit of Chief Justice Warren and his legacy to present and future years. As one of many grateful Americans, I join my colleagues in congratulating Chief Justice Warren upon his retirement and in wishing him and Mrs. Warren the best that life can hold in their new future.

Mr. RYAN. Mr. Speaker, rare is the man who truly symbolizes and embodies an epoch of history or a great social movement. Rarer still is the man who fits this description not because of myth or mystique built around him by others, but because of tangible contributions he has made. Such a man is Earl Warren.

Chief Justice Warren's career in public service began 50 years ago as clerk for the Assembly Judiciary Committee of the California Legislature. In 1925 he became the district attorney of Alameda County, and following 14 years of service in that position he was in 1939 elected attorney general of California. In 1943 Earl Warren was chosen Governor of California. His 10-year administration marked a period of rapid growth in the State and progressive governmental action. It will be 16 years ago this September that President Eisenhower appointed him Chief Justice.

The Supreme Court of the past 16 years has been termed the "Warren court." If this label is justified, Chief Justice Warren should indeed be proud. The Supreme Court, under his leadership, in the spirit of judicial activism, has had considerable impact on constitutional law by deepening and making more meaningful individual equality and by making real the guarantees of the Bill of Rights for millions of Americans.

Chief Justice Warren himself selected the following cases as the most important during his tenure: Baker against Carr, Brown against Board of Education, and Gideon against Wainwright.

Baker against Carr opened the apportionment cases which, following the notable Wesberry and Reynolds against Sims cases, established firmly the principle of "one man, one vote" for all governmental bodies.

Through the Brown decision, a landmark in the struggle for equality in America, the Court outlawed racial segregation in education as unconstitutional.

Our Nation's system of criminal justice has been one in which often the rights enjoyed by the rich and educated are not available to the poor and ignorant, thereby making real justice too often an illusion. Here, as in so many other areas considered by the Warren court, the decisions in the Gideon, Escobeda, Miranda, Mallory, Mapp, and Wade cases are of historic significance for they guarantee equality of treatment to all in substance and not just in form.

Chief Justice Warren's term will also be remembered as one in which the Court faced up to the complex issuse of religious liberty and freedom of speech. The Warren court's church-state decisions affirm the principles that Government must remain neutral on religious matters.

In other decisions the Court displayed concern for the small businessmen and consumers in conflict with price fixers and trusts, and established a body of Federal contract law to govern collective bargaining.

Chief Justice Warren's term has not lacked its critics. Many of the most vocal sloganeers of "law and order" are the very same people whose violent and persistent attacks on the Court have affected public reaction to our courts and undermined public trust in our laws.

If, as some commentators have suggested, the period of judicial activism which has characterized the Warren court is likely to diminish with the retirement of Chief Justice Warren, we may take comfort that the philosophy of judicial restraint relies heavily on precedent and is unlikely to reverse the progress of the Warren court.

But what of the vacuum which will be so deeply felt with Chief Justice Warren's retirement? The role of the Supreme Court in our society is a great one, but in the words of Prof. Paul Freund of Harvard:

> In the long run, the health of our society cannot depend on the Supreme Court . . . Our hope is in the political branches, particularly in an assertion of leadership by the Congress in working out sensible reforms. I would hope this next period would . . . be known as . . . one of legislative activism.

For the past 16 years the Warren court has been leading the struggle for social and economic justice for all. The retirement of Earl Warren as Chief Justice is a severe blow to those who have supported that struggle. For those of us who remain in public life—particularly those of us in Congress—the burden is now on us to build upon the framework which Earl Warren has done so much to construct.

I include at this point in the RECORD an article by James Reston from the New York Times of June 18 which aptly summarizes the work of Earl Warren.

I also include the editorial from the New York Times of June 23 and an article by Fred P. Graham which appeared in the New York Times of June 23.

[From the New York Times, June 18, 1969]

JUSTICE WARREN GOES OUT WITH A BANG

(By James Reston)

The argument against the Warren Supreme Court was that it was too eager to intervene, that it had lost the art of judicial restraint, and was too inclined to reach out for supremacy over the other two co-equal branches of the Federal Government.

In his farewell opinions after a remarkable and historic career as the nation's foremost judge, Chief Justice Warren almost seemed to go out of his way to provide evidence for the charge.

There was a strong argument in both the Adam Clayton Powell case and in the El Paso Natural Gas case for what Kipling once called "the art of judicial leaving alone," but that has never been Mr. Justice Warren's most prominent characteristic. His tendency has been to insist on saying a thing is right or wrong, even if he had to pass what others regarded as the bounds of judicial restraint, and this is clearly what he did in these two cases.

Warren Burger, who will be Mr. Warren's successor, had refused to pass judgment on the House of Representatives in the Powell case "because of the inappropriateness of the

subject matter for judicial consideration," and he deplored "the blow to representative government were judges either so rash or so sure of their infallibility as to think they should command an elected co-equal branch in these circumstances."

Chief Justice Warren, dramatizing the difference between his philosophy and his successor's, regarded a decision against the House not as an improper intrusion into the affairs of Congress, but a duty.

"Our system of government," he wrote in the Powell case, "requires that Federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the courts avoiding constitutional responsibility."

THE EL PASO CASE

Justice Warren's opinion in the El Paso case is even more eloquent of his interventionist philosophy. This was an antitrust case in which all the parties had agreed to abide by the lower court's decision. There was no appellant. The Supreme Court did not hear oral argument in the case or debate on the merits. Nevertheless, the majority opinion by Chief Justice Warren said that, regardless of the agreement by the parties, the Supreme Court had a right to look and see whether its instructions had been carried out and it found they had not.

This, said Justice John Marshall Harlan and Potter Stewart, "discarded . . . all semblance of judicial procedure . . . in the headstrong effort to reach a result that four members of this Court believe desirable."

THE MODERATE APPROACH

Judge Burger's view in the Powell case was that "courts encounter some problems for which they can supply no solution," and that this is not necessarily a cause for regret or concern. The framers of the Constitution, he pointed out, had many hard choices and willingly took many risks.

"To allow, for example, total immunity for speech, debate and votes in the Congress," he noted, "risked irreparable injury to innocent persons if false or scurrilous charges were made on the floor of a Chamber; to allow the Executive exclusive power of foreign relations risked unwise decisions which might lead to war; to tolerate the essential supremacy of constitutional interpretation in a Supreme Court meant the risk of unwise decisions by a transient majority. But that is the way our system is constructed. . . ."

Judge Burger's way in the Powell case was to avoid decisions that would show lack of respect for another branch of the Government, bring about a confrontation between that branch and the Court, and "at best be a gesture hardly comporting with our ideas of separate co-equal branches of the federal establishment." Judge Warren's way was the opposite. He believed Powell was punished unconstitutionally, in part, perhaps, because Powell was uppity and black, so he intervened and left the bench with a bang.

What is even more interesting than the rightness or wrongness of the decisions in the Powell and El Paso cases is that they may mark the high tide of the Warren Court's philosophy and the beginning of a more cautious Court under Judge Burger.

For ironically, these two decisions are bound to give greater force to those who are now arguing to President Nixon that the Warren Court had strayed too far beyond proper judicial boundaries, and appealing to him to appoint another justice of Judge Burger's judicial temperament to the seat vacated by the liberal Justice Fortas.

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[From the New York Times, June 23, 1969]

THE CHIEF STEPS DOWN

With the retirement of Earl Warren as Chief Justice, the nation loses a man of personal courage, progressive conviction and humane understanding who has led the Supreme Court through one of the most decisive periods in the 180 years of its history.

Only three of Chief Justice Warren's predecessors—John Marshall, Roger Taney and Melville Fuller—served longer than his sixteen years and only under the early leadership of Marshall and Taney has the Supreme Court had more critical impact on the law and life of the nation. The Warren Court's school desegregation and other civil rights cases are surpassed in importance in their sphere only by the Taney Court's *Dred Scott* decision, while its reapportionment, redistricting and criminal due process decisions have consequences for the Federal system almost as great as the fundamental interpretations of the Marshall Court.

When President Eisenhower appointed Mr. Warren in 1953, there was little in his record in public life to foretell the kind of Chief Justice he would become. The school desegregation cases which were pending when he took his seat plunged Chief Justice Warren into racial and regional controversy during his very first year on the Court. But *Brown v. Board of Education* was a unanimous decision which evolved naturally out of several previous cases concerning racial discrimination. While the Warren Court has divided sharply on other issues, it has consistently been unanimous, or nearly so, in striking down barriers to voting rights and forbidding public and private discrimination.

Chief Justice Warren struck a more distinctive personal note in his sensitivity to individual rights and due process. A concern for fair play, which is a synonym for due process, animated the Chief Justice and a majority of his colleagues in 1957 and subsequently in curbing the House Un-American Activities Committee, the Subversive Activities Control Board and the State Department's passport authority.

Because the apportionment of state legislatures and the districting of seats in the House of Representatives had long been considered a "political thicket" too dangerous for the Court to penetrate, grave abuses had developed in the American form of government. Beginning with *Baker v. Carr* in 1963, the Supreme Court under Chief Justice Warren came to the rescue of the underrepresented millions in the cities and the suburbs. If American federalism successfully masters the social crises of the coming decade, much credit will go to the Warren Court's rulings in favor of "one man, one vote" and equal districts.

These rulings were not without risk to the Court's authority and prestige because they did carry the Court into that ill-defined border zone where the judicial and the legislative powers meet and mingle. With good reason, critics of the Court contended that the justices had usurped some legislative authority. But defenders of the Warren Court replied that in the reapportionment cases as in the long stalemated issue of school segregation, years of Congressional evasion and irresponsibility made judicial intervention inevitable.

The rights of criminal offenders evoke little sympathy when rising crime rates have become a matter of national concern, but the Warren Court has moved against the tide of popular feeling. The Court has insisted that to have a lawyer to remain silent, and to avoid being browbeaten into a confession are rights of every citizen. Future court decisions may perhaps reshape the particular definitions of this right as the unending task of judging continues, but the fundamental affirmations of the Warren Court in the field of criminal jurisprudence are in the best American tradition.

In meeting the issues of his Court service, Chief Justice Warren did not have the legal erudition of a Frankfurter or a Cardozo; the brilliant advocacy of a Hughes, or the thoroughly developed philosophy of a Holmes. He has depended instead upon an unblinking integrity, a firm common sense, and a deep feeling for the liberal and egalitarian values which moved Thomas Jefferson and the other founders of this nation. Those values must be brought to bear on the problems of each generation in live and relevant ways if the American ideal of self-government is to survive and flourish. It is to the lasting honor of Earl Warren that he contributed so effectively to that liveliness and relevance in his time.

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[From the New York Times, June 23, 1969]

WARREN ERA ENDING TODAY AFTER 16 YEARS OF REFORM—BURGER SEATING TO CLOSE TIME OF CONTROVERSY AND MIXED RESULTS

(By Fred P. Graham)

WASHINGTON, June 22.—The Warren era ends at the Supreme Court tomorrow, after 16 years of bold reforms that have brought raging controversy and mixed results.

When Chief Justice Earl Warren turns over the Court's center seat to his successor, Warren E. Burger, one of the most ambitious and active eras in the Court's history will end.

Mr. Warren intends to disappear from the public scene for several months, going first on a fishing trip to Alaska and then on an autumn jaunt to the Far East, where he will attend a conference in New Delhi on World Peace Through Law.

He will depart on a strong note after issuing a historic opinion last Monday in the Adam Clayton Powell case.

In declaring that the House of Representatives acted unconstitutionally in 1967 when it refused to seat the Harlem Democrat, the 78-year-old Chief Justice asserted for the first time that the Supreme Court had jurisdiction to settle constitutional questions involving internal Congressional matters.

RESULTS OF DECISIONS

It is too soon to tell whether this will result in a damaging conflict between Congress and the Court or if Congress will accept the Court's judgment.

But even if a donnybrook is avoided over the Powell case, Earl Warren will step down as a controversial figure. The John Birch Society's "impeach Earl Warren" campaign was dropped several years ago, but the genial, strong-willed Chief Justice has remained as a symbol of judicial liberalism that sets conservative teeth on edge.

The controversy over the liberal Warren Court fed on opposition—mostly from political conservatives—against decisions that hobbled government loyalty-security programs, banned prayer and Bible reading in the public schools, outlawed segregation and malapportionment and limited police action.

Thus, much of the outcry over the Warren Court has been a measure of whose ox has been gored.

Conservatives have tended to denounce the Court (President Eisenhower was said to have called his appointment of Mr. Warren the "biggest damfool mistake I ever made"), while only liberals would be expected to agree with Lyndon B. Johnson's assessment of Mr. Warren as "the greatest Chief Justice of them all."

Yet one complaint about the court has cut across the political spectrum. It has been said on both sides that the Supreme Court acted too much like a legislature and not enough like a court—that it translated its own notion of wise policy, into constitutional dogma.

These critics complain that in the long run, the development of Supreme Court Justices into Platonic guardians to substitute their wisdom for legislative and executive decisions will undermine American democracy, and that the left is more likely than the right to be the ultimate loser.

In a news conference shortly after he announced his intention to retire, Mr. Warren listed what he saw as the three most significant decisions of the Warren era. They were:

1. Baker v. Carr in 1962, which opened the way for legislative and Congressional reapportionment.

2. Brown v. Board of Education in 1954, which declared school segregation unconstitutional.

3. Gideon v. Wainwright in 1963, which held that all defendants in serious criminal cases were entitled to legal conusel.

The verdict of most legal experts is that the reapportionment decisions have been a success, in the sense that reapportionment has been achieved without as much difficulty as many had expected. Despite would become mired in the "political thicket," redistricting has been widely accomplished, and the initial outcry has died down.

"The mood, even among politicians, is that the decisions are acceptable; the accommodations have largely been made," Robert B. McKay, an expert on reapportionment law, said recently.

RESISTANCE IN SOUTH

Every state legislature has made some districting adjustment, he said, and only nine states still have significant discrepancies in the numerical size of their Congressional districts.

School segregation is a much subtle matter. Last year about 20 per cent of the Negro children in the 11 Southern states were in integrated schools.

But resistance to desegregation is rising in many Southern communities, where the belief is strong that the South is being told to achieve levels of integration that are not required in the North. Northern neighborhood segregation has kept school integration at token levels.

Because of this apparent legal double standard, the Supreme Court may encounter increasing resistance in trying to eliminate all-black schools.

The idea that defendants should be represented by lawyers at their trials had already been accepted by all but five states when Gideon v. Wainwright was announced.

The decision's importance was in establishing the principle that poor people must be furnished the means to exercise their legal rights, in addition to the rights themselves.

This has led to the establishment of public defender and legal aid offices across the country and other efforts to provide more legal assistance to poor people.

The cases following from the Gideon decision have precipitated a controversy over counsel in the police station and the authority of the police to question suspects.

The Court, meanwhile, has tacitly acknowledged some of the practical problems by declining to apply the Gideon decision to misdemeanor cases.

As a result of charges in many quarters—including some respected legal ones—that the Warren Court had made criminal procedures too brittle, President Nixon made a point of selecting a Chief Justice who rejects much of what the Warren Court has done on the subject of defendants' rights.

Thus Mr. Warren leaves amid a rising chorus of complaints that the hallmarks of the Warren Court—bold, aggressive moves on behalf of society's underdogs—were carried to excess in the criminal field and that the Court's idealism outstripped its practical sense in this regard.

HISTORY'S VIEW

His departure has also been tarnished by a public controversy over off-the-bench activities by former Justice Abe Fortas and Justice William O. Douglas.

Mr. Warren had hoped to persuade the Court to adopt restrictions on extrajudicial conduct before he left, but he failed.

Many observers feel that, in the long view, history will treat the Warren era well.

"Generations hence," Prof. William M. Beaney of Princeton recently wrote of the Warren Court, "it may well appear that what is supposedly the most conservative of American political institutions, the Supreme Court, was the institution that did the most to help the nation adjust to the needs and demands of a free society."

Regardless of the verdict of history, Earl Warren seems obviously satisfied with the results of his tenure. At his final news conference, he was asked to describe the major frustrations of the period.

He paused for a long moment, then broke into a wide smile and replied that he could not think of any.

"It has not been a frustrating experience," he said.

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## FEDERAL TRANSPORTATION ACT

The SPEAKER pro tempore (Mr. JACOBS). Under a previous order of the House, the gentleman from Connecticut (Mr. WEICKER) is recognized for 30 minutes.

Mr. WEICKER. Mr. Speaker, I am introducing today a bill titled the "Federal Transportation Act." This piece of legislation has been designed to unsnarl the chaotic transportation mess that exists in our Nation today. There is no question in my mind that unless we engage in new thinking and create new policies in the field of transportation, the United States in the 1970's will provide more inefficient transportation than it did in the 1950's. In that 20-year interval, we have engaged both in the Government sector and the private sector in a headlong dash of expansion of transport facilities for the sake of expansion. The key to the next 20 years must be service. In order to properly understand this legislation, it is necessary to view the deeds of the past and the trends of the future.

One of our great national strengths is the unbounded enthusiasm which we as a nation generate for a particular project at a particular moment of time. The American people have, at one time or another, exploded enthusiastically for a short period of time for a particular mode of transportation. For example, the fifties and sixties will go down in our history, I am sure, as an unparalleled period of highway construction; the sixties have been renowned for large airport construction; the twenties and thirties for railroads; the early 20th century for waterways. Now all of these projects taken individually are highly commendable, but certainly no one can argue that they are interrelated. And so today, airports sit in the middle of nowhere, unattended by rail or highway links, highways do not connect with rail terminals, bus systems do not relate to railroads, and so on.

The answer always seems to be another highway, another airport, another railroad, another port, rather than fully utilizing and locking together the pieces of our national transportation jigsaw puzzle. Why does this situation continue? The reasons are twofold: First, aside from the lipservice given at the State and Federal level by various department heads as to coordination, there has been no way heretofore to insist that such coordination take place. Human nature being what it is, each department pushes only the projects within its area of expertise. Each department head continues to build his own empire. Coordination is never reduced to writing, but rather remains the subject of occasional lunch meetings or news media interviews.

The second stumbling block has been the enormous pressure exerted at the State and Federal levels by transportation lobby groups and by elected officials whose reelection depends on gaining a transportation bone for their particular political subdivision.

This bill attacks both of these problems in the following ways. First, it says to the States that no Federal money will be expended for any particular transportation project unless it can be clearly shown that the project is part of an overall transportation plan for the State.

Second, it sets up a transportation trust fund which is distributed not on the basis of political emergencies or national fads, but rather on a formula basis that takes into account land area, population, and centers of largest populations. I know that this type of legislation is going to involve an eyeball-to-eyeball confrontation between new concepts and the old ways of doing things. But certainly, the past several years, months, weeks, and even days have produced example upon example of collapsing rail systems, throttled airports, and superhighways that have become super parking lots. By 1975, there will be 30 million more people in the United States than there are today, there will be 20 million more cars, there will be four landings and takeoffs for every one today. If the demand for transportation keeps pace with the economy, then during the next 20 years our transportation network must double. Unless something is done, the keep-our-nose-above-water policies of today will result in a drowning within 6 years. The biggest mistake this Nation could make would be to expend additional millions on transportation and have the facilities so created conform to the system as it exists today.

Just the numbers involved in what is the biggest consumer service in the United States today will demand ingenuity, creativity, and the courage to stand up to what exists but does not serve particularly well. That is the type of action the American traveler expects from the American politician.

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## VIETNAM AND MIDWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, on June 8 President Nixon conferred with South Vietnamese President Thieu at Midway Island. At the conclusion of that meeting, President Nixon announced that 25,000 U.S. troops would be withdrawn from South Vietnam by the end of August.

After his return to the United States in his televised address to the Nation on June 11, the President said that the Midway Conference was "an opening of the door to peace," and called upon Hanoi

to respond to his initiative in withdrawing 25,000 troops.

Five long years after President Johnson's decision to Americanize the war in Vietnam, and after 36,000 American deaths, Congress should not accept uncritically President Nixon's judgment that the proposed withdrawal of 25,000 troops represents a significant step toward peace, but should judge for itself the adequacy of the President's action. Several crucial questions must be asked and answered to gain an understanding of the significance of the 25,000 troop withdrawal. First, does the President's action represent any substantive change in the U.S. policy? Second, will the withdrawal of 25,000 American troops reduce the fighting in Vietnam—a prerequisite to a negotiated settlement in Paris? Third, is this withdrawal likely to lead to the rapid disengagement of American troops? And fourth, will President Nixon's decision lead to the broadening of the present Saigon government which is necessary if a non-Communist coalition of South Vietnamese is to be developed which can compete effectively with the National Liberation Front when it is finally possible to have free elections?

In a recent radio interview with me, Gov. Averell Harriman, U.S. Chief Negotiator at the Paris talks under President Johnson, expressed his views on these questions and provided some perspectives which I believe should help the Congress in evaluating the significance of the Midway Island announcement.

Governor Harriman said the withdrawal of only 25,000 troops was "disappointing" adding that he had hoped that the President would withdraw 60,000 which, he said, would have been a significant number. He said:

I think it is too little to have an impact, particularly as both President Nixon and President Thieu went out of their way to say that this is not a reduction in forces but our troops are being replaced by the Southern forces.

Governor Harriman questioned whether this was really an important move toward peace saying:

What have we got to tell them? How is this opening of the door?

The Governor's comments underline a very important point; namely, that the withdrawal of 25,000 troops does not represent a deescalation in the fighting but rather a shifting of a small part of the military burden to the South Vietnamese Army. As a consequence, the level of violence on both sides, which Governor Harriman called "the No. 1" obstacle to progress in the Paris talks, has not been reduced.

In evaluating whether or not the withdrawal of 25,000 troops is indicative of any substantive change in policy and any shift in military strategy, Governor Harriman's comments again are useful:

In spite of the fact that in his May 14 speech, which had some constructive features, the President said, "I rule out a military solution," he has not yet given orders to General Abrams to reduce the violence. I felt that would have been in January the first thing we would have done after we had all (the U.S., Hanoi, the N.L.F. and Saigon) gotten together. It took a little time to get them together, but the first subject of discussion would have been mutual reduction of violence. They (North Vietnam) indicated by their actions in November—where they disengaged in the northern provinces of South Vietnam, took 90 per cent of their troops out . . ., some of them as far north as 200 miles—that they were ready to move in that direction. Of course, the government of Saigon didn't show up, and we lost the momentum.

Governor Harriman went on to say:

We've lost momentum since January, too. No discussions that I know of have taken place. I don't think that just withdrawal of a few troops will have the effect.

Governor Harriman also spoke of the kind of action which might move the Paris talks toward real progress:

I think the President should say, "I am prepared to go a long way to reduce violence. I am prepared to change the orders to General Abrams, if you will join with me in that." I think that the world would be with the President if he should do such a thing. I think we missed that in this communique and we miss a very fundamental issue which I think has to be dealt with.

Despite President Nixon's statement that he "rules out a military victory," the fact that the military strategy of aggressively seeking out the enemy and putting maximum pressure on him remains was reinforced by Governor Harriman, who said:

I used to say (to the North Vietnamese negotiators in Paris) "these attacks of yours are not helping the atmosphere for a peaceful solution," and just as soon as they stopped them, our generals would say "Ah, we've won."

It doesn't make sense—

The Governor said—

to think that people can come to political understanding and peaceful solution as long as each of us is trying to kill the other, and trying to gain some new advantage of the other. Since we're the ones that issued the all-out orders to [General] Abrams, I think it's fair to say that we're the ones that have got to take the lead in stopping the violence. We can't expect the other people to do it.

The replacement of 25,000 American troops by South Vietnamese forces will not result in the deescalation in the fighting which is a prerequisite to achieving a negotiated settlement at Paris. Moreover, since the orders to General Abrams have not been changed, it is reasonable to conclude that the Midway announcement does not represent any basic change in the military strategy which has been pursued—at great loss of life—for the past 5 years.

Another issue, which is of great importance to the future political development of South Vietnam, is the state of democracy and democratic institutions under the Thieu-Ky regime.

Governor Harriman expressed disappointment "at the continued restrictions and restraints and persecution of the opposition in Saigon," and "President Thieu's unwillingness to create a democratic atmosphere." Governor Harriman said:

He [President Thieu] talks about the NLF putting down their arms and joining the democratic processes of his country, but without democratic processes I don't know how you'd expect them to lay down arms. You've got to guarantee the other side security and safety to carry on a campaign and be able to vote." Governor Harriman pointed out, "If we are to have freedom of election, he's got to create a climate of freedom in order to let those elections be held.

Regrettably, the Midway Conference had no apparent effect on the state of democratic institutions in South Vietnam. Indeed, upon his return from Midway, President Thieu held a press conference at which he said:

From now on, 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.

A statement hardly calculated to encourage freedom of speech.

Two weeks ago, another newspaper in Saigon was closed, the 37th newspaper to be closed since the Saigon government announced a little over a year ago that it was giving up censorship.

Last week, four members of an opposition group who had called for the formation of a "government of reconciliation" were ordered to report to the Saigon police for "questioning." The group included Tran Ngoc Lieng, the lawyer who defended Trong Dinh Dzu—the runnerup to President Thieu in the presidential election, who is still in jail. Gen. Doung Van Minh, for whom there is political support in South Vietnam, is still unable to participate in political life. And many student leaders, who have protested the policies of President Thieu, are in jail.

That is the state of "democracy" under President Thieu.

The repression of the Saigon government is inimical not only to our own values but to the political future of South Vietnam as well. As Tran Ngoc Lieng, head of the committee which advocates a government of reconcilliation, told the New York Times on June 17:

If the government means to repress the genuinely nationalist organizations by this technique, the Communists will reap the benefits. The whole national movement will suffer as a result.

On all four questions, then—whether or not there has been any change in policy; whether or not there will be a reduction in the violence; whether or not the Nixon administration intends to carry out rapid disengagement of U.S. forces; and whether or not the Saigon government is to be broadened to include important segments of the population not now represented—the results of the Midway Conference fall far short of a decisive and courageous reversal of Vietnam policy. In March of 1968, candidate Richard Nixon said:

The next President must end the war.

After 5 months in office President Richard Nixon has yet to take the necessary steps to bring about a prompt termination of the war in Vietnam which the American people had been led to expect.

Congress must assert its own role and make clear to the President that it will no longer support a policy which was repudiated by the American people in

the primaries and general election last year.

Mr. Speaker, I include at this point in the RECORD the text of my June 16 interview with Gov. Averell Harriman. I also include an article by Peter Grose, from the June 16 New York Times, which outlines the call of former U.S. representative to the Paris peace talks, Cyrus R. Vance, for a cease-fire in Vietnam which would end the "search and destroy" military strategy, an article by Terrence Smith, from the June 18 New York Times, and a June 19 New York Times column by Tom Wicker, which describes the lack of political freedom in South Vietnam under President Thieu. The articles follow:

TRANSCRIPT OF INTERVIEW BETWEEN CONGRESSMAN WILLIAM F. RYAN AND GOV. W. AVERELL HARRIMAN

This is Congressman William F. Ryan reporting to you from Washington. Over the past five years few issues have generated as much controversy and criticism within Congress and, indeed, among the American people as a whole as the war in Vietnam. What began as a small commitment of American troops has escalated to the point that today nearly 540,000 American troops are engaged in the conflict in Southeast Asia. And as of May 31, over 35,700 American servicemen have died as a result of military action.

A few days ago President Nixon met with South Vietnamese President Thieu at Midway Island in the Pacific Ocean. At the conclusion of that conference the President announced that he was withdrawing 25,000 troops from Vietnam by the end of August.

In order to assess the significance of this meeting at Midway and the President's announcement, as well as the substance of the Nixon Administration's overall policy in Vietnam, I have invited the former chief negotiator for the United States at the Paris Peace Talks—Governor Averell Harriman of New York—to appear with me on this program this afternoon to discuss the implications of the Midway conference and to comment on the progress of the talks in Paris.

I am delighted that he is able to be with us today. For few men in public life enjoy the respect and prestige of Averell Harriman. As a result of his service in the cause for international peace under five Presidents he has earned the gratitude of the entire nation for his tireless efforts to reduce sources of international tension and instability. President Kennedy called upon him in Laos. President Kennedy again called upon him as the principal United States negotiator for the Nuclear Test Ban Treaty. Again he was called upon by President Johnson to become chief negotiator at Paris where he served for almost nine months. His efforts resulted in the resolution of procedural questions and the construction of the framework through which we hope a final settlement will be achieved.

For this as well as many other arduous assignments in the course of his long career he has earned the respect and gratitude of the American people. Governor Harriman, it is a pleasure to have you join us on our program today. I am sure our listening audience will appreciate being able to hear your views on the course of the tragic situation in Southeast Asia.

Governor HARRIMAN. Bill, I'm so glad to be with you. You have taken a very constructive and vigorous position in the Congress and I respect you for it. You don't always go the routes that are popular but you go the routes that you believe are in the interests of the people. Therefore, it is a pleasure for me to be with you and talk about some of the things that are mutually concerning us.

Congressman RYAN. Thank you very much, Governor, I am particularly happy that you can appear at this time in the aftermath of the visit by President Nixon to Midway Island and his announcement of the withdrawal of 25,000 American troops, and the statement which he made upon his return to the effect that "now the door to peace has been opened." I just wonder if, Governor, you would be willing to comment on your reaction to the President's statement. Has he, by withdrawing or suggesting that he's going to withdraw 25,000 American troops, really changed the strategy which he has been following? Is this tokenism? What is your evaluation of what is happening now with respect to the war in Vietnam?

Governor HARRIMAN. Well, let me first say I don't want to term it tokenism. I want to say it's disappointing. I want to make a very definite record of the fact that I wish President Nixon success. Nothing is more important to the people of our country than getting peace in Vietnam. And so I want to help in every way I can. So when I question what's being done it's because of my earnest desire that progress should be made. Now this figure is disappointing. Even last year there was talk of withdrawing troops and everybody talked about 50,000 as the number. I had hoped that when there was gossip about the agreement to withdraw troops that he'd step it up from 50,000 to 60,000. To take 60,000 home at the time would have been a significant figure. But 25,000 I think is too little to have an impact, particularly as both he and President Thieu went out of their way to say that this is not a reduction in forces. Our troops are being replaced by the Southern forces. Therefore, what have we got to tell them? How is this the opening of the door?

And I'm particularly disappointed that more discussion hasn't taken place in Paris, which is what we would have done if we had carried on our negotiations, for mutual reduction of violence. I think that could have been successfully negotiated and that would have tremendously reduced the number of killings, which is awful. Since we're on the road to peace, I don't see any objective in killing South Vietnamese and killing innocent South Vietnamese people.

Congressman RYAN. I think the point you made, Governor, about the fact that the plan to withdraw 25,000 troops and substitute for them South Vietnamese forces points up one of the real difficulties with the Administration's position. And that is: is the Administration really planning to reduce the level of violence or to de-escalate the fighting or is it merely planning to shift the burden of the fighting over to the South Vietnamese and then hope that the level will keep up so that we can pursue as we have in the past some kind of a military solution?

Governor HARRIMAN. Well, in spite of the fact that in his May 14 speech, which had some constructive features, the President said, "I rule out a military solution," he has not yet given orders to General Abrams to reduce the violence. I felt that would have been in January the first thing we would have done after we had all [the United States, Hanoi, Saigon, and the NLF] gotten together. It took a little time to get them together, but the first subject of discussion would have been mutual reduction of violence. They [North Vietnam] indicated by their actions in November—where they disengaged in the northern two provinces of South Vietnam, took 90% of the troops out of the country, some of them as far north as 200 miles—that they were ready to move in that direction. Of course, the government of Saigon didn't show up and we lost the momentum. And we've lost momentum since January, too. No discussions that I know of have taken place. I don't think that just withdrawal of a few troops will have the effect. I think the President should say, "I am prepared to go a long way to reduce violence. I am prepared to change the orders to General Abrams, if you will join me in that." I think that the world would be with the President if he should do such a thing. I think we missed that in this communique and we miss a very fundamental issue which I think has to be dealt with. Incidentally, I gained the impression from the talks in Paris that we'd make no progress on the peaceful settlement until we reduce the violence and work towards a cease-fire.

Congressman RYAN. Was it your opinion that after the cessation of the bombing of North Vietnam last October and November that the North Vietnamese would be willing to pull back and reduce the violence? In fact, you have said that they had withdrawn some 90% of their troops in the two northern provinces above the 17th parallel.

Governor HARRIMAN. And they did other things to reduce their military action. That was my impression. I know some of the military claim that it was only because they'd been forced to do it, but the fact of the situation justified our belief that it was a political action on their part, and we might have been able to respond to that at the time if the Saigon government had appeared in Paris as we expected them to do. So we had very much in mind detailed discussion with the North Vietnamese and the NLF and how we were mutually going to reduce the violence. I speak of violence, Bill, not just military action because what I'm talking about is forcing them to stop throwing bombs within Saigon and some of these other cities which are killing innocent people, even down to the village level. I fear if we're going to have an election we've got to end violence on both sides. You've got to have a cease-fire. We've got to move in that direction. We'd better quit trying to find a military solution. Now, unfortunately, our military actions don't fully conform to what the President said: that he was ruling out a military solution. Why not move to peace—physically?

Congressman RYAN. I certainly agree with you. It seems to me that that is where the President really has missed an opportunity, because coming in as the new Chief Executive without having been responsible for decisions made in the past he could have, it seems to me, used this opportunity to take steps which perhaps the previous Administration felt it couldn't take.

Governor HARRIMAN. I am sure we could have gotten an agreement. If all four sides had sat down together. We were still fighting. We are still out fighting, even though we've begun the Peace Talks, and this is the mistake, too, as you say.

I also was disappointed in the manner in which President Thieu acted. President Nixon said, you'll remember, "We agreed on all points." And Thieu agreed on the President's May 14 speech. Then he goes back and has a press conference, and if it's actually reported accurately, as I believe it is, that he said that he was going to severely punish anybody that opposes a coalition government, as that would be against the provisions of the Constitution which he upholds. Now, President Nixon has never said, as far as I know, that he's opposed to a coalition. He has said that he's against the imposition of a coalition government and therefore, a discussion of a coalition government seems to be a perfectly normal thing to have go on. You can be against it if you want to.

I'm disappointed also at the continued restrictions and restraints and persecution of the opposition in Saigon. Did you notice today, during this week, rather, the government closed another paper? This is the 37th newspaper that the government has closed since they announced a little over a year ago that they were going to give up censorship.

Congressman RYAN. Now, how could there be freedom of speech and freedom of expression in South Vietnam if newspapers are

constantly under the threat of being closed down?

Governor HARRIMAN. Well, the obvious answer to that is no, Bill. There can't be and there isn't. And the people are put in jail. Mr. Dzu is still in jail. He was the one who lost in the election. Thieu got 33% of the vote. That wasn't a very large percentage of the people who voted, particularly when you know that the elections were only held among about ⅔ of the population. So 33% is not a majority President. And the runner-up is still in jail because he had the temerity to suggest that it was time to talk to the NLF about a settlement. Why they won't release him, I don't know. It's because Thieu now has even on his own game indicated that he doesn't want to have any opposition around. I think it hasn't come out yet, but we've been very firm and definite with Thieu. If we are to have freedom of election, he's got to create a climate of freedom in order to let those elections be held.

Congressman RYAN. I agree with you, and one of the problems that throughout our experiences in South Vietnam seems to me has been prevalent is that the Saigon government has pretty much done as it pleases, whether it's to hold off negotiations arguing over the size of the table or whether it's to ignore the desire of the United States to have open and free elections and to have freedom of speech and press in Saigon. Now, how can or should the Administration deal with this question of the Saigon government and its intransigence on so many questions?

Governor HARRIMAN. Well, I think I don't want to blame President Thieu for everything. He has made some progress in land reform. He's made some progress in economic development and I don't want to condemn him for all things. But we're now discussing the question of freedom of discussion leading to free elections. In that, I think his record is pretty bad. Of course, we've got a very good method of talking to him and that is, unless you do this, we're not going to continue a line of trying to support this government. They're very much in our hands. Even after 25,000 are out, there will be well over 500,000 Americans there. He won't last very long if we pull out our troops.

President Nixon has one very good thing in his May 14 speech. He took a commitment to the people of South Vietnam, not to any one group. I was glad to see Secretary of State Rogers say, "We are not wedded to any one group." I think we ought to act that way, and not appear to be trying to force the present government on the people. Now, if they [Thieu-Ky] can win the election, which they may well be able to do, they've got to begin broadening the base, to bring in the other elements. There are a lot of Buddhists. There are a lot of different groups that are not included in the government and you'd have a much stronger position if they were. It would dilute his own personal power, but it would very much strengthen the position of the government. Now, I don't think that the NLF would gain a large percentage themselves. But they're going to try to form a front, and I think it's high time that President Thieu forms what you could call a non-communist group or anti-NLF front or whatever else you wanted to call it. He hasn't done that yet, and that must be done.

Congressman RYAN. I certainly would agree with you. For the benefit of our listening audience, this is Congressman William F. Ryan, and I'm talking to Averell Harriman about the situation in South Vietnam. I agree, Governor, as a number of us have said for a long time, that it is necessary for the South Vietnamese government to be broadened to include other elements, to include people such as the candidate whom you mentioned who's in jail.

Governor HARRIMAN. I'm not certain that he personally . . . I'm not talking about any one individual.

Congressman RYAN. But he's representative of a point of view.

Governor HARRIMAN. He represents a group that wants peace. And he may or may not be the best leader.

Congressman RYAN. What do you view now, aside from the failure so far to reduce the level of violence—what do you view as the principal obstacles to the achievement of a settlement of the war?

Governor HARRIMAN. I would just like to underline again the reduction of violence, the reduction of losses on both sides, an end to the killing, is number one. That's what we would have done if we'd have stayed there to negotiate. We haven't even started that. I'm sorry to say that from all I hear, and I hope I'm wrong, that no progress has been made on any field since January; that's five months. It's high time that we get into discussion.

Now among the things that you've got to discuss on the political side which probably must go along with military reduction is the question of how you are going to organize a free election. That's why I emphasize so much President Thieu's unwillingness to create a democratic atmosphere. He talks about the NLF putting down their arms and joining the democratic processes of his country, but without democratic processes I don't know how you'd expect them to lay down arms. You've got to guarantee the other side security and safety to carry on a campaign to be able to vote, and none of these matters have been discussed, which I would have thought would be among the number one subjects on the political side to talk about.

They have proposed a coalition government. The President now suggests that there be a combined commission of both the NLF and Saigon; maybe that's a good idea. But we've got to get down to discussing these matters in detail. We're very slow in doing it. We've waited a long time.

Congressman RYAN. And the killing continues, the violence continues.

Governor HARRIMAN. And I believe, it's my firm belief, I may be wrong that we will not get the real, the political, solution until we reduce the violence. It doesn't make sense, Bill, to think that people can come to a political understanding and peaceful solution as long as each of us is trying to kill the other, and trying to gain some new advantage of the other. Since we're the ones that issued the all-out orders to [General] Abrams, I think it's fair to say that we're the ones that have got to take the lead in stopping the violence. We can't expect the other people to do it. Incidentally, when they stopped the violence last year, our Generals said, "Ah, we've got them licked." It's rather interesting. I used to say when they were attacking us that "these attacks of yours are not helping the atmosphere for peaceful solution"; and just as soon as they stopped them, our Generals would say, "Ah, we've won." Now I don't blame the Generals for this. That's their job. But the country, the President, have all decided we want a peaceful settlement. Let's act that way.

Congressman RYAN. I think you make an excellent point, and I just wonder how we're going to bring about a political settlement unless we're really willing to reduce military activity. Once we start talking about a political settlement, what do you think the North Vietnamese will be willing to agree to? Do you think they'll agree to some kind of election procedure in which they are represented on a Commission?

Governor HARRIMAN. I can't tell you because we didn't talk political settlements as we didn't want to do it without the Saigon government. But I can tell you they made it very plain that progress would not be made as long as there was violence. If we're going to talk peace, we've got to draw the line and say this is where we stand today. But there are other things that bother me too. We ought to begin to cut the cost of this war. Nothing has been done to cut the cost of the war. I hear stories about the [Battleship] New Jersey going out there again. I wish that the cost-effectiveness of the whiz kids which used to be in the Pentagon would be set to work to analyze how we can reduce this cost because you know better than I do how much we need the savings to get on with what's needed to be spent on life here at home. I'm very much concerned that the spokesmen for the Pentagon say they are going to take all the savings and more besides for the new weapons systems. This just doesn't make sense to me.

Congressman RYAN. I think this is a very critical point. We're spending presumably about $30 billion a year on the war in Vietnam. There are many of us who have hoped that, once the war ends, that money can be transferred to beginning solutions to many of our domestic needs. And yet it's perfectly clear that many of the generals in the Pentagon believe that the money will be transferred right over to new weapons systems. And it will continue to be used for the military budget to compensate, as they say, for technology, which wasn't pursued during the time of the war in Vietnam.

Governor HARRIMAN. I don't blame the Generals. It's their job to make recommendations. But what should be done under the President's direction is to chop it. If the Bureau of the Budget doesn't do it, I would hope the Congress will do it because I agree with you. As Walter Reuther said yesterday, there should be $20 billion taken out of the military budget. I don't know what the right figure is but many of my business friends feel the same way. We have to use our resources in a sensible way. Certainly we've neglected the needs here at home. Urban requirements of all kinds, our education system and the poverty program, hunger and everything else—all the things that you've been fighting for and you know about all the things that ought to have a precedence over the military. I'm not for disarming but certainly when you're spending $80 billion a year, or now, if we cut it to $60 billion, we would have roughly adequate expenditures, to justify, to take care of our security.

You know our security isn't based only on arms. We are not secure because we bristle with missiles and guns, but also the strength of our economy, the social strength, the moral force of our country at home and abroad make this a strong nation. Vietnam has reduced our social life here at home, divided our people, and I'm afraid I've been to 50 countries under President Johnson and except for a few Asian countries, they are all opposed to us. They don't understand what we're doing. Our moral force in the world will be increased again when we get this war out of the way and begin to take an interest in the peaceful developments which are so essential for us and for everybody else.

Congressman RYAN. I couldn't agree with you more Governor Harriman and this brings to mind of course the fact that the public is beginning to awaken, particularly in the light of the controversy over the ABM. I wonder if you have any thoughts now on the effort on the part of the Pentagon, particularly the Secretary of Defense, to persuade people into believing that the ABM is necessary because of the capability or the possibility of a first strike on the part of the Russians.

Governor HARRIMAN. I'm frankly shocked by this talk of trying to scare people into making expenditures which are unjustified. There's talk about special intelligence information. Senator Symington said if you knew all the information you'd realize that there was no need for the ABM. Now ABM is a symbol of trying to scare the country

into doing something which is unnecessary because somebody wants it.

Now I had something to do with negotiations with the Russians, including the Test Ban Agreeement, and I can assure you that this will not help us, the continuation of the ABM or the testing of MIRV. If we want to come to an agreement or a hold on development we ought to hold the deployment. I'm not against research and development at all, but we ought to hold back on deployments and wait and see what can be done. I'm also disappointed that the President hasn't taken President Johnson's initiative and the agreement to hold nuclear restraint talks. I don't know why he didn't start in February. It's now been five months and nothing has been done.

Congressman RYAN. On the basis of your long experience with the Russians, do you believe it's possible to negotiate agreements for reductions of tensions, reduction of arms, arms control?

Governor HARRIMAN. Well, I want to say that it's too early to hope for an overall detentè as they call it, an overall agreement, but in certain fields I'm satisfied that they want to come to an agreement on nuclear restraint for two reasons. One they want to cut their costs, reduce their costs, and they don't want to go into vast new expenditures which technology requires and secondly, they are afraid of nuclear war. They are just as afraid of nuclear war as we are and it's very important that we come to an understanding in this field.

In addition to which we can get their help in trying to work in the Middle East. Although we can't impose a settlement there, we do want to put pressure on the Arabs for a reasonable settlement, although they [the Soviets] want to continue to compete for control there. But they did help us in Vietnam and they may help us there again. So in selected areas we can come to an understanding, as we have in the past. But we mustn't be pulled aside into believing we can come to an agreement on everything. Maybe someday we can, a generation from now, but we can't do it today. Their actions in Czechoslovakia shocked us all. It's still offensive, the manner in which they behaved.

Congressman RYAN. The President, during his campaign, and the *New York Times* at various times, have suggested that perhaps discussions with the Russian will help to resolve the question in Vietnam. There is even some speculation that there may be some talks either taking place or contemplated with the Russians on the question of a Vietnam settlement. Have you any information on that?

Governor HARRIMAN. I talked to the Russians about that and asked for their help and they did help when we got into some narrow problems. They helped us both in November to create a situation that made it possible for the President to end the bombing and also in January when they probably helped on the shape of the table and other procedural questions. I know they'll help us because they have. They want to see a Southeast Asia strong enough and independent enough to check Peking's advances. They are more concerned with Peking than they are with us and in certain areas such as India and Pakistan, we found ourselves in a parallel position. But that doesn't mean that we can have an overall settlement. They still won't compromise, they are still supporting movements in South America. We still have to have our guard up. Let's make progress where we can.

Congressman RYAN. I was very concerned by the President's speech to the United States Air Force Academy in Colorado recently, and I wonder how you reacted to that speech?

Governor HARRIMAN. I must confess that his speech writers did him a great disservice. And I resented what was said at that time. I hope he didn't think it through before he made it. There are some casualtiies in Vietnam. The biggest casualty, of course, is the loss of life to our young men. But the other tragedy is the division in our country and the setback of the social progress that could have been made. Freedom of speech is a casualty, the right to criticize the military when we don't agree with them. That cannot be a casualty. We must maintain that right and no one must be called unpatriotic because they expressed opinions of being opposed to military action. Anyway, he talked as if he was criticizing people who were opposed to this spectacle of Hamburger Hill. That was a great tragedy. We must speak out against things like that. We must also speak out against the continuation of unnecessary violence, orders from the President. I want to join today in speaking out against that. My hope is that things will change before we've lost more ground and lost more lives.

Congressman RYAN. Thank you very much Governor Harriman for having spent this time with us this afternoon. I think that all of us are grateful to you for your insight into the problems that confront us around the world, for your great service to our country, and for what you have done only recently at Paris in trying to lay the ground work for a final settlement on that tragic war. It was a pleasure to have you appear on our program.

Governor HARRIMAN. I want to congratulate you, Bill, Congressman Ryan, for the courageous battling that you are doing here in Congress. Keep up the good work.

Congressman RYAN. Thank you very much. This is Congressman William F. Ryan speaking to you from Washington, having just interviewed Governor Averell Harriman, who was the United States' chief negotiator at Paris last year.

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[From the New York Times, June 16, 1969]

VANCE BACKS CALL FOR CEASE-FIRE BY ALL SIDES IN VIETNAM

(By Peter Grose)

WASHINGTON, June 15.—Cyrus R. Vance, former United States representative at the peace talks in Paris, broke his self-imposed silence on President Nixon's negotiating strategy today and called for a "standstill cease-fire" by all sides in Vietnam.

Mr. Vance, who was deputy to Averell Harriman, the senior negotiator for the Johnson Administration, thus joined Mr. Harriman in urging a deliberate reduction of the level of combat as a means to move the peace talks forward.

Mr. Vance has been consulted several times privately by White House and State Department policy advisers since his return to private law practice in February, but until now he has avoided public statements.

"I have been thinking the whole situation over," he said in a telephone interview from his home in New Jersey, "and I think the time has come to try stirring up support for a new initiative that stands a real chance of moving us toward peace."

He avoided criticism of the Republican Administration, but the fact that he spoke out publicly, indicated a mounting impatience with the slow progress of the negotiations under President Nixon.

Mr. Vance discussed his position in the interview after stating it in a letter to Clark Kerr, former president of the University of California at Berkeley, who is now chairman of the National Committee for a Political Settlement in Vietnam. This organization, previously known as the Negotiation Now! Committee, is a private group of prominent academic, business and religious figures.

In his letter, made public by the committee's headquarters in New York, Mr. Vance endorsed the group's five-point program for a peace settlement.

"It is a constructive military and political package," he said. "If our Government put it forward as official policy and then the other side turned it down, it would be clear who is impeding progress."

The points of the program are the following:

A standstill cease-fire by all sides in Vietnam.

An international peacekeeping force to oversee the cease-fire, a political settlement, the withdrawal of all outside military forces and the protection of minorities.

Prompt free elections under the jurisdiction of a joint electoral commission, with both sides agreeing to accept the result of the election.

A land reform program giving title to the tenants farming the land and providing compensation to landlords.

Extensive medical aid and relief to refugees and economic development aid channeled through the United Nations.

The case-fire proposal is the most controversial point of this program, and the one in which the Nixon Administration has shown the least interest so far.

In the last month Mr. Harriman has spoken out several times in favor of an agreement on the mutual reduction of hostilities leading to a cease-fire.

"To be realistic we cannot expect the Vietcong to stop their attacks as long as we are exerting maximum military pressure on them," he said in a speech to the American Jewish Committee a month ago. "I do not believe we can make substantial progress in talks in Paris unless the tempo of the fighting and violence is reduced by both sides."

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[From the New York Times, June 18, 1969]

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 delivered 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."

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[From the New York Times, June 19, 1969]

IN THE NATION: THE WRONG HORSE IN SAIGON

(By Tom Wicker)

WASHINGTON, June 18.—Tran Ngoc Lieng is a slender intense man who keeps a law office in his pleasant villa on a street snarling with motorbike traffic not far from downtown Saigon. As a lawyer, he defended Truong Dinh Dzu, the presidential candidate who was thrown in jail for advocating a coalition government with the National Liberation Front; as an activist, he is a member of a most unusual committee of Catholic and Buddhist leaders working to free Thich Thien Minh, a monk jailed on political charges; and as a politician, Lieng is the official leader of the Progressive National Committee, which advocates a new "government of reconciliation" for South Vietnam.

Lieng makes no effort to hide his dim view of the Thieu-Ky regime. Sitting under one of the revolving overhead fans that cool the high-ceilinged Saigon villas even in the brutal heat of Southeast Asia, he was asked by one recent visitor whether the present Government had any support at all among the South Vietnamese people.

"Certainly not," Lieng replied, without hesitation. And when asked if he was expressing this and other pungent views for publication, he replied at some length that he was anxious to be quoted, that South Vietnam was in such bad shape that the consequences to him did not matter; what was important was that the world should know about the political repressions and lack of support of the Thieu-Ky regime.

NON-COMMUNIST NATIONALISTS

Some informed Saigon political figures are not sure whether Lieng's patriotism or his political ambition moves him the most. For the moment, however, his activities have put him on a collision course with President Thieu; now Thieu has struck back by summoning four close associates of Lieng for national police questioning; and all of this suggests much of what is wrong with South Vietnamese politics and the American role in Saigon.

This is because Lieng is equally outspoken in his opposition to the Vietnamese Communists, is opposed to a coalition government because he fears the Communists would take it over, and believes that the real salvation of South Vietnamese freedom lies in "nationalist" forces that are not Communist but that give no real support to Thieu and his American-sponsored regime.

He compares such South Vietnamese nationalists to "grains of sand"—innumerable but separate. Defeating the Communists politically, Lieng believes, will require that they be unified behind leaders they respect and a program they can support—neither of which he finds in the Thieu-Ky regime. Hence, the Progressive Nationalist Committee's proposal for a "government of reconciliation," composed of men acceptable *both* to the N.L.F. and to non-Communists (Gen. Duong Van Minh is frequently cited as one such man), and empowered to prepare and organize elections to determine the political future of South Vietnam.

FOR POLITICAL COMPETITION

Lieng talked of these ideas politely and with restraint to a visiting American, but there was ample fire and brimstone in the remarks of two of Lieng's younger associates—Chau Tam Luang, secretary general of the committee and widely considered its "action man," and Le Duy Tam, who, ironically, perfected his fluent English while teaching Vietnamese for the State Department in Washington. Luang, at least, was one of those summoned by Thieu's national police.

Luang and Tam asserted in uncompromising language that the greatest political difficulty for nationalist forces is the adamant and overpowering American political, military and economic support for the Thieu regime. While that support continues, they bitterly insisted, few Vietnamese believe it possible either to oust Thieu or to force him to abandon the repressive police tactics that alienate the South Vietnamese people—much less persuade him to broaden the appeal of his Government by bringing into it Buddhist leaders or men like General Minh. And that, they said, is why it is so difficult to organize an effective non-Communist opposition, and why the real strength of non-Communist forces in Vietnam is not being organized for the ultimate "political competition" with the N.L.F.

If this is accurate (and many Vietnamese were eager to tell an American, a few weeks ago, that it was all too accurate), what a final, baleful irony may be added to the long and tragic record of American folly in Vietnam! If in backing the military-oriented, politically repressive Thieu regime against all pressures and until the last muffled groan, the United States succeeds only in easing the way for a Communist government in South Vietnam, the bankruptcy of cold war diplomacy will have been reached not with a bang but a whimper.

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## FURTHER INCURSIONS BY FOREIGN FISHING FLEETS IN OUR WATERS MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. POLLOCK) is recognized for 3 minutes.

Mr. POLLOCK. Mr. Speaker, the fines imposed by the Federal Government upon the two Japanese fishing boat captains arrested recently in Alaskan waters off Norton Sound for fishing within the U.S. contiguous zone are pitifully inadequate and only encourage more violations. One captain was fined $5,500 after it was necessary to fire warning shots across the bow of his vessel as he made a run for open sea. The other captain was fined $3,500. Of a herring fleet of 40 Japanese vessels, 20 were observed illegally within either the territorial waters or contiguous zone within the 12-mile limit off Alaska.

It has been estimated that each of these vessels harvest approximately 8 tons of herring per day and sell them in Japan for $210 per ton, thus the gross of $1,680 per day for about a 10-day season is worth $16,800 per violating vessel. Had the 20 vessels observed in our waters reaped such an illegal harvest, the venture would have brought a gross income of $336,000. If half the vessels were observed, it is reasonable to conclude that the other half of the fishing fleet also intended to participate, thus conceivably doubling the income to $672-000 for the 10-day period. The small fines imposed by the Federal court, presumably upon the advice and consent of the Justice Department and the State Department, make it a worthwhile gamble.

I am getting sick and tired of our Alaskan fisheries being exploited by illegal foreign incursions without decisive action being taken to punish the violators. Under international treaty we can confiscate the violating vessel or vessels and all gear, provisions and catch, and, in addition, arrest and fine each man of the 15-man crew the sum of $10,000 per man. We must show the Japanese, the Russians and the Koreans that we mean business. The alternative is continued rape of our fisheries resources. The real paradox is that we sock it to our own violating fishermen with arrest, stiffer fines by far, and confiscation of gear. This makes no sense at all. When are we going to wise up? We have far too few vessels and aircraft for patrolling our 34,000-mile coastline.

The U.S. Coast Guard, the U.S. Fish and Wildlife Service and the Alaska Department of Fish and Game must be provided the men and equipment to adequately confront this blatant and willful

encroachment of our priceless fisheries. The longer we wait the more serious the situation becomes.

I call upon the Secretary of State, the Attorney General, the Secretary of Interior and the Secretary of Transportation to meet with the congressional delegation from Alaska for the purpose of determining a future course of action to discourage further incursions by foreign fishing fleets, hopefully to include agreement for far stiffer penalties for violations and for substantially reinforcing our detection and enforcement capabilities.

## PAYMENT LIMITATIONS WILL NOT HURT CALIFORNIA COTTON—THE BEST IN THE NATION

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

Mr. CONTE. Mr. Speaker, I rise today to respond to what I respectfully consider to be an incorrect analysis of the effect of my amendment on the California cotton crop presented in the other body on June 18, 1969.

It was suggested there that the effect of my amendment would be to force California cotton growers to replant nearly half of their acreage now producing cotton to alfalfa and other crops thereby depressing the market for these crops.

I would hesitate to challenge any Member of that body on the economics of farming in his home State but an experienced cotton production analyst in the Department of Agriculture states "that alfalfa is the nearest competitor for cotton in the Imperial and the San Joaquin Valleys of California, but returns from cotton at world price levels generally exceed those from alfalfa by nearly $100 an acre."

That conclusion was reached in an article published in "Cotton: 1969 International Edition," Meister Publishing Co., Memphis, Tenn., May 1969. Its author is Dr. Grover C. Chappell, formerly staff economist in Secretary Freeman's office and now the top economist in the Agricultural Stabilization and Conservation Service.

Dr. Chappell points out that California boasts the finest quality cotton grown in the Nation—cotton which can compete with world prices even "if there were no diversion program" at all.

And it will be recalled that my amendment by no means puts an end to the diversion program; it merely puts a stop to those payments in excess of $20,000 per producer.

Dr. Chappell's analysis is buttressed by the recent comments of Dr. John A. Schnittker, former Under Secretary of Agriculture:

> Large cotton payments, on the other hand, have been justified, not to reduce output but to increase it. No one will argue that limiting payments will lead to a cotton surplus.

This conclusion is also supported by Dr. Walter W. Wilcox, senior specialist in agriculture, in his recent study, "Large Farm Program Payments and Implications of Proposals for Limitations." Legislative Reference Service, Library of Congress, Washington, D.C., February 19, 1969.

The recent discussion in the other body noted that there are mandatory acreage controls on cotton, but it neglected to point out that less than 75 percent of the acreage allotment for 1969 was planted.

Finally, I must comment on the suggestion, made by some opponents of my amendment, that an appropriations bill is not the proper vehicle for the proposed change and that there should be a more orderly transition from the present program.

I would agree that the present circumstances are less than ideal, but those of us who have seen over the years the implacable resistance to such changes shown by those in charge of both Agricultural Committees know that this is the only way for the majority to work its will.

If a payment limitation is approved which also repeals the "snapback provision" and authorizes the Secretary to allow those affected by payment limitations to increase their cotton acreage within limits, if they wish, as Dr. Schnittker and I have proposed, more rather than less cotton will be grown in California.

Secretary Hardin reports that 773 California cotton producers received payments in excess of $20,000 under the cotton program in 1968. Three of these were large corporations receiving payments in excess of $1 million—one in excess of $3 million. Three more received over half a million, while 21 received over $200,000, and 63 received more than $100,000.

Unless we act now these large growers will receive even higher payments under the 1969 cotton program. These are not payments for acreage diversion. They are an unwarranted waste of Government funds going largely to wealthy corporations which compete with family farms. Such excessive payments should be stopped now—not some time in the future.

In order to reassure those of my colleagues who voted for the Conte amendment that it will not put California cotton producers out of business, and to clarify the issue further for the Members of the other body who will be debating this issue in the near future, I present the following excerpts from Dr. Chappell's authoritative article to be included in the RECORD at this point:

### COTTON LOOKS GOOD AGAINST OTHER U.S. CROPS

(By Grover C. Chappell)

The Economic Research Service of USDA has delineated the U.S. cotton belt into 18 subregions based mainly on soil types and climatic conditions. Within each of these 18 subregions, conditions for growing cotton are fairly homogeneous but conditions vary considerably between the different areas. In Table 1, these subregions are listed in order of the apparent ability of cotton to compete for land with other crops. Table 1 also sets forth the enrolled acreage in the 1968 program, the projected yield for the subregion, the acreage diverted at 6 cents, the average size of allotments within each subregion, and the crop or crops that are most competitive with cotton.

For example, considering only the cash returns over cash costs, it appears that alfalfa is the nearest competitor for cotton in the Imperial and the San Joaquin Valleys in California, but returns from cotton at world price levels generally exceed those from alfalfa by nearly $100 per acre. At the other extreme, soybeans or corn in the Coastal Plains and the Southern Piedmont area of the Southeastern region appear to return $5 to $30 per acre more than cotton at market prices for each crop.

The 18 subregions of the cotton belt have been divided, somewhat arbitrarily, into four groups. From the standpoint of the ability of cotton to compete for land, these groups might be described as "best," "good," "fair," and "poor." Typically, in the "best" group, the return from cotton would be $40 to $100 per acre above that of the next best alternative crop. In the "good" group, cotton seems to have an advantage ranging from about $5 to about $30 per acre. In the "fair" group, the advantage for cotton ranges from about $5 per acre to a disadvantage of about $5 per acre. In the "poor" group, soybeans or corn appear to return $5 to $30 per acre more than cotton.

#### HIGH ALLOTMENT CONCENTRATION

Note that the "best" and "good" groups have a high concentration of cotton allotments and a high proportion of the total acreage enrolled in the 1968 program. With the exception of the Brown Loam area, cotton tends to be grown on fairly large farms in these groups, and with the exception of the Rolling plains and Gulf Coast of Texas, yields per acre are high. In the "fair" group, we have two areas with small farms and two with large farms; allotments are not highly concentrated except in the Lower Rio Grande Valley.

The only areas in which other crops seem to have a distinct advantage over cotton at world price levels are the Black Belt, the Eastern Coastal Plains, the Western Coastal Plains, and the Southern Piedmont. These areas contain a fairly small proportion of the enrolled acreage and a low concentration of allotments. Cotton allotment per farm is low.

TABLE 1.—COTTON: ACREAGE ENROLLED, AND DIVERTED AT 6 CENTS, PROJECTED YIELD AND COMPETITION, BY REGION, 1968

| Subregion | Enrolled acreage (acres) | Acres per farm | Diverted at 6 cents (acres) | Projected yield (pounds) | Nearest competitor |
|---|---|---|---|---|---|
| Imperial Valley (W-2) | 97,213 | 115 | 9,938 | 1,617 | Alfalfa. |
| San Joaquin Valley (W-1) | 643,439 | 101 | 9,751 | 1,102 | Do. |
| Upper Rio Grande (W-7) | 85,013 | 29 | 2,510 | 798 | Do. |
| Brown Loam (SE-7, 8) | 377,755 | 17 | 62,159 | 671 | Corn and soybeans. |
| Mississippi Delta (SC-1) | 1,946,146 | 50 | 150,317 | 678 | Soybeans. |
| Total | 3,149,656 | | 234,675 | | |
| Gulf Coast of Texas (SC-4) | 407,453 | 48 | 49,887 | 444 | Grain sorghum. |
| Northeast Arkansas (SC-2) | 474,354 | 33 | 50,015 | 537 | Soybeans. |
| High Plains (SC-7) | 2,183,253 | 93 | 391,927 | 539 | Grain sorghum. |
| Rolling Plains (SC-6) | 1,709,356 | 56 | 396,188 | 305 | Do. |
| Southern Arizona (W-3-6) | 291,600 | 156 | 45,987 | 1,127 | Alfalfa. |
| Total | 5,066,016 | | 925,004 | | |

TABLE 1.—COTTON: ACREAGE ENROLLED, AND DIVERTED AT 6 CENTS, PROJECTED YIELD AND COMPETITION, BY REGION, 1968—Continued

| Subregion | Enrolled acreage (acres) | Acres per farm | Diverted at 6 cents (acres) | Projected yield (pounds) | Nearest competitor |
|---|---|---|---|---|---|
| Clay Hills (SE-5) | 340,346 | 11 | 87,027 | 558 | Corn. |
| Lower Rio Grande Valley (SC-5) | 413,805 | 41 | 78,613 | 495 | Grain sorghum. |
| Limestone Valley-Sand Mountain (SE-4) | 458,653 | 14 | 128,209 | 559 | Soybeans. |
| Black Prairie (SC-3) | 1,128,125 | 48 | 235,078 | 271 | Grain sorghum. |
| Total | 2,340,929 | | 528,477 | | |
| Black Belt (SE-6) | 215,894 | 18 | 53,734 | 487 | Soybeans. |
| Eastern Coastal Plains (SE-2) | 821,624 | 18 | 199,499 | 478 | Soybeans and corn. |
| Western Coastal Plains (SE-3) | 325,623 | 17 | 84,768 | 490 | Soybeans. |
| Southern Piedmont (SE-1) | 302,789 | 13 | 92,847 | 427 | Do. |
| Total | 1,665,930 | | 430,848 | | |

If one assumes that virtually all of the 3.1 million acres enrolled in the first five subregions listed in table 1 would be planted to cotton at world price levels if there were no diversion program, and that 85 to 90% of the 5.1 million acres enrolled in the second group, about half of the 2.3 million acres in the third group, and about one-half of the 2.4 million acres enrolled in the program but not included in the main subregions listed here, and about one-third of the 1.7 million acres in the bottom group, then one might conclude that about two-thirds of the nearly 15 million acres enrolled in 1968 can compete with other crops at world price levels for cotton. If this acreage were weighted by yields per acre, this proportion might rise to about 75%.

## A QUARTER CENTURY OF SERVICE

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

Mr. REUSS. Mr. Speaker, this month marks the 25th year of broadcast service for "the most listened-to man in Washington," ABC news commentator Joe McCaffrey.

Since his first broadcast assignment covering the allied invasion of Normandy in 1944, Joe McCaffrey has compiled a reputation for fairness and factuality in news reporting that has won him the acclaim of his colleagues and the admiration of those he covers.

Joe McCaffrey is a three-time winner of the Emmy for Special Interview Programs in Washington. For any broadcast journalist, this is an admirable track record.

But it is no accident. To Joe McCaffrey anything less than accurate, complete and fair reporting is less than satisfactory. It is this kind of performance that has won him the nightly place in our living rooms he has occupied since television's early days.

At this milestone in his career, I congratulate Joe McCaffrey on all he has done, and predict that his next 25 years in broadcasting will be as excellent as the quarter century he is now completing.

## AN END TO TAX INJUSTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 60 minutes.

Mr. TUNNEY. Mr. Speaker, when the injustices that continue to exist in America are listed why is it that such little attention is given to taxes? Perhaps it is because injustices in taxation are not so obvious or because there is a widespread feeling that tax inequities are less serious than other forms of injustice. But excepting only the enforcement of our Bill of Rights, there is no clearer indication of America's commitment to justice and equality than in the way our Government places the burden of taxation on our people.

Unfortunately, America's record for justice in taxation is not only poor but getting worse. On the issues that really count, our taxes are inequitable to such an extent that they threaten to undermine our unity as a nation and our federal form of government. Our national unity is based on a sense of justice and fairplay that is deeply opposed to special privileges for any particular group or broad segment of society. And nowhere in American life has this idea of fairplay been a greater source of controversy than in our tax policies. Indeed, our Nation was born out of revolution sparked by a sense of outrage at the injustices of arbitrary taxation.

Yet, because of the growth of special tax advantages and preferential policies, America's tax burden has become so unfairly distributed that it is a source of deep frustration and widespread divisiveness. Out of policies that unduly favor the influential we may well be losing that sense of community which in the past has permitted us to resolve our minor differences and govern overselves through majority rule without resort to coercive discipline. In taxation especially, we must counter the growing feeling that justice is no longer as certain as it once was.

Each of us is taxed by often as many as a half dozen different layers of government. Because of the wide variations that can exist even within the same county it can be risky to generalize about tax inequities. But despite these variations, our major tax problems are primarily caused by the Federal Government since it is the country's largest tax collector by far. Although there are many sources of injustice in our system of taxation, I believe that three of them form the key to our present difficulties: first, Federal tax loopholes that grant special privileges to certain of the wealthy and to politically influential interest groups; second, ruinous inflation that in effect is a second tax which hits hardest on middle- and low-income groups—so hard in fact that it has virtually wiped out increases in salaries for many families; and, third, Federal budgetary and tax policies which give an overwhelming emphasis to the financing of our foreign operations and which cause the financing of our domestic needs to fall on what has developed into an unjust tax—the property tax, a tax which is not based on a person's economic capacity to pay.

All three of these injustices are the cause of a special kind of hardship so that it is not easy to say which of them is worst and therefore the one that must be our primary target for reform. However, in all probability the worst of all is the tax loopholes which last year resulted in 381 families with tax sheltered incomes in excess of $100,000 paying absolutely no Federal income tax at all. Twenty-one of the 381 were millionaires, not in assets of course but in their annual incomes of more than $1 million. Twenty-one income millionaires paying no taxes whatsoever is such a blatant injustice that it cannot help but cause deep resentment throughout America.

But it is not only those with the highest incomes who can benefit from the present tax structure. A recent Government report showed 24,084 individuals with adjusted gross incomes of $10,000 or more in 1964 paid no tax. They had gross incomes totaling $523,515,000.

Special loopholes which only a privileged few can take advantake of are unfortunately nothing new. A few years back the Secretary of the Treasury reported that one man with especially intelligent lawyers paid not a single penny of tax on an annual income of $23 million.

Because these examples are so flagrant one would think that vigorous action is being taken to stop this type of tar avoidance. But instead, tax avoidance is rapidly on the rise. In just 12 years' time, the elimination of all taxes by those with incomes in excess of $1 million has increased fivefold and for those with incomes greater than $200,000 a year there has been a sevenfold increase. This rapid increase in tax avoidance is faster than the number of people entering these income categories over the same period of time. This fact leaves little doubt that as people get richer they can also pay less taxes by taking advantage of legal tax loopholes. As a matter of fact, two-thirds of those taxpayers in the 65-percent bracket, pay less than 30 percent of their incomes in taxes.

As bad as it is, the complete avoidance of taxes by those with substantial income is only a small part of the story of tax loopholes. Of much more critical importance are the millions of peope who pay some taxes but only a small portion of what they might have paid without the safe protection of favorable deductions, exemptions, et cetera. Last year between $50 and $60 billion in potential Federal taxes was lost because of the legal deductions that can now be made under our tax laws. Since these deductions are in effect subsidies for special purposes they must be regarded as "tax expenditures" just like regular budgetary expenditures for which taxes are actually collected. These subsidies, however, never appear in our budget and conse-

quently there is no convenient means of comparing the priority of the purposes they serve with the priority of actual expenditures when budgetary cuts or tax increases are considered. Therefore, this $50 to $60 billion in tax subsidies—amounting to over one-third of all Federal taxes actually collected—has a built-in safety feature which can substantially protect it from congressional review.

A major portion of these tax expenditures are made for very legitimate purposes and do not result in any seriously unfair advantages for anyone. For example, State and local taxes, mortgage payments, and medical expenses are the kind of deductions that are of major benefit to the middle- and low-income groups who pay the overwhelming majority of Federal taxes. These deductions serve purposes which enhance the quality of life in America by making a home easier to afford financially, by easing the burden of medical expenses on family incomes and by providing the tax base for school districts and municipalities. Indeed, for purposes such as this the present allowance for tax deductions is probably not adequate enough.

But this is not the whole picture. Not all of the purposes for which tax deductions exist are within easy reach of the middle- and low-income groups who form the main body of American taxpayers. Loopholes are the kind of deductions which do not appear on the 1040 tax form, which require skilled legal advice to take advantage of, and which do not benefit all taxpayers equally.

On the basis of principle, I feel it is wrong for more than 50 percent of anyone's income to be taken in taxes—no matter how rich they are. There are many solid reasons why such high tax rates are wrong, but the most important one is a purely practical reason. Because excessive taxes tend to kill initiative and precludes the accumulation of capital for reinvestment, loopholes are created so the scheduled tax rate does not have to be paid. Unfortunately so many loopholes evolve in the process that our tax structure becomes weakened by special subsidies and preferences. As a long-range goal I believe that we should move toward eliminating all loopholes and deductions other than the standard ones and at the same time reduce the tax rate. A lower tax rate applied without special privileges would result in far greater justice for all taxpayers than the present system provides.

Because I feel so strongly that the injustices in our taxes must be brought to an end I have introduced in the Congress a bill called the Tax Reform Act. Instead of attempting the politically unrealistic approach of taking on all the special interest groups who now enjoy loopholes, this bill calls for a minimum tax which those with large incomes have to pay no matter how many deductions or exemptions they may have. The bill also reduces the special privilege that the oil and gas industry has gotten by the depletion allowance and it completely eliminates the use of tax free municipal bonds for industrial development purposes. The bill includes provisions that close other tax loopholes. Of course the bill will not eliminate the injustices in our tax system all at once, but it will start a new trend toward justice in taxes—a goal which concerns me and should concern every American.

In the general area of tax reform it is clear that there should also be a repeal of the 7-percent investment tax credit—one of the major stimuli to the present inflation. We must curtail multiple surtax exemptions for corporations, eliminate unlimited charitable deductions and end accelerated depreciation on speculative real estate.

Like a lot of other taxpayers, I am most distressed that the Nixon administration has given such little attention to tax reform. The President refuses even to consider reducing the privileged subsidy of the gas and oil industry and on May 20 the Secretary of the Treasury urged the Congress to enact the renewal of the tax surcharge without comprehensive tax reform. I simply cannot understand why the President would call for sacrifices by the middle- and low-income taxpayers of America who pay the great majority of our taxes when he is unwilling to push as hard for tax reform. Because I find this disregard for justice in our tax policies to be totally unacceptable, I pledge that I will not vote for a year's extension of the tax surcharge—the war tax as President Nixon has called it—unless and until the Congress has an assurance that it will be accompanied by meaningful tax reform. A 6-month extension of the surcharge, through the 31st of December 1969, would be a measure I could support because it would keep pressure on the administration and the Congress to enact a tax reform package in this first session of the 91st Congress.

A major explanation by the Nixon administration for this low-priority interest in tax reform is their concern about inflation. They say that the tax surcharge cannot be discontinued because of the need to curb the pressures causing one of the most severe inflations since the end of World War II. Obviously everyone wants to curb inflation but the use of the tax surcharge as a principal anti-inflationary weapon merely adds another injustice on those who have had to bear the primary burden of the inflation: the middle- and low-income families of America. These are the families who have seen their salary and wage increases virtually wiped out by a skyrocketing inflation which has resulted in an 11-percent increase in prices in just 3 years. The tax surcharge is in effect demanding greater sacrifices of those families on whom inflation has hit the hardest and therefore have the least amount of money with which to pay an extra tax. At the same time the profiteers of inflation are not being taxed on anywhere near a proportionate basis to the financial windfalls that have come their way through nearly 4 years of inflation.

For example, a family which last year had an average take-home pay of $92 per week should this year have an average take-home pay of $98 because of the cost of living allowances in most labor contracts. But in actual purchasing power this family has only $77.62 per week take home as compared with $77.30 last year—a minute 30-cent increase. Yet it is just such families as these who have to pay the major part of the $11 billion tax surcharge. And keep in mind that because there was no withholding from weekly paychecks for this surcharge, these families had somehow to find these extra funds on April 15 from salaries and wages already seriously depleted by an inflation that this year is almost double what it was last year when the tax surcharge was enacted.

Why is it that those who have suffered the most from inflation are now being asked to shoulder the major burden for bringing inflation under control? At first glance a 10-percent tax surcharge on all families sounds like equal treatment for everyone. But just as inflation has virtually wiped out the salary and wage increases of middle- and low-income families it has not had the same impact on high-income families, especially those whose income come from stock dividends, sales of stocks and property having inflationary rises in their price, and in professional salaries which have been a major contributor to inflation. Because the tax surcharge is yet another privilege for those who have profited from the windfalls of inflation while hitting so unfairly on middle- and low-income families, it has become a source of added frustration and deeper divisiveness in America. For most Americans the surcharge is the "last straw" in rousing them to such anger over the injustices in our taxes that we now face the prospect of not merely a taxpayers' revolt but a full-scale revolution.

Although the injustices arising from tax loopholes and the unfair distribution of the burden of the tax surcharge are the most obvious forms of tax inequities they are far from being the most serious. The root cause of our tax injustice is the fact that Federal income taxes which account for two-thirds of all taxes collected in America are used almost entirely for financing our foreign operations while financing for our domestic needs must fall on the two most over used taxes of all—the property tax and the sales tax—which are not based on a family's economic capacity to pay. As a result, middle income families in America are being taxed so highly that, in the property tax especially, the rates not infrequently approach the point of confiscation. In numerous instances such families have actually been forced out of their homes because property taxes have become more than their inflation-threatened incomes can bear.

Because privileged families are not paying the same proportion of their income in local taxes as the middle income families are, our domestic needs, especially in education, are not being met due to the lack of funds. Such a system in which the middle-income families are having to pay a disproportionate share of the local taxes for domestic purposes while certain privileged families are still not even paying their fair share for Federal taxes cannot long endure. These injustices will not only cause even deeper divisiveness in our society but they will choke off our domes-

tic institutions from the funds they need for survival. And if such divisiveness grows unchecked our security as a free people will more certainly be threatened from within rather than from without.

Let us take a closer look at the situation. Last year about $220 billion were collected in taxes in the United States. This figure was about 25 percent of our national income which is a smaller percentage of taxation than that paid by any developed nation in the world except Japan—a nation which has virtually no military establishment or foreign operations and instead relies on the United States for its defense. Two thirds of all these taxes were collected by the Federal Government—about $150 billion—and the remainder—or about $70 billion—were collected by States and localities. Of the Federal taxes, about 75 percent or approximately $112 billion were spent for foreign and military operations including the interest on the Federal debt which is due primarily to the expense of past wars. About 10 percent of these Federal taxes—between $15 and $20 billion—were made available to States and localities for health, welfare, education, and housing, giving them a total of between $85 and $90 billion for our domestic needs.

A comparison between expenditures for our foreign and military operations and those for our domestic needs can put more forcefully into perspective the totally different tax bases used to finance these two areas of governmental activity. For example, the expenditure by all levels of government the year before last for elementary and secondary education in the United States was roughly comparable to the expenditures of funds on the Vietnam war. The total governmental expenditure for elementary and secondary education in 1966–67 was about $31.9 billion while the cost of the Vietnam war was just under $30 billion. In budgetary terms, therefore, the priority of keeping the Saigon government in power has been as high as the priority given to the education of about 50 million young Americans. Whether one approves of the Saigon government or not—and for my part I feel strongly that it has been a corrupt regime unwilling even to make sacrifices for its own survival—it is beyond belief that any responsible American leader can feel that the education of the youth of America is no more important than in sustaining the privileges of the generals in Saigon.

But this is far from the whole story. Of the $25 to $30 billion that is still being spent each year for the Vietnam war the total amount comes from the Federal Government and accounts for the expenditure of almost 20 percent of all Federal taxes. Elementary and secondary education, on the other hand, has been receiving only about $2 billion from the Federal Government or an expenditure accounting for around 1.5 percent of all Federal taxes. It is hard to believe that the U.S. Government is spending almost 15 times more money on the Vietnam war than it is on the education of the 50 million young people who are students in our elementary and high schools. It is hard to believe that our priorities as a nation have become so twisted that the talents and skills of our youth—which after all are the real source of our wealth and power as a nation—are less important than this devastating war.

But these misplaced priorities are compounded into an even greater injustice because of the radical difference between the tax base for Federal expenditures and the tax base for domestic needs. Federal taxes are, of course, levied on income and as the national income of the country increases through the growth of our economy, taxes or rather the tax base can be expected to increase, too. Our concept of justice in Federal taxes is that our wealth as a nation must be taxed in direct proportion to the amount of this wealth each family receives every year. In other words, this concept is based squarely on the belief that the only just basis for taxation is a family's ability to pay as measured by the income it receives. Moreover, there is also the belief that the greater a family's income the greater its responsibility to contribute to the public good through a higher tax rate. These principles of justice in taxation are often summarized by the saying that "with the privileges afforded by increases in income must also come a greater burden of responsibility." It is this concept of justice that has been the foundation of the 20th-century America's sense of community. And despite the gross inequities caused by tax loopholes, the tax surcharge and inflation, this concept of justice in Federal taxation is as sound as when it became a part of our tradition by the enactment of the income tax.

Unfortunately, this concept of justice applies in effect only to the financing of America's foreign operations and not to financing our domestic needs. Of the approximately $70 billion raised last year through State and local taxes, over two-thirds or about $47 billion was collected from property and sales taxes. Both of these taxes, unlike Federal taxes, are not based on the ability to pay, but instead are based on the essential expenditures that families must make in order to house, clothe, feed, and transport themselves. The rationalization for the use of these two forms of taxation hardly add up to a concept of justice. The assumption has been that a family's home and its expenditures to maintain itself are adequate reflections of a family's wealth. Regrettably this assumption overlooks the fact that as family incomes rise a smaller portion is spent for housing and essential expenditures. Although families with larger incomes do have more expensive houses and buy more luxury goods which results in higher amounts of property and sales taxes, these amounts are nowhere near the proportion of taxes they would be paying if their incomes—instead of their expenditures—were taxed for domestic purposes.

Because middle income families must spend a higher proportion of their income on essentials than do the wealthy. they are having to pay the primary share of the property and sales taxes which finance our domestic needs. This unjust situation is even worse than it might appear. The reason is that unfortunately the costs of our domestic needs, especially education, have been rising faster than has our total national income in America. This means that in a vain attempt to keep up with costs, property and sales taxes have also been increasing faster than incomes—especially for middle income families. For instance, in the 5-year period from 1957 to 1962 to cite one of the most extreme examples—State and local expenditures rose by 48 percent or almost double the rate of increase in our national income which was 27 percent for the period.

California, of course, was not exempt from this trend of rapidly rising taxes. In 1953–54, property taxes mounted to $1 billion; by 1962–63, 9 years later, they had nearly tripled to $2.7 billion; and only 6 years later in 1968–69, they had risen to $4.6 billion, a 460-percent increase in 15 years or a 30 percent per year increase. Of course, California's population was on the rise too, so that this was not a per capita or per family increase. But let me cite an example from my home county of Riverside which I believe is typical of a more general situation statewide. In 1958, one Riverside homeowner paid $341 in annual property tax, yet 10 years later his property tax bill had jumped to $614, an increase of over 80 percent. The increase between 1967 and 1968 alone was 11 percent which is probably the present average rate for annual increases in property taxes statewide. For families which are not receiving at least an 11-percent annual increase in income, property taxes are digging ever deeper into family finances. Here is yet another reason along with inflation, the tax surcharge and the tax loopholes favoring the few, which cause middle income families to protest justifiably that they are being taxed to death.

The result has been that California voters have in just the past 2 school years—1966–68—defeated 170 tax referendums and 218 school bond propositions which would have raised property taxes even further. A startling 52 percent of all ballot propositions designed to provide more funds for California schools have been defeated since 1966 and the rejection rate seems to be on the rise. All too often when the voters go to the polls they are faced with the unjustified choice of either voting to reduce the quality of education on the one hand or voting to reduce the quality of their housing on the other. How can we expect people not to have a sense of frustration and outrage?

And for those families living on an inflation threatened retirement income there is only one choice in the voting booth. To vote for higher property taxes would in many instances mean a vote to be forced out of their homes because of intolerable tax rates. These retired families account for nearly 2 million of our citizens or about 10 percent of all Californians and they probably comprise nearly 20 percent of our voters. They must go to the polls to save their homes by voting down higher property taxes on their fixed incomes. But they probably know better than anyone else the vital necessity of good schools and their understandable personal frustration over unfair circumstances in which they are placed is no small part of the divisiveness which separates one segment of our society from another. And just think of

the low income family which is not retired and which has children of school age. If they vote down taxes, they are in effect penalizing their children from having the chance to escape from yet another low-income job because of inadequate education. How can their frustration be resolved?

It is apparent that the rapid increase of State and local expenditures must be attacked on several levels. Nonessential expenditures must be eliminated. New sources of revenue must be found. Duplication of services and inefficiency must be eradicated.

Insofar as tax policy is concerned, it is easy enough to say that States and localities should adopt or increase income taxes because they are the only taxes based on the capacity to pay. But politically this has been virtually impossible. It is not hard to imagine what would happen to a proposal for a city income tax in Los Angeles for example. In trying to use income taxes as a major form of revenue, States and localities are in direct competition with the Federal Government whereas in sales and property tax they are not. Moreover, there has also been a great reluctance to raise State income taxes because of the intense competition between States over the location of industry. Finally, it has been politically difficult to raise State income taxes while Federal income taxes have been taking such a large bite.

Consequently, the buck has been passed to local governments and they have had to rely on the property tax in a vain attempt to provide the services Californians need to maintain the quality of our life. And since the property tax is both the least just and the least popular tax we now have it has simply not been able to provide the funds. The result is the kind of chronic shortage which has now caused a projected $32 million deficit in the budget for the upcoming year in the Los Angeles school district.

Taking a long range view of State and local expenditures, it is certain that they cannot indefinitely exceed national income by a 2-to-1 margin. Belt-tightening will be necessary. We need to recognize, however, that local public services have been starved of funds in the past, and that for at least the next decade a major investment must be made.

This requires a reordering of our national priorities. Where it is prudent to do so, defense expenditures should be reallocated to serve domestic needs. The space program ought to be reduced in the future, consistent with postlunar landing needs. In addition, our tax system must be changed. The time for action is now while we are still in the beginning stages of a crisis of confidence over the injustices in our taxes and over the budgetary deficits for our schools and public services.

As I have indicated, a primary source of our tax difficulties is privilege. The privilege of those who earn their income from tax sheltered sources. It is the privilege that results in the tax surcharge throwing the major burden on those who have suffered the most from the inflation rather than those who have profited the most. It is the privilege that permits those with tax-protected income to escape their responsibility in financing our domestic needs by not having to pay their fair share in State and local taxes. It is the privilege that results in the middle-income families having to bear the major burden of financing the cost of domestic needs—costs which have for more than a decade been rising faster than our national income; and middle-income families whose incomes have not been rising as fast as have the taxes imposed upon them.

Although tax reform will be a badly needed first step in making our Federal taxes more nearly equitable such reform will not by itself confront the major injustice in our taxes—the financing of our domestic needs from taxes on family expenditures instead of taxes on family incomes. Since it seems politically unrealistic to expect that either State or local taxes will be able to shift to a tax base on incomes, I feel that we must have as a matter of the most urgent priority a Federal Tax-Sharing Act of the sort that I have introduced into the Congress. This act would share 2 percent of the aggregate taxable income reported on Federal income tax return, with the States. If it were enacted this year it would result in about $7 billion being distributed to the States, about $650 million of which would come to California. This figure is about 10 percent of the State budget and could provide the vital margin of funds that could resolve the various crises in school financing which may well result in drastic cuts in our school programs next September.

Only a clear understanding of the need for an equitable tax structure and for a fair distribution of the tax burden can prevent increasing pressure for a "taxpayer revolt" in this country. In attacking inflation we should not magnify the present inequities in the taxation of American citizens by the Federal Government. Tax reform must accompany a surcharge extension.

## ANTISEMITISM IN THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on May 16, 1969, the Government of the Soviet Union added another black page to its long and bloody history of repression, injustice, and anti-Semitism. An innocent Soviet Jew, Mr. Boris Kochubyevsky, was unjustly sentenced to 3 years imprisonment on charges that he had slandered the Soviet State.

Mr. Kochubyevsky's real crime was not that he had slandered the Soviet State, it was simply that he had supported at a factory meeting Israel's right to defense in the June 1967 war. This, plus the fact that he referred to Babi Yar where most of the Jewish population of Kiev was slaughtered by the Nazis, as the spot where "here lies a part of the Jewish people." This, sir, was his real crime. Mr. Kochubyevsky's statement was said to have been "bourgeois-nationalist Zionist propaganda." Perhaps this is the label given to any statement of truth in the Soviet Union.

Mr. Speaker, I hereby demand in the name of universal justice and humanity that Mr. Kochubyevsky be released immediately and subsequently be permitted to emigrate to Israel which was his original intention.

Mr. Speaker, I should like to introduce into the RECORD some of the details of the Kochubyevsky case and Mr. Kochubyevsky's courageous letter to Mr. Brezhnev, the general secretary of the Communist Party of the Soviet Union. I believe that after reading this letter my colleagues will be deeply moved as I was. The personal courage of Mr. Kochubyevsky and his quest for personal and religious freedom makes me proud of the fact that I am a fellow Jew.

How ironic it is, sir, that Mr. Kochubyevski's trial took place in the same courtroom where Mendel Beilis, also a Russian Jew, was tried over half a century before on charges of the ritual murder of a child. Mr. Beilis after almost unendurable hardships was subsequently acquitted. Mr. Kochubyevsky's case as was the trial of Mendel Beilis are representative of outright acts of gross anti-Semitism.

What is rather strange is that in tzarist Russia where anti-Semitism was rather a large-scale disease, Mr. Beilis was finally acquitted. In contrast the Soviet Union of today which claims no anti-Semitic tendencies has imprisoned an innocent man. In fact the court at the original hearing had established that there was insufficient evidence to support the charges against Mr. Kochubyevsky.

The imprisonment of Mr. Kochubyevsky is a despicable mockery of what the Soviets call justice; our own Nation's most basic principle, the underlying foundation on which this Nation stands. Whenever any human being is deprived of his freedom it becomes a matter of deep concern for all freedom-loving men.

I trust the conscience of the world, of humanity, will not permit this gross act of anti-Semitism to be forgotten. I hope this voice raised as it is in his behalf will be heard and, having been heard, will be acted upon.

THE CASE OF BORIS L. KOCHUBIYEVSKY

The attached letter speaks for itself. A few biographical details are in order.

Boris Lvovich Kochubiyevsky was born in Kiev, the Ukraine, in 1936. His parents were killed by the Nazis at Babi Yar, the charnel house on the outskirts of Kiev where tens of thousands of Jews were slaughtered in September 1941.

The boy was brought up in an orphanage and attended a trade school. Later, he received an engineering degree from the Kiev Polytechnical Institute. He had no Jewish education or culture and his wife, Larisa Aleksandrovna Kochubiyevsky, is non-Jewish. Still, his experiences as a Jew in the Soviet Union made him always aware of his Jewish origins.

In June 1967, at a meeting organized at his factory to protest "Israeli aggression," Kochubiyevsky heatedly rejected the official line and upheld Israel's right of defense. At a subsequent meeting of his factory trade union, his action was discussed and he was asked to resign, which he refused to do.

At a memorial meeting at Babi Yar in February 1968, Kochubiyevsky once more overtly contradicted an official Soviet line. This time he protested the Soviet policy of minimizing or even keeping silent about the Jewish massacre at Babi Yar.

In May 1968, he finally succumbed to

pressure and resigned his job. That summer, he and his wife applied for exit permits to Israel; they were refused. But in November, they were given permission to leave and were told to appear at the passport office on November 28 to pick up their documents. That morning, however, their apartment was searched and many of his letters were seized, among them protest letters written to Soviet authorities.

The following week, Kochubiyevsky was arrested. His wife, after refusing pressures to leave him and divorce him, was expelled from the Teachers College where she was a student, and from the Komsomol. His arrest was based on Article 187, Chapter 1, of the Ukranian criminal code, and it cited his statements at the above-mentioned occasions.

On January 20, 1969, his pretrial examination was concluded by the local prosecutor's office and submitted to the court—where, however, it was sent back for further investigation. The court stated that the evidence was insufficient to support the charge that he intended to disseminate anti-Soviet slanders.

The petition to the United Nations signed on May 20, 1969 by fifty-five Soviet intellectuals, calling for an investigation of the "repression of basic civil rights in the Soviet Union," protests the trial and sentence of Kochubiyevsky the week before to three years in prison.

The text of his letter to the Soviet authorities follows:

TEXT OF KOCHUBIYEVSKY LETTER

NOVEMBER 28, 1968.

To: The Secretary General of the CPSU Central Committee—Brezhnev; The First Secretary of the (Ukraine CP) Central Committee—Shelest

Copy: To the Investigator of the Prosecutor's Office of the Shevchenko; Region of the city of Kiev—V. V. Doroshenko

From: The accused of slander against Soviet reality—B. L. Kochubiyevsky, Jew

I am a Jew. I want to live in the Jewish State. This is my right, just as it is the right of a Ukrainian to live in the Ukraine, the right of a Russian to live in Russia, the right of a Georgian to live in Georgia.

I want to live in Israel.

This is my dream, this is the purpose not only of my life, but also of the lives of hundreds of generations which preceded me, of my ancestors expelled from their land.

I want my children to study in a school in the Hebrew language. I want to read Jewish papers, I want to go to a Jewish theater. What is bad in this? What is my crime? Most of my relatives were shot by the fascists. My father was killed and his parents were killed. Were they alive now, they would stand at my side: Let me go!

I have appealed with this request many times to various authorities and I have achieved only this: Dismissal from my job; the expulsion of my wife from the Institute; and, to crown it all, a criminal charge of slandering Soviet reality. Of what does this slander consist? Is it slander that in the multi-national Soviet State only the Jewish people cannot teach its children in Jewish schools? Is it slander that in the USSR there is no Jewish theater? Is it slander that in the USSR there are no Jewish papers? Incidentally, no one even denies this. Perhaps it is slander that for over a year I have not succeeded in obtaining an exit permit for Israel? Or is it slander that people don't want to talk to me, that there is no one to complain to? Nobody reacts. But even this isn't the heart of the matter. I don't want to be involved in the national affairs of a State in which I consider myself an alien. I want to go away from here. I want to live in Israel. My wish does not contradict Soviet laws.

I have an affidavit from relatives; all the formalities have been observed. Is it for this that you are starting a criminal case against me?

Is it for this that a search has been made at my house?

I don't ask you for recommendations for mercy. Listen yourselves to the voice of reason:

Let me go!

As long as I am alive, as long as I am capable of feeling, I shall devote all my strength to obtain an exit permit for Israel. And even if you should find it possible to sentence me for this—I shall anyway, if I live long enough to be freed, be ready even then to make my way even on foot to the fatherland of my ancestors.

KOCHUBIYEVSKY.

## CONSTITUTIONAL CRISIS—SIMPLE HONEST SOLUTION

The SPEAKER pro tempore under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, article 3, section 1, the Constitution of the United States, provides for one constitutional court, that being the Supreme Court.

Only under its original jurisdiction can it rely on direct constitutional authority. On all appellate jurisdiction whatsoever it must depend upon specific authority granted by laws enacted by Congress. All other Federal courts depend entirely on the laws of Congress for all authority they exercise.

Congress has plenary power to grant and withdraw all or any part of this jurisdiction as it sees fit.

In the recent Supreme Court decision of Powell against McCormack, the Court in a 7-to-1 decision ruled that the district court had jurisdiction to render judgment against this House, by authority supposedly granted in 28 U.S.C. 1331(a)—although this interpretation was denied by the House through its attorneys.

From page 26 et al of the Supreme Court opinion:

Respondents next contend that the Court of Appeals erred in ruling that petitioners' suit is "authorized by a jurisdictional statute," i.e., 28 U.S.C. § 1331(a) (1964 ed.). Section 1331(a) provides that district courts shall have jurisdiction in "all civil actions wherein the matter in controversy . . . arises under the Constitution . . . ." Respondents urge that even though a case may "arise under the Constitution" for purposes of Article III, it does not necessarily "arise under the Constitution" for purposes of § 1331(a). Although they recognize there is little legislative history concerning the enactment of § 1331(a), respondents argue that the history of the period when the section was first enacted indicates that the drafters did not intend to include suits questioning the exclusion of Congressmen in this grant of "federal question" jurisdiction.

Respondents claim that the passage of the Force Act[1] in 1870 lends support to their interpretation of the intended scope of § 1331. The Force Act gives the district courts jurisdiction over "any civil action to recover possession of any office . . . wherein it appears the sole question . . . arises out of the denial of the right to vote . . . on account of race, color or previous condition of servitude." However, the Act specifically excludes suits concerning the office of Congressman. Respondents maintain that this exclusion demonstrates Congress' intention to prohibit federal courts from entertaining suits regarding the seating of Congressmen.

We have noted that the grant of jurisdiction in §1331(a), while made in the language used in Article III, is not in all respects coextensive with the potential for federal jurisdiction found in Article III. See *Zwickler* v. *Koota*, 389 U.S. 241, 246, n. 8 (1967). Nevertheless, it has generally been recognized that the intent of the drafters was to provide a broad jurisdictional grant to the federal courts. See, *e.g.*, P. Mishkin, The Federal "Question" in the District Courts, 53 Col. L. Rev. 157, 160 (1953); J. Chadbourn and A. Levin, Original Jurisdiction of Federal Questions, 90 U. Pa. L. Rev. 639, 644–645 (1942). And, as noted above, the resolution of this case depends directly on construction of the Constitution. The Court has consistently held such suits are authorized by the statute. *Bell* v. *Hood, supra; King County* v. *Seattle School District No. 1, supra.* See *e.g., Gully* v. *First Nat'l Bank in Meridan*, 299 U.S. 109, 112 (1936); *The Fair* v. *Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

As respondents recognize, there is nothing in the wording or legislative history of § 1331 or in the decisions of this Court which would indicate that there is any basis for the interpretation they would give that section. Nor do we thing the passage of the Force Act indicates that § 1331 does not confer jurisdiction in this case. The Force Act is limited to election challenges where a denial of the right to vote in violation of the Fifteenth Amendment is alleged. See 28 U.S.C. § 1344 (1964 ed.). Further, the Act was passed five years before the original version of § 1331 was enacted. While it might be inferred that Congress intended to give each House the exclusive power to decide congressional election challenges,[2] there is absolutely no indication that the passage of this Act evidences an intention to impose other restrictions on the broad grant of jurisdiction in § 1331.

VI. JUSTIFIABILITY

Having concluded that the Court of Appeals correctly ruled that the District Court had jurisdiction over the subject matter, we turn to the question whether the case is justiciable.

It seems that some Federal judges continue to encounter difficulty in reading and interpreting the laws enacted by Congress. Here the Supreme Court rules that it has jurisdictional authority when the body which enacted the law says it did not grant that mandate.

Remedial action would then appear simple—Congress need but retrieve the jurisdiction it claims it did not grant by reenactment of its intent in such clear, unambiguous terms that even the Supreme Court will not encounter difficulty in reading the law.

I, yesterday, introduced such a bill—H.R. 12327—I will include it in my remarks. I encourage our colleagues to support this simple, honest solution to a constitutional crisis.

I also include an analysis and interpretation of the constitutional issues prepared by the Legislative Reference Service, Library of Congress. They follow:

H.R. 12327

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no court of the United States shall have either original or appellate jurisdiction in any action in which the Congress, or either House thereof, or Member, officer, or employee of the Con-

[1] Act of May 31, 1870, c. 114, 16 Stat. 146. The statute is now 28 U.S.C. §1344 (1964 ed.).

[2] See Cong. Globe, 41st Cong., 2d Sess., 3872 (1870).

gress or either House thereof, in his official capacity, is a party.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA, ANALYSIS AND INTERPRETATION—ANNOTATIONS OF CASES DECIDED BY THE SUPREME COURT OF THE UNITED STATES TO JUNE 22, 1964

THE APPELLATE JURISDICTION OF THE SUPREME COURT

*Subject to limitation by Congress*

Unlike its original jurisdiction, the appellate jurisdiction of the Supreme Court is subject to control by Congress in the exercise of the broadest discretion. Although the provisions of Article III seem, superficially at least, to imply that its appellate jurisdiction would flow directly from the Constitution until Congress should by positive enactment make exceptions to it, rulings of the Court since 1796 establish the contrary rule. Consequently, before the Supreme Court can exercise appellate jurisdiction, an act of Congress must have bestowed it, and affirmative bestowals of jurisdiction are interpreted as exclusive in nature so as to constitute an exception to all other cases. This rule was first applied in Wiscart *v.* Dauchy [1] where the Court held that in the absence of a statute prescribing a rule for appellate proceedings, the Court lacked jurisdiction. It was further stated that if a rule were prescribed, the Court could not depart from it. Fourteen years later Chief Justice Marshall observed for the Court that its appellate jurisdiction is derived from the Constitution, but proceeded nevertheless to hold that an affirmative bestowal of appellate jurisdiction by Congress, which made no express exceptions to it, implied a denial of all others.[2]

*The McCardle case.*—The power of Congress to make exceptions to the court's appellate jurisdiction has thus become, in effect, a plenary power to bestow, withhold, and withdraw appellate jurisdiction, even to the point of its abolition. And this power extends to the withdrawal of appellate jurisdiction even in pending cases. In the notable case of Ex parte McCardle,[3] a Mississippi newspaper editor who was being held in custody by the military authorities acting under the authority of the Reconstruction Acts filed a petition for a writ of *habeas corpus* in the Circuit Court for Southern Mississippi. He alleged unlawful restraint and challenged the validity of the Reconstruction statutes. The writ was issued, but after a hearing the prisoner was remanded to the custody of the military authorities. McCardle then appealed to the Supreme Court which denied a motion to dismiss the appeal, heard arguments on the merits of the case, and took it under advisement. Before a conference could be held, Congress, fearful of a test of the Reconstruction Acts, enacted a statute withdrawing appellate jurisdiction from the Court in certain *habeas corpus* proceedings.[4] The Court then proceeded to dismiss the appeal for want of jurisdiction. Chief Justice Chase, speaking for the Court said: "Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause." [5]

Although the McCardle case goes to the ultimate in sustaining congressional power over the Court's appellate jurisdiction and although it was born of the stresses and tensions of the Reconstruction period, it has been frequently reaffirmed and approved.[6] The result is to vest an unrestrained discretion in Congress to curtail and even abolish the appellate jurisdiction of the Supreme Court, and to prescribe the manner and forms in which it may be exercised. This principle is well expressed in the "Francis Wright"[7] where the Court sustained the validity of an act of Congress which limited the Court's review in admiralty cases to questions of law appearing on the record. A portion of the opinion is worthy of quotation: "Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while other are not. To our minds it is no more unconstiutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000. The general power to regulate implies the power to regulate in all things. The whole of a civil appeal may be given, or a part. The constitutional requirements are all satisfied if one opportunity is had for the trial of all parts of a case. Everything beyond that is a matter of legislative discretion."[8]

THE POWER OF CONGRESS TO REGULATE THE JURISDICTION OF THE LOWER FEDERAL COURTS

*Martin v. Hunter's Lessee*

The power of Congress to vest, withdraw, and regulate the jurisdiction of the lower federal courts is derived from the power to create tribunals under Article I, the necessary and proper clause, and the clause in in Article III, vesting the judicial power in the Supreme Court and such inferior courts as "the Congress may from time to time ordain and establish." Balancing these provisions, however, are the phrases in Article III to the effect that the judicial power "shall be vested" in courts and "shall extend" to nine classes of cases and controversies and the question of what is the force of the word "shall." In Martin *v.* Hunter's Lessee,[9] Justice Story declared obiter that it was imperative upon Congress to create inferior federal courts and vest in them all the jurisdiction they were capable of receiving. This dictum was criticized by Justice Johnson in his dissent, in which he contended that the word "shall" was used "in the future sense," and had "nothing imperative in it."[10] And for that matter, in another portion of his opinion, Justice Story expressly recognized that Congress may create inferior courts and "parcel out such jurisdiction among such court, from time to time at their own pleasure";[11] and in his *Commentaries* he took a broad view of the power of Congress to regulate jurisdiction.[12]

*Plenary power of Congress over jurisdiction*

Neither legislative construction nor judicial interpretation has sustained Justice Story's position in Martin *v.* Hunter's Lessee. The Judiciary Act of 1789, which was a contemporaneous interpretation of the Constitution by the Congress, rests on the assumption of a broad discretion on the part of Congress to create courts and to grant jurisdiction to and withhold it from them. This act conferred original jurisdiction upon the district and circuit courts in certain cases, but by no means all they were capable of receiving. Thus suits at the common law to which the United States was a party were limited by the amount in controversy. Except for offenses against the United States, seizures and forfeitures made under the imposts, navigation, or trade laws of the United States, and suits by aliens under International Law or treaties, that whole group of cases involving the Constitution, laws, and treaties of the United States was withheld from the jurisdiction of the district and circuit courts,[13] with the result that original jurisdiction in these cases was exercised by the State courts subject to appeal to the Supreme Court under section 25. Jurisdiction was vested in the district courts over admiralty and maritime matters and in the circuit courts over suits between citizens of different States where the amount exceeded $500, or suits to which an alien was a party.[14] The act of 1789 empowered the courts to issue writs, to require parties to produce testimony, to punish contempts, to make rules, and to grant stays of execution.[15] Finally, equity jurisdiction was limited to those cases where a "plain, adequate, and complete remedy" could not be had at law.[16]

This care for detail in conferring jurisdiction upon the inferior courts and vesting them with ancillary powers in order to render such jurisdiction effective is of the utmost significance in the later development of the law pertaining to congressional regulation of jurisdiction, inasmuch as it demonstrates conclusively that a majority of the members of the first Congress regarded positive action on the part of Congress to be necessary before jurisdiction and judicial powers could be exercised by courts of its own creation. Ten years later this practical construction of Article III was accepted by the Supreme Court in Turner *v.* Bank of North America.[17] The case involved an attempt to recover on a promissory note in a diversity case contrary to § 11 of the act of 1789 which forbade diversity suits involving assignments unless the suit was brought before the assignment was made. Counsel for the bank argued that the circuit courts were not inferior courts and that the grant of judicial power by the Constitution was a direct grant of jurisdiction. This argument evoked questions from Chief Justice Ellsworth and the following statement from Justice Chase: "The notion has been frequently entertained, that the federal courts derive their power immediately from the Constitution; but the political truth is, that the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the federal courts, to every subject, in every form, which the Constitution might warrant." [18] The Court applied § 11 of the Judiciary Act and ruled that the circuit court lacked jurisdiction.

Eight years later Chief Justice Marshall in distinguishing between common law and statutory courts declared that "courts which are created by written law, and whose jurisdiction is defined by written law, cannot transcend that jurisdiction." [19] This rule was reaffirmed in the famous case of U. States *v.* Hudson & Goodwin [20] on the assumption that the power of Congress to create inferior courts necessarily implies "the power to limit the jurisdiction of those Courts to particular objects."[21] After pointing to the original jurisdiction which flows immediately from the Constitution, Justice Johnson asserted: "All other Courts created by the general Government possess no jurisdiction but what is given them by the power that creates them, and can be vested with none but what the power ceded to the general Government will authorize them to confer." [22] To the same affect is Rhode Island *v.* Massachusetts,[23] where Justice Baldwin declared that "the distribution and appropriate exercise of the judicial power must therefore be made by laws passed by Congress and cannot be assumed by any other department * * *."

A more sweeping assertion of congressional power over jurisdiction was made by the Supreme Court in Cary *v.* Curtis,[24] which bears more directly upon the issue than some of the earlier cases. Here counsel had argued that a statute which made final the decisions of the Secretary of the Treasury in tax disputes was unconstitutional in that it deprived the federal courts of the judicial power vested in them by the Constitution. In reply to this argument the Court speaking through Justice Daniel declared: "The judicial power of the United States * * * is (except in

Footnotes at end of article.

enumerated instances, applicable exclusively to this court) dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating the tribunals (inferior to the Supreme Court) * * * and of investing them with jurisdiction, either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good." Continuing, Justice Daniel said: "It follows then that courts created by statute, must look to the statute as the warrant for their authority; certainly they cannot go beyond the statute, and assert an authority with which they may not be invested by it, or which may clearly be denied to them." [25]

The principles of Cary *v.* Curtis were reiterated five years later in Sheldon *v.* Sill [26] where the validity of § 11 of the Judiciary Act of 1789 was directly questioned. The assignee of a negotiable instrument filed a suit in a circuit court even though no diversity of citizenship existed as between the original parties to the mortgage. The circuit court entertained jurisdiction in spite of the prohibition against such suits in § 11 and ordered a sale of the property in question. On appeal to the Supreme Court, counsel for the assignee contended that § 11 was void because the right of a citizen of any State to sue citizens of another in the federal courts flowed directly from Article III and Congress could not restrict that right. The Supreme Court unanimously rejected these contentions and held that since the Constitution had not established the inferior courts or distributed to them their respective powers, and since Congress had the authority to establish such courts, it could define their jurisdiction and withhold from any court of its own creation jurisdiction of any of the enumerated cases and controversies in Article III.[27] Sheldon *v.* Sill has been cited, quoted, and reaffirmed many times.[28] Its effect and that of the cases following it is that as regards the jurisdiction of the lower federal courts two elements are necessary to confer jurisdiction: first, the Constitution must have given the courts the capacity to receive it, and second, an act of Congress must have conferred it. The manner in which the inferior federal courts acquire jurisdiction, its character, the mode of its exercise, and the objects of its operation are remitted without check or limitation to the wisdom of the legislature.[29]

*Judicial power and the administrative process.*—Although the cases point to a plenary power in Congress to withhold jurisdiction from the inferior courts and to withdraw it at any time after it has been conferred, even as applied to pending cases, there are a few cases in addition to Martin *v.* Hunter's Lessee [30] which slightly qualify the cumulative effect of this impressive array of precedents. As early as 1856, the Supreme Court in Murray's Lessee *v.* Hoboken Land and Improvement Co.[31] distinguished between matters of private right which from their nature were the subject of a suit at the common law, equity, or admiralty and cannot be withdrawn from judicial cognizance and those matters of public right which, though susceptible of judicial determination, did not require it and which might or might not be brought within judicial cognizance. Seventy-seven years later the Court elaborated this distinction in Crowell *v.* Benson,[32] which involved the finality to be accorded administrative findings of jurisdictional facts in compensation cases. In holding that an employer was entitled to a trial *de novo* of the constitutional jurisdictional facts of the matter of the employer-employee relationship and of the occurrence of the injury in interstate commerce, Chief Justice Hughes, speaking for the majority fused the due process clause of Amendment 5 and Article III, but emphasized that the issue ultimately was "rather a question of the appropriate maintenance of the Federal judicial power," and "whether the Congress may substitute for constitutional courts, in which the judicial power of the United States is vested, an administrative agency * * * for the final determination of the existence of the facts upon which the enforcement of the constitutional rights of the citizen depend." To do so, contended the Chief Justice, "would be to sap the judicial power as it exists under the Federal Constitution and to establish a government of a bureaucratic character alien to our system, wherever constitutional rights depend, as not infrequently they do depend, upon the facts, and finality as to facts becomes in effect finality in law." [33]

*Judicial power versus nonjudicial functions.*—The power of Congress to confer jurisdiction on the lower federal courts is qualified by the rule that before Congress can vest jurisdiction in the inferior courts, they must have the capacity to receive it. The capacity of the lower judiciary to receive jurisdiction is defined in the enumeration of cases and controversies in Article III. Consequently in vesting courts with jurisdiction, Congress cannot go beyond this enumeration.[34] It follows from the rule that constitutional courts can perform only judicial functions that Congress, in vesting courts with jurisdiction, cannot impose upon them nonjudicial duties such as administering pensions,[35] deciding issues subject to later executive or legislative action,[36] rendering advisory opinions, or opinions which are not final and conclusive upon the parties [37] or taking jurisdiction of matters from which any essential element of the judicial power has been abstracted.[38] To be sure, Congress may clothe some matters of an administrative nature with the mantle of a case or controversy and thereby make it a matter of judicial cognizance, as it has done with naturalization proceedings,[39] the administration of certain laws relating to the expulsion of aliens,[40] the limited administration of funds received from the Government of Mexico to compensate American citizens for claims against that government,[41] and, of course, the traditional administration of bankrupt enterprises through the medium of a receiver.

*Judicial power under the Emergency Price Control Act.*—The plenary power of Congress to withhold and restrict jurisdiction was given renewed vitality by the Emergency Price Control Act of 1942 [42] and the cases arising therefrom. Fearful that the price control program might be effectively nullified by injunctions, Congress provided for a special court and special procedures for contesting the validity of price regulations. In Lockerty *v.* Phillips,[43] the Supreme Court sustained the power of Congress to confine equity jurisdiction, to restrain enforcement of the act to the specially created Emergency Court of Appeals, with appeal to the Supreme Court. The Court went much farther than this in Yakus *v.* United States,[44] and held that the provision of the act confering on the Emergency Court of Appeals and the Supreme Court exclusive jurisdiction to determine the validity of any regulation or order, and providing that no court should have jurisdiction or power to consider the validity of any regulation, precluded the plea of invalidity of such a regulation as a defense to its violation in a criminal proceeding in a district court. Although Justice Rutledge protested in his dissent that this provision of the act conferred jurisdiction on the district courts from which essential elements of the judicial power had been abstracted,[45] Chief Justice Stone declared for the majority that the provision presented no novel constitutional issue.

*Legislative control over writs*

The authority of Congress to regulate the jurisdiction of the lower federal courts includes that of controlling the power of the courts to issue writs in cases where they have jurisdiction and to regulate other ancillary powers generally.[46] Among some of the more notable restrictions in this regard are the limitations on the power of courts to issue injunctions, particularly in the field of taxation and labor disputes. By the act of March 2, 1867,[47] Congress provided that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court." There have never been any constitutional doubts concerning this provision, which was strictly applied for many years [48] until 1916 when the Supreme Court began to make exceptions [49] which in the later cases [50] made the provision so inefficacious that by October, 1935, more than 1600 suits had been filed to restrain the collection of processing taxes under the Agricultural Adjustment Act.[51] None of these cases, however, raises any issue other than that of statutory interpretation, and since 1936 the Court has interpreted the exceptions to the statute somewhat more strictly.[52]

*Injunctions in labor disputes: the Norris-LaGuardia Act.*—The Norris-LaGuardia Act of 1932 [53] is significant for its restrictions on the powers of the federal courts to issue injunctions in labor disputes in the form of requirements for hearings followed by findings that unlawful acts are threatened and will be committed unless restrained, or if already committed will be continued; that substantial injury to the property of complainants will ensue; that as to the relief granted greater injury will be inflicted upon complainants by denying relief than will be inflicted on defendants by granting it; that the complainants have no adequate remedy at law; and, finally, that the public officials charged with the protection of complainants' property are either unable or unwilling to do so. This act has been scrupulously applied by the Supreme Court, which has implicitly sustained its constitutionality by construing its restrictions liberally [54] in every case except United States *v.* Mine Workers,[55] where it was held that the statute did not apply to suits brought by the United States to enjoin a strike in the coal industry while the Government technically was operating the mines.

FOOTNOTES

[1] 3 Dall. 321 (1796). Justice Wilson dissented from this holding and contended that the appellate jurisdiction, as being derived from the Constitution, could be exercised without an act of Congress or until Congress made exceptions to it.

[2] Durousseau *v.* United States, 6 Cr. 307 (1810).

[3] 6 Wall. 318 (1868); 7 Wall. 506 (1869).

[4] 15 Stat. 44 (1868).

[5] 7 Wall. 506, 514. The Court also took occasion to reiterate the rule that an affirmation of appellate jurisdiction is a negative of all other and stated that as a result acts of Congress providing for the exercise of jurisdiction had "come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to * * * it." It continued grandly: "* * * judicial duty is not less fitly performed by declining ungranted jurisdiction than in exercising firmly that which the Constitution and the laws confer." Ibid. 513, 515.

[6] *See* especially the parallel case of Ex parte Yerger, 8 Wall. 85 (1869). For cases following Ex parte McCardle, *see* Railroad Co. *v.* Grant, 98 U.S. 398, 401 (1878); Kurtz *v.* Moffitt, 115 U.S. 487, 497 (1885); Cross *v.* Burke, 146 U.S. 82, 86 (1892); Missouri *v.* Pac. Ry. Co., 292 U.S. 13, 15 (1934); Stephan *v.* United States, 319 U.S. 423, 426 (1943). *See also* United States *v.* Bitty, 208 U.S. 393, 399–400 (1908), where it was held that there is no right to appeal to the Supreme Court except as an act of Congress confers it.

[7] 105 U.S. 381 (1882).

[8] Ibid. 386. *See also* Barry *v.* Mercein, 5 How. 103, 119 (1847); National Bank of Baltimore *v.* Peters, 144 U.S. 570 (1892); Amer. Const. Co. *v.* Jacksonville Railway Co., 148 U.S. 372 (1893); Colorado Central Mining Co. *v.* Turck,

150 U.S. 138 (1893); St. Louis & Iron Mountain Ry. *v.* Taylor, 210 U.S. 281 (1908); Luckenbach S.S. Co. *v.* United States, 272 U.S. 533 (1926).

[9] Wheat, 304 (1816).

[10] Ibid. 374.

[11] Ibid. 331. This recognition, however, is followed by the statement that "the whole judicial power of the United States should be at all times, vested either in an original or appellate form, in some courts created under its authority."

[12] *2 Commentaries*, §§ 1590–1595.

[13] 1 Stat. 73, §§ 9–11.

[14] Ibid.

[15] Ibid. §§ 14, 15, 17, 18.

[16] Ibid. § 16.

[17] 4 Dall. 8 (1799).

[18] Ibid. 9.

[19] Ex parte Bollman, 4 Cr. 75, 93 (1807). Two years later Chief Justice Marshall in Bank of the United States *v.* Deveaux, 5 Cr. 61 (1809), held for the Court that the right to sue does not imply a right to sue in a federal court unless conferred expressly by an act of Congress.

[20] 7 Cr. 32 (1812).

[21] Ibid. 33.

[22] Ibid.

[23] 12 Pet. 657, 721–722 (1838).

[24] 3 How. 236 (1845).

[25] Ibid. 244–245. To these sweeping assertions of legislative supremacy Justices Story and McLean took vigorous exception. They denied the authority of Congress to deprive the courts of power and vest it in an executive official because "the right to construe the laws in all matters of controversy is of the very essence of judicial power." In their view the act as interpreted violated the principle of the separation of powers, impaired the independence of the judiciary, and merged the executive and judicial department. Dissent of Justice McLean, pp. 264 and following.

[26] 8 How. 441 (1850).

[27] Ibid. 449.

[28] Rice *v.* Railroad Company, 1 Bl. 358, 374 (1862); The Mayor *v.* Cooper, 6 Wall. 247, 251–252 (1868); United States *v.* Eckford, 6 Wall. 484, 488 (1868); Ex parte Yerger, 8 Wall. 85, 104 (1869); Case of The Sewing Machine Companies, 18 Wall. 553, 557–558 (1874); Morgan *v.* Gay, 19 Wall. 81, 83 (1874); Gaines *v.* Fuentes, 92 U.S. 10, 18 (1876); Jones *v.* United States, 137 U.S. 202, 211 (1890); Holmes *v.* Goldsmith, 147 U.S. 150, 158 (1893); Johnson Company *v.* Wharton, 152 U.S. 252, 260 (1894). Plaquemines Fruit Company *v.* Henderson, 170 U.S. 511, 513–521 (1898); Stevenson *v.* Fain, 195 U.S. 165, 167 (1904); Kentucky *v.* Powers, 201, U.S. 1, 24 (1906); Venner *v.* Great Northern Railway, 209 U.S. 24, 35 (1908); Ladew *v.* Tennessee Copper Co., 218 U.S. 357, 358 (1910) Kline *v.* Burke Constr. Co., 260 U.S. 226, 233, 234 (1922). *See also* Lauf *v.* E. G. Shinner & Co., 303 U.S. 323 (1938); Fed. Power Comm'n. *v.* Pacific Co., 307 U.S. 156 (1939).

[29] The Mayor *v.* Cooper, 6 Wall. 247, 251–252 (1868). The rule of Cary *v.* Curtis and Sheldon *v.* Sill was restated with emphasis many years later in Kline *v.* Burke Constr. Co,. 260 U.S. 226, 233–234 (1922), where Justice Sutherland, speaking for the Court, proceeded to say as to Article III, §§ 1 and 2: "The effect of these provisions is not to vest jurisdiction in the inferior courts over the designated cases and controversies but to delimit those in respect of which Congress may confer jurisdiction upon such courts as it creates. Only the original jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the general government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution. * * * The Constitution simply gives to the inferior courts the capacity to take jurisdiction in the enumerated cases, but it requires an act of Congress to confer it. * * * And the jurisdiction having been conferred may, at the will of Congress, be taken away in whole or in part; and if withdrawn without a saving clause all pending cases though cognizable when commenced must fall."

*See also* Carrol *v.* United States, 354 U.S. 394, 406 (1957), wherein it was held that inasmuch as clear statutory mandate, as distinguished from colorable authority, is the basis for appellate jurisdiction in a given case, the Court of Appeals for the District of Columbia lacked jurisdiction, either under nationwide jurisdictional statutes or under statutory provisions peculiar to the District of Columbia, to review an interlocutory appeal by the Government from an order granting suppression of evidence in a pending criminal case. "* * * [I]n a limited sense, form is substance with respect to ascertaining the existence of appellate jurisdiction."

[30] 1 Wheat. 304 (1816).

[31] 18 How. 272 (1856).

[32] 285 U.S. 22 (1932).

[33] Ibid. 56–57. *Cf.*, however, Shields *v.* Utah Idaho R. Co., 305 U.S. 185 (1938).

[34] The Mayor *v.* Cooper, 6 Wall. 247, 252 (1868); Kline *v.* Burke Constr. Co., 260 U.S. 226, 233, 234 (1922). *See also* Hodgson *v.* Bowerbank, 5 Cr. 303, 304 (1809) where Chief Justice Marshall disposed of the effort of British subjects to docket a case in a circuit court, saying, "turn to the article of the Constitution of the United States, for the statute cannot extend the jurisdiction beyond the limits of the Constitution."

[35] Hayburn's Case, 2 Dall. 409 (1792).

[36] United States *v.* Ferriera, 13 How. 40 (1852); Gordon *v.* United States, 117 U.S. 697 (1864); Muskrat *v.* United States, 219 U.S. 346 (1911).

[37] In addition to the cases cited in note 63, *see* C. & S. Air Lines *v.* Waterman Corp., 333 U.S. 103, 113–114 (1948).

[38] In addition to the cases cited in notes 62, 63, and 64, *see* Radio Comm. *v.* General Electric Co., 281 U.S. 464, 469 (1930); Postum Cereal Co. *v.* Calif. Fig Nut Co., 272 U.S. 693 (1927); Keller *v.* Potomac Elec. Co., 261 U.S. 428 (1923). *See also* the dissenting opinion of Justice Rutledge in Yakus *v.* United States, 321 U.S. 414, 468 (1944).

[39] Tutun *v.* United States, 270 U.S. 568 (1926), where the Court held that the United States is always a possible adverse party to a naturalization petition.

[40] Fong Yue Ting *v.* United States, 149 U.S. 698 (1893), where the Court sustained an act of Congress requiring the registration of Chinese and creating agencies for the expulsion of aliens unlawfully within the country and for the issuance of certificates to those entitled to remain. The act provided for special proceedings in such cases and prescribed the evidence the courts were to receive and the weight to be attached to it. The procedure was held to cointain all the elements of a case—"a complaint, a defendant, and a judge—*actor, reus, et judex*." pp. 728–729.

[41] La Abra Silver Mining Co. *v.* United States, 175 U.S. 423 (1899). Here the Court sustained an act of Congress which directed the Attorney General to bring a suit on behalf of the United States against the appellants to determine whether an award made by an international claims commission was obtained by fraud. The Court of Claims was vested with full jurisdiction with appeal to the Supreme Court to hear the case, decide it, to issue all proper decrees therein, and to enforce them by injunction. The Court regarded the money received by the United States from Mexico as property of the United States. This together with the interest of Congress in national honor in dealing with Mexico was sufficient to enable it to authorize a suit for the decision of a question "peculiarly judicial in nature." pp. 458–459.

[42] 56 Stat. 23 (1942).

[43] 319 U.S. 182 (1943).

[44] 321 U.S. 414 (1944).

[45] Ibid. 468.

[46] *See infra*, pp. 567–585.

[47] 26 U.S.C. 7421.

[48] *See* for example: Snyder *v.* Marks, 109 U.S. 189 (1883); Cheatham *v.* United States, 92 U.S. 85 (1875); Shelton *v.* Platt, 139 U.S. 591 (1891); Pacific Whaling Co. *v.* United States, 187 U.S. 447 (1903); Dodge *v.* Osborn, 240 U.S. 118 (1916).

[49] Dodge *v.* Brady, 240 U.S. 122, 126 (1916).

[50] Hill *v.* Wallace, 259 U.S. 44 (1922); Lipke *v.* Lederer, 259 U.S. 577 (1922); Miller *v.* Nut Margarine Co., 284 U.S. 498, 509 (1932).

[51] Enjoining the Assessment and Collection of Federal Taxes Despite Statutory Prohibition, 49 Harv. L. Rev. 109 (1939).

[52] Allen *v.* Regents, 304 U.S. 439, 445–449 (1938).

[53] 47 Stat. 70 (1932); now contained in 29 U.S.C. 101–115.

[54] Lauf *v.* E. G. Shinner & Co., 303 U.S. 323 (1938); New Negro Alliance *v.* Grocery Co., 303 U.S. 552, 562–563 (1938); Drivers' Union *v.* Lake Valley Co., 311 U.S. 91, 100–103 (1940).

[55] 330 U.S. 258 (1947), Virginian *v.* Federation, 300 U.S. 515 (1937), in some ways constitutes an exception to section 9 of the statute by sustaining a mandtory injunction issued against an employer on the petition of employees on the ground that the prohibition of section 9 does not include mandatory injunctions, but "blanket injunctions which are usually prohibitory in form." For other acts of Congress limiting the power of the federal courts to issue injunctions *see* pp. 577–582.



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## AND THE POOR GET POORER—A PAINFUL SCENARIO IN THREE ACTS

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

Mr. PODELL. Mr. Speaker, the words of this title are borrowed from an old popular song which seems to be more true with each passing day. Everywhere we look, there is an offensive on the part of those who have, against those who are striving or who have not. Such an offensive takes several forms, especially noticeable in recent weeks. Act one began with the banks. Our curtain rises as our bankers, with a vicious twist of their moustaches, and an evil chuckle, raised the national prime interest rate to 8½ percent, increasing their contribution to the squeeze on millions of lower- and middle-income people in this country. Inflation mounts daily, and instead of tax relief, we get higher interest rates which benefit major lending institutions alone. If this is relief, where is suffering and agony? The probably post mortem fate of the perpetrators of this act will definitely be extremely warm.

Yet this is but act one of this grotesque scenario being played out at the expense of lower- and middle-income wage earners and taxpayers. Act two begins with the surcharge. It should be entitled, "Special Interests Come First."

By a margin of one vote and under a closed rule, the proposed surtax extension is to be brought to the floor of the House for a vote. No amendments are possible, which would offer tax reform alternatives.

Various remedies have been tried to halt inflation. All have failed. From the

surtax to higher interest rates, they have resulted in further burdens upon the already overstrained lower and middle income taxpayers of this country.

Meanwhile, need for tax reform of the most meaningful kind is so obvious as to be blatant. Ignoring it is the one thing Congress does not dare to do. Instead then, of meaningful tax reform, which we can easily enact, we are confronted with a request for continuance of this obnoxious surtax upon those who need reform the most. This tax is a continuance and worsening of an already unjust and intolerable situation. The people of the United States have a right to know just what the score is.

Why should we stand by, watching in helpless frustration while vested interests of this country, already swollen with tax privilege, grow fatter as the people grow thinner financially? Why should the oil depletion allowance remain untouched as the surtax is shoved into the faces and down the gullets of the American people? How dare the Congress go down this road while the wealthy in so many cases pay no tax at all?

Capital gains and the overseas depletion allowance are untouched while the surtax is shoved forward as a cure for inflation. Nonsense. It is the same specious logic as that used by the bankers when they raised the prime interest rate last week. It is the argument the butcher uses as he approaches the slaughteree with blade poised.

It is my hope that the surtax will be defeated. Should we not have tax reform as a prime order of the day in its place? Is it not time that we stood up for the national interests rather than the special ones?

Our third act is one of stark tragedy because it begins in soaring triumph and ends in total defeat. Nice guys do finish last, I guess, as was once said. Several weeks ago, on the floor of the Congress, a major evil in American life was dealt a long overdue blow when farm subsidies to any one farmer were limited to $20,000. At long last the very wealthy farmers and ranchers of the Nation were yanked back squealing from the public trough by the scruff of the neck by the House of Representatives. This state of affairs has long been a national scandal, as the vast majority of city and suburban taxpayers paid and paid and paid through our unbalanced tax system to swell coffers of wealthy farmers. The rich did get richer. These gentlemen, often conservative to the point of reaction, are often those who bellow the loudest against Caesar Chavez and the Farm Workers Union, who demand so exorbitantly of them. They plea for terrible concessions, the right to organize a union among them.

Now a committee of the other body, the Agriculture Appropriations Subcommittee, to be exact, has eviscerated this painfully attained reform with a quick twist of the legislative knife. Hurray for the people and reform.

So our scenario comes to an abrupt end, and the curtain lowers, as a bitterly disappointed national audience hisses, boos, and throws ripe fruit and vegetables—union picked—at the stage. Curtain calls are requested only to get players within better range.

Our hero has failed. The black hatted gents have won the prize. Sir Galahad has been unhorsed. The big guys with fat cigars are strolling chuckling over to the bank, counting huge rolls of greenbacks. Only the poor and the middle class and average taxpayer has been harmed. But after all, they are only in the overwhelming majority, are they not?

## EARL WARREN—PUBLIC SERVANT, CHIEF JUSTICE, INTERPRETER AND REALIZER OF THE AMERICAN DREAM

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

Mr. PODELL. Mr. Speaker, an era ends as Earl Warren steps down as Chief Justice of the United States. Our gains are great because of his work. He shall live in the hearts of the dispossessed and downtrodden wherever a spark of human dignity and individual liberty flickers and struggles to flare into bright flame. All efforts of his detractors are as waves beating vainly on a rocky shore seeking to destroy it.

Chief Justice Warren gave the Court a role aimed at confronting the challenge of national evolution of our institutions. Successfully, he helped update those institutions, preparing us for tomorrow's inevitable challenges. Millions had almost lost faith in what America meant to them. Under his judicial leadership, the Court faced unflinchingly up to its responsibilities, nurturing change and opting for advocacy of reform within the framework of the Constitution.

Today our political system is painfully opening wider, reflecting realities of an urban America because of the Warren court. Under him, the Court took America by the hand, blotting out much of the legal stain racism had imprinted upon our national brow. Rights of the individual before the law were more clearly outlined than ever before, defined and proclaimed in the face of organized opposition which even now rages over the face of our land.

Above all, Earl Warren has taken our lip service to justice and rights of the individual, translating them into everyday realities for millions of Americans. In the end, we shall be the freer and stronger because of these assertive actions. He sought to end the concept of a poor man's law and a rich man's justice. For this alone, he deserves our praise and respect. Because of his efforts, a free marketplace of ideas is a reality, as is use of Government power to aid the helpless.

Earl Warren has not bowed down publicly before America's ideas. Rather, he has breathed new life into them, keeping institutions viable for those yet to come.

Even now a storm of reaction rages unchecked across the face of the Republic. It shall rage further, worsening before all is calm. During this time, he shall be pilloried in worse terms than in the past. No matter. Our stand has been taken. A high tide mark of freedom has been boldly reached. Others shall follow, thrusting light into the face of darkness and emulating his courage.

"Equal Justice Under Law" are the words chiseled above the Court's entrance. They shine brighter today because of this man. All the words of hate shall leave them untarnished. Many men live lives of fear and hatred. Others live to exploit their fellows. Still others degrade and lie to them, utilizing simple catchwords of fear and demagogery. Earl Warren lives his life to free his fellow men. No finer accolade can be offered. America will be increasingly proud to have produced, nurtured, and placed him high on her roll of honor.

## END HIGHWAY SLAUGHTER CAUSED BY DEFECTIVE TIRES

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

Mr. PODELL. Mr. Speaker, the National Highway Safety Bureau in 1968 tested automobile tires for compliance with minimum Federal tire safety standards. About 9 percent of tested tires failed to meet those standards. It is estimated that approximately 220 million tires are sold annually in America. If tests are any indication of the quality of tires on American roads, then somewhere around 19.8 million new unsafe tires are put on our roads each year.

Some 55,500 people were killed last year on our highways. Two million Americans were injured. This human waste was caused in part by faulty automobile and truck tires.

The National Traffic and Motor Vehicle Safety Act of 1966 imposed upon automobile manufacturers the responsibility of notifying owners of safety-related defects in their cars, and provided for repairs. No such responsibility for tires was imposed upon tire manufacturers. Some responsible tire manufacturers tried to recall defective tires, but soon found it is virtually impossible, because no record was available of tire owners and their addresses. Tire manufacturers do not keep records of tire location after tires leave the factory. A uniform system of keeping track of tires from factory to dealer to purchaser is vitally needed as well as a uniform system of identification and notification.

Mr. Speaker, I am introducing a bill which would establish a system for recalling safety-related defective tires from both dealers and purchasers. The bill extends the 1966 National Traffic and Motor Vehicle Act to cover tire manufacturers. Under it, the same provisions would be placed in effect for recall of tires as are now imposed upon automobile manufacturers for recall of defective cars. Tire manufacturers would have to develop procedures for keeping track of their tires after they leave the factory, to facilitate their recalling them, if necessary.

I am joining my colleague, Congressman MIKVA, of Illinois, in this bill, which was originally introduced in the Senate by GAYLORD NELSON. It has already received wide support outside of the Congress. The Rubber Manufacturers Association, for example, recently stated their opinion that the bill provides a real possibility for a practical tire recall pro-

gram. The present administration has also expressed its support.

Mr. Speaker, the staggering numbers of maimed and dead people from highway accidents should be reason enough for Congress to act with dispatch on this life-saving measure. Every new accident caused by defective tires is a memorial to congressional inaction.

## THERMAL POLLUTION DISCUSSED, BUT CLEVELAND FIGHTS POLLUTION OF THE LANGUAGE

(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 delighted to see the following excellent editorial which appeared recently in the Claremont, N.H., Daily Eagle. The Eagle did not write it; it was written by that excellent newspaper, the Berkshire Eagle, which serves the district so ably represented by our colleague, the gentleman from Massachusetts (Mr. CONTE). But my Eagle was sharp-eyed—and impressed—and ran it, for which I am grateful.

The editorial has put the question of so-called "thermal pollution" into good perspective. It is a term we have heard a good deal and we are going to hear it much more. As a member of the Public Works Committee I am deeply concerned with matters of pollution. Great work is going to be done in these fields—great work has to be done—but as we set out to accomplish it, I implore all interested parties—I hope not futilely—to use accurate terms. There is nothing which so frustrates the successful solution of a public problem as the need to cut through a lot of emotional, inaccurate verbiage. As the Berkshire Eagle correctly states: "The language is already polluted enough."

The editorial follows:

THERMAL POLLUTION: AN OVERHEATED ISSUE

A new scare phrase, "thermal pollution," has come into increasing use. Radical conservationists habitually use it when speaking of atomic power plants. A projected plant on Lake Champlain and a plant under construction on the Connecticut River just above the Massachusetts line have the sensitive-nosed environmentalists in full cry.

What they are referring to is the raising of the temperature of river or lake water used for cooling in the creation of atomic energy. This water is "polluted" by heat, not by radioactivity. In fossil-fueled power plants, water is also used for cooling in the energy-producing process and is returned to the stream or bay at a higher temperature.

Heretofore, this process water has never been labeled "polluted," since ordinarily, the term connotes fouling pure water or air with some noisome, noxious or toxic liquid, vapor or substance. To call heated water polluted is like saying that to take a hot shower is to pollute . . .

Granted, artificially raising (or lowering) the temperature of a stream or lake will change the character of the fish and plant life and possibly riparian vegetation, depending on the degree. But this is alteration, not pollution, since the latter term is to raise the same anxiety when a stream is charged with fumes from various forms of combustion to the extent that smog is created.

Radical alteration of a stream's temperature, of course, requires concern and attention, but few figures are cited by either side of the controversy. If the shad of the Connecticut River are to be replaced by alligators and the riverside elms by palm trees, advance warning certainly is indicated. But environmental alterations are not necessarily all bad. Kay Annin's recent report from the Maine coast that some alteration of the seawater temperatures has brought shrimp to the Maine fisheries was succulent news. If an atomic plant at Machiasport can bring down the price of lobster, praise be.

More light and less heat on the whole subject is clearly indicated. The language is already polluted enough.

## THE REVEREND YARDLEY URGES THOUGHTS FOR LIVING AS WELL AS DEAD ON MEMORIAL DAY

(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, Memorial Day just past brought forth a moving statement by the Reverend Theodore Yardley, pastor of my own church, St. Andrews Episcopal Church in New London, N.H.

His thoughts come in the form of a letter published June 12 by the Argus-Champion, the newspaper in neighboring Newport.

Mr. Yardley reflects on the meaning of the war in Vietnam, reflections which so many, probably most Americans, feel. He calls on us all to remember the lonely living as well as the dead at this time. The lonely living are those who bear the brunt of battle, suffering hardship and risk of injury and death with the stoic conviction that their country, this citadel of freedom, is doing the right thing, no matter how badly it may have bungled the job.

The lonely living to be remembered are also their kinfolk and loved ones at home who move through the routine of each day, their fears unspoken. To these the Reverend Mr. Yardley's words will have special meaning.

The men in the field are isolated from the confusion and raucus turmoil at home. They are distant from the incessant attacks upon the very premises of our democracy, who has taken us into such a difficult and costly war. But these constant attacks have an eroding quality and raise doubts at home. Mr. Yardley's words provide no certain answers but they are deeply felt reflections. We can agree with him that no matter what the outcome of this war, it was entered into with honor and is fought by men of honor in the defense of that most precious and honorable possession which any man can have—indivdual liberty.

The Reverend Yardley's letter follows. I commend it to all my colleagues:

THE REVEREND THEODORE YARDLEY URGES THAT WE REMEMBER THE LIVING ON FIGHTING FRONTS THIS MEMORIAL DAY

*To The Argus-Champion:*

In several conversations recently I have been alerted to the fact that some of the loneliest Americans today are those whose sons or husbands are willingly serving in Vietnam or other danger spots.

While all the cracker-barrel or cocktail party debates swing high on What A Dreadful Mistake It Is, or If The President Would Only, these people remain silent. They are thinking of some gentle man, who has no more desire to kill than men at home, who believes in what he and his buddies are doing. He lives his days and nights under discipline and danger. He sees our military effort first hand, snafus and all.

This is a time of great confusion. If television and some pundits could run the world it would all be over, no doubt! But no one of us can know what the nation should do, absolutely. But at a time when so many of the voices seem to be downgrading what is, after all, a tradition of very long standing—that of holding off would-be world conquerors, might we have a thought this Memorial Day not only for the dead, but for those in danger, and for their relatives at home. They believe just as sincerely as the "doves," and with a great investment of themselves.

Let's afford them the same freedom to do their rather old-fashioned "thing" that we afford to those whose "thing" is currently more "in style."

THEODORE YARDLEY.

## TAX-EXEMPT STATUS OF STATE AND LOCAL GOVERMENT BONDS

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

Mr. WALDIE. Mr. Speaker, among the many tax reform proposals being suggested before the tax-writing committee of this Congress is the plan to remove the tax-exempt status of State and local government bonds.

While at first glance this may seem to be an excellent place to begin true tax reform and provide real tax relief, there is a great deal more to consider on this issue than meets the eye.

I have sought the advice of city officials in my own congressional district on this matter. Among the replies I received was one from Ernest C. Marriner, city manager of the young city of Lafayette, Calif., Mr. Marriner is well recognized among his colleagues for his knowledge of municipal finances and taxation.

I would like, Mr. Speaker, to include the text of his letter regarding tax-exempt bonds for the benefit of the Members of Congress:

CITY OF LAFAYETTE,
*Lafayette, Calif., June 15, 1969.*

Congressman JEROME R. WALDIE,
*Cannon House Office Building,*
*Washington, D.C.*

DEAR JERRY: Thank you for seeking my views on the proposal to remove the tax-exempt status of State and Local Government Bonds.

My feelings on this subject are mixed, but I am categorically opposed to a simple removal of the exemption unless it is part of a very comprehensive overhaul of both local government financing and the federal income tax structure. Especially with the slowness of many State Legislatures to adjust to the financial and economic facts of life, it would be grossly unfair at this time to remove the exempt feature of these bonds. Some State laws, as you know, set a maximum interest rate which local political jurisdictions can pay, and simultaneously prohibit discounts on the sale of those bonds. As a result, even with the tax-exemption feature, some local bonds are just not marketable today.

The removal of tax-exempt status is usually coupled with some gimmick, such as a federal subsidy to make up the difference in cost to the city; or direct federal loans at

rates comparable to tax-exempt market rates. Such gimmickry would be merely a sop and a patchwork arrangement. I don't like it and I am philosophically opposed to income tax exemptions. However, I am also opposed to the present methods of financing local government, especially the education function. I would like to see Congress speed the day of federal income tax sharing with the States and Local Governments, so that we could completely restructure our finances. In conjunction therewith, the tax exempt status of municipal bonds should be removed, letting us compete with private firms for available funds in the open market; and at the same time, lots of other changes should be made in our federal income tax laws, in agricultural subsidies, in the welfare system, etc.

For now, however, please do not try to plug a "loophole" in the income tax laws at the expense of State and Local Government.

Yours very truly,

E. C. MARRINER,
*City Manager.*

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## FASCELL DISCUSSES THE PRIVATE SECTOR'S RESPONSIBILITIES IN THE FIGHT AGAINST ORGANIZED CRIME

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

Mr. FASCELL. Mr. Speaker, there is little question that the chances of ridding this country of organized crime are greatly enhanced by a resolve to do so on the part of the private sector. Government cannot fight the battle alone.

It is, therefore, very encouraging to note the expanded efforts of the U.S. Chamber of Commerce and other private groups in the critical area.

Recently I had the privilege of appearing on the national chamber's radio program "What's the Issue?" over the Mutual Broadcasting System. Since the subject under discussion is timely and of concern to all Americans; and I believe ought to have the widest possible dissemination. I am hereby making it available to my colleagues and other who are interested:

INTERVIEW OF CONGRESSMAN DANTE B. FASCELL, CHAIRMAN, HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE ON LEGAL AND MONETARY AFFAIRS, ON "WHAT'S THE ISSUE?", JUNE 19, 1969

Mr. PANTOS. This is George Pantos of the Washington staff of the Chamber of Commerce of the United States. In the studio today is Congressman Dante B. Fascell of the 12th Congressional District of Florida, which includes the city of Miami. Mr. Fascell has been a member of Congress since 1954. Among his responsibilities is that of serving as Chairman of the House Government Operations Subcommittee on Legal and Monetary Affairs. For more than two years, this Committee has been conducting a study of the adequacy of efforts against organized crime. In a recent speech before the House of Representatives, Congressman Fascell alluded to the necessity of engaging the private sector, especially the business community, as active partners in the fight against organized crime. We shall discuss facets of this speech later in the program.

Also with us today is Wayne Hopkins, Senior Associate for Crime Prevention and Control of the National Chamber, who will join Congressman Fascell in the discussion of organized crime and how it affects businessmen.

SUBCOMMITTEE OBJECTIVES

To get the questioning started, Congressman Fascell, what are the basic objectives of the Legal and Monetary Affairs Subcommittee?

Mr. FASCELL. Well, primarily we're interested in determining the adequacy and efficiency of the Federal Government's effort in fighting organized crime. We have spent considerable time detailing exactly what tools we have, what techniques we are using, and how effective they are. Our report indicates that we aren't doing everything we should. Therefore, our basic objective is to bring an awareness both at the Federal and local levels.

There are many facets to the fight against organized crime. It takes the involvement of the federal, state, and local governments, although the fight is primarily a local one. More importantly, it takes awareness and participation of the citizen. This is where the National Chamber can play an important role, because it is uniquely equipped with members all over the country. I am delighted that Mr. Hopkins is here today representing the Crime Prevention and Control Section of the National Chamber. I think it is very important to know what the Chamber is doing in this fight.

Mr. HOPKINS. Thank you, Congressman, for your kind remarks here and also on the floor of the House. The National Chamber is unusually equipped in terms of a sound marketing system. There are 2700 local chambers of commerce throughout the country and many hundreds of them are developing or have developed Crime Prevention and Control Committees. These committees in turn are the basic structure whereby citizens come together in a voluntary way. After they identify the problems which are most important in crime or whatever it might be in terms of the community, they develop avenues of approach. One of the areas today that is being identified so strongly everywhere is that of organized crime, and we appreciate the work that your committee is doing on this. Do you have any results of the subcommittee so far to show that beneficial changes are taking place?

RESULTS OF THE SUBCOMMITTEE'S STUDY AND GOVERNMENTAL RESPONSIBILITIES

Mr. FASCELL. Yes, we can say that most of our recommendations have been picked up by the Administration and put into effect. Our basic recommendation, of course, was that there be better coordination and a greater concentration of effort at the federal level. There are now 26 federal agencies either directly or indirectly involved in the fight against organized crime. We found that coordination was a real problem and that what we needed was central direction, determined emphasis, and strong leadership. It should be emphasized that while the fight against organized crime is basically a local problem, the Federal Government does have a responsibility because organized crime knows no city or state boundaries. Therefore it must be a joint effort, and this is where the National Chamber comes in.

It's also important to recognize that organized crime is defeatable. That is another one of our findings: It is defeatable with a strong joint effort. It cannot exist anywhere where people make up their minds that they're just not going to put up with it.

WHAT ORGANIZED CRIME IS

Mr. HOPKINS. We have businessmen who are willing to participate in fighting organized crime but very few of them, I believe, sincerely understand what organized crime is. Could you give a definition as to what is organized crime, how big it is, and what activities it is engaged in?

Mr. FASCELL. Well, organized crime, of course, means an unlawful activity. When we say it is organized, we mean that it is highly organized and disciplined, with chains of communication and command. Its leaders are engaged in supplying illegal goods and services to a great number of people all over the country. It is large, with several thousand people involved directly in its operation. They engage in, but are not necessarily limited to, things like gambling, loansharking, narcotics, prostitution, labor racketeering, and all the rest. We are talking about a highly skilled and modern operation, most businesslike in its approach. It subverts the entire social and economic fabric of our country.

ANNUAL REVENUES OF ORGANIZED CRIME

Mr. HOPKINS. Do you have any figures in terms of the revenue that is involved in organized crime?

Mr. FASCELL. Well, we have all kinds of estimates. The best estimates that we have so far, for example, in gambling are anywhere from $7 billion to $50 billion a year; most people estimating about $20 billion a year gross revenue with a net gain of about $6 billion on gambling alone, on which no taxes are paid. From loansharking estimates run between $300 to $350 million a year, and narcotics from $20 to $300 million a year. We just don't have any hard figures. But the best figures come from the Department of Justice, the Internal Revenue Service, and the President's Crime Commission. So it is a big business in every sense of the word.

Mr. HOPKINS. We heard the other day that the valuation on the properties belonging to organized crime are worth about $150 billion and that in another 15 years, on the basis of 5% appreciation, organized crime will have about $600 billion worth of equity.

Mr. FASCELL. This shows how fantastic the involvement of organized crime is. One syndicate is estimated to have real estate worth $300 million. And we are talking about, as you pointed out, $150 billion with normal accretion taking it to $600 billion. We are talking about a big chunk of the national economy of this country. It would take care of a lot of our problems, wouldn't it? Just the taxes alone would take care of our problems.

WHAT THE PUBLIC AND THE BUSINESS COMMUNITY CAN DO

Mr. HOPKINS. Your committee report and the President's Crime Commission alluded to the great amount of public apathy which exists about organized crime. We have talked about businessmen not understanding just what organized crime is, but how can the National Chamber, Congress and others make the public more aware of the threat of organized crime and its impact on society?

Mr. FASCELL. One of the first things to do is to make the public aware that organized crime basically operates in the consensual field. That is, it takes the consent of the individual in order to make organized crime profitable, for example, in off-track gambling, you have to have someone willing to bet 10¢ or $2; with regard to narcotics, you have to have somebody willing to destroy his life in order to sell narcotics. So we have to have tremendous awareness on the part of the public. Right now we just don't seem to have the full strength of awareness in the American people that is needed to eliminate this odious octopus. We have to use every avenue that we can through public awareness programs. This is one of the things that our subcommittee is interested in and that is why we are so anxious to work with the National Chamber. Because the National Chamber has leaders in the business community, it can play a tremendous role and make a significant contribution. I think frankly that the Chamber of Commerce of the United States can and ought to take the leadership in this because, primarily, we are involved with the business community and the adverse effects on that community by organized crime. But this effort should not be limited to business groups alone. Organized crime affects the whole society and therefore

we ought to try to interest every other kind of organization in the country to join the National Chamber in this fight.

CAPABILITIES OF THE NATIONAL CHAMBER TO FIGHT ORGANIZED CRIME

Mr. HOPKINS. Thank you for your confidence in the organization. The National Chamber has about 35,000 business, professional, and industry leaders as members, as well as 2,700 state and local chambers and 1,100 trade associations across the country. This represents an underlying membership of about five million people. It is interesting to note that at the National Chamber's Annual Meeting this year there was an Action Forum on Crime. During the Forum, Henry Petersen, who was head of the Organized Crime and Racketeering Section of the Justice Department, said that 10 years ago it would have been impossible to bring together 325 law enforcement officers from all over the country to a meeting to discuss organized crime. And yet at the Action Forum there were 325 businessmen who were interested. This is an indication that businessmen are becoming interested and concerned.

Mr. FASCELL. Well, it follows a pattern within the government itself. The efforts against organized crime by the Federal Government have been sporadic. The Federal Government must take leadership that is felt by all law enforcement circles in this country. We must keep the momentum going both at the federal enforcement level and the public awareness level.

RELATIONSHIP OF THE GENERAL RISE IN CRIME TO ORGANIZED CRIME

Mr. HOPKINS. At a recent meeting of our Advisory Panel on Crime Prevention and Control, organized crime was identified as the major problem we face. When the identification was made, many people questioned it, feeling that street crime was the most important problem. Now can you tell us something as to the relationship between these two areas. Is there a connection between street crime and organized crime?

Mr. FASCELL. There is a very close connection between the rise of crime generally and organized crime. For example, there are many robberies and embezzlements and larcenies that are committed by victims of organized crime—such as drug addicts, gambling losers, or loanshark victims. This adds to the general crime rise. I don't frankly see any direct relation between organized crime and so-called violence in the streets or disorder in the streets, in that sense. As a matter of fact, it might be said that organized crime is probably just as much interested in law and order in that sense as anyone, because they don't want any attention attracted to themselves at all. They are very much against disorder which would arouse the public or the law enforcement officials. They want to keep a lid on it, too. So at least to that extent, we might say we are together on the subject. While disorder and violence in the street is a great concern, I don't see any direct relationship between that and organized crime.

ORGANIZED CRIME'S INFILTRATION OF LEGITIMATE BUSINESS

Mr. HOPKINS. Has your subcommittee uncovered evidence that organized crime is infiltrating large and small businesses?

Mr. FASCELL. No question about that, Mr. Hopkins. We have shown that organized crime is infiltrating every kind of business—hotels, restaurants, trucking, vending machines, manufacturing—you name it. You can see what the impact is. Organized crime is becoming a competitive force in legitimate business fields, and by having an illegitimate source of revenue, it has a tremendous competitive advantage over legitimate businessmen in the field.

Mr. HOPKINS. Is organized crime getting into banking activities, Congressman?

Mr. FASCELL. Well, we raised that question and the evidence tends to indicate that they plan to work their way into banking in various areas of the country. The truth of the matter is that nothing is safe. They've got much money to invest and they want legitimate fronts for their money, there is no question about that. They are spreading all over the landscape, in economic terms.

Mr. HOPKINS. According to testimony concerning legislation pending before the McClellan Subcommittee, the present law doesn't allow law enforcement officials to do anything about it at the moment. But I understand that some of the legislation would put some curbs on the use of this money, at least, in interstate commerce.

Mr. FASCELL. Well, anything that we can do to inhibit the flow of illegal money, of course, will be a very useful thing. The advantage that they would have in the use of this money is certainly very obvious. Also, once they get into a legitimate business, just think what else they can do. They inhibit normal competition by the use of fear or techniques of one kind or another that the average businessman just can't cope with by himself.

Mr. HOPKINS. What are some of the ways to control organized crime activities in view of the tremendous revenues that they get through their loansharking, gambling, and different operations? In your committee hearings, has there been testimony given as to how to cut down on the revenues that are available to organized crime syndicates other than just through sound law enforcement?

Mr. FASCELL. The enforcement of the present laws is one way to do it. Better law enforcement means adopting the modern techniques, such as having central direction and the opportunity for greater surveillance. In other words, using every modern available tool is the only way to get at these people and to cut off their sources of revenue.

Mr. HOPKINS. The other day, I saw a statement that a community that makes up its mind that it is not going to have organized crime can control it. Do you feel that way?

Mr. FASCELL. I don't think there is any question about it. A great part of organized crime's operational costs goes into payoffs of one kind or another. They actually subvert your whole economic system, your whole enforcement system, the whole fabric of society. However, once the people are aware of this, once they make a decision that they don't want it, once the pressure is on, both in the business community and in the nonbusiness community, organized crime cannot exist.

Their whole ability to take money is based on the consent of the victim. The gambler pays his money to an organized crime figure. A narcotics addict pays his money to an organized crime syndicate. This is the way they exist. They live off the lifeblood of the victims and once the general public makes up its mind it is not going to participate or to allow participation, then I don't think organized crime can exist. But this has to be coupled with a very strong up-to-date centrally-directed enforcement capability.

CENTRAL DIRECTION OF THE FIGHT AGAINST ORGANIZED CRIME

Mr. HOPKINS. Congressman, have you detected, since the new Administration has taken office, that the central direction you just referred to has been applied more generally than in the past?

Mr. FASCELL. In recent years, I think it has been a continuing thing. In all fairness, I want to say that it has continued under both Administrations. However, it is most welcome that this Administration is moving to increase that effort in terms of new programs, more personnel, increased budget, and a determination that a real strong drive will be made against organized crime. And that is the kind of action that is needed. It is also going to require continued determination at the Department of Justice level, with a strong backing from the President and Congress in order to get this job done.

COOPERATIVE PROTECTIVE ASSOCIATION AGAINST ORGANIZED CRIME

Mr. HOPKINS. Your subcommittee is the only congressional committee that has ever studied the adequacy of the effort to combat organized crime. Where does your committee go from here?

Mr. FASCELL. Obviously we've got a lot of things that we can explore. First of all, we want to continue our oversight on the many agencies of the Federal Government that are involved in the fight and to be sure that this central effort and direction continue. We want to continue the stimulation of public interest and awareness in groups, such as the Chamber of Commerce of the United States. Here is where I think we have a real potential—through public awareness and public participation—to bring to bear the pressures of aroused citizens on this problem.

For example, let's take the case of the businessman who suddenly feels there is the threat of organized crime activity in his legitimate business area and knows that he can't cope with it individually. There has been no violation of any law, but he feels the heat. There is some way that the National Chamber, through its crime prevention section, could give this man some help. Maybe he could file a complaint saying "I've got a problem." An investigator could be sent who could round up all the facts. If warranted, the National Chamber could then use its nationwide publicity program or take some other action which the individual businessman cannot take. But businessmen operating cooperatively through the National Chamber and similar groups could bring this kind of pressure to bear. I think this is where the subcommittee would like to lend some help, in stimulating some more activity like that of the National Chamber.

Mr. HOPKINS. We are now publishing a deskbook on organized crime for businessmen. It has been put together at the request of businessmen and through the help and guidance of the Justice Department. This diskbook includes a tab system that points out all of the various kinds of organized crime and then suggests that the person concerned call either the Justice Department or the FBI to invite them in to consult about it. If he wants to know more about a subject, he can turn to pages so-and-so and read more about it.

The Justice Department tells us one of the reasons businessmen shy away from getting involved is because they don't want to be incriminated. This deskbook is one way of leading them in the right direction. What do you think of such a book?

Mr. FASCELL. There is no question about it, Mr. Hopkins, this is very, very important because it does several things. Through cooperative action there is strength in action. When a person thinks he has to act by himself and bear the brunt of the whole thing by himself, when he is fighting one of the largest, illegal activities in the whole world, he is most unwilling to take that fight on. But let him know that the full weight of an organization, such as the National Chamber, is behind him in a cooperative, protective system for its members and those who are related to them. Then I think you're going to see a tremendous amount of improvement with law enforcement officials in dealing with organized crime.

Mr. PANTOS. Thank you, Congressman

Dante Fascell of Florida, and Mr. Wayne Hopkins of the National Chamber, for a most stimulating discussion.

## THE SMOKING AND HEALTH QUESTION

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

Mr. CARTER. Mr. Speaker, it has been pointed out in these debates that the smoking and health question has often been treated as a highly emotional issue. This is probably what accounts for the interjection into these proceedings of what may well be the biggest red herring that has ever been dragged across the halls of Congress.

I refer, Mr. Speaker, to the unfounded and altogether unique comment of the gentleman from Texas that the Cigarette Labeling and Advertising Act of 1965 and its successor, H.R. 6543, do not preempt the Federal Communications Commission's proposed ban on cigarette advertising. Certainly, the FCC believes that the act preempts its proposed rule. In the committee hearings on H.R. 6543, Chairman Hyde of the FCC stated, not once or twice, but about a half a dozen times, that if the preemption provisions of the Labeling Act were continued the proposed ban would be preempted. And during the very week of these debates before this House, the Washington Post reported statements from Henry Geller, General Counsel of the Federal Communications Commission, on at least two occasions to the effect that passage of H.R. 6543 would prevent the Commission from putting its ban into effect. Indeed, we do not have to rely only on the Commission's Chairman and its General Counsel, because the full Commission itself, in at least three official pronouncements, has taken the same position. I refer to the "fairness doctrine" rulings of the Commission on June 2 and September 13, 1967, and to its notice of proposed rulemaking on February 5, 1969.

It is clear from the language and the history of the 1965 Labeling Act and from the almost unanimous opposition to the FCC's proposal voiced at the recent Commerce Committee hearings that H.R. 6543 would absolutely prohibit the FCC or any other Federal, State, or local governmental body from attempting to bar the advertising of cigarettes. No change whatsoever is necessary in the bill reported by the committee in order to preempt the unauthorized and unwarranted advertising ban proposed by the FCC.

## WHAT THE COMMUNICATIONS ACT OF 1934 IS ALL ABOUT

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

Mr. CLANCY. Mr. Speaker, I am today introducing legislation which seeks to correct a method recently employed by the Federal Communications Commission which has resulted in much consternation among our Nation's broadcasters.

A broadcaster is granted a license for a fixed period of time. Issuance of the license is based upon a finding that the prospective licensee will, in the words of the Communications Act, operate in the "public interest, convenience, and necessity."

Renewal of this license is based upon a showing by the licensee that he has operated in the public interest and continued service in the public interest is what the act requires for renewal.

Recent actions of the FCC indicate that the use of the word "renewal" is inappropriate. Now, it is intimated, it is not a "renewal" process, but is an "issuance" process.

Before these recent FCC decisions, station licensees assumed that prior record of service in the public interest would be of paramount importance in the license renewal process. Such an assumption apparently was incorrect as it now appears that any newcomer may pit his promises of performance against the actual performance of the existing licensee. This change is obviously unfair to the licensee who has adequately served his community.

The legislation I am submitting today seeks to correct this injustice by requiring that the FCC make a threshold determination with respect to the performance of the licensee. If the FCC finds that the licensee has been operating in the "public interest, convenience, and necessity," it should renew its license. If the Commission finds that the licensee has not operated in the public interest, then opportunity will be offered to new applicants to apply for the facility which has been vacated.

I strongly emphasize that this bill does not in any way seek to protect the unprincipled broadcaster—but it does recognize the importance of a long-term commitment to serve the public interest, and that is what the Communications Act of 1934 is all about.

## OPENING SUMMER CONCERT OF WATERGATE SEASON

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

Mr. BROYHILL of Virginia. Mr. Speaker, I want to draw the attention of the House to a situation which I think is disgraceful by all standards of American conduct.

I have been informed that Government funds and facilities were used last week to present topless dancers to an unsuspecting audience composed of children and adults who came to enjoy a supposedly cultural occasion.

I refer, Mr. Speaker, to the opening summer concert of the Watergate season last Wednesday evening, sponsored by the District of Columbia Recreation Department and the National Parks Service.

The featured participants were the Arthur Hall's Afro-American dancers. The female dancers in the company were nude from the waist up. There was not even the saving grace of the so-called pasties.

Interestingly enough, the District of Columbia Recreation Department only recently excused their failure to plan for opening of swimming pools in the city until mid-June by pleading lack of funds. Yet they seem to have had adequate funds to provide for this most disgraceful performance.

Mr. Speaker, when the Congress has lost such complete control over use of taxpayers' funds and the land and facilities paid for by the taxpayers so as to permit a situation such as this, I say there is something greatly wrong in America.

Nude dancers are barely within approved limits of our society when they perform within closed halls, charging admission, and through advance advertising make their prospective audience aware of the expected type of performance. But at the Watergate summer concert series it has been customary for many years for parents to bring their children, and indeed they are encouraged to do so. To thrust upon this unsuspecting audience the nude appearance of females during a lengthy dance is certainly not an appropriate use for Government funds.

I cannot understand the reasoning of the officials in the National Park Service and the District of Columbia Department of Recreation which could have lead to a decision to include this dancing group in a Watergate summer series. I am shocked and dismayed at such a tragic indignity being forced upon families with Government sponsorship.

## SECRETARY KENNEDY—THE DO-NOTHING CABINET OFFICER

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

Mr. PATMAN. Mr. Speaker, during the Banking and Currency Committee's current investigation into the prime rate increase, it became obvious that the Treasury Department plans to do nothing to help protect the people against these disastrously high interest charges.

Mr. Speaker, on the opening day of the hearings, we had before us Secretary of the Treasury, David M. Kennedy. Repeatedly, I sought information from Mr. Kennedy about what the Treasury Department had done to hold back the interest rate increase and what it planned to do to roll these high interest rates back to a reasonable level.

The answer was that the Treasury had done nothing and planned to do nothing.

Mr. Speaker, the Nation, for all intents and purposes, does not really have a Secretary of the Treasury. The testimony of Mr. Kennedy made it plain that this office is vacant in the Nixon administration.

Something should be done when a public official charged with a public responsibility fails to carry out his duties.

Mr. Speaker, to illustrate the do-nothing attitude of the Secretary of the Treasury, I place in the RECORD the following exchange which occurred on Thursday, June 19, before the Banking and Currency Committee. It pretty well tells the story of Secretary of the Treasury, David M. Kennedy:

Mr. PATMAN. I asked you if you did any-

thing yourself to stop this increase or to discourage it.

Secretary KENNEDY. And I answered your question; if you mean did I call the banks and ask them as you did or make a bold statement, no.

Mr. PATMAN. Not necessarily call them, but did you do anything? If so, tell me what it was.

Secretary KENNEDY. There was really nothing I could do.

Mr. PATMAN. You did not do anything then because you said there is nothing you could do?

Secretary KENNEDY. There is no legal possibility of me rolling that back.

Mr. PATMAN. Did you discuss that with the banks about rolling it back?

Secretary KENNEDY. No, I did not.

Mr. PATMAN. Did you discuss it with anybody?

Secretary KENNEDY. No.

Mr. PATMAN. Why didn't you?

Secretary KENNEDY. Why should I?

## STRONG BANK HOLDING COMPANY BILL WINS OPENING TEST, 20 TO 15

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

Mr. PATMAN. Mr. Speaker, the effort to gain approval of a strong public-interest-oriented bill to regulate one-bank holding companies has taken a giant step forward in the Banking and Currency Committee. An attempt to table my bill, H.R. 6778, as amended by Representatives REUSS and MOORHEAD, was defeated by a straight party line vote of 20 to 15 in the opening markup session on the legislation this morning. All 20 Democrats on the committee voted for the strong bill with all 15 Republicans voting to table.

The 20-to-15 vote is doubly significant since it effectively blocked the consideration of a weaker bank holding company bill introduced by Representative STANTON, of Ohio. The Stanton bill would have been before the committee had the tabling motion carried. The 20-to-15 vote was, in effect, a vote for consideration of the Patman bill, H.R. 6778, and against consideration of the Stanton bill, H.R. 12130.

The Democratic bill before the committee has been hammered out in a series of caucuses over the past few weeks. Working with all of the Democrats on the committee, Representative REUSS and Representative MOORHEAD have drafted various amendments strengthening and refining the original, H.R. 6778. The changes that have been made have been suggested by many Democrats, including myself and Mr. REUSS and Mr. MOORHEAD.

The Democrats on the committee are in general agreement on this strong bill to regulate the one-bank holding companies and prevent them from entering nonbanking enterprises such as insurance and travel agencies.

Mr. Speaker, all of the Democratic amendments being considered to H.R. 6778 are in keeping with the original philosophy of H.R. 6778. The Democratic amendments, like the original H.R. 6778, are designed to keep banks in the banking business and allow them to move into only those areas closely related to banking. The bill, as approved in caucus, will spell out specific areas of activities beyond which the bank holding companies may not go.

Mr. Speaker, the Banking and Currency Committee also voted this morning, 23 to 5, with three members voting present, to open all of the markup sessions on this bill to the public and the press. The public should know the full details of this vital legislation and I think the committee made an excellent decision in opening the doors. In fact, Mr. Speaker, I think the committee should consider making all sessions open to the public at all times. We have nothing to hide and secrecy can only benefit special interest groups.

Mr. Speaker, the parliamentary moves made this morning by Representative REUSS and Representative MOORHEAD were done with the full understanding of myself and the other Democratic members. The parliamentary procedures have now enabled us to have before us in the markup session in the strongest possible version of H.R. 6778. This strengthened version of H.R. 6778 is now the business before the committee, thanks to the moves and the votes of this morning.

The committee will resume markup on this bill at 10 a.m., Thursday, in open session.

## PRIME RATE INCREASE DENOUNCED ACROSS THE COUNTRY

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

Mr. PATMAN. Mr. Speaker, the increase in the prime lending rate, which was imposed on the Nation by the large commercial banks in New York and Chicago, has struck a note of anger throughout the 50 States.

Mr. Speaker, I have received 500 to 600 letters and telegrams from nearly every State expressing deep concern over this interest rate increase and the fact that the Federal Government allows the big banks to exact this charge on the American people.

Mr. Speaker, I place in the RECORD a letter and a copy of a resolution adopted by the Cleveland AFL–CIO last week, deploring the increase in the interest rate. It is typical of the reaction of labor organizations throughout the Nation.

The material follows:

CLEVELAND AFL–CIO,
*Cleveland, Ohio, June 13, 1969.*

Hon. WRIGHT PATMAN,
*Chairman, House Banking and Currency Committee, House Office Building, Washington, D.C.*

DEAR CONGRESSMAN PATMAN: The Cleveland AFL–CIO Federation of Labor, at its regular meeting held June 11, 1969, adopted the enclosed resolution deploring the recent announcement that our nation's banks plan to increase prime interest rates to eight and one-half per cent.

We felt that our action might be of interest to the Banking and Currency Committee.

Sincerely yours,

PATRICK J. O'MALLEY,
*President.*

SEBASTIAN LUPICA,
*Executive Secretary.*

RESOLUTION

This Cleveland AFL–CIO Federation of Labor, representing 150,000 members and their families herewith goes on record as vigorous and vehemently denouncing and deploring the action of this nation's bankers in raising their prime interest rate to an all time high of 8½ per cent—an interest charge which is identified as "usury" by Ohio law.

By their indecent disregard of the public interest, the bankers have reached into the pocket books of every American family and business concern.

Their "public be damned" policy of outrageously high interest rates will increase the cost of housing to the point that untold thousands of working men will be unable to buy badly needed homes. This will result in a substantial cut back in home construction, costing the jobs of large numbers of building trade workers, and starting a chain reaction of unemployment that could prove disastrous to the national economy—including the banking industry.

These interest rate raising bankers are the same economic enemies of the people who cry out that unions are "causing inflation" when they seek modest wage increases for their members.

In raising the interest rates they charge to record levels, these bankers make no move to increase the interest they pay to their depositors. They make no mention of the fact that the earnings of the nation's banks—before this rapacious rate increase—were already at record high levels.

By threatening the stability of the economy and putting a financial squeeze on every individual and corporation in the country, these greedy bankers are also undermining the ability of this nation to maintain the economic strength it needs to carry the burdens of the "Free World" in international affairs.

This Cleveland AFL–CIO Federation of Labor herewith goes on record as urging the federal government to take immediate and effective action to roll back the unfair and inexcusable money grab of the bankers.

The Executive Secretary is herewith instructed to communicate this position, by copy of this resolution, to President Richard Nixon, to Secretary of the Treasury David M. Kennedy, to Senators Stephen M. Young and William B. Saxbe, and to Congressmen Charles Vanik, Michael Feighan, Louis Stokes, William Minshall and Charles Mosher.

We urge the national administration and our representatives in Congress to see that the bankers are compelled to lift this crown of economic thorns which they are pressing down upon the public's brow.

Mr. Speaker, the homebuilding industry has been hardest hit by this drastic increase in interest rates. And thousands of Americans are being priced out of decent homes. Mr. Speaker, illustrative of the letters I have received from homebuilders is the following from Mr. Harold P. Hill, a builder in Houston, Tex. I place this letter in the RECORD:

HOUSTON, TEX.,
*June 18, 1969.*

Hon. WRIGHT PATMAN,
*House Office Building,*
*Washington, D.C.*

DEAR MR. PATMAN: I am a Home Builder, and this inflation is undermining the ability of many good citizens to become home owners.

In the past year, we have seen the cost of homes increase in price, and the monthly payment increase approximately 35% or in my price range from $130.00 a month to $175.00 and a great majority of this rests with the cost of money.

When the cost of money increases to material suppliers and contractors about 50%

in two years (6½% money to 9½%), and the home buyer interest has increased more than 25%, we have inflation so unfair to the home buyer.

The Home Builders throughout the United States support many actions that will help control and slow down the inflation. It will never be done by raising interest rates; that does not create more money.

This last increase in the prime interest rate hike was absolutely uncalled for, and may be the stroke that starts a back slide that our country does not want. If it goes unchecked for a few weeks, home building will be caught in a 5% to 10% cost increase.

*Do not permit* a hike in mortgage interest rates, as this sanctions further inflation.

*Roll back* the prime rate from 8½%.

*Vote out* the 7% investment tax credit, this turned out unfair in competition of money and a great tax loss to the government.

*Keep the surtax* or "war" tax as proposed by our President.

*Cut* government spending, adopt a $10 Billion budget surplus.

We look to you to help govern our economy as well as our life, safety and health.

*Investigate* the money changer.

Let us all *support* our Honorable Wright Patman and his stand on interest rates.

Home building represents a $35 to $40 billion industry. If we are given a chance, we can house all Americans and at a decent price they all can afford.

Our Washington office, the National Association of Home Builders, sent the following telegram to the White House, June 10th:

"Prime rate increase unwarranted, unnecessary, and in cynical disregard national interest and of public beset by galloping inflation. Disheartening blow to our members supporting your anti-inflation program and who are vigorously attempting persuade Congress of need extending surtax and support of your fiscal program. Bank action will harm consumers, small businessmen, home buyers and renters, and millions of people employed in housing industry. It will enormously damage already difficult task of providing low income housing. We appeal to you to use your influence immediately to seek a rollback of prime rate and other necessary actions by lenders as their responsible part in anti-inflation fight."

I plead with you to roll back this unwarranted inflation.

Let us support our President.

Sincerely yours,

HAROLD P. HILL,
*Builder.*

Mr. Speaker, many bankers, outside of the big money centers of Chicago and New York, likewise are deeply concerned about the high interest rates. All of them do not share in the concept of charging anything the traffic will bear. Mr. Speaker, I place in the RECORD a letter that I have received from Mr. B. D. Bray, president of the Peoples Bank of LaGrange, Ga., and a copy of Mr. Bray's letter to his local newspaper concerning the prime rate increase:

PEOPLES BANK OF LAGRANGE,
*LaGrange, Ga., June 10, 1969.*

Hon. WRIGHT PATMAN,
*House Office Building,*
*Washington, D.C.*

DEAR MR. PATMAN: I am in complete agreement with your recent statements concerning the extremely high interest rates which exist in our nation today.

Enclosed is a copy of a letter recently written to the Editor of our local newspaper which might be helpful to you.

If you have any comments concerning the enclosed letter, I would appreciate hearing from you.

Very truly yours,

B. D. BRAY.

PEOPLES BANK OF LA GRANGE,
*La Grange, Ga., June 10, 1969.*

EDITOR,
*The La Grange Daily News,*
*La Grange, Ga.*

DEAR EDITOR: In view of recent decisions by many of the nation's larger banks to raise the prime rate of interest from 7½% to 8½%, it is my opinion that it is time for the Federal Reserve Board of Governors, along with the cooperation from the Executive Branch of our Government, to completely inform the people of our country as to the objectives and purpose of approaching solutions to an overheated economy, rapid inflation, and the extremely high cost of living.

By increasing interest rates, it appears that the problems are not being controlled, and it is the opinion of the writer that this approach is merely speculative, and is not doing the job that it is supposed to do. In an economy such as ours today, large amounts of money are needed to keep pace with supply and demand; therefore, high interest rate is no deterrent for borrowing the necessary capital needed. An example of this is "Why should a creditor hesitate to borrow money at 8½% interest when his return can be 20% or more from the money he has borrowed?"

What are the solutions to our economical problems that exist today? The President of the United States should have a meeting with the chief executive officers of the one hundred or more largest corporations in our nation. He should convince them to cooperate, without undue pressure, to voluntarily agree to cooperate in any way that they possibly can; not because they have to but because they want to cooperate. Their influence among our nation's other businesses would have a tremendous effect by their setting the example of honesty and sincerely trying to help solve the economical problems of today. Of course, the second way to help curb this tremendous inflationary situation is for the Federal Government to curtail its spending in every possible way.

There are other solutions to our problem, but in my opinion these are the prevailing ones as I see them at this time.

Very truly yours,

B. D. BRAY,
*President.*

Mr. Speaker, the Cooperative League of the USA represents 20 million families across the Nation. This organization's executive committee adopted a resolution on June 12 denouncing the prime rate increase and pointing out the hardship that it has created for the millions of cooperative members in the Nation. Mr. Speaker, I place a copy of the letter from the Cooperative League and its executive committee's resolution in the RECORD:

THE COOPERATIVE LEAGUE
OF THE USA,
*June 13, 1969.*

Hon. WRIGHT PATMAN,
*Chairman, House Banking and Currency Committee, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN PATMAN: The Executive Committee of the Cooperative League of the USA has asked that I express to you the great concern they have with the rapidly rising inflationary spiral caused by the recent increase in the prime rate and the resulting detriment to our entire society. We commend you for your alertness to this issue and the leadership you have taken to reverse the dangerous trend.

The League's resolution action is enclosed and your efforts to resolve these problems will be most appreciated at this time.

Sincerely,

STANLEY DREYER,
*President.*

HIGH INTEREST RATES AND INFLATION

(Resolution of the executive committee of the Cooperative League of the USA, passed at its June 12, 1969, meeting, Chicago, Ill.)

We, the Executive Committee of the Cooperative League of the USA view, with serious concern, the continuing rise in interest rates about which our board expressed unanimous concern in January, 1968.

We are dismayed at how spiraling interest costs and the accompanying rounds of inflation are permitted to occur apparently unchecked or undisciplined. It is evident that current regulations are not adequate and that new methods and new actions need to be implemented.

Such high interest rates are regularly passed on to agricultural producers and all consumers and have devastating effects on the ability of our nation to solve its problems. The extortionate level of interest rates cannot help but suppress nearly all housing efforts of middle and low-income people and bring hardship and disarray to life plans of the home buyer, the college student, farmers, the small businessman and others.

On behalf of the 20 million families represented in our membership, we ask the Executive and Legislative bodies of our government to call a halt to these economic trends and to take all reasonable means to roll back the interest rates commensurate with the known needs of the country.

Be it resolved that copies of this resolution of deep concern be communicated promptly to the President, chairman of the Federal Reserve Board, chairman of key Congressional committees, and others in authority.

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## PAUL NEVILLE—A SOURCE OF NEWS POWER

(Mr. McCARTHY was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, last Sunday marked the untimely death of Paul Edwin Neville, executive editor of the Buffalo Evening News. At the age of 50, this leader died and has left Buffalo and the Nation with a gap in the select ranks of those who provide qualities of high dedication and uncompromising courage in these troubled times.

It has been said that democracy is not so much the running of government as the responsibility of the people. Paul Neville exemplified this ideal. Both as executive editor of the News and as a respected civic leader he met this challenge of responsibility.

Early in his career with the Buffalo Evening News, Paul Neville created a department in the paper called "news power." The purpose of this department was to provide a means for people to find answers to problems that the normal channels of responsibility have failed to solve. News power made the Buffalo Evening News a useful source of power for every citizen. It provided what would be called today, a channel for peaceful dissent. As Mr. Neville himself said:

I also think that a newspaper in a community should be ready, willing, and able to get things done for people when regular channels of accomplishment fail for any variety of reasons.

Paul Neville had a strong sense of responsibility to all members of the community. He instituted additional news

coverage of events in the black community.

Paul Neville was also a leader in the highly technical aspects of his profession. Under his leadership the Buffalo Evening News added a lively arts page. It pioneered use of color in the food and women's pages. These additions have made the Buffalo Evening News an interesting and attractive paper to its thousands of readers.

Newspaper editors throughout New York State knew Paul Neville and knew of the hard-hitting voice of the community that he developed with the Buffalo Evening News. In addition to reading his paper, they also could not help but feel the strong force of his personality when he was president of the New York State Society of Newspaper Editors. And this reputation also traveled throughout the American newspaper community when he was director of the American Society of Newspaper Editors and the Associated Press Managing Editors Association.

Paul Neville was a dynamic leader. His massive, rugged appearance reflected on the surface the qualities that he always practiced in action. He radiated energy—and that energy was directed to the highest ideals of the community. Unfortunately, his life was brought to a close at the early age of 50.

I know that all of Buffalo joins me in mourning the passing of this outstanding community leader. He shall be missed.

## MORE COURT "JUGGLING"

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

Mr. SAYLOR. Mr. Speaker, the public must be constantly amazed at the antics of the Supreme Court. After handing down decision after decision wherein one branch of the Federal Government or State and local governments are told how to conduct their constitutional business—and the Court has admitted they were legislating because the Congress or State legislatures failed to pass laws to the Court's liking—that judicial body raised the issue of "separation of powers" in a simple and unimportant matter over whether or not the President of the United States should speak before the Court in the swearing-in ceremony for Chief Justice Burger.

For 16 years, the Supreme Court has trampled on every concept that even remotely touched separation of powers. The recent Powell decision is but one example of a long series of decisions that have, in one way or another, usurped or infringed upon the power and majesty of the legislative and executive branches of the Federal Government. The Court has steadfastly attempted to impress the public that it is supreme over both the legislative and executive branches of the Government, when in fact the Court is supreme only in the judicial system.

According to the Associated Press, the Court had to do a "delicate bit of juggling" in order to allow the President to speak because "some of the Justices felt that the Constitution's separation of powers would be transgressed were the President to participate directly in a Supreme Court function." Perhaps the point of this juggling was a means whereby the Court could establish some credibility that it still considered the concept of separation of powers as a valid one. The facts of the matter, in terms of Court decisions, would lead to an opposite conclusion. I trust that our colleagues have not been impressed or led astray by this little byplay. The Court has a long way to go—all of it uphill—before it can expect to regain the confidence of the public or the Congress that it is truly interested in the precepts of our Founding Fathers that the Court is a separate but equal entity of the Federal Government.

## WALTER REUTHER—CARRYING ON THE FIGHT FOR A SOVIET AMERICA

(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, now that Walter Reuther, the titular head of the United Auto Workers, has taken over the Teamsters, and we find SDS dissidents, financed in part by the UAW, involving themselves in labor disputes it may be of value to our colleagues to refresh their memory on just who this Walter Reuther is.

In his sworn testimony before a committee of this House, in 1938, Mr. Herman Luhrs, chairman of the Joint Americanism Commission of the American Legion at Flint, Mich., and a long-time member of the Department Subversive Activities Committee, related the Communist connections of Walter, Victor, and Roy Reuther. He also introduced, under oath, the famous Reuther letter, written by Walter and Victor from the U.S.S.R., in which they call for a Soviet America.

Mr. Speaker, I include Mr. Luhrs' testimony on the Reuther brothers, and several current related newsclippings follow:

INVESTIGATION OF UN-AMERICAN PROPAGANDA ACTIVITIES IN THE UNITED STATES

(Hearings before a Special Committee on Un-American Activities, House of Representatives, Seventy-Fifth Congress, Third Session, on H. Res. 282, to investigate (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation)

FRIDAY, OCTOBER 21, 1938

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE OF THE SPECIAL COMMITTEE TO INVESTIGATE UN-AMERICAN ACTIVITIES,

*Washington, D.C.*

TESTIMONY OF HERMAN LUHRS

(The witness was duly sworn by the chairman.)

The CHAIRMAN. Mr. Luhrs, you are chairman of the joint Americanism committee of the American Legion, at Flint, Mich., are you not?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. And a member of the department subversive committee?

Mr. LUHRS. Yes, sir. That committee is composed of delegates from the six Legion posts at Flint, Mich. That joint Americanism committee consists of committeemen from each of the six Legion posts at Flint, Mich.

The CHAIRMAN. How long have you been interested in this character of work?

Mr. LUHRS. I have been a member of the Americanism committee for possibly 7 or 8 years.

The CHAIRMAN. You have had occasion to make an active investigation with regard to subversive activities in that area, have you not?

Mr. LUHRS. Yes, sir. My interest was first aroused in 1933, when the Duncan-Baldwin bill was introduced at Lansing. There was some question of the bill being opposed by pressure from subversive groups, which forced this bill back onto the platform in public debate. At that time our past department commander, now deceased, Mr. Lester O. Moody, was our proponent of the bill, and, also former Governor Brucker.

The CHAIRMAN. We have had some testimony on that bill. The sum and substance of it is that outstanding Communists opposed and fought the bill.

Mr. LUHRS. Yes, sir. They were not only the Communists fighting the bill about whom you have had testimony.

The CHAIRMAN. Have you run into the organization known as the Professional League for the Protection of Civil Rights?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Who heads it?

Mr. LUHRS. I think the chairman of the league is Rev. Bolens, of Detroit. That started in Flint, Mich. The first time we saw this movement was in a lecture by Walter Reuther, which happened on March 18, 1933, when Walter Reuther spoke at the Masonic Temple. He had spent 33 months in Europe.

Mr. MOSIER. In Russia?

Mr. LUHRS. Yes, sir. He told the audience that he went through Germany, Italy, and other European countries. He had traveled through them on a bicycle, spending 33 months in Europe, most of the time in Russia.

The CHAIRMAN. He was praising Russia and the wonderful things that had been accomplished there?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. His speech was given as a lecture for the League for Peace and Democracy, was it not?

Mr. LUHRS. No, sir; at that particular time he made his speech under the auspices of the Young People's Socialist League, which was the forerunner of the League for Protection of Civil Rights.

He mentioned the fact that the people in Russia who did good work had a red flag on their machines; but if they did poor work they had a burlap sack placed on them. It was not unusual to hear men talk about Russia. At this meeting Walter Reuther was asked this question: "Do you believe in religion and God or in science as a religion?" His answer was, "We do not believe in God but that man is God." That is when we first began to check on Reuther's subversive activities.

The CHAIRMAN. You have a copy of a letter that was written by Reuther from Russia, have you not?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Where is that letter?

Mr. LUHRS. I have it here.

The CHAIRMAN. It is a copy of the letter?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Do you know that it is a correct copy of the letter?

Mr. LUHRS. Yes, sir.

The CHAIRMAN. You may read the letter,

or you may take it up in order when you come to it.

Mr. LUHRS. Following the lecture of Walter Reuther there was a series of meetings held in a hall adjoining the Methodist Church, on Court Street, in Flint, under the auspices of the League for Industrial Democracy. Several meetings were held at that time, and occasionally speakers were brought in there. We kept watching them. We knew that they were a front organization, but we were not able to do much about it until they brought Roger Baldwin in there. So far as Roger Baldwin's record is concerned, I refer you to House Report No. 290, where he testified in favor of the overthrow of the Government by force and violence.

The CHAIRMAN. Roger Baldwin wrote a book or an article in 1935 in which he said that communism was the goal.

Mr. LUHRS. Yes, sir.

The CHAIRMAN. That has been introduced in evidence. He is the head of the American Civil Liberties Union.

Mr. LUHRS. Yes, sir; the American Civil Liberties Union made its appearance in Flint and the first meeting was held at the Durant Hotel on February 11, 1936. The League for Industrial Democracy had stopped holding meetings in the Court Street Church and that was later changed to the Contemporary Problems Club. L. R. Manning, the chairman of the meeting, made the statement that due to circumstances they were unable to hold any meetings under the auspices of the League for Industrial Democracy. At the first meeting after the change D. Goodwin Watson was the first speaker. He spoke at the Y.M.C.A. hall. I have a letter that Dr. Goodwin Watson sent to the superintendent of our schools at Flint, wherein he invited him to take a trip to Russia. I mention this to tie him up with the front organization. He starts out by saying:

"The most fascinating cultural transformation today is that of the Soviet Union, and we shall have excellent opportunities to get first-hand experience in some of their achievements and deficiencies.

I have spoken of the Contemporary Problems Club, and I will say that they were people who were citizens of Flint, and who I cannot say were Communists, but they were sympathetic toward this movement. I have a long list of names here of people who attended the meetings. One of the most outstanding speakers that came there under the auspices of the organization was Mary Van Kleeck. She spoke in room 217, Y.W.C.A., on April 24, 1937. Her subject was Creative America. She went on to present the matter, as she saw it at that time, and was very critical of the American Legion and the D.A.R. She was asked the question, "What is the churches' position in regard to this new changing social order?" Mary Van Kleeck was very much embarrassed by the question, but she finally answered that "The church of tomorrow will be one of antichurch Christianity." She said that under the changing order, it would be antichurch. Whereupon, Miss Van Kleeck left the meeting, as she was scheduled to give a talk at the Pengelly Building, which is the headquarters of the U.A.W.U. in Flint.

Then a meeting of the American Civil Liberties Union was held on February 25, 1937. That was during the sit-down strike in Flint. The meeting was held in the ballroom of the Durant Hotel. The protest meeting, in January 1937, was first announced in a closed Communist meeting in Detroit, with Weinstone presiding.

The CHAIRMAN. How was that?

Mr. LUHRS. The first announcement was made in a closed Communist meeting in the city of Detroit.

The CHAIRMAN. The first announcement of what?

Mr. LUHRS. The meeting of the American Civil Liberties Union. At this meeting several resolutions demanding the impeachment of Judge Black and Police Chief James V. Willis were offered. The speakers were Prof. Robert Lovett, M. Sugar, Weinstone, Victor and Roy Reuther, Frank Martell, Robert Traverse, and Mr. Kruse, who was an organizer. There were several other meetings held around, and there was the Emergency Peace Campaign. I think you have had some testimony as to the nature of that organization. We have members of the department committee in other towns investigating certain of those activities.

I happened to go to Lansing on May 22, 1937, where a meeting of the Conference for Protection of Civil Rights at Lansing was held. Reverend Bolen, of Detroit, was chairman of the meeting, and the speakers on the program were John Read, of Lansing, who represents the American Federation of Labor at Lansing; Pat O'Brien, of Detroit, Robert Travis, of Flint, who spoke twice at the meeting; Walter Bergman, a professor at Ann Arbor; Robert Passage, who was very active in union forces around the city of Flint, and who had a bodyguard with him that day, and a man by the name of Charles Gates was present speaking for Senator Diggs, both of whom are colored. There was also present Genevieve Evanoff, a school teacher of Flint, Mich., and the wife of Mike Evanoff, a U.A.W.U. lawyer from Flint, who was one of the speakers. Mr. Weinstone, the secretary of the Communist Party of Detroit, was a speaker, and there was a man named Mr. Hammer, who was shot in Fisher No. 2 riot in Michigan. Reverend Knox, of Detroit, was also there. The object of the meeting was the approving of bills pending before the State legislature at Lansing. One of the things we were most interested in was the definite subversive nature of the meeting. When Mr. Weinstone spoke, he ended his speech dramatically by holding up $10, and saying that it was donated to the Communist Party. They approved a list of bills that day. There was quite a large amount of Communist literature, including the Daily Worker, the official organ of the Communist Party, which was sold at this meeting.

Then another meeting that popped up at Flint was held in the National Guard Armory.

The CHAIRMAN. What kind of meeting was it?

Mr. LUHRS. An antilynching bill meeting or demonstration.

The CHAIRMAN. Was that sponsored by the League for Protection of Civil Rights?

Mr. LUHRS. No, sir; it was sponsored by the U.A.W.U. The audience was quite small at this particular meeting. Several telegrams were read in the meeting asking that they be recorded as being unable to come to the meeting. One in particular was from Gov. Frank Murphy saying, "Wish you every success. Regret I am unable to be with you." They had the usual kind of telegrams from all over the State of Michigan. I have here a copy of the Daily Worker that was bought at that meeting.

Now, we will go down to recent meetings. There was the anti-war demonstration held in the Flint Park dance hall. They expected 4,000 people to be at this meeting, but there were only 300 people in attendance. Kermit Johnson was active in arranging this meeting, and Reverend Atkins, district superintendent of the Methodist Church, was chairman. The speakers included Maynard Krueger, of the University of Chicago, who made quite a lengthy talk. Homer Martin also made a speech.

Mr. MOSIER. When was that meeting held?

Mr. LUHRS. May 21, 1938.

Then, we had another meeting on July 21, 1938, sponsored by the local committee for the support of Spanish democracy, which was affiliated with the North American Committee to Aid Spanish Democracy. The purpose of the meeting was to raise funds for medical supplies, doctors, hospitals, and nurses for the Loyalist Government of Spain. Rev. Michael O'Flannigan was a speaker at this meeting.

The CHAIRMAN. Was the Daily Worker sold at that meeting?

Mr. LUHRS. No, sir; it was not sold there.

The CHAIRMAN. Let us go briefly into the report you have.

Mr. LUHRS. I merely bring that in to show the type of meetings that were held.

There was another meeting of the Flint Committee to Aid Spanish Democracy. Then, in Detroit, there was a meeting at the Cass Technical High School, when Senator Robert La Follette spoke. The chairman of the meeting was Rev. Fred G. Poole, of Detroit, and he was assisted by Rev. John H. Bollens, chairman of the Civil Rights Federation, who also spoke.

Mr. MOSIER. When was that meeting held?

Mr. LUHRS. On February 28, 1938, at 8:30 p.m.

The CHAIRMAN. Was that sponsored by the Conference for the Protection of Civil Rights?

Mr. LUHRS. Yes, sir. There was such a mass of Communist literature at this meeting that it took the Detroit police department approximately 48 hours to clear it out.

The CHAIRMAN. What was that?

Mr. LUHRS. There was so much of this literature that it was not cleaned up until approximately 48 hours after the meeting was held. That gave the school children a good chance to pick up this literature.

The CHAIRMAN. I suppose there was a notice in the lobby that the same literature could be obtained at a certain book store.

Mr. LUHRS. Yes, sir.

The CHAIRMAN. Collective security material.

Mr. LUHRS. Yes, sir; it was the general run of their literature.

On February 19, 1938, they had a speaker to come to Flint by the name of G. William Kunze. Mr. Kunze was the representative from the German bund, and this was the first Nazi meeting held in Flint. The chairman of the meeting was Erie Betterman, 1228 Pershing Street. He was a roomer at the home of the former city manager, Mr. William Findlater. Mr. Findlater was discharged by the city because of the riot at the Mary Fea Candy Co. He acted as chairman of the meeting, and stated that he was the bund agent at Flint, Mich. However, we watched that movement closely, and found that Betterman got very little support from Michigan people in Flint. There have been no bund meetings held since that time. At that particular time, I asked Mr. Kunze a few questions. I asked if he was paid by the German Government, or if he was paid by the German bund in New York. He stated at that time that his expenses were paid by the bund movement in New York.

We had occasion to visit Detroit on two occasions. One was a huge anti-Nazi rally, and there were about 5,000 people at that meeting. I learned from the men who were in charge of selling the literature there that $2,000 worth of subversive and Communist literature was sold at this meeting. Victor Reuther was a speaker at this meeting. They took in a very large amount of money. I recall particularly a statement made by Victor Reuther that they had to have money to carry on this movement. He said, "Dig down in your pockets, and if you owe the landlord money, let him wait." He said, "This movement must go on."

There was another meeting on January 18, 1938, of which Earl Reno was chairman. Mr. Hathaway, editor of the Daily Worker, was a speaker.

The Lovestone group held a series of meetings. One was held at Detroit, December 12, 1937, when J. Lovestone was the speaker. We also had occasion to attend a meeting where Earl Browder was the speaker. When Weinstone and Browder were in Flint, they had several meetings. Mr. Savage acted as chairman of one of those meetings. They had

several men coming in there as speakers. Victor Reuther spoke on January 13, 1938.

The reason I mention these names so much is because different members of the U.A.W.U. interested in the activities of this subversive movement come to us and ask us to point out the members who are members of the Communist Party.

At a meeting at Flint a delegation from Buick Liberty Motor Post No. 310, American Legion, attended a Communist meeting in Flint, where Mother Bloor was the main speaker. She painted a rosy picture of Soviet Russia and said how much better off the people of that country were than those here in America.

William Weinstone was a speaker on several occasions, and on one occasion William Weinstone did not get there, and Eugene Fay spoke in his place. He was formerly educational director of the U.A.W.U. Last spring he was cited by the Communist Party for obtaining 30 new members.

On May 11, 1938, an organizational meeting was held at 109½ West Second Avenue, upstairs, to start a labor institute which was described as a new organization. It was the first meeting. Walter Reuther was billed as the main speaker. However, after about an hour's delay, he did not show up. About 200 people attended, and Roy Reuther spoke instead of Walter Reuther. A man named Sloan was chairman of the committee, and he was assisted by Kermit Johnson, of Flint, a Chevrolet worker. Roy Reuther made quite a lengthy speech, and the thing that interested me particularly was his reference to the American soldier. He said a man was crazy to put on a uniform, and that he would much prefer his blue suit to any uniform that could be placed on him. When Roy Reuther talked about an hour, and Walter Reuther did not put in an appearance, they served free beer and sandwiches. The audience was not made up of the usual riffraff that you see at these meetings, but some of the women were in evening clothes, and there was an orchestra playing. There was dancing. Kermit Johnson told them that they should sing a song before they adjourned, and the song sheets were passed out. It was the Russian International, which was sung twice. I have a copy of the statement put out at this meeting with me here, advocating a boycott of Chevrolet.

Kermit Johnson led the group in singing the Russian International. The one I was particularly watchful of at this time was Roy Reuther, who stood at a Communist salute, singing the Russian International. This song was sung not only once, with great gusto, but it was sung twice. They sang it through both times.

Communist literature was also passed out at this meeting.

The CHAIRMAN. Let us hurry on, Mr. Luhrs. You have given a pretty good background now.

Mr. LUHRS. To get down to the Reuthers, we made quite an extensive check on them, due to the fact that we had so many requests from the U.A.W.A. to do that. The whole town was beginning to get suspicious of these two men, owing to their active part in the strike at that time.

I had occasion to get a copy of this letter which was sent from Russia to Merlin Bishop. Do you want me to read this letter?

The CHAIRMAN. Yes; read the letter.

Mr. LUHRS. The letter says:

"DEAR MEL AND GLAD: Your letter of December 5 arrived here last week from Germany and was read with more than usual interest by Wal and I. It seemed ages since we had heard from you, so you might well imagine with what joy we welcomed news from Detroit. It is precisely because you are equally anxious I know to receive word from the 'Workers' Fatherland' that I am taking this first opportunity to answer you.

"What you have written concerning the strikes and the general labor unrest in Detroit plus what we have learned from other sources of the rising discontent of the American workers, makes us long for the moment to be back with you in the front lines of the struggle; however, the daily inspiration that is ours as we work side by side with our Russian comrades in our factory"—

And he has "our" underlined—

"the thought that we are actually helping to build a society that will forever end the exploitation of man by man, the thought that what we are building will be for the benefit and enjoyment of the working class, not only of Russia but the entire world, is the compensation we receive for our temporary absence from the struggle in the United States. And let no one tell you that we are not on the road to socialism in the Soviet Union. Let no one say that the workers in the Union of Soviet Socialist Republics are not on the road to security, enlightenment, and happiness.

"Mel, you know Wal and I were always strong for the Soviet Union. You know we were always ready to defend it against the lies of reactionaries. But let me tell you, now that we are here seeing all the great construction, watching a backward peasantry being transformed into an enlightened, democratic, cultured populus, now that we have already experienced the thrill, the satisfaction of participating in genuine proletarian democracy, we are more than just sympathetic toward our country"—

"Our" is underlined again—

"we are ready to fight for it and its ideals. And why not? Here the workers, through their militant leadership, the proletarian dictatorship, have not sold out to the owning class like the S.P. in Germany and like the Labor Party in England. Here they have against all odds, against famine, against internal strife and civil war, against sabotage, against capitalist invasion and isolation, our comrades here have maintained power, they have won over the masses, they have transformed the 'dark masses' of Russia into energetic, enlightened workers. They have transformed the Soviet Union into one of the greatest industrial nations in the world. They have laid the economic foundation for socialism, for a classless society. Mel, if you could be with us for just 1 day in our shop you would realize the significance of the Soviet Union. To be with us in our factory Red Corner at a shop meeting and watch the workers as they offer suggestions and constructive criticism of production in the shop. Here are no bosses to drive fear into the workers. No one to drive them in mad speed-ups. Here the workers are in control. Even the shop superintendent has no more right in these meetings than any other worker. I have witnessed many times already, when the superintendent spoke too long, the workers in the hall decided he had already consumed enough time and the floor was then given to a lathe hand who told of his problems and offered suggestions. Imagine this at Ford's or Briggs'. This is what the outside world calls the 'ruthless dictatorship in Russia.' I tell you, Mel in all the countries we have thus far been in, we have never found such genuine proletarian democracy. It is unpolished and crude, rough and rude, but proletarian workers' democracy in every respect. The workers in England have more culture and polish when they speak at their meetings, but they have no power. I prefer the latter.

"In our factory, which is the largest and most modern in Europe, and we have seen them all, there are no pictures of Fords and Rockefellers, or Roosevelts and Mellon. No such parasites, but rather huge pictures of Lenin, * * * etc., greet the workers' eyes on every side. Red banners with slogans "Workers of the world unite" and draped across the craneways. Little red flags fly from the tops of presses, drill presses, lathes kells, etc. Such a sight you have never seen before. Women and men work side by side—the women with their red cloth about their heads, 5 days a week (our week here is 6 days long). At noon we all eat in a large factory restaurant where wholesome plain food is served. A workers' band furnishes music to us from an adjoining room while we have dinner. For the remainder of our 1-hour lunch period we adjourn to the Red Corner recreation, where workers play games, read papers and magazines or technical books, or merely sit, smoke, and chat. Such a fine spirit of comradeship you have never before witnessed in your life. Superintendent leaders and ordinary workers are all alike. If you saw our superintendent as he walks through the shop greeting workers with "Hello, Comrade," you could not distinguish him from any other worker.

"The interesting thing, Mel, is that 3 years ago this place here was a vast prairie, a waste land, and the thousands of workers here who are building complicated dies and other tools were at that time peasants who had never before even seen an industry, let alone worked in one. And by mere brute determination, by the determination to build a workers' country second to none in the world, urged on by the spirit of the revolution, they have constructed this huge marvelous auto factory which today is turning out modern cars for the Soviet Union. Through the bitter Russian winters of 45° below they have toiled with bare hands, digging foundations, erecting structures; they have, with their own brute strength, pulled the huge presses into place and set them up for operation. What they have here they have sacrificed and suffered for; that is why they are not so ready to turn it all over again to the capitalists. That is why today they still have comrades from the Red Army on guard at the factory at all times to prevent counterrevolutionists from carrying on their sabotage.

"About a 20-minute walk from the factory an entirely new Socialist city has grown up in these 3 years. Here over 50,000 of the factory workers live in fine new modern apartment buildings. Large hospitals, schools, libraries, theaters, and clubs have sprung up here and all for the use of those who work, for without a worker's card one cannot make use of these modern facilities. Three nights ago we were invited to the clubhouse in "Sosgor" (Socialist City) to attend an evening of enjoyment given by the workers of the die shop. Imagine, all the workers with whom we daily work came together that evening for a fine banquet, a stage performance, a concert, speeches, and a big dance. A division of the Red Army was also present as guests. In all my life, Mel, I have never seen anything so inspiring. Mel, once a fellow has seen what is possible where workers gain power, he no longer fights just for an ideal, he fights for something which is real, something tangible. Imagine, Mel, Henry Ford throwing a big party for his slaves. Here the party was no gift of charity from someone above, for we own the factory, we held the meeting and decided to have the party, and it was paid for from the surplus earnings of our department. What our department does is typical of the social activities which are being fostered throughout the entire factory and the entire Soviet Union.

"Mel, we are witnessing and experiencing great things in the Union of Soviet Socialist Republics. We are seeing the most backward nation in the world being rapidly transformed into the most modern and scientific, with new concepts and new social ideals coming into force. We are watching daily socialism being taken down from the books on the shelves and put into actual application. Who would not be inspired by such events?

"And now my letter is getting long and still I have said little, for there is so much to say and so little time in which to do it. We have written Merlin and Coach"—

I might say that Merlin Bishop is a brother of Melvin Bishop. Melvin Bishop was the

educational director of the C.I.O. "Coach" is a nickname they have for Roy Reuther. [Continuing:]

"We have written Merlin and 'Coach' rather lengthy letters and have requested they forward them to you to save duplicity of material. I believe there is little in this letter which they have not already received, so there will be no need of your forwarding this to them.

"A word about your letter. You mentioned that * * *."

Roy Reuther typed this letter from the original letter, and he left out a portion of it right there. He says:

"Keep your eye on the S.P. It being affiliated to the Second International I am not so certain it is 'drifting' in the right direction, certainly not in the light of recent events."

The S.P. is an organization in Germany.

"Let us know definitely what is happening to the Y.P.S.L. and also the Social Problems Club at C.C.C. * * *"

The Y.P.S.L. is a Young People's Socialist League, and the Social Problems Club is an organization in the C.C.C. camps.

"Carry on the fight for a Soviet America.

"VIC and WAL."

Mr. MOSIER. That letter was written by Victor and Walter Reuther?

Mr. LUHRS. I would take, from the way it is signed, "Vic. and Wal.," that the letter was written by Victor Reuther.

Mr. MOSIER. To whom?

Mr. LUHRS. To Melvin Bishop. It is addressed to "Dear Mel and Glad." It is Melvin Bishop and his wife, Gladys.

Mr. MOSIER. What is the date?

Mr. LUHRS. January 20, 1934. This was sent from Abmozazoof, Topkini.

Mr. MOSIER. That is a place in Russia?

Mr. LUHRS. Yes. His address is printed on the back—"Victor G. Reuther, B. Paumep, Anepikarakin 11, Don. 4," and then this name that I gave you on the top—"C.C.C.P., U.S.S.R."

Melvin is a brother of Merlin, of course, as I mentioned.

The CHAIRMAN. I think we have about as much of that as we need. Is there anything more that you think is important that we ought to ask?

Mr. LUHRS. Well, I could go on about how the Communists work in the schools. It would take quite a little while to finish it at this time.

The CHAIRMAN. You mean you have information about how they began working in the school system?

Mr. LUHRS. Yes; and about how they work in the U.A.W. It leads right up to the strikes.

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[From the Washington Post, May 26, 1969]

TEAMSTERS, UAW LAUNCH ALLIANCE

(By William J. Eaton)

The soft-voiced man who is running the Teamsters while James R. Hoffa is in Federal prison joins with Walter P. Reuther today to launch a new labor power center with an initial membership of nearly 4 million.

About 500 delegates are attending the first national conference of the Alliance for Labor Action—a potential rival of the huge AFL–CIO, which expelled the Teamsters in 1957 and saw Reuther's United Auto Workers go off on its own last year.

The Teamster views will be expressed by Frank E. Fitzsimmons, 61, general vice president of the giant union, a relatively conservative counterpart to Reuther, the legendary liberal who parted company with the AFL–CIO on grounds it lacks "social vision and dynamic thrust."

"Fitz," as he is called, is taking a low-key cautious approach to the work of the new organization. He sees it primarily as an extension of traditional trade union cooperation on organizing, bargaining and community programs.

Fitzsimmons is careful to leave the door open for the two unions to travel separate roads on endorsements of political candidates. The Teamsters often have been more concerned with state and local elections than presidential and Congressional races.

In some respects, the UAW–Teamster alliance is like forming a coalition of Americans for Democratic Action and the American Legion to work out a program on patriotism. Even though both groups may believe in the concept, their clashing traditions and personalities might hinder real co-operation.

Reuther and his union were on George Meany's side when the AFL–CIO threw out the Teamsters on charges that they were dominated by corrupt elements—meaning, among others, Jimmy Hoffa. If Hoffa is released from prison and resumes control over the truckers union, it might present an insuperable barrier for the new Alliance.

Both unions have promised to put up 10 cents per member each month to build the Alliance's treasury. That could provide a yearly income of $4.2 million and each union is expected to provide some organizers for joint projects, too.

Fitzsimmons says Reuther first approached him with the Alliance plans in April, 1968, at the funeral of the Rev. Dr. Martin Luther King Jr. in Atlanta. They met a week later and finally adopted a working agreement last July. At least a dozen meetings have been held to discuss detailed plans.

The Teamsters are willing to let Reuther make most of the speeches, but they want and will receive an equal voice in decisions on the Alliance's actions. No executive director has been chosen for the organization yet—a selection that may reveal the speed and direction of the Alliance's course.

Meany and the AFL–CIO executive council already have served warning that AFL–CIO affiliates cannot join the Alliance without risking expulsion from the federation. Nevertheless, many observers from AFL–CIO unions are expected to attend the conference to take a look at the unlikely labor combination.

Labor Secretary George P. Shultz is scheduled to address the conference at the Washington Hilton today.

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[From the Washington Post, May 26, 1969]

BLACKS FORM UNION WITH AID FROM UAW

SUFFOLK, VA., May 25.—Cleveland Robinson, a former school teacher and Negro immigrant from Jamaica, heads a new union formed by blacks unhappy with the AFL–CIO.

The organization, the National Council of Distributive Workers of America, hopes to get on its feet with a grant of $125,000 and 200 organizers from Walter Reuther's United Auto Workers.

About 75 persons, most of them Negroes, voted to break away from the Retail, Wholesale and Department Store Union (RWDSU) of the AFL–CIO and form an independent labor organization at a meeting here Saturday.

Robinson said the main reason for the break with the AFL–CIO was that there are no blacks in its top posts.

He said the new union would "represent all the oppressed workers in the country," including blacks, Puerto Ricans, Mexican-Americans and whites.

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[From the Washington Post, June 16, 1969]

SDS AIDING THREE LABOR STRIKES

The drive by the Students for a Democratic Society to forge a national coalition with workers has netted roles in three labor strikes and posting of two small cards on a Texas defense plant's walls.

An Associated Press spot check around the country found little evidence SDS members are getting on factory payrolls.

Tangible results so far are two cards—not necessarily posted by SDS members—that turned up on walls at the Ling-Temco-Vought Aerospace Corp. plant at Grand Prairie, Tex.

SDS appeared on the signs in large letters above and below the slogan, "If you're no part of the solution, you're part of the problem."

But SDS groups have had little trouble associating themselves with three strikes.

In Washington, about 30 SDS-led students are marching side-by-side with truck drivers and warehousemen striking the Curtis Brothers Furniture Co.

The striking truck drivers and warehousemen say they want no association with SDS. But they say the students are helping the strike and have taken no strong measures to keep them away.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. WOLFF (at the request of Mr. PODELL), for the balance of the week, on account of illness.

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## 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. RYAN, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS); to revise and extend their remarks and to include extraneous matter to:)

Mr. DUNCAN, on June 24, for 30 minutes.

Mr. MESKILL, on July 9, for 60 minutes.

Mr. HALPERN, today, for 5 minutes.

Mr. CONTE, today for 10 minutes.

Mr. POLLOCK, today, for 3 minutes.

Mr. HOSMER, on June 30, for 15 minutes.

(The following Members (at the request of Mr. CORMAN); to revise and extend their remarks and to include extraneous matter to:)

Mr. REUSS, for 10 minutes today.

Mr. TUNNEY, for 60 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. RARICK, for 10 minutes, today.

Mr. VANIK, for 10 minutes, today.

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## EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL and to include extraneous matter.

Mr. WALDIE in two instances and to include extraneous matter.

Mr. ANDERSON of Illinois to revise and extend his remarks and include extraneous matter during general debate on H.R. 12167.

Mr. KOCH to extend his remarks following those of Mr. DADDARIO on the Science Foundation.

Mr. ROGERS of Florida (at the request of Mr. EVINS of Tennessee) during debate in the Committee of the Whole today on the independent offices and Department of Housing and Urban Development appropriation, 1970.

Mr. TEAGUE of Texas (at the request of Mr. EVINS of Tennessee) during debate in the Committee of the Whole today on

the independent offices and Department of Housing and Urban Development appropriation, 1970.

Mr. MADDEN in two instances and to include extraneous matter.

Mr. GRAY in two instances and to include extraneous matter.

(The following Members (at the request of Mr. SEBELIUS), and to include extraneous matter:)

Mr. QUILLEN in four instances.
Mr. POLLOCK in two instances.
Mr. BROCK in two instances.
Mr. ANDREWS of North Dakota.
Mr. TAFT.
Mr. MCKNEALLY.
Mr. CARTER.
Mr. WYATT.
Mr. ESHLEMAN.
Mr. WHITEHURST in two instances.
Mr. STEIGER of Arizona in two instances.
Mr. REID of New York in two instances.
Mr. ESCH.
Mr. ASHBROOK.
Mr. BROTZMAN.
Mr. FRELINGHUYSEN.
Mr. WYDLER.
Mr. BELL of California.
Mr. BROYHILL of Virginia.
Mr. SHRIVER.

(The following Members (at the request of Mr. CORMAN) to extend their remarks and include additional matter:)

Mr. JONES of Tennessee.
Mr. MCFALL.
Mr. ABBITT in two instances.
Mr. JACOBS in two instances.
Mr. EILBERG.
Mr. GONZALEZ in two instances.
Mr. DINGELL in two instances.
Mr. BINGHAM in three instances.
Mr. MOORHEAD in six instances.
Mr. BOLAND in two instances.
Mr. FOUNTAIN in two instances.
Mr. NICHOLS.
Mr. UDALL in eight instances.
Mr. RARICK in three instances.
Mr. PUCINSKI in ten instances.
Mr. EDWARDS of California.
Mr. THOMPSON of New Jersey in two instances.
Mr. BRADEMAS in six instances.
Mr. KYROS in two instances.
Mr. BENNETT in two instances.
Mr. RODINO in two instances.
Mr. ANDERSON of California.
Mr. DE LA GARZA.
Mr. WOLFF.
Mr. RIVERS.
Mr. GALIFIANAKIS.
Mr. FRASER.
Mr. ICHORD.
Mr. PATMAN.
Mr. KASTENMEIER.
Mr. HAMILTON.
Mr. POWELL in two instances.
Mr. DENT.
Mr. DULSKI.
Mr. BRASCO.
Mr. EDMONDSON in two instances.

## ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes;

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An Act to incorporate the National Education Assocation of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Sp. 4c. Klaus Josef Strauss.

## BILLS 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, bills of the House of the following titles:

H.R. 1437. An act for the relief of Cosmina Ruggiero;

H.R. 1939. An act for the relief of Mrs. Marjorie J. Hottenroth;

H.R. 1960. An act for the relief of Mario Santos Gomes.

H.R. 2005. An act for the relief of Lourdes M. Arrant;

H.R. 4600. An act to amend the act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906 (34 Stat. 804);

H.R. 5136. An act for the relief of George Tilson Weed; and

H.R. 6607. An act to confer U.S. citizenship posthumously upon Specialist Four Klaus Josef Strauss.

## ADJOURNMENT

Mr. TUNNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 25, 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:

884. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project V–277 in Los Angeles County, Calif., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

885. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes; to the Committee on Public Works.

886. A letter from the Acting Administrator of General Services, transmitting copies of a prospectus for alterations at the General Accounting Office Building, Washington, D.C., pursuant to the provisions of the Public Buildings Act of 1959; to the Committee on Public Works.

887. A letter from the Acting Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38 of the United States Code to provide for appointment of certain persons in the Nursing Service in the Department of Medicine and Surgery of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Report entitled "Improved Manpower Management in the Federal Government—Examples for the Period July–December 1969" (Rept. No. 91–323). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91–324). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 453. Resolution for consideration of H.R. 12290, a bill to continue the income tax surcharge and the excise taxes on automobiles and communication services for temporary periods, to terminate the investment credit, to provide a low-income allowance for individuals, and for other purposes (Rept. No. 91–325). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 12337. A bill to provide for the elimination of restrictions on the holding of any interest in, or on the transfer of, real property based on race, color, national origin, or religion that are contained in instruments affecting title to real property which are filed in the Office of the Recorder of Deeds of the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANNUNZIO:

H.R. 12338. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BENNETT (for himself, Mr. SIKES, Mr. HALEY, Mr. FASCELL, Mr. ROGERS of Florida, Mr. PEPPER, Mr. FUQUA, Mr. GIBBONS, and Mr. CHAPPELL):

H.R. 12339. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach moral and ethical principles; to the Committee on Education and Labor.

By Mr. BIESTER:

H.R. 12340. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. BROWN of Michigan:

H.R. 12341. A bill to provide for a national cemetery at Fort Custer, Mich.; to the Committee on Veterans' Affairs.

By Mr. BURKE of Florida:

H.R. 12342. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in benefits, to increase the minimum survivor's benefit, and to liberalize the retirement test; to the Committee on Ways and Means.

By Mr. BURTON of California:

H.R. 12343. A bill to provide that the historic San Francisco Mint shall be made a national monument; to the Committee on Public Works.

By Mr. BUTTON:

H.R. 12344. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12345. A bill to amend title 39, United States Code, to provide work clothing for postal field service employees engaged in vehicle repair or maintenance, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLAY:

H.R. 12346. A bill to amend the Internal Revenue Code of 1954 to increase (by providing an additional $600 exemption) the personal income tax exemption allowable with respect to certain dependents; to the Committee on Ways and Means.

By Mr. DORN:

H.R. 12347. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DOWNING (for himself, Mr. ABBITT, Mr. WHITEHURST, Mr. BROYHILL of Virginia, Mr. DANIEL of Virginia, Mr. SCOTT, and Mr. WAMPLER):

H.R. 12348. A bill to amend the River and Harbor Act of 1965 to increase the authorization for the Chesapeake Bay Basin study, the construction of a hydraulic model of the Chesapeake Bay Basin and associate technical center; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 12349. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLENBORN:

H.R. 12350. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of application for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 12351. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

By Mr. HELSTOSKI:

H.R. 12352. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. KUYKENDALL:

H.R. 12353. 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. McCLORY:

H.R. 12354. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. MARSH:

H.R. 12355. A bill to amend chapter 44 of title 18, United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 12356. 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. NICHOLS:

H.R. 12357. 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. PATTEN:

H.R. 12358. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 12359. A bill to provide an improved and enforceable procedure for the notification of defects in tires; to the Committee on Interstate and Foreign Commerce.

By Mr. POLLOCK:

H.R. 12360. 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.

By Mr. REID of New York:

H.R. 12361. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12362. A bill to provide for the addition of certain lands to the Redwood National Park in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12363. A bill to authorize the Secretary of the Interior to designate within the Department of the Interior an officer to establish, coordinate, and administer programs authorized by this act, for the reclamation, acquisition, and conservation of lands and water adversely affected by coal mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12364. A bill amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore; to the Committee on Interior and Insular Affairs.

H.R. 12365. A bill to authorize the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12366. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12367. A bill to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls; to the Committee on Merchant Marine and Fisheries.

H.R. 12368. A bill to amend the act of August 1, 1958, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and pesticides, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 12369. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 12370. A bill to amend the Federal Water Pollution Control Act, as amended, and for other purposes; to the Committee on Public Works.

H.R. 12371. A bill to create a commission to make a comprehensive study and investigation of the discharge of oil and other pollutants from vessels, onshore and offshore facilities, and other sources into or upon the navigable waters of the United States or adjoining shorelines; to the Committee on Public Works.

H.R. 12372. A bill to coordinate national conservation policy by establishing a Council of Conservation Advisers, and for other purposes; to the Committee on Rules.

H.R. 12373. A bill to establish a Council on Environmental Quality, and for other purposes; to the Committee on Science and Astronautics.

By Mr. STAGGERS:

H.R. 12374. A bill to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER:

H.R. 12375. A bill to facilitate the movement of persons and goods in interstate commerce, and to aid in eliminating the burdens on interstate commerce which result from lack of adequately coordinated transportation facilities in many parts of the United States, through a comprehensive program of Federal assistance to States and localities to aid in the provision of such facilities; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 12376. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. ZWACH:

H.R. 12377. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and to contribute to flood control, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDREWS of Alabama:

H.R. 12378. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 12379. A bill to amend section 8336(c) of title 5, United States Code, to include the position of customs inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. CLANCY:

H.R. 12380. 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. GALLAGHER:

H.R. 12381. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 12382. 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. KEITH:

H.R. 12383. A bill relating to the compensation to be paid to owners of riparian property which is taken by the United States; to the Committee on Public Works.

By Mr. McDADE:

H.R. 12384. A bill to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes; to the Committee on Agriculture.

By Mr. ROYBAL:

H.R. 12385. A bill to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital; to the Committee on Interior and Insular Affairs.

H.R. 12386. A bill to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment

in any facility of the U.S. Government except in conformity with the provisions of title 18; to the Committee on the Judiciary.

By Mr. SCHERLE:

H.R. 12387. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 12388. A bill to provide career status as rural carriers without examination to certain qualified substitute rural carriers of record in certain cases, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WOLFF:

H.R. 12389. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

By Mr. MAHON:

H.J. Res. 790. Joint resolution making continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. DOWDY (for himself and Mr. DENNIS):

H.J. Res. 791. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. BRASCO:

H.J. Res. 792. 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. BROWN of Michigan:

H.J. Res. 793. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. BUTTON:

H.J. Res. 794. 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. CLAY:

H.J. Res. 795. 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. BURKE of Florida:

H. Con. Res. 293. Concurrent resolution support of gerontology centers; to the Committee on Education and Labor.

By Mr. WOLD:

H. Con. Res. 294. Concurrent resolution authorizing the printing as a House document of a representative sampling of the public speeches of former President Dwight D. Eisenhower; to the Committee on House Administration.

By Mr. BUTTON:

H. Res. 452. Resolution requesting the President to urge the Soviet Union to process the requests of 50,000 Soviet citizens for reunions with their families who are outside the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 454. Resolution creating a select committee to study the impact of East-West trade and assistance to nations which support aggression, directly or indirectly; 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. ANDERSON of Illinois:

H.R. 12390. A bill for the relief of Antonio Caputo; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 12391. A bill for the relief of Dolores M. Maga; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 12392. A bill for the relief of Dr. Pedro Cho Eng Co; to the Committee on the Judiciary.

By Mr. CÓRDOVA:

H.R. 12393. A bill for the relief of Maria del Carmen Fernandez Fernandez; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 12394. A bill for the relief of Paolo Raffaelli; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 12395. A bill for the relief of Earl J. Krotzer; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 12396. A bill for the relief of Lucien Le Minez; to the Committee on the Judiciary.

By Mr. KING:

H.R. 12397. A bill for the relief of Mrs. Antoinette L. Brown; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 12398. A bill for the relief of Domenico Annibale; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 12399. A bill to authorize the Secretary of the Department under which the U.S. Coast Guard is operating to cause the vessel *Kerin W.* to be documented as a vessel of the United States with coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. WIGGINS:

H.R. 12400. A bill for the relief of Tae Pung Hills; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

156. The SPEAKER presented a petition of Doug Shear, Arlington, Tex., relative to taxation of State and local government securities, which was referred to the Committee on Ways and Means.

# EXTENSIONS OF REMARKS

## OPPOSITION TO PAY TV

### HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 24, 1969*

Mr. CELLER. Mr. Speaker, from time to time, over the past 12 years, it has fallen to me to inveigh and warn against a seductive but potentially lethal expedient whose adoption would threaten the continued existence of one of the most cherished and widely enjoyed fruits of modern technology—the privilege of receiving television programs without charge.

I refer to the proposed authorization of so-called subscription TV–STV—a technique formerly and more candidly referred to as "pay TV," because if it is authorized and instituted, we, the viewing public, will pay and pay and pay. We will pay not only the subscription price which, at first, will no doubt be moderate. Much more significantly, we will pay in the siphoning off of the better program which will slowly but surely be withdrawn from the present sphere of free broadcast entertainment, with a steady decline in the quality of TV fare available under what is left of the free reception system.

As I take the floor today on this perennial issue, I shall necessarily repeat much that I have had to say time and time again. I must do so because there is nothing really new about this ill-conceived proposal which would destroy TV as we know it and would turn the price of a TV set into a mere downpayment, subject to further charges, program by program, till the end of time.

Today, I shall merely summarize the principal reasons why pay TV should be rejected.

First. The radio spectrum is a precious natural resource which belongs to the people, not to licensees. There is and will always be a critical shortage of frequencies. Free TV, with all its faults, and they are many, has become a birthright of all Americans and must be carefully preserved.

Second. The promise of better and more diverse program sources is a mirage. True, the best of present TV fare will be diverted to the pay TV channels, but this only means that we will have to pay for what we now receive without charge. Sports events and first-run movies will be among the first to go.

Third. It is now established that between 20 and 30 percent of our population would not be in a position to afford pay TV service. The proposal would create a caste system among television viewers, between those who can and those who cannot afford to pay.

Fourth. The promise that pay TV will be required to abstain from commercials cannot be kept. If pay TV succeeds, it will generate irresistible pressures for added advertising revenue.

Fifth. The admission of pay TV to the already heterogeneous roster of activities that are being inadequately regulated by the Federal Comunications Commission will further compound existing confusion concerning the relationships among broadcasters, networks, CATV, and satellites.

Sixth. The Hartford pay TV experiment has not been an outstanding success. It hardly warrants further disruption of communications patterns. But whether pay TV would succeed or whether it would fail, it ought not to be unloosed at the expense of the viewers of free TV.

Mr. Speaker, the FCC has given us fair warning that it will shortly begin processing applications for subscription television authorizations. The Commission has done this in the face of concerted and repeated opposition expressed in Congress, and particularly by the distinguished Committee on Interstate and Foreign Commerce of the House, and in