ern Ten Thousand Islands section of Everglades National Park. With the jetport, that slim chance is lost.

TRANSPORTATION ACT VIOLATED

Last year, at the urging of Senator Henry M. Jackson, Congress amended the Transportation Act to require consultation between the Secretaries of Transportation and Interior prior to approval of any transportation program or project which uses park, wildlife, or recreation lands of federal, state, or local significance. This language was designed to prevent just the sort of disaster that now threatens the Everglades. The FAA has made an airport construction grant of $500,000 to the Dade County Port Authority without the required consultation between the Secretaries of Transportation and the Interior, and without the required demonstration that (1) there was no "feasible and prudent alternative" and that (2) the airport program included "all possible planning to minimize harm" to Everglades National Park and State Water Conservation Area 3, an important state outdoor recreation area. Not only that, but the Department of Transportation's Federal Railway Administration has announced a $200,000 grant to study high-speed ground transportation connecting the jetport with Miami, 52 miles to the east, and plans are under way to route Interstate Highway 75 connecting Tampa-St. Petersburg and Miami past or through the jetport site.

Port authority and FAA officials have lately been given to public expression of conservation platitudes, but the record is clear: it's the same old flim-flam. The memorandum from the Port Authority staff to the Dade County commissioners recommending the jetport project mentions Everglades National Park just once: "The Everglades National Park south of the site at Tamiami Trail assures that no private complaining development will be adjacent on that side." This great national park was seen exclusively as a buffer, "with no one to complain about the noise except the alligators." And as for the "environmental concern" the jetport sponsors profess to share with the Interior agencies and private conservation organizations, *Aviation Week & Space Technology* published the following statement in their May 22, 1969 issue—before the rising tide of public concern began to well up:

"The bulk of the takeoffs will be out over the 15 miles of clear zone of the undeveloped state-owned water conservation area. . . . Climbouts could then turn south over the Everglades National Park, providing what the airport officials believe to be optimum environmental operating conditions."

This doesn't pass muster as sound environmental planning.

At present the air over Everglades National Park is pure and clear. But what will it be like if the jetport is developed at the present site? Figures on pollutant emissions from jet aircraft engines are readily available from the Department of Health, Education, and Welfare or the Society of Automotive Engineers and are highly reliable. But some inside-outside figure can be calculated to provide an idea of the magnitude of the air pollution problem. Based on 900,000 flights a year—the projected operation level as a full-blown commercial jetport—the airport's annual contribution to the Everglades atmosphere will be something like this:

Carbon monoxide: 9,000 to 72,000 tons.
Nitrogen oxides: 4,150 to 6,000 tons.
Hydrocarbons: 13,000 to 40,250 tons.
Aldehydes: About 1,000 tons.
Particulates: 1,260 to 3,250 tons.
That is big-league air pollution.

And the prognosis for noise pollution isn't much rosier. The supersonic transports the jetport is being built to accommodate (the sign at the gate bills it as "the world's first all-new jetport for the supersonic age") are expected to be noisier than the current generation of jets. And how noisy is that?

When the Anglo-French Concorde made its maiden flight this past winter, NBC reported, "On takeoff, the roar of its four engines could be heard in villages 20 miles away." And the Concorde is expected to be even noisier on approach. Last year *Aerospace Technology* reported, "It is expected that the Concorde will exhibit sideline noise levels of about 118 PNdB [decibels or perceived noise], according to U.S. engineers, and may show a rather startling 124 PNdB figure during approach . . ." Boeing's studies show that its larger, faster, and more powerful SST will probably generate a sideline noise level of 122 PNdB. As a yardstick, 120 decibels is considered the threshold of pain. The current subsonic commercial jets at takeoff generate noise levels three miles away in the range of 120 PNdB.

It is difficult to determine what the noise levels would be within Everglades National Park, but it's a safe bet that they would be considerably higher than a typical national park "noise"—the rustling of leaves, which is rated at 10 decibels. Talk about uproar; if the jetport is developed at the present site, it will turn the wilderness quietude of Everglades National Park into bedlam. Nine hundred thousand flights a year averages out to more than 100 flights an hour, 24 hours a day, 365 days a year.

NEEDED: ONE HELL OF AN UPROAR

Fortunately, Section 4(f) of the Transportation Act gives the Department of Transportation a clear mandate to move the jetport if a "feasible and prudent alternative" exists. At the June 3 hearing before the Senate Interior Committee, alternative sites were identified by two state witnesses: Nat Reed of the governor's office and FCD Chairman Padrick. The sites they identified are both on state-owned land, so a land swap with the Port Authority would make things relatively simple.

But the push for another site isn't going to come from Miami, not while either alternative would benefit Fort Lauderdale, West Palm Beach, and other cities north of Miami along Florida's Gold Coast. The push is going to have to come from Washington, by shutting off the federal subsidy for development at the present, destructive site. And Washington isn't likely to push too hard without a push from the general public. Everglades National Park might well become the first national park to be dis-established, unless the American people stand up in its defense. So far, through the various federally supported programs and projects of diverse agencies and departments, the American public has unwittingly been subsidizing the destruction of Everglades National Park.

As long as the various federal departments and their agencies pursue their separate ways, ignoring the several laws that exist to promote—and that even require—inter-departmental coordination and sound environmental planning, there can be no hope for preserving and restoring the American environment. In many ways the Everglades problems are symptomatic of an even larger problem. Hopefully, President Nixon's new Environmental Quality Council will roll up its collective shirtsleeves and go to bat for Everglades National Park. For if the Everglades are lost, America will have gone one hitless inning toward losing the whole environmental ballgame.

The first step down the long road toward saving Everglades National Park is moving the jetport away from the park. As Senator Nelson observed, moving the jetport will cause one hell of an uproar in Dade and Collier counties. But the jetport isn't likely to be moved unless there is one hell of an uproar in the 50 states of the Union over the threat to Everglades National Park. Conservationists who want to see Everglades National Park given at least a fair chance of survival, are writing President Richard M. Nixon, as well as their senators and congressmen. If the jetport isn't moved, say goodbye to the continent's only subtropical national park and to the world's only Everglades.

RECESS UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 15 minutes p.m.) the Senate took a recess until tomorrow, Friday, August 1, 1969, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES—*Thursday, July 31, 1969*

The House met at 12 o'clock noon.

Rev. Henry E. Pressly, Associate Reformed Presbyterian Church, Charlotte, N.C., offered the following prayer:

Lo, I am with you always, even unto the end of the world.—Matthew 28: 20.

O God, our Heavenly Father, Thou who art above us in the vast space of which we are so aware; Thou who are about us in this beautiful world in which we live; Thou who art within us by the still small voice of Thy spirit, we pause at this noon hour to invoke Thy blessing upon this assembly.

Let Thy divine favor which is life, and Thy loving kindness which is better than life, rest upon our great Nation and the nations of the world at this the most crucial hour in human history. We thank Thee for the freedom which we enjoy and pray Thee to send peace and freedom to our world.

And now, we implore Thee to give to these dedicated men and women vision to see what needs to be done, faith to believe it can be done, and courage to rise up and do it.

In the Master's name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2678. An act to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir project; and

S.J. Res. 140. Joint resolution to provide for the striking of medals in honor of American astronauts who have flown in outer space.

The message also announced that the Presiding Officer of the Senate, pursuant

to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. McGEE and Mr. FONG members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 70–1.

APPOINTMENT OF CONFEREES ON S. 1373, TO AMEND THE FEDERAL AVIATION ACT OF 1958

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Maryland? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, PICKLE, SPRINGER, DEVINE, and CUNNINGHAM.

ROGERS COSPONSORS BILL TO ESTABLISH NATIONAL OCEANIC AND ATMOSPHERIC PROGRAM

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

Mr. ROGERS of Florida. Mr. Speaker, I am today joining with other members of the Subcommittee on Oceanography in introducing legislation to establish a national oceanic and atmospheric program within the Federal Government.

This bill accomplishes two basic purposes: First, it creates a National Oceanic and Atmospheric Agency—NOAA—and, second, establishes a 15-member National Advisory Committee for Oceans and Atmosphere—NACOA.

This legislation encompasses the recommendations of the Commission on Marine Science, Engineering, and Resources, made in its report to the Congress on January 9, 1969.

I feel certain, Mr. Speaker, that with the introduction of this legislation, we are taking a major step in charting a course for national action in marine affairs, and this legislation would create a focal point and unity of effort which have heretofore been lacking within the governmental structure.

The newly created National Oceanic and Atmospheric Agency would consist of the Coast Guard, the Environmental Science Services Administration, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife—with respect to marine and anadromous fisheries programs—the lake survey of the Corps of Engineers and the National Oceanographic Data Center. The national sea-grant college program, which I previously coauthored, would also be transferred to the new agency—NOAA—from the National Science Foundation.

The Advisory Committee created by this legislation would have a key role in reviewing the progress of the oceanic program and providing liaison with the private sector whose support is very necessary to a successful program.

I am very enthused about this bill and I believe that the creation of this new agency by 1970 will be a fitting beginning to the 1970's, the "decade of oceanography."

REPRESENTATIVE SCHADEBERG INTRODUCES LEGISLATION PROVIDING FOR FEDERAL PARTICIPATION IN THE COST OF CONSERVING SHORES OF THE UNITED STATES, ITS TERRITORIES, POSSESSIONS, AND PRIVATELY OWNED PROPERTY

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

Mr. SCHADEBERG. Mr. Speaker, I am today reintroducing legislation to amend the act of August 13, 1946, relating to Federal participation in the cost of conserving the shores of the United States, its territories, and possessions, to include privately owned property.

When this legislation was originally introduced, it was done so with the cosponsorship of Members whose districts border Lake Michigan and Lake Superior. Support for this measure has been so great from other Members whose districts border the Pacific Ocean, the Atlantic Ocean, the Gulf of Mexico, and the other Great Lakes, that the bill is being introduced with a new list of cosponsors.

The support being generated for this bill is not limited to the House of Representatives. The bill was recently introduced on the Senate side by the Senator from Wisconsin, Mr. GAYLORD NELSON. He is presently enlisting the support of other Members of the Senate.

Mr. Speaker, since the introduction of H.R. 12712 on July 9, 1969, the need for its immediate consideration has increased. As a result of continuing high waters in Lake Michigan, and of storms of a most severe nature in the Midwest, the erosion in my district continues at an ever-increasing rate. The beautiful shorelines are crumbling and the affected homeowners are viewing with desperation the impending destruction of their property.

I firmly believe that our bill will be a great step toward a meaningful policy on shoreline protection. Combined with the protection of public property, protection of private property, which is oftentimes adjacent to the public lands, will prevent the sedimentation of our great bodies of water, will conserve the tax base for the affected municipalities, and will preserve the natural environment we have inherited. From a matter of conservation and the protection of property, I request that immediate consideration be given to this measure.

PRESIDENT NIXON'S VISIT TO SAIGON INSPIRES CONFIDENCE IN THE FREE WORLD

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

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's visit to Saigon yesterday was a trip all Americans can be proud of. The President, by visiting a city that only a year ago was under siege, made it clear that Americans and South Vietnamese together have made remarkable military progress in the ensuing 12 months.

By his very presence the President gave renewed heart to Americans in South Vietnam, surely must have lent hope and inspiration to the South Vietnamese people, and at the same time instilled at least a bit of doubt in the minds of the Communists. Certainly the fact that the President and the First Lady can visit Saigon with impunity must inspire confidence throughout the entire free world in his leadership, and give the "faint hearts" and the "can't wins" in our own land second thoughts.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. STEED. 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. 130]

Ashbrook	Evins, Tenn.	Morgan
Broomfield	Ford,	Morse
Brown, Mich.	William D.	Ottinger
Burton, Utah	Giaimo	Patman
Carey	Gray	Pepper
Cederberg	Halpern	Powell
Celler	Hastings	Scheuer
Clark	Kirwan	Stafford
Cramer	Lipscomb	Sullivan
Davis, Ga.	Long, La.	Teague, Calif.
Dawson	McCarthy	Tunney
Edwards, Calif.	Miller, Calif.	Watson

The SPEAKER. On this rollcall 397 Members have answered to their names, a quorum.

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

PERSONAL ANNOUNCEMENT

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

Mr. EDWARDS of Louisiana. Mr. Speaker, on rollcall No. 129, to extend income tax surcharge, I was unable to be present to vote due to an agency hearing at the Bureau of Roads.

Had I been present and voting I would have voted "no."

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT SATURDAY AND MIDNIGHT MONDAY TO FILE REPORT ON TAX REFORM ACT OF 1969

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight next Saturday night and midnight

next Monday night to file the report to accompany the bill entitled "The Tax Reform Act of 1969."

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

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13111) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13111, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 208, ending on page 50, line 2 of the bill.

AMENDMENT OFFERED BY MR. DANIELS OF NEW JERSEY

Mr. DANIELS of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIELS of New Jersey: On page 49, strike lines 23 through 25, and on page 50, strike lines 1 and 2.

Mr. DANIELS of New Jersey. Mr. Chairman, this amendment seeks to strike the first paragraph of section 208 of the bill. The effect of that paragraph is to reduce by $100,000,000 the allotment base which we prescribed in our Vocational Rehabilitation Amendment of 1967. I should say, first off, that my amendment in no way adds $100,000,000 to this appropriation bill. Rather, it restores our original desire that the allotment base upon which States would base their matching funds would be $600,000,000. That was our desire in 1967 and we reaffirmed it in our Vocational Rehabilitation Amendment of 1968.

We have in this bill already appropriated $471 million for vocational rehabilitation. That figure represents the entitlement of the States based on the $500 million figure. My amendment to restore the House's original $600 million figure would merely permit us at a later date to allocate additional funds which would be based on the $600 million allotment and would be limited to $524 million, an increase in allocations of $53 million.

Yesterday the Chair sustained the distinguished chairman of the Subcommittee on Appropriations on his contention that the language of section 208 is in order. This may be technically correct. However, I think it is a bad policy to set—that when the House on two occasions determines one figure that the committee should be able later to change that figure.

A year ago, I had the honor and privilege of introducing and managing on the floor of this House the Vocational Rehabilitation Amendments of 1968. The House overwhelmingly supported the bill which became law.

I need scarcely remind my distinguished colleagues that at that time we already were in the midst of the budget squeeze, yet we saw fit, for good reason, to reaffirm in these amendments that the several States would be entitled in fiscal 1970 to allotments which represented their respective shares of a $600 million allotment base.

Our reasons were sound. Vocational rehabilitation pays off. It renders employable those who would otherwise be dependent. It converts tax eaters into taxpayers. It thus combats inflation. It is economically justified. It makes sense.

In the language of the act, we pledged, as we had done in earlier years, that the States could budget their required matching funds in full confidence that Congress would appropriate that to which they were respectively entitled under the provisions of the act.

Many State legislatures have already acted on the premise that Congress would respect this distinction and appropriate in conformity with the formal commitment made in the Vocational Rehabilitation Act.

The administration now wants this House to renege on that commitment; it has asked the Appropriations Committee to place in the appropriations bill a limit on spending for vocational rehabilitation which would have the same effect as a reduction of the 1970 allotment base from $600 million to $500 million. Despite the committee report, I, as sponsor of the Vocational Rehabilitation Amendments of 1968, consider that the language of section 208 of the bill before us—H.R. 13111—defeats the provisions of the statute and should not be permitted to stand. I urge the deletion of this language and urge my colleagues who support the vocational rehabilitation program to support my amendment.

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

Mr. Chairman, I would beg the attention of your committee. Wait until you hear these figures. This bill, as it stands right now, provides the full amount of the budget request. This bill provides the full amount. And wait until you hear the amount. It is $499,783,000. We provided $499,783,000 for this cause. That is half a billion dollars, and that is not hay even on this floor. Mr. Chairman, the amount in this bill is $130,793,000 more than you appropriated for 1969. It is that much more than we appropriated last year. In other words, the amount of this bill now is 35 percent above that of last year. Over 35 percent above. Your committee is not unaware of this problem and this Congress is not. Thirty-five percent more than last year.

Now I want you to hear this also, so you will understand it. This is a technical budgetary problem. If this amendment is adopted, it will add $100 million to the base for allotment purposes. There will be $100 million more added to the base. That is what he wants you to do. Do you know the result of that? Do you know what will have to happen? Do you know what you will have to do? You must add something between $50 million and $100 million more in appropriations if this amendment passes. That is on top of the $130,783,000 that your committee has already added. The figure now for total operations is one-half a billion dollars.

Of course, Mr. Chairman, this amendment will have to be defeated.

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

Mr. Chairman, I want to make one point abundantly clear. The amendment to strike section 208 will not increase appropriations at this time over the amount provided in the bill. What it will do, Mr. Chairman, is something that I believe every Member of this House can support. It will allow the vocational rehabilitation program of services to disabled persons to develop at the pace and in the manner the Congress determined by unanimous vote that it should.

By deleting section 208, we will further stimulate State and local efforts and we will not preclude—as this section will do—the possibility of rendering rehabilitation services to an additional 100,000 handicapped persons. Rather than putting a tight lid on the program, as section 208 will do, the amendment will permit us to consider at a later date a supplemental appropriation which may be required to meet the full Federal commitment to support programs for mentally and physically disabled Americans.

Mr. Chairman, last evening I raised a point of order against section 208 on the basis that this section was legislation on—rather than a limitation on—an appropriation bill. One need not do any more than read the committee report on this legislation—and I refer to page 35—to see the purpose of the amendment and to see that this is clearly an attempt to revise, redirect, and modify the basic authorization. Indeed the committee report at one point reveals that language sent up with the budget submission, designed to accomplish what section 208 sets to accomplish, was rejected by the committee on the ground that it was legislation on an appropriation bill.

Now perhaps the language has been so modified as to make it appear in the negative. Mr. Chairman, the result will be the same. The Committee on Education and Labor, the House of Representatives, and the other body—on virtually unanimous votes—has provided that the 1970 allotment of vocational rehabilitation basic grant money is to be on a $600,000,000 base.

Let us review just briefly the manner in which the section 2 vocational rehabilitation program has been financed in the past. For years, the growth and development of the basic program was con-

trolled not by the authorizing committees but rather by a cooperative effort between the Appropriations Committee and the Bureau of the Budget.

In 1965, it was through the untiring efforts of the gentlelady from Oregon (Mrs. GREEN) that the Congress reestablished in the proper place—that is, the authorizing committee—control over the direction and growth of the program. Under the 1965 amendments, entitlements are to be based on an authorization figure and not on an allotment base established in the appropriations bill as had been the practice.

By leaving section 208 in the bill, we will be reverting to the previous practice of having the program controlled through appropriations language.

I want no one to be misled into thinking that the $600,000,000 allotment base was not arrived at after the most careful consideration of the need for rehabilitation services and the ability of States and local communities to provide matching funds. It is not a figure just grabbed out of the air. The $600,000,000 allotment figure is an intricate and necessary part of a carefully designed financial scheme for rehabilitation services.

As the committee report reveals, Mr. Chairman, it is estimated that by utilizing the $600,000,000 allotment, an additional $53,000,000 of Federal funds will be required for the program. Now I want to repeat again that simply deleting section 208, as is proposed in the amendment, will not increase the appropriation by that amount. It will, however, permit consideration of a supplemental appropriation at a later time. If the Vocational Rehabilitation Administration has been accurate in their estimate of State and local matching capabilities an additional appropriation of approximately $53,000,000 will be needed to match State and local funds and this will provide services to an additional 100,000 and rehabilitation of an additional 24,000 disabled persons.

Section 208 is nothing more than an attempt to tighten the money belt at the expense of handicapped persons. The former administration, recognizing the need for increased support, provided in its budget submission that the $600,000,000 authorization, not a $500,000,000 authorization, be utilized in the distribution of funds.

The Johnson administration budget requested an appropriation of $524,000,000, that is $53,000,000 over the Nixon budget and over the committee bill. We need not appropriate that additional amount right now. But we should not at this time foreclose the possibility of a supplemental appropriation in this amount.

Mr. Chairman, at this point in the RECORD, I should like to insert two charts which will show on a State-by-State basis the application of this restrictive language in the 50 States. Using Alabama as an example, you will note that if the $600,000,000 allotment is utilized, Alabama would be entitled to $17,189,000; whereas under the $500,000,000 allotment figure, Alabama will be entitled to only $14,305,000.

FEDERAL ALLOTMENT AND STATE FUNDS REQUIRED TO MATCH FULL ALLOTMENTS FOR THE BASIC SUPPORT PROGRAM UNDER SEC. 2 OF THE VOCATIONAL REHABILITATION ACT (ALLOTMENT FOR 1970 COMPUTED ON BASIS OF NEW AUTHORIZATION FIGURE $500,000,000)

State or territory	1968 actual		1969 estimate		1970 original estimate		1970 revised estimate	
	Federal allotment	State funds required	Federal allotment	State funds required	Federal allotment	State funds required	Federal allotment	State funds required
Total	$400,000,000	$133,709,982	[1] $500,000,000	[2] $166,666,650	$600,000,000	[3] $150,348,663	$500,000,000	[3] $133,602,607
Alabama	11,614,438	3,871,479	14,333,796	4,777,932	17,189,269	4,297,317	14,305,624	3,666,666
Alaska	356,955	126,474	1,000,000	333,333	1,000,000	250,000	1,000,000	250,000
Arizona	3,889,497	1,296,499	4,816,140	1,605,380	6,060,931	1,515,233	5,044,159	1,261,040
Arkansas	6,653,142	2,217,714	8,211,779	2,737,259	9,994,919	2,498,730	8,318,187	2,496,666
California	22,891,217	7,630,405	28,415,976	9,471,991	37,311,325	9,327,831	31,052,035	8,499,999
Colorado	3,827,849	1,275,950	4,688,645	1,562,882	5,920,113	1,480,028	4,926,964	1,400,000
Connecticut	3,078,520	1,026,173	3,840,274	1,280,091	4,639,078	1,172,667	3,860,833	1,172,667
Delaware	592,356	248,419	1,000,000	333,333	1,019,171	333,333	1,000,000	333,333
District of Columbia	690,542	538,688	4,292,082	1,430,694	5,117,937	1,279,484	4,259,360	1,166,667
Florida	14,313,513	4,771,171	17,709,569	5,903,189	21,220,304	5,305,076	17,660,419	4,415,105
Georgia	12,831,875	4,277,291	15,909,810	5,303,270	18,699,738	4,733,333	15,562,698	4,733,333
Guam	346,160	115,387	419,128	139,709	594,668	148,667	494,907	123,727
Hawaii	1,201,292	400,431	1,516,005	505,335	1,989,729	497,432	1,655,935	490,000
Idaho	1,780,411	593,470	2,198,721	732,907	2,707,720	676,930	2,253,477	563,369
Illinois	13,575,961	4,525,320	16,911,199	5,687,066	20,154,640	5,038,660	16,773,529	4,833,333
Indiana	9,124,956	3,041,652	11,374,815	3,791,605	13,579,972	3,394,993	11,301,816	2,825,454
Iowa	5,851,222	1,950,407	7,189,956	2,396,651	7,772,820	1,943,205	6,468,864	1,873,333
Kansas	4,616,050	1,538,683	5,722,706	1,907,569	6,887,096	1,721,774	5,731,728	1,432,932
Kentucky	9,693,644	3,231,214	11,907,952	3,969,317	14,057,727	3,514,432	11,699,424	2,924,856
Louisiana	10,798,120	3,599,373	13,456,569	4,485,523	15,966,365	3,991,591	13,287,872	3,321,968
Maine	2,642,608	880,936	3,207,429	1,069,143	3,711,616	927,909	4,088,977	772,244
Maryland	5,711,428	1,903,809	7,136,622	2,378,874	8,784,552	2,196,138	7,310,868	2,166,666
Massachusetts	8,033,246	2,677,748	9,919,235	3,306,411	12,040,068	3,010,017	10,020,244	2,505,061
Michigan	13,746,506	4,582,168	17,277,511	5,759,170	20,219,464	5,054,866	16,827,478	4,206,870
Minnesota	7,418,966	2,472,988	9,111,787	3,037,262	10,706,498	2,676,624	8,910,392	2,626,666
Mississippi	8,993,132	2,997,710	11,126,146	3,708,715	13,043,419	3,260,855	10,855,275	2,713,819
Missouri	9,352,545	3,117,515	11,708,978	3,902,992	14,310,542	3,577,636	11,909,827	2,977,457
Montana	1,650,272	550,091	2,020,545	673,515	2,420,798	605,200	2,014,689	503,672
Nebraska	3,162,940	1,054,313	3,822,202	1,274,067	4,247,233	1,061,808	3,534,724	883,681
Nevada	480,551	168,881	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
New Hampshire	1,467,845	489,282	1,812,964	604,321	2,166,433	541,608	1,802,995	450,749
New Jersey	8,670,421	2,890,140	10,792,777	3,597,592	13,779,438	3,444,860	11,467,821	2,866,955
New Mexico	2,761,811	920,604	3,323,350	1,107,783	4,136,930	1,034,232	3,442,925	860,731
New York	22,120,692	7,373,563	27,238,438	9,079,478	33,571,558	8,392,890	27,939,645	7,604,333
North Carolina	15,246,445	5,082,148	18,802,359	6,267,452	22,170,856	5,542,714	18,451,508	4,612,877
North Dakota	1,781,034	593,678	2,146,802	715,601	2,488,325	622,081	2,070,888	517,722
Ohio	18,810,948	6,270,315	23,406,875	7,802,291	28,110,778	7,027,694	23,394,958	5,848,740
Oklahoma	6,561,095	2,187,031	8,165,768	2,721,922	9,653,985	2,413,496	8,034,448	2,266,666
Oregon	3,707,052	1,235,684	4,647,579	1,549,193	5,819,719	1,454,930	4,843,412	1,275,667
Pennsylvania	22,291,321	7,430,440	27,442,693	9,147,563	32,640,460	8,160,115	27,164,746	8,073,333
Puerto Rico	11,544,451	3,848,150	14,308,711	4,769,570	17,061,899	4,265,475	14,199,621	3,549,905
Rhode Island	1,637,845	545,948	2,012,663	670,888	2,385,304	608,333	1,985,149	608,333
South Carolina	8,951,709	2,983,903	11,031,024	3,677,008	13,024,749	3,266,666	10,839,737	3,266,666
South Dakota	1,980,986	660,329	2,400,429	800,143	2,582,477	645,619	2,149,244	537,311
Tennessee	12,079,348	4,026,449	14,845,028	4,948,342	17,439,535	4,359,884	14,513,905	3,628,476
Texas	27,112,099	9,037,365	33,604,356	11,201,451	40,030,458	10,007,614	33,315,009	8,328,753
Utah	2,436,305	812,102	3,034,612	1,011,537	3,910,851	977,713	3,254,773	900,000
Vermont	1,066,105	355,368	1,345,901	448,634	1,482,205	370,551	1,233,553	334,333
Virginia	11,042,361	3,680,787	13,626,350	4,542,116	16,172,053	4,043,013	13,459,054	3,364,764
Virgin Islands	199,042	66,347	265,271	88,424	354,270	88,568	294,838	73,710
Washington	5,070,681	1,690,227	6,440,488	2,146,829	7,619,357	1,904,839	6,341,146	1,808,000
West Virginia	5,539,426	1,846,475	6,807,131	2,269,043	8,128,215	2,033,333	6,764,638	2,033,333
Wisconsin	8,306,155	2,768,718	10,252,854	2,417,618	11,902,413	3,050,333	9,905,682	3,050,333
Wyoming	694,709	231,570	1,000,000	333,333	1,000,000	267,000	1,000,000	267,000

[1] Based on allotment percentages promulgated in Federal Register on Sept. 24, 1966.

[2] Adjusted for maintenance-of-effort provision. Actual matching funds required may vary as a result of the earnable matching rate applicable to construction expenditures in fiscal year 1969.

[3] Adjusted for maintenance-of-effort provision. Actual matching funds may vary as a result of actual State expenditures for 1969, and earnable matching rate applicable to construction expenditures in fiscal year 1970.

FEDERAL GRANTS AND STATE FUNDS REQUIRED FOR BASIC SUPPORT PROGRAM UNDER SEC. 2 OF THE VOCATIONAL REHABILITATION ACT (1970 FEDERAL GRANTS ARE BASED ON THE NEW $500,000,000 ALLOTMENT AUTHORIZATION)

State or territory	1968 actual		1969 estimate		1970 original estimate		1970 revised estimate	
	Federal grants	State funds	Federal grants	State funds	Federal grants	State funds	Federal grants	State funds
Total	$286,861,083	[1] $96,378,306	$345,900,000	$115,299,987	[2] $523,000,000	[3] $132,621,984	[2] $470,000,000	[3] $126,694,070
Alabama	9,555,000	3,184,997	11,000,000	3,666,666	15,939,681	3,984,920	14,199,588	3,666,666
Alaska	356,955	[1] 126,474	700,000	233,333	1,000,000	250,000	1,000,000	250,000
Arizona	2,854,327	951,441	3,207,000	1,069,000	4,637,316	1,159,329	4,722,562	1,180,640
Arkansas	6,553,142	2,184,378	7,490,000	2,496,666	9,741,755	2,496,666	8,256,531	2,496,666
California	21,791,217	7,236,732	25,500,000	8,499,999	34,598,947	8,649,737	30,821,872	8,483,799
Colorado	3,747,849	1,249,282	4,200,000	1,400,000	5,770,016	1,442,540	4,890,445	1,400,000
Connecticut	2,674,958	891,652	3,518,000	1,172,667	4,301,836	1,113,333	3,832,216	1,113,333
Delaware	592,356	[1] 248,419	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
District of Columbia	690,542	[1] 538,688	3,500,000	1,166,667	4,745,885	1,186,471	4,227,789	1,166,667
Florida	10,491,545	3,497,178	12,700,000	4,233,333	20,544,853	5,136,213	17,329,517	4,382,379
Georgia	12,531,875	4,177,287	14,200,000	4,733,333	17,340,344	4,733,333	15,447,345	4,733,333
Guam	279,592	93,197	228,000	76,000	428,714	107,178	436,596	109,149
Hawaii	1,118,292	372,764	1,470,000	490,000	1,845,084	470,000	1,643,661	470,000
Idaho	679,800	226,600	1,048,000	349,333	2,101,614	525,404	2,140,248	535,062
Illinois	12,500,000	4,166,663	14,500,000	4,833,333	19,644,136	4,911,034	16,649,201	4,833,333
Indiana	2,645,493	881,830	2,552,000	850,667	4,015,285	1,003,821	4,089,097	1,022,274
Iowa	4,266,300	1,422,099	5,620,000	1,873,333	7,575,939	1,893,985	6,420,916	1,873,333
Kansas	1,544,973	514,990	1,770,000	590,000	4,096,915	1,024,229	4,172,228	1,043,057
Kentucky	4,325,000	1,441,665	5,700,000	1,900,000	9,087,434	2,271,858	9,254,486	2,313,622
Louisiana	6,099,340	2,033,111	7,660,000	2,553,333	12,940,787	3,235,197	13,178,674	3,294,668
Maine	787,170	262,390	1,120,000	373,333	2,416,594	604,148	2,461,018	615,255
Maryland	5,711,428	1,903,807	6,500,000	2,166,666	8,145,951	2,166,666	7,256,679	2,166,666
Massachusetts	5,432,412	1,810,802	6,950,000	2,316,666	9,986,245	2,496,561	9,945,972	2,486,493
Michigan	8,899,720	2,966,570	11,525,000	3,841,666	19,707,318	4,926,829	16,702,750	4,175,688
Minnesota	6,399,467	2,133,154	7,880,000	2,626,666	10,435,310	2,626,666	8,844,347	2,626,666
Mississippi	4,485,896	1,495,297	5,110,000	1,703,333	12,713,038	3,178,260	10,774,814	2,693,704
Missouri	6,683,578	2,227,857	8,395,000	2,798,333	13,270,225	3,317,556	11,821,549	2,955,387
Montana	938,363	312,787	1,130,000	376,667	2,020,459	505,115	1,999,756	499,939
Nebraska	1,966,600	655,533	2,140,000	713,333	3,938,477	984,619	3,508,524	877,131
Nevada	480,551	[1] 169,881	1,000,000	333,333	1,000,000	333,333	1,000,000	333,333
New Hampshire	319,335	173,111	662,000	220,667	1,895,200	473,800	1,789,631	447,408
New Jersey	7,092,352	2,364,115	8,550,000	2,850,000	12,777,731	3,194,433	11,382,820	2,850,000
New Mexico	912,576	304,192	990,000	330,000	3,534,522	883,630	3,417,405	854,351
New York	19,338,972	6,827,698	22,813,000	7,604,333	32,721,213	8,180,303	27,732,552	7,837,666
North Carolina	9,963,518	3,321,169	11,411,000	3,803,666	21,609,283	5,402,321	18,314,742	4,578,686
North Dakota	930,000	310,000	1,300,000	433,333	2,307,434	576,858	2,055,538	513,884
Ohio	8,811,641	2,937,211	9,168,000	3,056,000	18,095,370	4,523,842	18,428,014	4,607,004
Oklahoma	5,405,929	1,801,975	6,800,000	2,266,666	8,952,182	2,266,666	7,974,895	2,266,666
Oregon	2,975,682	991,893	3,827,000	1,275,667	5,368,648	1,342,162	4,807,512	1,275,666
Pennsylvania	20,799,680	6,933,220	24,220,000	8,073,333	30,267,635	8,073,333	26,963,397	8,073,333
Puerto Rico	3,100,000	1,033,332	3,124,000	1,041,333	7,797,365	1,949,341	7,940,703	1,985,176
Rhode Island	1,626,845	542,281	1,825,000	608,333	2,324,886	603,333	1,970,435	603,333
South Carolina	8,022,973	2,674,322	9,800,000	3,266,666	11,969,782	3,266,666	10,759,391	3,266,666
South Dakota	1,008,960	336,320	1,117,000	372,333	1,721,839	430,460	1,753,491	438,373
Tennessee	5,379,300	1,793,098	7,500,000	2,500,000	11,292,116	2,823,029	11,499,696	2,874,924
Texas	14,566,459	4,855,481	18,700,000	6,233,333	37,103,825	9,275,956	33,068,073	8,267,018
Utah	2,220,000	739,999	2,700,000	900,000	3,626,548	906,637	3,230,648	900,000
Vermont	962,748	320,916	1,003,000	334,333	1,444,662	361,166	1,224,410	359,333
Virginia	7,072,975	2,357,656	9,470,000	3,156,666	14,996,412	3,749,103	13,359,293	3,339,823
Virgin Islands	100,000	33,333	131,000	43,667	253,415	63,354	258,073	64,518
Washington	4,573,255	1,524,417	5,424,000	1,808,000	7,426,364	1,856,591	6,294,144	1,808,000
West Virginia	5,453,973	1,817,989	6,100,000	2,033,333	7,922,333	2,033,333	6,714,497	2,033,333
Wisconsin	8,270,169	2,756,720	9,151,000	3,050,333	11,600,933	3,050,333	9,832,259	3,050,333
Wyoming	670,000	223,333	801,000	267,000	1,000,000	267,000	1,000,000	267,000

[1] Adjusted to reflect the 1965 level of expenditures of State funds.
[2] Excludes $1,000,000 for evaluation of vocational rehabilitation program.
[3] Adjusted for maintenance of effort provision. Actual matching funds required may vary as a result of State funds expended in fiscal year 1969 and the earnable matching rate applicable to construction expenditures in fiscal year 1970.

Mr. Chairman, in many of my colleagues' districts, there are existing projects or plans for the construction of rehabilitation facilities. Under amendments approved last year, States may use a portion of their section 2 entitlements for construction purposes. For this reason alone, Mr. Chairman, it is important that we provide for an allotment on the basis of $600,000,000 rather than the more restrictive provision of the bill.

If there is any program covered by this bill which should not be subjected to the budgetary squeeze, it is the basic vocational rehabilitation program of services to the disabled. One cannot find a Federal program which enjoys as much support in Congress. Let us not today lessen our support for that program by allowing this section to stand. Let us not turn our backs on the thousands of disabled we have promised services.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. DANIELS), and to which the distinguished chairman of the Committee on Education and Labor has just given his support.

Last night the Members of this body had a very proud moment in supporting the amendment offered by the gentleman from New York (Mr. CAREY), and added $15 million for a much-needed appropriation to educate the handicapped. I think the amendment before us moves in the same direction, but I must add that there is a significant distinction in Mr. DANIELS' amendment in that it does not require any additional appropriation.

It ought to be made very clear, Mr. Chairman, as the gentleman from Kentucky (Mr. PERKINS) and the gentleman from New Jersey (Mr. DANIELS) have pointed out, that striking section 208 does not mean the appropriation of an additional $100 million and thereby raise the figure from $500 million to $600 million. What it does mean, Mr. Chairman, is that the $600 million figure, which is the authorized figure, will be the base upon which the Federal Government makes allocations to the various States for vocational rehabilitation services for the handicapped.

The processes for arriving at this figure are as meticulate and as exact as they can be made.

I think that Members realize that the funds under this section in the Vocational Rehabilitation Act are distributed on a matching basis. Very careful studies are made to determine just what the States can come up with for this vital program for the disabled.

It would seem to me, Mr. Chairman, to be most unwise for us to act capriciously, and to change this carefully worked out base figure of $600 million.

So I hope very much, Mr. Chairman, that we will support the Daniels amendment, and thereby not shut off the chances for a supplemental appropriation to the States for vocational rehabilitation programs.

Therefore, Mr. Chairman, I urge that the amendment offered by the gentleman from New Jersey (Mr. DANIELS), be approved.

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

Mr. Chairman, it is very nice to hear our good friends, the gentleman from Kentucky (Mr. PERKINS), and the gentleman from Indiana (Mr. BRADEMAS), talk about the provision not calling for an increase in appropriations in this bill, and that is true, but the key issue here is something called an uncontrollable.

You cannot increase this base from $500 million to $600 million without coming in here later, if the full entitlement is used up among the States, to ask for a supplemental appropriation to the tune of $53 million. That is what we are talking about.

You do not get something for nothing. I do not buy that argument. And nobody else in this Chamber, other than the gentlemen who previously spoke, will buy such an argument.

What do you think we have done in this area with respect to vocational rehabilitation appropriations? In 1965, appropriations for this program were in the area of $100 million. We have increased them successively, however, for 5 years up to $499 million for fiscal year 1970.

The first effect, of course, if we increase this allotment from $500 million to $600 million would be that subsequently we would have to provide supplemental appropriations of $53 million.

Incidentally, that would result in a total increase in 1970 over 1969 of $178.1 million, or an increase of 52 percent—the largest increase of any item in this bill.

As a matter of fact, as the chairman of the committee pointed out, our bill, without this kind of an increase, provides for a 36-percent increase for this item, and that is a larger increase than is provided for any other item in the bill.

Now I think we should make it very clear that every State receives an increase in Federal support for this program in 1970 with very little additional outlay on its part. This is what is in the bill already, without this proposed change.

This occurs, of course, because the basic statute authorizes up to 80 percent Federal matching in 1970, whereas the maximum Federal matching in 1969 was 75 percent. We accomplished that through amendments to the Organic Act.

To allow this program to go uncontrolled in 1970, using the $600 million allotment base, would result in a windfall in many States because they would pick up a significant increase of Federal funds without significantly increasing their own financial participation.

Under the $600 million allotment, the State matching funds would increase by only—now get this—by only $17.3 million. And that would compare to the increase in Federal funds of $178 million.

The State matching funds in the fiscal year 1969 amounted to $115.3 million. If the $600 million allotment proposal were adopted, State funds would amount to $132.6 million.

All of this might be an appropriate objective for the future, but not at this time of fiscal crisis. We increased this basic allotment in 1969 to $500 million so we ought to stay at $500 million this year.

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

Mr. MICHEL. I yield to the gentleman.

Mr. PERKINS. Let me say to the gentleman that this is just a clever gimmick to curtail the growth of a program which furnishes services to the handicapped of the Nation. It will reduce rehabilitation services by $53 million of what we have promised. Section 208 makes us renege on our promise.

Mr. MICHEL. We are not doing that at all; the gentleman is dead wrong.

Mr. PERKINS. If the gentleman will yield, we are reneging since these entitlements amount to a commitment on our part. We have provided for an allotment on a $600 million figure, not on a $500 million basis. That is what the gentleman is advocating and we would be reneging on our commitments to the States.

Mr. MICHEL. I think the facts and figures that we have set forth here belie the gentleman's argument.

Mrs. REID of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would say, first of all, that our committee does realize that this is a worthwhile program.

Second, I feel that section 208 is not a gimmick.

Mr. Chairman, the bill includes $471 million for the Federal-State basic support program under section 2 of the Vocational Rehabilitation Act. This represents an increase of $125.1 million or 36 percent more than the amount appropriated in fiscal year 1969. This budget would finance a national rehabilitation caseload of about 900,000 persons and enable the State vocational rehabilitation agencies to rehabilitate approximately 241,000 disabled individuals.

If section 208 is struck from the bill we would return to the allotment base of $600 million authorized in the Vocational Rehabilitation Act of 1967 and it would require an increase of $178.1 million over last year's appropriation or $53 million more than is now proposed. I feel that most of us would agree that the amount provided under the $500 million allotment base—which represents an increase of more than one-third over last year—in such a year of fiscal austerity is very generous, even for such a worthwhile program as this. Therefore, I would urge that the amendment be rejected.

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

Mr. DANIELS of New Jersey. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DANIELS of New Jersey and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 74, noes 110.

So the amendment was rejected.

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

Mr. Chairman, I take this time to ask someone on the committee a question or two concerning the National Computer Job Bank. Is there any money in this bill for financing of a National Computer Job Bank?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, this is the first time I have heard the phrase used.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after October 12, 1968, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: *Provided*, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct: *Provided further*, That none of the funds appropriated by this Act shall be used to formulate or carry out any grant or loan or interest subsidy to any institution of higher education other than to such institutions certifying to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that they are in compliance with this provision.

POINT OF ORDER

Mr. REID of New York. Mr. Chairman, I have a point of order against section 407 of H.R. 13111, as it constitutes legislation on an appropriation bill.

Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman will state his point of order.

Mr. REID of New York. Mr. Chairman, I will.

Mr. Chairman, section 407 constitutes legislation on an appropriation bill, and, in my judgment, is inconsistent with rule XXI, section 843 of the Rules of the House of Representatives for the 91st Congress. While a straight limitation on an appropriation bill is in order, it is my understanding of rule XXI which I quote that—

Such limitations must not give affirmative directions, and must not impose new duties upon an executive officer.

Specifically, Mr. Chairman, section 407 of the bill in my judgment imposes permanent new duties on the executive and requires as well a number of judgmental decisions not now required by law, which are complex and far reaching.

Under the act:

No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary . . . to any individual . . . who has engaged in conduct on or after October 12, 1968, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent

the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: *Provided,* That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as is deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct: *Provided further,* That none of the funds appropriated by this Act shall be used to formulate or carry out any grant or loan or interest subsidy to any institution of higher education other than to such institutions certifying to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that they are in compliance with this provision.

Specifically, Mr. Chairman, following this language and keeping in mind rule XXI which prohibits limitations from giving affirmative directions or imposing new duties upon an executive officer, I ask the following questions:

One. Who is to determine whether proceedings are not dilatory?

Two. Who is to determine which institutions did not file certifications?

Three. Who, Mr. Chairman, is to determine and make the judgment as to whether the conduct involved the "threat of force" or the "assistance to others in the threat of force?"

Four. What constitutes "property under the control of an institution of higher education?" Does this involve rent, leasehold, or what?

Five. What constitutes requiring or preventing "the availability of certain curriculum"?

Put another way, Mr. Chairman, the statute requires that a judgment be made as to time, the character of the action involved, and the intent of those so involved.

Further as to the point of order, Mr. Chairman, under section 1706 of Cannon's Precedents, volume 7, I would quote briefly from the Chairman during the 1923 debate on a D.C. appropriation bill concerning the compensation of jurors. The Chairman asked, and I quote:

> Is (this limitation) accompanied by a phrase which might be construed to impose additional duties or permit an official to assume an intent to change existing law?
>
> Does the limitation curtail or extend, modify, or alter existing powers or duties, or terminate old or confer new ones? If it does, then it must be conceded that legislation is involved, for without legislation these results could not be accomplished.

The point of order in this instance against the provision was sustained.

Further, Mr. Chairman, in support of this position and consistent with section 1606 of Cannon's Precedents, volume 7, I would cite the important precedent wherein a point of order was sustained regarding limitations on appropriation bills and new duties being imposed on an executive officer. This was the case of an appropriation for the U.S. Shipping Board, where no moneys appropriated could be used to repair a vessel owned by the Government at a cost in excess of $50,000 until Government Navy yards had had an opportunity to estimate the cost of repair. A point of order was sustained on the ground that new duties had been imposed on an executive officer who would have to: First, determine the cost of repair, second, determine what a reasonable opportunity was and give this reasonable opportunity to the available Government Navy yards; and, third, find the available Navy yards and give them a reasonable opportunity to estimate the cost of the work to be done.

Likewise, Mr. Chairman, the new duties imposed on an executive officer in section 407 include: First, that he shall receive quarterly or semester certifications from institutions; second, that he shall determine which institutions failed to certify; third, that he shall terminate all aid to those institutions which failed to certify; and, fourth, that student funds are mandatorily to be cut off following the institution of certain proceedings.

These are, in my judgment, rather formidable new and affirmative duties—national in character.

Lastly, Mr. Chairman, the institution must initiate such proceedings as it deems appropriate to determine whether a student is involved in this conduct.

However, such proceedings must not be dilatory. What is not a matter of institutional determination is that which is or is not dilatory. Hence a Federal standard determined by Federal officials will be required.

Mr. SIKES. Mr. Chairman, I would like to be heard on the point of order. I rise in opposition to the point of order raised by the gentleman from New York.

Section 407 I feel should be held in order. It is a limitation. It is not legislation on an appropriation bill. It relates clearly to funds appropriated under this act and sets and establishes certain criteria to be met before the funds can be used. It does not force any institution to take any action. It simply requires that certain conditions be met if funds are to be obtained for loans and grants to students and teachers. If the institutions do not care to meet the requirements, they are not under any obligation to take the money.

There is a parallel between this case and one in volume 7 of Cannon's Precedents, section 1584, which held in order an amendment prohibiting expenditure of money appropriated for education of aliens for citizenship until arrearage connected with granting of citizenship was disposed of. In that case, the problem was one of arrearage of work required of the aliens and in the current instance in the case of campus disorders, the students would simply have to quit misbehaving in order to qualify for funds.

I would also call the attention of the Chair to section 1718 of volume 7 of Cannon's Precedents in a decision which involved language denying use of an appropriation until a conference had been called.

Then I would call the Chair's attention to section 3942 of volume 4 of Hinds' Precedents, which required certification before money could be paid to the Agricultural College of Utah—the certification to be to the effect that no trustee, officer, instructor, or employee of such college is engaged in the practice of polygamy.

I want to quote, Mr. Chairman, from section 3942:

> While it is not in order to legislate as to qualifications of the recipients of an appropriation, the House may specify that no part of the appropriation shall go to recipients lacking certain qualifications. On January 30, 1901, the agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and the Clerk had read the paragraph relating to agricultural colleges, when Mr. Charles B. Landis, of Indiana, proposed this amendment:
>
> "*Provided,* That no part of the appropriation shall be available for the agricultural college of Utah until the Secretary of Agriculture shall be satisfied, and shall so certify to the Secretary of the Treasury, that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations."
>
> Some debate having taken place, and Mr. William H. King, of Utah, having suggested a point of order, the Chairman said:
>
> "There are two reasons why the Chair would be inclined to overrule the point. In the first place it comes rather late, and in the second place the amendment seems to be a limitation upon this appropriation."
>
> The amendment was agreed to.

Now, Mr. Chairman, the language of the act did not say that the officials, instructors, and so forth, had to quit polygamy. It simply said the college and its personnel would not get any Federal funds unless they did.

The language of the pending section 407 does not say that students must stop rioting. It simply says that they will not be given loans and grants unless they do so. Language of that type having been held in order it seems that the language now before us in section 407 is in order. These are clear precedents, Mr. Chairman, and I submit that they provide ample justification for a ruling against the point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. REID) desire to be heard further on the point of order?

Mr. REID of New York. Yes, Mr. Chairman. I would add one or two brief words. First, there are specific new affirmative directions in section 407, specifically the determination as to whether the proceedings are or are not dilatory. That is a specific requirement upon the Secretary and clearly a new duty.

In addition, it is very clear that the new duties include determining institutional cutoffs for about 2,300 colleges and universities throughout the United States and the termination of funds to any individual not as a result of conviction or even of completed proceedings. These clearly constitute new duties and affirmative directions.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has listened with great attention to the gentleman from New York who has raised the point of order and also the gentleman from Florida (Mr. SIKES) who has cited a number of precedents.

The Chair has read the precedents cited and is ready to rule.

The gentleman from New York (Mr. REID) has raised this point of order against section 407 on the ground that

it constitutes legislation on an appropriation bill.

The Chair has examined the section referred to and notes while it imposes a restriction on the use of funds now in the bill, it also carries a condition precedent to the imposition of this limitation which would require determinations regarding whether or not the limitation is to apply. Some official or officials would be required to follow the hearing procedures at each institution of higher education in many of several forms, including whether the institution has had an opportunity to initiate hearing procedures; whether such procedures are final, and whether they have been dilatory.

The Chair has examined the ruling made by Chairman FASCELL on October 4, 1966, of the 89th Congress, second session, CONGRESSIONAL RECORD, volume 112, part 18, page 24976, regarding a similar proposition. It was held at that time, that:

While the House may, by way of a limitation, restrict the use of funds in an appropriation bill, it may not, under the guise of a limitation impose additional new determinations on an Executive.

The Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 55 after line 8 insert the following:

"SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution: Provided, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether such individual was involved in such conduct.

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Iowa (Mr. SMITH). I do so on the ground that it constitutes legislation on an appropriation bill.

Further, Mr. Chairman, I call to the attention of the Chairman that the language offered by the gentleman from Iowa (Mr. SMITH) is exactly the same in respect of all of the determinations that must be required of an official of the executive branch, determinations with respect to which the Chairman has earlier ruled on the point of order of the gentleman from New York (Mr. REID) to make this kind of an amendment out of order.

The CHAIRMAN. Does the gentleman from Iowa (Mr. SMITH) desire to be heard on the point of order raised by the gentleman from Indiana (Mr. BRADEMAS)?

Mr. SMITH of Iowa. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, I would like to point out that in addition to the precedents cited by the gentleman from Florida (Mr. SIKES) that the language here is strictly standard language in that it says:

No part of the funds appropriated under this Act shall be used—

And so forth. I would also point out that absolutely no executive official has to do one thing under this amendment. The only thing that is done is by officials of institutions, not executives of the Federal Government. This certification requirement that would have been filed with an executive was in the proviso that was left out. No official—I repeat—no executive of the Federal Government has to do one thing under this amendment.

The CHAIRMAN. The Chair has listened to the argument for the point of order, and also the argument against the point of order, and the Chair finds that its previous ruling will apply to this same question, the same point of order, because while the gentleman's amendment has changed the date of effectiveness from October 12, 1968, to August 1, 1969, and has failed to include in his amendment the last provision on page 56 in the original section 407, it nevertheless requires a determination on the part of someone that a proceeding has been initiated, and a determination has been made as to whether such proceeding was or was not dilatory in nature.

The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. SIKES

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

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriaited by this Act shall be used to formulate or carry out any grant to any institutions of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968 (P.L. 90–575)."

Mr. SIKES. Mr. Chairman, I want to give full credit to the distinguished gentleman from Iowa (Mr. SCHERLE) whose language this is. He has offered it twice previously, when appropriations bills were under debate, and each time the amendment was adopted first by the House and later by the Senate.

It is language which obviously is not subject to a point of order and, therefore, will have to be voted up or down by the House. This time we shall have to face the issue.

I think the overwhelming majority of the House will not want to leave the impression that we favor campus disorder. That is the impression that can well be left if the question of strong language in this bill is determined by the device of striking out whatever language may be offered by points of order. It is time to show our colors by voting for or against language which deals with the problem itself.

The language in the amendment now before the Committee is not as strong as that stricken by points of order and consequently will not, in my opinion, be as effective as the language of the bill or the amendment later offered by the gentleman from Iowa, Mr. SMITH.

Nevertheless, it can be an expression of the interest of the House in having campus disorders curbed.

I want the country to know that in this bill which carries money for health, education, and welfare and, therefore, appropriates most of the money which will be available for loans and grants to students and to colleges, we are not giving a blank check for a continuation of the type of disturbances which have so seriously interfered with academic processes and with efforts to learn by serious students.

The action which I sponsor will serve notice to this administration and to college officials alike that the House wants the law respected; it does not want funds to be supplied willy-nilly to those who are attempting to tear down the institutions of learning with which this country is blessed.

This is midsummer and there are few, if any, campus disorders, but do not be deceived, campus disorders are not normally associated with summer problems and they will be back in full force this fall.

The malcontents already are making their plans. They anticipate that colleges generally will continue to ignore the law, and that the Department of Justice will not overly concern itself with campus violence. The fact that there have been few efforts to deny Federal grants and loans to troublemakers on campuses will most assuredly encourage further disorders. Very few grants or loans have been revoked, and I have serious doubts that many of the troublemakers have been questioned about their eligibility to continue receiving them.

The time and place to cope with this problem is now. We do not want campus disorders to continue. Unless I am seriously mistaken, the American people are heartily sick of the rioting and destruction which have been tolerated on campuses—much of it sponsored by professional troublemakers with Communist affiliations, some of it encouraged by softheaded professors, and most of it tolerated by weak-kneed college presidents. It is time for an acceptance of responsibility by those charged with administration of college campuses, and the language of the pending bill will require a much greater measure of compliance with the law than we have had previously.

A letter has been circulated from the Secretary of Health, Education, and Welfare and the Attorney General which implies opposition to language in this bill against campus disorders. Let me quote from one paragraph:

First, forcing institutions to submit or certify that they have developed such policies and plans dealing with campus disorders would imply a Federal standard by which their policies and plans would be judged.

The Federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, facility, and other university employees.

The language in the bill does not require the development of policies and plans dealing with campus disorders, although these certainly should be formulated. There is nothing to suggest a Federal standard by which the policies and plans of institutions would be judged. The Federal Government is not by the language of the bill placed in the role of enforcer or overseer of rules and regulations, but it should not be expected that Federal funds will be provided to law violators. Admittedly, we propose strong medicine. Compliance with the law, however, simply means that the institution is taking necessary action to curb disorder by taking proper steps to deny Federal funds to the troublemakers who are identified as such.

I am surprised and disturbed that the Federal agencies would inject themselves into this matter. I think it must be said, however, that bureaucracy under any administration wants a servile Congress—a Congress which will give them what they want, then roll over and play dead. That is not what Congressmen are elected for. Congress is one of three coequal branches of Government. I propose that we not abdicate the responsibility with which we are charged.

Had these same administration officials taken vigorous action since January 20 to insure that the law is not being ignored and violated, I doubt seriously that it would be necessary today that Congress take action to stop malcontents from disrupting classes, destroying property, and seizing control of university buildings.

If the basic law is followed, there will be no problems in the administration of the language of the bill. Surely the House recognizes the fact that something is required. Surely we know the law now largely is being ignored. Apparently, Congress must do something to require that it be respected. This is our opportunity to do so.

Please remember that the President himself, in his speech in South Dakota, cracked down hard on those student revolutionaries who prefer coercion to persuasion. He accused them of "self-righteous moral arrogance" and of refusing to acknowledge the rights of others.

He also had some tough words for sympathetic faculty members who "follow the loudest voices" and "parrot the latest slogans"—and for "permissive" university administrators who bow to protesters' unreasonable demands.

In this effort to strengthen university backbone, the President warned that the more victories student violence can claim, the more undermined are the rights of all students.

The President's own words should give all the encouragement that is necessary to insure retention of language in this bill which adds muscle to his message.

POINT OF ORDER

Mr. MOSS. Mr. Chairman, I make the point of order that the galleries are not in order and that the applause is in violation of the rules of the House and must stop.

The CHAIRMAN. The point of order is well taken.

The Chair will state that visitors in the gallery are guests of the House of Representatives. Under the rules and practices of the House of Representatives, visitors in the gallery are not permitted to make undue noise or to applaud or to in any way show their pleasure or displeasure as to the actions of the Members of the House.

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

Mr. Chairman, I quote from the Adair News, of Adair, Iowa:

Higher education is threatened with collapse. That is the conclusion a great many people feel can be drawn from the events that have accompanied campus disorders. Their feelings are buttressed by a single paragraph in an article of the National Observer on the question of whether universities and faculties can handle the rising state of anarchy that is taking over.

One afternoon, says The National Observer, "for about 30 minutes Cornell's president, Dr. James A. Perkins—denied even the courtesy of a chair by militant students—sat on the floor of the stage in Barton Hall, the university field house, red-faced, humiliated, and sipping a can of root beer. To the accompaniment of derisive laughter from the 6,000 students gathered in Barton Hall, a militant student leader referred to Dr. Perkins as 'P' and 'Brother Jimmy' and told him to 'sit down, Jimmy, I'm going to talk and you can talk when I'm through.' Half an hour later, Dr. Perkins got to his feet and described the week's events at Cornell as 'the most constructive move' the university has ever taken."

The spectacle of a college president forced to sit on the floor in abject submission while enduring the insults of "students" will strike many as unrelated to anything that could be called a "constructive move." On the contrary, the stark facts as related by The Observer have a nightmarish quality. They place a U.S. college president in the position of a defector in a dictatorship-ridden country.

Mr. Chairman, I have taken this time because I am very concerned over the serious disruptions that have run rampant on our college campuses.

I have conducted a poll with reference to this subject based on questionnaires sent to constituents by honorable and respected men of high integrity such as the gentleman from Illinois (Mr. ANDERSON), the gentleman from Texas (Mr. COLLINS), the gentleman from North Dakota (Mr. KLEPPE), and the gentleman from Ohio (Mr. DEVINE), and others.

One of the questions reads: "Should Federal aid be cut off to student demonstrators?"

In over 200,000 questionnaires returned to my colleagues, the average was 93 percent, "yes, aid should be cut off."

I cannot for the life of me understand why the taxpayers of this country should be forced to finance the destruction and the disruption of our Nation's campuses.

In 2 years there have been over 250 campus disturbances in this country, coast to coast. There have been over 3,000 arrests and property damage running into the millions.

There are over 200 deanships in this country that have gone begging because educators are afraid to take the position for fear of physical harm.

The reason for this amendment is quite simple, particularly when you consider George Washington University. Let me give you a prime example of what has taken place.

A student very active in SDS functions, including the seizure of Maury Hall, is receiving a $1,000 NDEA loan.

Another student who also participated in this extracurricula activity has been receiving a $1,000 NDEA loan. Many other students that participated in the takeover of George Washington University are also receiving student loans. Why should the administration be allowed to flagrantly violate the law and not punish the offenders—that is the reason for this amendment.

There are others from the same university who are benefiting by taxpayers' money, and their choice for education is not constructive, but to disrupt the legitimate activities of the sincere students who are there to pursue their educational objectives. We do not want this job. The Congress of the United States does not want to play policeman to the colleges and universities throughout the country. But until the administrators of our colleges and the university respect the responsibility that goes with the title, it becomes mandatory for the Congress to assist and protect the interests of those who are there for constructive pursuits.

Mr. Chairman, I certainly hope that the Members of the House will vote unanimously for the amendment offered by my colleague from Florida (Mr. SIKES).

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

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

Mr. RUTH. Mr. Chairman, I would like to commend the gentleman on his remarks.

Mr. Chairman, the appropriation bill now before the House is one of the most important measures which we will discuss in this session of the Congress. It involves the education of our young people and the future of our country. Therefore, when we see that this appropriation bill, second only to the Defense Department budget in size, will cost the taxpayer $16 billion in the coming year, with total permanent obligations exceeding $64 billion, we are duty bound to study it with care. The members of the Subcommittee on Appropriations have given great care and attention to the 100 or more appropriations items in the bill. Yet, Members with honest differences of opinion may seek a reduced final budget figure. Many people may be pleased and others may be disappointed with the final wording of this legislation.

I would like to comment briefly on certain sections of the bill which are of special interest to the people of North Carolina's Eighth District; namely, those dealing with education, integration, and the disorders on the college campuses.

In this appropriation bill, funding for the Office of Education totals more than $2 billion. But while it covers many excellent programs, most of the people of the Tar Heel State's Eighth District would prefer fewer strings attached to the Federal dollars furnished them, yet have access to the broad experience and professional knowledge of the Federal officials in the school program. Although there are many inequities in the allocation of impacted area funds, the principle of block grants is apparent here and is widely accepted as a splendid method of distributing funds from Federal grants with the maximum opportunity for use at local level. In conclusion I would like to comment briefly on sections 407, 408, and 409. They read as follows:

SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative official, or students in such institution from engaging in their duties or pursuing their studies at such institution.

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishments of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

Section 407 strikes at curbing the recent development of campus riots and securing the benefits of the educational process sought by the vast majority of our young people. Threats and warnings or renewed disruptions this fall reach Congress every day. Concerned parents and serious students wonder why our system cannot control the situation. They have a just cause in asking Congress to play a part in ending this chaos. When local and State facilities fail, the Federal powers should be prepared to respond. This provision provides that strength. I urge its adoption.

Sections 408 and 409 reach further into our educational systems by touching the student, and his parent, at all grade levels. As a result of actions by appointed officials in the executive branch of the Government, deep patterns of education, community cultures, financial resources, transportation facilities, and school structures have been brought into a controversy that really have nothing to do with the education of a child.

We of North Carolina accept the basic laws of the land and wish them to be upheld with firmness. We believe that interpretations and implementations should be left to the local community. When they are carried out in a manner different than Congress has decreed, it becomes necessary for Congress to assert its will anew. Sections 408 and 409 reaffirm the congressional will. I urge their adoption.

Again, I would like to emphasize my support for education with the understanding, however, that we maintain the proper balance in programing and funding; and that local areas have maximum opportunity for freedom of operation.

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

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

Mr. PELLY. I would like to assure the gentleman that I do not believe the Federal Government should support students who disrupt education on the campuses of our country. But I am fearful I might take some action which would punish the innocent and those students who do not participate. Would this amendment harm those who do not participate in violence?

Mr. SCHERLE. Mr. PELLY, let me explain this way. There is no fear of penalty if there is no crime committed. It is just that simple. The amendment is designed basically to put a little starch into the backbones of our weak-kneed administrators, to make them face up to their responsibility and to enforce section 504.

Mr. PELLY. Does it cut off Federal funds to educational institutions if there is violence, or would it only cut it off to those who commit violence on the campuses?

Mr. SCHERLE. Under section 504 (a) and (b) it is well stipulated that if there is a conviction in a court of record, or if under section 504(b) the student does not abide by the rules and regulations established by the university, then a cutoff is mandatory. Furthermore, if the college or university does not enforce section 504, they in turn will be cut off from Federal funds.

Mr. PELLY. I thank the gentleman for his explanation. I repeat, I do not want innocent students to suffer because of the acts of others. But I believe if students are guilty of violence, and convicted after due process, they should be punished and the college authorities should act to prevent such individuals from interfering with those who obey the law. Federal funds should not go to those convicted and school administrators should carry out the law.

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

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. RIEGLE. Mr. Chairman, I would be concerned if the remarks that have been made thus far would be all that would appear in the RECORD with respect to this complicated subject we are discussing. So I would like to speak briefly.

I think it would be useful for us to spend a minute to try to understand a little better the nature of the campus unrest problem.

I would quickly concede that there is a handful of extremists on American campuses today who wish to disrupt those campuses by any means that they can find. Clearly that is wrong. Those who break the law must be prevented from doing so and brought to justice immediately. They have got to be dealt with, and I think in fact they are being dealt with.

But those who promote violence on our campuses today are, in fact, a tiny minority, and if we were to remove all the revolutionaries and those who promote violence from our campuses tomorrow, the bulk of the unrest problem would remain, because—beyond this small minority of revolutionaries are the great bulk of our students who reject violence, who are outstanding young people, who love their country, and who want to see their country do what is right.

But these responsible young people, the moderate students, are rightly concerned about the direction in which their country is moving. They are concerned about our national priorities. They are concerned about the fact that a few days ago we were able to step out on the moon—and a fantastic achievement it was—but, at the same time we have children in this country who do not have enough to eat. If anybody disputes that fact, I will take him to Anacostia when I finish these remarks and let him see and talk with these children, because they are there, 10 minutes away from this Chamber.

The moderate students are also concerned about racism, and poverty, and our 8-year undeclared war on Vietnam, and the need for draft reform. They are concerned about the fact that America too often says one thing and does another.

These are issues we can do something about if we want to bring an end to campus unrest. These are legitimate issues for us to deal with, issues which we can influence.

The gentleman from Florida who I serve with on the Appropriations Committee, a gentleman for whom I have great respect, just moments ago issued a call for obeying the law. I am all for him. Let us obey the law. Now let us think about that with respect to Vietnam for a minute, because we are at war in Vietnam. War—I do not think anyone can dispute that. That war has been going on for 8 years.

Yet, the Constitution of the United States vests in Congress, in this body, in us, the authority to send this country to war. But no war has been declared, and there is no other legal way this country can constitutionally engage itself in war.

Yet there it is. We have not declared war, but we are at war.

Some 37,000 Americans have been killed in Vietnam.

Over one-quarter of a million Americans have been wounded there.

There are over 500,000 American troops fighting in that country at this minute.

We have dropped more bombs in Vietnam than we dropped in all of World War II.

We have already spent in excess of $110 billion on the war in Vietnam.

So it is clear from any measure that the United States is at war. And yet we have not declared war.

Are we obeying the law? It is a question that has to be answered. Our people have a right to ask how this can happen. How were we able to sit here and allow this to happen? How could we so sorely fail to exercise our constitutional authority, the authority that belongs to us, to those who sit here today?

If we want to do something constructive about student unrest, let us face up to this tragedy of Vietnam. Until we are prepared to do this, we should not, I think, undertake to tell other people how they ought to do their job—and that includes college presidents, students, or anybody else. Let us do our job first, so that others might properly follow our example.

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

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

Mr. Chairman, with all due respect for the previous speaker, for whom I have deep affection, I would have to say he drifted 5,000 miles from the purpose of the amendment that is before us. Everyone recognizes the serious problems—which this administration inherited—but I do not think the issue in point in this amendment deals with the whole gamut of problems the gentleman discussed.

I think it is high time the Members of this body put their fingers on the pulse of the American people. If a Member thinks for 1 minute the God-fearing, law-abiding citizens of this country are prepared to tolerate some of the things we have seen on the college campuses in the last few months, I say you are sadly mistaken.

And the people of this country who feel this way are financing these programs. It seems to me they have the right to be heard here in this Chamber too.

And I must impress upon this body that there are many students on the campus today who also have the right to be heard. But, if there is anyone who thinks for 1 minute that what we have seen on the college campuses recently represents the thinking of the majority of our students in this country, I say again you are wrong.

This Congress has the responsibility and the duty to move in the direction of preventing a small minority from depriving the many good students of the right to pursue their education in the manner in which they should be permitted to pursue it.

I hope that everybody in this body will stop, think, and give consideration to the feeling of the majority of the people of this country, students and citizens alike, and support this amendment.

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

Mr. COLLIER. I am delighted to yield to my friend from Iowa.

Mr. KYL. There is a question here which involves a practical matter. I know the gentleman from Illinois is concerned as I am. Under this amendment would it be possible for a group of extremists to set out to destroy a university? Could a group of militants, in other words, proceed in such fashion that it would be impossible for the administration to deal with them, thus forcing a cutoff of Federal funds to the university?

Mr. COLLIER. I believe the response should properly come from the author of the amendment.

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

Mr. COLLIER. I am pleased to yield to the gentleman from Iowa.

Mr. SCHERLE. This possibility is very remote, for the simple reason that under section 504 (a) and (b), even under this amendment, the colleges retain the right of determination and hold hearings. All this amendment does is direct the college administrators, "You enforce the law, otherwise your Federal funds will be cut off." This mandate will force the administrators to curb all illegal activity immediately for fear of losing their money. Congress has given this ultimatum and hopefully the executive branch will enforce it.

Mr. COLLIER. I thank the gentleman for his clarification.

In conclusion I should like to make it very clear that there is no other Member of this House who has greater respect for the fundamental right of petition, the right of any student or of any citizen of this country to lawfully pursue and his right of expression including his right to criticize, if you please, the operation of a university, public policy, or any Member of this body, than I. This is a right which should and must be preserved. But it must be pursued in a lawful and an orderly way, because if it is not it flouts the very foundation upon which this Nation was built—law and order.

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

Quite candidly, Mr. Chairman, I do not rise in opposition to the amendment, nor in support of it. I believe it is so ambiguous as to be meaningless.

I do think it is time we take a careful look at what we are trying to do. I have always had the conviction that the responsibility for the enforcement of laws on our campuses rested with the governments of the States or of the communities in which the colleges or universities are located. I believe they have the competence to carry out the enforcement of the law, and I do not want to see the day when we create a Federal police force to supersede local government, to assume the obligations of maintaining order, unless the Governors of the States want to certify that they have lost the ability to maintain order on the campuses of the colleges of this Nation.

I believe there is nothing more popular today, nothing that will give a more favorable reaction more quickly, than to say one is against violence on the campuses.

I say to the Members, I am against violence on or off the campus. It is occurring on and off the campuses throughout this Nation, for a great many reasons, not the least of which is the fact that we have failed, and we have failed miserably, as a lawmaking body to assign proper priorities in a society which is increasingly complex and faced with increasing frustrations.

Now, we can kid ourselves that adopting something like this is going to cure basic problems, but it is not. We can write stronger and stronger and stronger laws, and it is not going to cure the underlying causes which are really symptomized by the unrest on the campuses. You know, an awful lot of this unrest and an awful lot of the hell raising that goes on is not by the students enrolled in the colleges or universities.

I do not know whose responsibility that is. Does the university have to assume the responsibility and certify that it has assumed it and that it is complying with all of the laws? I do not know what all of the laws are. But I say again that this is not the approach to solving the problems. There are approaches, broad social approaches, attacking underlying ills of our society which would contribute to it much more. I do not think it would get as many headlines and I do not think you would get quite as much applause back home by getting up and discussing some of those underlying ills as you would in getting up and saying with great emphasis, "I am opposed to lawlessness." Well, of course. Any halfway responsible citizen is opposed to lawlessness. The entire American public decries the fact that we are actually at this time almost in a posture of promoting war between generations. I think it is time we stopped doing that and stopped to think and use our intelligence and not our emotions. When we do we will have made some progress. We will not do it here today.

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

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

Mr. PATTEN. Do you realize how your Governor Reagan of California feels about this type of legislation?

Mr. MOSS. My Governor has perhaps made more noise, more statements, and accomplished less solid progress in solving this problem than any other American I know of.

AMENDMENT OFFERED BY MR. SMITH OF IOWA TO THE AMENDMENT OFFERED BY MR. SIKES

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment to the Sikes amendment.

The CHAIRMAN. Is it an amendment to the Sikes amendment or a substitute.

Mr. SMITH of Iowa. No. It is an amendment to it.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Amendment by Mr. SMITH of Iowa: Amend the Sikes amendment by adding the following:

"SEC. 407. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative offi-

cials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, I make a point of order against the gentleman's amendment.

The CHAIRMAN. Would the gentleman care to speak on the point of order?

Mr. BRADEMAS. I would.

Mr. Chairman, I make a point of order against the gentleman's amendment on the ground that it constitutes legislation on an appropriation bill.

I think it is significant, Mr. Chairman, that the gentleman from Iowa uses very much the same language in his amendment that was ruled out of order by the Chair both in connection with the earlier amendments which were offered by the gentleman from Iowa and the gentleman from New York, for the gentleman from Iowa in his amendment requires that determinations be made with respect to a number of complex and substantial issues by officials of the executive department. For example, Mr. Chairman, the gentleman uses the language, "the use or the assistance to others in the use of force" as well as the phrase, "the threat of force."

The amendment contains the phrase, "the seizure of property under the control of an institution of higher education."

The amendment requires making determinations with respect to the intent of students, employees, researchers or teachers. I say this because the gentleman's amendment says that the conduct involved must be for a purpose—that is to say, his amendment contains language referring to action "to require or prevent the availability of certain curriculum, or to prevent the faculty, administraive officials, or students from engaging in their duties or pursuing their studies." This language means that determinations must be made by the executive branch with respect to every one of the potentially 2,000, plus, institutions of higher learning in the United States before Federal funds may be made available to certain individuals attending those institutions.

Mr. Chairman, on precisely the same grounds that I used to make a point of order against the earlier similar amendments, I would make a point of order against this amendment.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. SMITH of Iowa. I do, Mr. Chairman.

Mr. Chairman, the gentleman from Indiana has said that a determination would have to be made by the 2,000 institutions.

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

Mr. SMITH of Iowa. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I did not say that. I said the determination must be made by officials of the executive branch with regard to each of the 2,000-plus, institutions that might be seeking Federal funds for students, teachers, and others.

Mr. SMITH of Iowa. Mr. Chairman, this is very clearly the same kind of limitation language that has been used time after time after time in appropriation bills.

This amendment is distinguished from the other amendment I offered in that the Chair found that someone in the executive branch would have to determine if the institution had been dilatory under that amendment. This amendment does not require that determination. That proviso was dropped under the proviso, the institutions would have been given some time to make certain determinations. That proviso has been dropped. This is strictly the same kind of limitation on an appropriation bill which has been contained in appropriation bills many, many times previously. All of the precedents cited by the gentleman from Florida previously would apply in this case.

The CHAIRMAN (Mr. HOLIFIELD). The Chair has listened to the arguments on this matter and the Chair must inform the gentleman from Indiana that the situation is not analagous to the ruling on section 407 which was originally ruled not in order.

There was a requirement in the original section for the initiation of hearing procedures and the determination as to whether such hearings were final or not. No such administrative action is directed in this instance.

The amendment as offered by the gentleman from Iowa (Mr. SMITH) is purely negative in character.

Therefore, the Chair overrules the point of order.

The gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes in support of his amendment to the amendment of the gentleman from Florida (Mr. SIKES).

Mr. Chairman, I would like to explain exactly where we are on this amendment. The last proviso that was stricken was one that I had hoped would not be objected to because it gave the institutions more latitude. Those who objected have denied them the extra latitude now by raising the point of order. The first proviso stricken was added by others in the full Appropriations Committee and I was going to ask that it be stricken anyway.

But, Mr. Chairman, the situation is just this: The vast majority of this Congress has indicated time and time again that they want to do something to make sure that the vast majority who pay tuition to the institutions are not prevented from pursuing their studies and performing their duties by that very small number that are intent upon using force to prevent others from enjoying their civil rights—yes, their civil rights as citizens to use the university under the university rules.

The House indicated it wants to do something about that. Last year section 504 of the Higher Education Act was passed dealing with the general subject, but 504 was changed in the Senate until it did not amount to anything, and that is the truth of the matter.

I believe the majority have felt that merely certifying that they are in compliance with 504 is not enough; something else needs to be done. About 350 Members have indicated they want to do something. So the Committee on Education and Labor took up this proposition and considered a separate bill. I understand they argued for about a month, and after a month all five sides of that committee were still in disagreement. Therefore it has been proposed that we do something by adopting a provision in this education appropriations bill. So, as a member who authorized last year's provision, I tried to find a concensus. That is what I have to do, and I believe I have it here. It would be effective to cut off the aid to the individual who is involved in the use of force, and it does not cut off the aid to the institution. It will make sure that Government money is not being used for that individual who uses force for the purposes set forth.

There are a lot of other young people in need of money who want to go to college, and our Government money, as much as $7,700 per year per student, ought to be going to those students who want to go to college and get an education.

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

Mr. SMITH of Iowa. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I wish to state that the language which has been offered by the distinguished gentleman from Iowa (Mr. SMITH) is a distinct improvement to the language of the pending amendment, and I strongly urge its approval. It provides clarification and makes clear the intent of the House that Federal loans and grants not continue to be available to those who disrupt academic processes in America's colleges and universities.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Chairman, during the discussion on one of the points of order, the gentleman from Iowa (Mr. SMITH) said that the determinations which are required under the language of his amendment are to be made by the universities, and not by Federal officers.

Is that correct?

Mr. SMITH of Iowa. That is correct.

Mr. O'HARA. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, the education institutions are in a sense an agency for distributing our Federal money. We give the institution so many thousands of dollars and say take this money and distribute it under the certain conditions or guidelines.

One condition is as to income. Eligibility for the money depends upon their financial condition. Another one, for example, is that they be in good standing academically. Under this amendment, another criterion is that they are not one of those students who have violated their responsibility to their institution which flow with acceptance of the money.

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

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, I have had quite a bit of discussion with a num-

ber of our universities in Pennsylvania, and with the State colleges in Pennsylvania concerning the question of lawlessness that has been creeping over the country in the last 3 years, and I have found through these discussions that there are about 80 to 120 SDS's that are going from one end of the country to the other, from Berkeley, Calif., to Harvard, Mass., and from Harvard, Mass., down into Miami.

These are the ones who are the crux of the whole situation that we find in our universities today.

Mr. Chairman, I think the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Florida is an amendment that will stop this, because it will give the right to these presidents of these universities to do something about this.

Mr. Chairman, I commend the gentelman very much for his amendment.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman form Maryland.

Mr. LONG of Maryland. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it seems to me that the whole question revolves around the question of academic freedom. Academic freedom to me is the freedom to pursue learning in an atmosphere of calm reason, free of interference.

Any institution that cannot offer assurance that it provides that kind of freedom is not a university in the true sense and does not deserve Federal help.

Mr. SMITH or Iowa. I thank the gentleman.

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

Mr. Chairman, I would like to ask the gentleman from Iowa whether or not the amendment to the amendment that the gentleman has offered excludes Mr. SIKES' amendment, or leaves it in?

Mr. SMITH of Iowa. If the gentleman will yield, my amendment leaves the amendment offered by the gentleman from Florida (Mr. SIKES) in and merely adds a paragraph to it.

Mr. WYMAN. I thank the gentleman.

Mr. Chairman, I rise in support of the additional language which the gentleman from Iowa (Mr. SMITH) has offered.

I would like to call the attention of the Committee to the fact that sections in the existing law to which the amendment offered by the gentleman from Florida (Mr. SIKES) made reference, to wit, section 504 of the Higher Education Amendments of 1968, derived from an original amendment to the National Science Foundation appropriation offered by myself a couple of years ago, followed by an amendment also offered by me and adopted by this body to the Health, Education, and Welfare appropriations bill in 1968. The Higher Education Act amendments, including the amendment offered by the gentleman from Iowa (Mr. SCHERLE) to deny Federal funds to persons convicted of a crime came later. My amendments had nothing to do with convictions or the courts. They left the options with the various educational institutions concerned.

Now in light of what the gentleman from Iowa (Mr. SMITH) has said we should not deceive ourselves that existing law has been effective. Little has been done under this legislation nationwide.

Testimony before the education subcommittee of the gentlewomen from Oregon (Mrs. GREEN) was to the effect that educational institutions in America have not seen fit to implement this permissive legislation. They have not acted to take away Federal funds from persons who have been found to have seriously and intentionally and deliberately disrupted the institution. As a matter of fact they have not even acted to deny such funds to individuals notoriously disrupting their administration of university affairs. Harvard and Cornell are examples.

The amendment that has been offered by the gentleman from Florida (Mr. SIKES) merely says that these institutions must be in compliance with section 504 of the act, in order to continue their eligibility for Federal funds. The compliance that they are required to certify is permissive legislation because what they are required to be in compliance with is up to them. It is not within the power of a defiant minority group to disentitle any institution against its will under this amendment. This point should be made clear.

So I think even those in this body who are concerned, and rightly so, about the relationship between the legislative branch of the Government and the academic community, have no cause to conclude that we are interfering with college campuses.

Nor is there cause to say to the people of this country, that Congress is attempting to wave a bludgeon over college presidents and administrators.

What we are doing here is of the essence of appropriate legislative process. It is a proper exercise of that legislative process.

We are establishing a legislative minimum standard that is permissive only because we believe in the management of the academic community by the respective university administrations.

We are reflecting the will of the American people on the floor of this House, to provide sanctions against those who seriously and willfully disrupt these institutions and who would deny the youngsters who want to go to school the right and the privilege of going to school as well as those who break the law deliberately. This Congress by its previous and today's action is letting the school executives know that Congress does not wish such disruptive actors to receive the taxpayers' money in or after such conduct.

This amendment ought to be adopted. It is a reflection of our responsibility. It is not in any sense unreasonable. It deserves the support of all the Members of this body on both sides of the aisle.

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

Mr. Chairman, I want to commend the gentleman from Florida (Mr. SIKES) for offering his amendment, and particularly the gentleman from Iowa (Mr. SMITH) for his amendment.

There has been quite a bit of heat about the disruptions on the college campuses.

There has been an indication that there might be efforts made to cut off all funds to colleges that have any disruptions.

That, of course, would be playing right into the hands of the culprits that we are seeking to punish, because then just a few students would be able to cut off from a university all Federal funds by just holding a disruption on the campus.

There is no institution that I know of in this country of any distinguished size or of any caliber which could exist without Federal funds in some form.

The amendment offered by the gentleman from Iowa hits at those individuals alone who cause trouble.

The amendment strengthens the college officials who administer the funds by saying—"we are prohibited from giving you an opportunity grant, or whatever it might be, or a loan, if you disrupt the college." The people of this country do not want one penny of their money used either for room and board or books or for tuition for someone who is determined that he is going to work his will on the operation of our institutions of higher learning, in defiance of the authorities.

Mr. Chairman, this is a reasonable amendment. It is a sound amendment and it is one that we can be proud of. I urge its adoption.

Mrs. REID of Illinois. Mr. Chairman, I rise in support of the amendment to the amendment. I think most young people look upon college as a privilege and an opportunity. They realize that it involves a good deal of diligent study and self-discipline and they fully expect to live within certain reasonable bounds and conduct themselves in such a manner as not to intrude on the rights of others. I have talked with many students from all over the country and, in my judgment, the majority of our young people still approach academic life with this serious philosophy. Most are sincere, hard-working young men and women who are trying to prepare themselves for the future. But in many places these students have had their education disrupted and delayed by those who are intent on promoting discord which often leads to violence.

People everywhere are profoundly concerned about this problem and feel that unless corrective steps are taken, our whole educational system may be endangered. Certainly all taxpayers have an important stake in the outcome, for they have a heavy investment in our colleges and universities, including the so-called private institutions of higher learning. This bill we are considering includes $785.8 million for higher education.

All of us recognize, of course, that the right of free speech and honest dissent—so long as it is orderly and does not interfere with the rights of others—must al-

ways be permitted and safeguarded. But lawlessness and violence have no place in our democratic processes or our educational system. Certainly we should not subsidize those who have engaged in disturbances when there are so many deserving young people.

If we do not take the initiative today we will have shirked our responsibility.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. Mr. Chairman, I suppose it would be very easy for any Member of this body to make a speech on any one of 16 different subjects to gain headlines, and I suppose it would be possible, with the state of affairs, for any person in this body to speak out of anger.

I find it a little bit hard to understand why those who express deep concern about the violence on the college campuses of today would be put in a group that is speaking only to gain headlines. It seems to me a total misstatement of fact.

I speak today from the well of this House, not to gain headlines and not out of anger, but out of deep concern about where my country is going.

I was in the Chamber an hour or so ago when two Members of this House were rightfully concerned about violence on a military base. And I think they should be concerned about such violence that exists today and, in this case, ended in death for at least one marine. In the back of the Chamber I heard several people laughing and saying, "Where are the people who were concerned about the violence in this country 50 years ago?"

To seem to condone violence today because there was violence in the past is a strange exercise of responsibility. I would say to those friends and those colleagues of mine that there are thousands—there are hundreds of thousands—of people in this country who have been concerned about violence, whether it came from the extreme right or the extreme left. We have been concerned about it, deeply concerned. We were concerned about it 40 years ago, 20 years ago, 10 years ago, and I ask all to be equally concerned about the violence of today.

Those of us on the Education Committee tried to work out an amendment that would go to the heart of the problem on the violence on the campuses.

We were unsuccessful. I say to you in all sincerity that if this House today—and this amendment is not my choice, there would be other language I would prefer—if this House does not take any action today when this is before us, I can think of nothing that will give greater encouragement to the most militant sections of the SDS and the Black Panthers. They will feel that they have also buffaloed the Congress of the United States.

It seems to me every single Member of this House has some obligation to raise his voice in protest against the violence that is occurring in our cities, against the violence that is occurring on the military bases—and not to excuse it away and say that we have had violence in times past and so why should we be especially concerned about it now?

Now, let me go to the heart of the issue. Some of my colleagues have argued in the committee, and they have argued today that this amendment is not going to stop riots. It was never designed to stop riots. We cannot stop riots with this kind of amendment.

Section 504 of last year grew out of the thousands of letters that came to Members of Congress from the middle income and the low income groups of America who were desperately trying to send their own children to college but could not do so because their taxes were too high and college costs had spiraled. They wrote time and again and said, "We cannot afford to send our own children to the college of our choice. Then Congress requires us to pay taxes to support revolutionaries on college campuses. How can you justify that?"

I ask Members of Congress: How can the House of Representatives of the United States justify taxing other people to support and to subsidize revolutionaries?

A loan or grant from Federal fund is, in essence, a contractual arrangement between the Government and a student or faculty member on the college campus. It simply says that other taxpayers are helping him get an education if he wants one, but he is to spend his time getting an education, not staging a riot—or burning down a building. When he received the funds to be spent for a special purpose, it was a contractual agreement.

If a student who has a loan or a grant flunks out of college, he loses his loan or grant. If he does not maintain certain academic standards, or if he goes to Acapulco instead of attending classes, he loses his grant. If he does any one of several different things, he loses his grant.

We are simply saying if he does not spend the money to get an education and is using the time and money to engage in a riot, in disruptive activities, if his actions prevent other people, who want an education, from getting one, then he is no longer entitled to those funds.

It is just as simple as that.

This amendment will not stop riots, but it will say that the Congress is concerned that the money be spent for the purposes for which it is intended to be used.

For the life of me, I cannot understand how colleagues of mine on my side of the aisle or on the other side of the aisle can say that somehow this requirement is unfair, that we are destroying academic freedom, that we are destroying the autonomy of the educational institution.

I say to Members, when we allow and encourage, by taking no action at all, the revolutionaries, we have already helped to destroy academic freedom.

Academic freedom is gone when we have seen what seemed to be capitulation at the point of a gun at Cornell; academic freedom is gone when we have seen the liberal arts faculty at Harvard outvote the president and ask that criminal charges be dismissed against 200 people who had been arrested in riots; academic freedom is gone when we have seen buildings burned and the dean carried down the steps. Academic freedom is gone when a professor is not allowed to speak at his own seminar classes.

When we see these things happening, it is high time we in Congress indicate our concern. It is time we said funds must be spent for the purposes for which they were appropriated, and that we do not intend to appropriate any funds for revolutionaries or anarchists whose stated goal is to bring the university to a close.

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

Mr. Chairman, first of all I wish to commend the gentlewoman from Oregon for what I consider to be a very sensible and a very courageous statement.

It is understandable that the country has been deeply disturbed about the widespread disorders and violence on our college campuses. Peaceful protest is one thing; anarchy is something else.

It is not the proper role of Government to interfere in the internal affairs of our colleges. At the same time, it is incumbent upon the Government to provide the college authorities with whatever tools they may need to deal with lawlessness.

In the course of the discussion this afternoon there has been extensive criticism of the presidents and the faculties of our universities and colleges. I share the view that some have been lax in taking appropriate disciplinary action against those who have participated in these disorders. In all too many instances they have been all too willing to yield to so-called demands of a minority of students and all too willing to grant amnesty.

However, not all college presidents and faculties have taken an attitude of permissiveness. With the permission of the House and with pride I should like to read a letter I recently received from the president of Illinois State University, Normal, Ill., the largest university in my district. It has somewhere near 13,000 students.

Dr. Braden makes it abundantly clear that Illinois State University has taken steps to insure the continuity of its operations as a university. I have written Dr. Braden to express to him my personal commendation of the realistic approach he, the faculty, and the students have made to this question of preserving the interests of the vast majority of the students in learning.

The letter follows:

ILLINOIS STATE UNIVERSITY,
Normal, Ill., July 8, 1969.

Hon. LESLIE C. ARENDS,
House of Representatives,
Washington, D.C.

DEAR MR. ARENDS: At both State and National levels legislators have evinced concern over campus disorders, and there has been some feeling expressed that university presidents are unable or unwilling to deal with unrest. This note is from one president in your district to indicate his willingness and hopefully his ability to face the issue.

To me the issue is our commitment to maintain the integrity of our property and the continuity of our operation. No one, not

even the Congress of the United States, can insure with certainty the integrity of its property. All it can do is to establish reasonable safeguards against destruction and to take positive action if destruction is threatened or wrought. Safeguarding steps we have taken, and we have developed the intent and the method to prosecute those who would destroy property.

Students, faculty, and administrators at Illinois State have approved plans to maintain the continuity of our operations. We have tried to establish an open community which is receptive to criticism and change. We therefore see no need for violence, disorder, or physical interference with anyone's legal rights in order to gain attention. Consequently our confrontations, and there have been such, with both blacks and whites, have been sharp, constructive, and in the realm of discussion and reform. We hope to maintain this record.

To summarize, I see the University's role as one which respects the law, and follows it. However, I do not see the University as an agent of law enforcement, and would argue strongly against its being made an arm of the court or the police in prosecuting violators of regulations other than the ones I have described.

I appreciate your interest and support of education.

Sincerely,

SAMUEL E. BRADEN.

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

Mr. Chairman, I should like to read to this House an Associated Press report which bears on what the gentlewoman from Oregon has said. I believe we ought to know about it, because she made a good point. She said that the failure to deal with those individuals who tear up our universities merely whets the appetite and encourages others to violence in this country.

The Associated dispatch reads as follows:

EIGHT SHOT AT CHICAGO PANTHER OFFICE

CHICAGO (AP).—Five policemen and three other persons were wounded early today during an exchange of gunfire outside the Illinois headquarters of the Black Panther party on the West Side.

Four of the policemen were treated and released. The fifth, Richard D. Curley, was hospitalized with gunshot wounds in the right thigh. Three persons were arrested and treated for injuries.

The shooting erupted after Curley and his partner, Edward Kendzior, stopped while on a routine patrol on the West Side to question two men they saw carrying shotguns out of the Black Panther headquarters.

Curley said shots were fired at them from the second floor of the building when they approached the two men. Scores of policemen converged on the scene after Curley called for assistance, and several volleys of shots were exchanged before policemen were able to enter the building.

What are we really saying in the language of this bill? We are saying that this applies to any individual who has engaged in conduct on or after August 1, 1969, which involves the use, or the assistance to others in the use of, force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the ability of certain curriculums, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Our committee tried to deal with this problem. The gentlewoman from Oregon, the distinguished chairman of my committee, and various other Members of my committee on both sides of the aisle, tried to work it out. We tried to come before this House with a very modest proposal. It called for nothing more than for the universities to certify that they have a plan.

We did not ask them to tell us what that plan was. We did not set these standards or say what they must or must not do. All we wanted, Mr. Chairman, for the universities to say when they apply for Federal funds, "We do have a plan that we worked out to deal with the problem of student unrest." That simple, modest plan was defeated in our committee. The gentlewoman from Oregon quite properly predicted at that time that if that is not done and if we do not come in here with a workable proposal before this House, the House will work its will with a much tougher provision. Certainly, the House is about to work its will.

Let me remind you, my colleagues, that I stood in the well of this House in 1962, I believe it was, and made my first speech at that time on what I called "mobocracy." That was after a group of renegades attacked a congressional committee in San Francisco. Now, Mr. Chairman, I may not agree with the work of that committee, but I said then that this is the beginning in America of "mobocracy," of mob rule, of taking the law into your own hands, and of impatience with the established institutions of jurisprudence in this country. This has been growing and growing and growing until today we read of eight policemen being shot in Chicago.

Mr. Chairman, I want to tell you something. This Congress had better do something, and we had better start here. We had better start letting the people of this country know that this is a nation under law. There is recourse for every conceivable grievance through orderly processes of judicial review. There is no need for violence on the campus.

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

Mr. Chairman and Members of the House, it is not very difficult to sense the mood of this House. I was one of those who applauded the wonderful speech made by the gentlewoman from Oregon. I have no question about the motivations or the intentions of any of the people who are offering these amendments or the amendments to the amendments, but I think we have left out maybe one-half of the story of what is really causing some of the problems on the campus. I also think that every Member of this House, every single Member of this House, is concerned about the campus violence and the disruptions. Twenty-two of us took a week to visit college campuses to see if we could listen and perhaps understand a little bit about why the campus violence and disruptions are occurring. I had the pleasure of going with Congressman BIESTER and Congressman RUPPE to Harvard, MIT, and Northeastern Universities. I fully expected that we would not be well received by any of the radical groups. We went primarily to talk to the students. I would say that we spent 75 percent of our time talking to the students. Our first meeting was with a group called the Afro-Americans, the black power advocates. This was right before their final exams. There were six of them who would have stayed as long as we wanted, to share with us some of their concerns about problems that were bothering them both with regard to the university and our society in general. We met with the student government leadership, including a young man by the name of Ken Glazier, who was singled out by U.S. News & World Report to submit to an interview which was published in depth. We met with President Pusey and President Mary Bunting of Radcliffe College, who was one of the college presidents who was harassed and had obscenities shouted at her. The students were concerned about the inability of the colleges and universities to treat and to recognize problems that existed. For instance, in the community of Cambridge, several blocks away from the college campus, a college expansion program was being conducted which would move out some low-income people, they were concerned about Vietnam, and they were concerned about what they believe to be our distorted sense of priorities.

And, I can tell you that they were sincere. Most of the students with whom we met were sincere, were constructive, and were well motivated. Some of them were naive. Some of them were misdirected, and there is no question about that. They are probably more concerned than any generation in this country about the very problems that confront us, the problems of poverty, hunger, housing, and others. I can say that they can express themselves well, but they have no one to listen to them.

Mr. Chairman, I would like to read into the RECORD some remarks which appeared in the U.S. News & World Report that were made by this Ken Glazier, who is one of the student government leaders and who helped to solve the impasse on the Harvard University campus and who acted as the liaison between the administration and the radical students. He said this, and I quote:

The so-called majority is most likely to get involved if there is an attempt at outside repression of the student unrest. Nothing would pull this campus together more quickly than some sort of activity by Congress or by the State legislature which in any way tries to penalize or repress dissenters within the university. That's something that would make a "moderate" position for a student on campus absolutely untenable. It would bring on more Cornells and Berkeleys and Harvards and San Francisco States.

If Congress passes a law revoking scholarships or providing some sort of other punishment for student activists, then the lines will be drawn—and it will be the students against the Government. Nothing could be worse for all concerned. Nothing would do more to seemingly substantiate the radical analysis, which most of us at this point are unwilling to accept.

We don't want to believe that the Government—however wrong its present policies—is necessarily our enemy. But heavy-handed Government action or outside inter-

vention would make such faith difficult to maintain.

Mr. Chairman, that is what concerns me. The distinguished gentlewoman from Oregon pointed out the fact that we cannot let this opportunity pass to enact legislation. Do you know right now how many laws the Federal Government has on the books? I wonder if this is anything on which to legislate. We have four or five Federal laws right now that deal with this very problem which permit Federal intervention. In addition to that there are more than 30 State laws right now.

Mr. Chairman, how many of us have been saying that we should give the States more rights to handle all of these problems? Right now there are 30 State laws which deal with it.

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

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

Mr. CASEY. I say let them do this tearing down on their own money instead of the money which is provided by the taxpayers. Furthermore, perhaps, all of these laws will not do anything. But let us quit sitting on our haunches and baying at the moon. We can try and that is what is expected by the taxpayers.

GENERAL LEAVE

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all Members who wish to speak on this amendment and all amendments thereto be permitted to extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. ROTH. Mr. Chairman, I rise in support of the Sikes amendment as amended by the gentleman from Iowa (Mr. SMITH). My questionnaire shows beyond doubt that the people of Delaware, like people across the Nation, are demanding that something be done in Washington to help end violence on our campuses. Over 30,000 citizens of my district answered the questionnaire and 87.9 percent of that number stated that they favor automatic cancellation of Federal aid to college students who physically disrupt campus activities. Only 10.1 percent opposed it, with 2 percent not responding. Now the Sikes-Smith amendment goes beyond this, but I have no doubt that the vast majority of those answering my questionnaire, will support it, as it has become clear that the existing legislation is ineffective. Very frankly, I wish the Committee on Education and Labor had acted on this important matter, as it deserves extensive hearings and better draftsmanship, but the committee was unable to act and it has thus become necessary for the House to work its will. Federal assistance to students is a privilege, and not a gift. Congress obviously has the right to cut off Federal funds to those who do not obey the law. I think the taxpayers have a right to expect us to find ways and means that their tax dollars aid those students dedicated to learning and not to those who would destroy or seek to destroy. The Sikes-Smith amendment should help insure the achievement of this objective and I, therefore, support it. In closing, I hope the Committee on Education and Labor will give this problem of campus disorder its careful consideration and make its recommendation to the House at some future date.

Mr. FREY. Mr. Chairman, I rise to strike the certification provision of section 407. It is clear to me that the people of this Nation and the Congress are deeply and justifiably disturbed over the problems on our college campuses. It should be made clear to college administrators, faculty, and students that the Congress, taxpayers, alumni, and benefactors do not intend to, nor should they, subsidize organized chaos on the campus.

We are all searching for ways to bring order to the various campuses and yet preserve the delicate balance between our Federal Government and our institutions of higher learning. All the proposals presently before this body evidence a sincere desire to deal with these complex problems.

Section 407 of the appropriations bill as originally drafted for the Departments of Labor and Health, Education, and Welfare seeks to bring order to the campuses by requiring certification by colleges of compliance under the threat of loss of Federal funds. We can all agree that Congress has the right to place any type of requirement on appropriations to colleges. But because we have the right does not imply that it should be exercised in full. I, for one, feel we have too much Federal intervention today. To adopt the certification provision of section 407 is just one additional step toward Federal control of education. If today we require certification, tomorrow we may set Federal standards of conduct and the following day we may dictate to the universities what they shall teach. To enforce the certification provision of section 407 is to set the Federal Government up as judge and jury, with the college as the defendant.

Even if the additional Federal control of our higher educational system is not objectionable, the concept of punishing all students by withholding aid because of the acts of a few is repugnant to our sense of fairness; indeed, to our way of life.

I recently visited a number of campuses and personally found that less than 2 percent of the students were true revolutionaries who were not seeking solutions but only confrontation and destruction of the institution and our system. This number could grow if we act unwisely. To quote from the report we delivered to President Nixon:

> Perhaps our most important and pressing conclusion is that rash legislative action cutting off funds to entire institutions because of the action of a minority of students would play directly into the hands of the hard core revolutionaries. Legislation which treats innocent and guilty alike inadvertently confirms extremist charges that the establishment is repressive and indifferent to citizen needs and concerns. We must not put ourselves in the position of aiding the handful of anarchists.

It is time to look at the problem objectively, rather than emotionally. Up to now the 2 percent, the revolutionaries, have received 98 percent of the publicity and legislative attention. We must maintain our perspective. A new course should be followed. The enforcement of discipline on the campuses must continue to rest primarily with the schools themselves. We have seen that this policy can work, at Notre Dame with Father Hasburg and at San Francisco State with Dr. Hayakawa. College administrations should follow their example. Any Federal law enacted must be aimed at helping the colleges help themselves. Any law enacted must not treat the college or students collectively, but should distinguish between the individual wrongdoer and the vast majority of young Americans who desire an education. Any law enacted must allow us to punish the wrongdoer, swiftly, fairly and firmly.

We cannot afford to take the wrong action no matter how sincere our motives. We cannot afford to write off the vast majority of young Americans who will be tomorrow's leaders. To support the certification provision of this amendment would aid in the destruction of our educational system which through its uniqueness and individuality has produced the kind of men and women who have helped to make America great.

Mr. BUSH. Mr. Chairman, the principal thing I learned on our tours of college campuses from educators and all students is that it would be a mistake to pass sweeping Federal legislation in order to attempt to control student unrest.

The following excerpts from college presidents in my State back up this view. These are not the "spineless administrators" we have heard so much about.

They are forward-looking men who, in conjunction with able student leadership, have kept order on Texas campuses. They know their business and they abhor the burning and radical deeds. They know that indiscriminate punitive legislation plays into the hands of the extremists. They know that Federal intervention violates the independent and pluralistic nature of American education. And I think their words are meaningful as we consider legislation that contemplates cutting off all Federal aid for universities.

As one who wants fewer strings on Federal aid to education, as one who has fought against Federal control, I do not feel we should pass legislation that will penalize the innocent to get at the guilty.

Here are the excerpts from the letters I received:

> Prior to receipt of your letter, I had obtained 100 copies from the CONGRESSIONAL RECORD and distributed it to the regents, administrative staff, and departmental directors of this university. I thought it was a very significant statement, and I wish to commend you and the other Congressmen.
>
> I am, of course, delighted to learn that the President has expressed a strong interest in your findings. I agree completely with the general tenor of the report.
>
> JOHN J. KAMERICK,
> *President, North Texas State University, Denton, Tex.*

> Like you, I would dislike legislation which would penalize institutions and the vast majority of students because of the actions of a

few. On the other hand, I feel that the attention which legislative bodies, national and state, have given to the problems of student unrest and violence on the campus has encouraged college/university administrators to take more positive action and a firmer stand in dealing with disruptive activities.

W. M. PEARCE,
President, Texas Wesleyan College, Fort Worth, Tex.

In general, I think the report is outstanding. I do not intend to imply that I am in total agreement with each idea presented for consideration. I do, however, endorse the idea that no repressive legislation should be enacted. Any action by the Congress or others which would, for example, penalize innocent and guilty alike by cutting off all aid to any institution which has experienced difficulty, would only serve to confirm the cry of the revolutionaries and compound the problem. I believe that the individual responsible should be accountable for his actions.

J. R. JACKSON,
President, Brazosport Junior College, Freeport, Tex.

For legislation to cut off all aid to universities because of the acts of a few, is to act like 'Big Brother'. Should the Federal and State governments harm itself and its citizens and its future because some citizens can be pin-pointed as enrolled in a particular institution and then punish all? Too often our good intentions can lead us in a moment of anger or consternation to act like a 'police state'. To protect innocent citizens we must sometimes spend time and money to pinpoint the criminal and really ascertain the crime. Problems of academic freedom on university campuses further complicate simple solutions just as card carrying Communists are guaranteed certain rights in the United States of America.

The Very Reverend LOUIS J. BLUME, S.M.,
President, St. Mary's University, San Antonio, Tex.

The report is most interesting, and it is my hope that the college administrators may have a greater voice in efforts to handle their own campus situation.

HUBERT M. DAWSON,
President, Temple Junior College, Temple, Tex.

This impresses me as an extremely well formulated and relevant document for which all the contributors are to be commended. I am, of course, deeply appreciative of your own concern with the problems besetting higher education, and it is always a privilege to be able to exchange ideas and information with you.

The prospect of legislation that would cut off all aid to universities because of the acts of a few is a frightening one. I strongly concur in your opposition to any such measures and am ready to offer my assistance in any way.

A. B. TEMPLETON,
President, Sam Houston State University, Huntsville, Tex.

Mr. HOGAN. Mr. Speaker, I have joined with 16 of my Republican colleagues who went on the campus tour last May, in calling the attention of this body to the undesirable provisions of section 407 of the Labor-HEW appropriations bill.

As a result of our study tour of over 50 campuses throughout the country, we have come to the conclusion that the Federal Government must not be placed in the role of enforcer of rules and regulations for each college and university in the Nation. Legislation which would cut off all Federal aid to an entire campus avoids entirely the issue of individual responsibility for wrongdoing. Congressional action which would punish innocent and guilty alike would only incense the cries of revolutionaries and compound the problems for the academic community.

I, nevertheless, would like to reiterate our most basic finding and the one which received the greatest emphasis in our report on the campus study tour, that violence in any form, in any measure, under any circumstances, is not a legitimate means of protest or mode of expression. I agree with my colleagues who say that violence can no more be tolerated in the university community than in the community at large.

I make this point to serve as a reminder that repressive legislation is not the answer to the problem which confronts this Nation on all its campuses. Repressive legislation is a negative force which will hinder the efforts of those who are using a positive approach to cure campus ills. It is precisely because our young people, many of whom have serious doubts about our system of government, are the most intelligent, the most mature, and the most socially aware generation that America has ever produced; that we must give progressive, positive reform a chance to predominate.

I urge that we use the legislative means available to increase communication through a positive approach to student grievances rather than stymie understanding by passing negative legislation which would frustrate any communication.

Mr. RANDALL. Mr. Chairman, I support the amendment offered by the gentleman from Florida (Mr. SIKES), as perfected by the gentleman from Iowa (Mr. SMITH).

We must all recognize it is difficult in an appropriations bill to establish proper wording that will not be offensive to the rule against legislating in an appropriations bill. Except for the existence of such a rule, I would have been satisfied to see section 407 of title IV as contained in H.R. 13111 remain as it was when it came from the committee. It was clearly spelled out that none of the funds in the bill should be used as a loan or guarantee of a loan to any individual attending an institution of higher learning who engaged in conduct involving the use of force.

I thought section 407 as written originally was what we needed to contain student unrest on our campuses. It seemed to me that the provision was fair because the limitation on the use of the money would not apply until proceedings had been initiated against the offenders. Quite frankly I could see considerable merit in the provision that required each institution of higher education to certify to the Secretary of Health, Education, and Welfare that they were in compliance with the provision that required no loans had been used by those who were guilty of misconduct.

Yet the facts of life are such that the House must abide by the rules which it has set up for its government. The Chairman of the Committee of the Whole in his wisdom ruled that the provision requiring certification was an affirmative requirement, rather than simply a negative restriction against the use of funds. Therefore the provision was really a legislative enactment in an appropriations bill.

As I look at the amendment offered by the gentleman from Florida I am convinced it is substantially the same as the compliance provision in section 504 of the Higher Education Act of 1968 which could be said to be the permanent student unrest amendment or what has been referred to as the Scherle-type amendment.

On its merits the Sikes-Smith amendment should be sustained because the purpose of student loans and, for that matter, the purpose of all Federal assistance to higher education has as its one basic objective to educate our youth. If there is a miscarriage of purpose because some individuals choose to disrupt the peace and orderly procedure of a college or university where they attend, then by choosing to engage in such disorderly conduct as the seizure of property, followed by the destruction of property and even arson, then they are certainly not using these loans for the purpose for which the taxpayers have provided them.

It seems to me when a student accepts a loan he enters into sort of a covenant that he will use the money for which it was intended. That means to pursue his studies in scholarly and, yes, a peaceful manner. If he riots, burns and destroys property, he interferes with the rights of those around him to acquire the education they are seeking. The individual who engages in such misconduct thus breaches a contractual relationship existing between his lender and himself. Viewed in this light such students and teachers by their misconduct really deny themselves further financial assistance. It is not a matter of taking anything away from a student, it is simply a case where the student himself by his own misconduct breaches the covenant and thus by his own act denies to himself the right to a loan or the guarantee of a loan.

Mr. Chairman, if we let this bill pass without a provision such as the original section 407 of title IV or some wording which expresses the firm intent of the Congress that it will not tolerate or condone conduct of students on the campuses such as we experienced this past Spring, then no matter how much we may talk and deplore student unrest we will have proved by our inaction that we did not mean what we said.

In other words, Mr. Chairman, if we do not act to take assistance away from those who conduct themselves by the use of force and seizure of property then by our inaction we provide the greatest kind of encouragement that this student unrest should continue. If we do not act we encourage the Black Panthers and the Students for a Democratic Society to continue to disrupt our campuses. Stated very simply, if we fail to act today the Black Panthers and the SDS will get the message that they have not only succeed-

ed in intimidating some college administrators but have actually succeeded in intimidating the Congress. This amendment not only should be adopted, it must be adopted to let the SDS and Black Panthers know that the recipients of Federal loans cannot use these funds to disrupt our campuses to deny the great majority of the student body the right to continue their education.

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

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

Mr. Chairman, on this very sensitive and difficult issue I am sure that there is agreement on the part of nearly every Member of this body on both sides and that is that all of us are very deeply opposed to violence.

PARLIAMENTARY INQUIRY

Mr. FLOOD. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BRADEMAS. I yield to the gentleman from Pennsylvania for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FLOOD. If I am correct, Mr. Chairman, I understand that the next order of business will be the so-called Whitten amendment on busing which I presume will take some time, am I correct?

Mr. COHELAN. Mr. Chairman, if the gentleman will yield, the matter pending is the Cohelan amendment to sections 408 and 409 of the bill.

Mr. FLOOD. Mr. Chairman, with an abundance of caution, I accept that.

Mr. BRADEMAS. Mr. Chairman, I was saying that I think there are two matters on which all of us are agreed, whatever their party, or whatever their views on this matter: First, we are all profoundly opposed to the use of violence on or off the American college campus; second, we are all opposed to passing legislation that is counterproductive in terms of resolving the problem of campus disorders; that is, legislation that causes more trouble than it solves.

But, Mr. Chairman, I would like to say a few words with respect to this amendment and not really use my own words so much as those of a number of others because some Members have expressed surprise during this debate that there could be some of us in this body who may have reservations about this kind of legislation.

For example, Mr. Chairman, one of the great Americans of our country is the Reverend Theodore M. Hesburgh, CSC, the president of the University of Notre Dame, in my district, and I have great confidence in his judgment on these matters.

I have discussed this kind of legislation with Father Hesburgh on many occasions. He is strongly opposed to institutional cutoffs, which we have already defeated. He is also vigorously opposed to the kind of cutoff of Federal funds to students that we are now discussing.

Not long ago here in Washington Father Hesburgh appeared on the Evans-Novak television program, and he said:

I still think that the universities ought to control themselves. The day that people start controlling them in this aspect they will begin to control them in other aspects, and the day that the freedom and autonomy of the university is abridged that day, I think, is the end of the university as we have known it, because the university has to be a critical force in society—

Father Hesburgh went on to say:

I think you would have to say in all honesty there is a rebirth of a kind of repression of the university or outside forces pressing in upon it to control it, and I think this is a sad thing to happen.

Now, let me turn, Mr. Chairman, to the distinguished Assistant Secretary of Health, Education, and Welfare and U.S. Commissioner of Education, Dr. James E. Allen, who was appointed by President Nixon, and who was asked earlier this year for his comments on "the rash of proposals" in Congress and the State legislatures for legislation against campus dissidents. Commissioner Allen was asked whether such legislation would be effective in curbing disruption and this is how President Nixon's chief education officer replied:

I can appreciate and understand the concern that Congress and the legislatures have over the disruption of violence which has been taking place on campus. But I simply do not believe that punitive, negative legislation can solve the problem.

Generally, I think there are enough laws already available to us for handling those few students who have violated the laws of the universities and of society.

Let me then turn, Mr. Chairman, to another outstanding American, Dr. Milton Eisenhower. Surely no one would say that Dr. Milton Eisenhower wants to condone violence or radical extremism, but listen to what Dr. Eisenhower said, speaking for the National Commission on the Causes and Prevention of Violence, of which he is the chairman. He said:

If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim.

Let me finally cite, Mr. Chairman, another man who I think would not be said to be in the camp of the radical extremists, the Secretary of Health, Education, and Welfare, Mr. Finch. Said Secretary Finch, one of President Nixon's Cabinet, earlier this month:

In every State there are laws adequate to curb disruption and punish violence. Implementation of these laws is a local responsibility—and if the concept of federalism means anything at all, so it must remain.

Mr. Finch went on to say, and I am quoting his July 17, 1969, speech in Washington, D.C., that—

Techniques of repressive Federal intervention in the affairs of each local campus violate the most deep-rooted, the most honored traditions of American education and would, in the end destroy its essential nature.

We do not want a monotonous and monolithic imposed unity in which all our educational institutions conform to a Federal code of conduct, to a stifling Federal intervention. To advocate such intervention, in my view, is a form of radical extremism.

And I have been quoting Secretary Finch, Mr. Chairman.

Mr. Chairman, I have cited all of these authorities because I cannot seriously believe that any responsible person in this body wants to stand up and say that Father Hesburgh, Commissioner Allen, Milton Eisenhower, or Secretary Finch want to give aid and comfort to the Black Panthers or the SDS. I hope we do not pass a measure which would do so. This amendment will.

I hope this amendment is defeated.

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

Mr. Chairman, I had fully intended to offer my bill as an amendment to this appropriation bill. But I have been advised that it would be subject to a point of order and, therefore, I rise in support of this amendment.

First, I want to congratulate the gentlewoman from Oregon because I think the introduction of my legislation several months ago, back in April, and the subsequent hearings on that legislation and others the publicity and debate on them have served a great purpose insofar as it has encouraged some institutions to see the light and some college administrators to go ahead and endeavor to put their house in order. My legislation and the hearings have already accomplished much, and others need more encouragement to do that which they should do without Federal urging.

This amendment today is just another step to persuade those college administrators who have failed to put their house in order to see the light and to go ahead and restore law and order and consequently save academic freedom. It will convince them that the proper administration of their schools will best serve the public interest and provide those earnest students who truly seek an education the proper atmosphere in which to pursue their studies.

It has been said that the public is fed up with having their tax dollars wasted by the destruction of college facilities.

To give you an example of how some parts of the public feel about it, I polled my congressional district relative to this question of student violence and campus disorders.

My staff is now in the process of tabulating those polls. To date we have tabulated 2,100 replies. Of those persons answering the poll, over 1,800 say they support the effort to withhold Federal funds from colleges and educational institutions who have permitted riots and disorders on their campuses while only 300 said that they opposed it.

So there is an overwhelming sentiment among the public to try to halt the violence and the destruction that has been all too prevalent on our campuses. There is overwhelming sentiment to protect the rights of those who truly seek the advantages of a college degree.

We have heard this argument that the students are concerned about the world and they are concerned about our priorities and about the ghetto problems and so on and so forth, and that is why they have resorted to violence. This is an effort to condone the violence and destruction and justify the acts because the students are concerned. Well, this is an irresponsible approach to take. All this does is to serve to encourage further violence and destruction.

We are all concerned—there is not a Member of this House of Representatives who is not concerned with these problems, but that does not justify our resorting to violence. That does not resolve the problem.

There are many things this Congress does that I do not approve, but that does not give me the right to burn the Capitol or take over the Speaker's office and deny him access thereto.

Violence and destruction of property is not to be condoned under any circumstances and least of all in the academic society where people are supposed to be above normal intellect.

To explain it away and to condone and to encourage further violence by saying students are concerned with our situation in the country today is to do a disservice not only to academic freedom, the students, and higher education, but to this Nation as well.

The essence of a liberal civilization is belief in due process. It is the belief in the importance of rational consideration and the evaluation of facts in the hope of reaching a just conclusion. The process by which we reach conclusions is far more important than the conclusion itself.

So let us bring to a halt this denial of due process, otherwise our liberal civilization will be destroyed.

Let us restore law and order to the academic world and put those who would destroy academic freedom on notice that their destructive actions will be no longer tolerated.

Adopt this amendment and serve further notice on the academic administrators that they have yet some distance to go before they have their house in order. Let us protect the rights of the great majority of students who have the right to pursue their education in an atmosphere conducive to academic freedom and learning.

Let us insure that the taxpayers who have an interest in this issue are protected.

I urge the adoption of the Sikes amendment as amended by the Smith amendment.

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

Mr. HARSHA. I am happy to yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. The gentleman referred to responses to a questionnaire. I wonder if the gentleman would be kind enough to read the specific question to which that response was received?

Mr. HARSHA. I think I have it in my file.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto end in 30 minutes.

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

Mr. RYAN. I object, Mr. Chairman.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on the amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

PARLIAMENTARY INQUIRIES

Mr. THOMPSON of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of New Jersey. I was seeking recognition.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. I was, of course, very discourteous. I do not include my friend from New Jersey in the limitation.

The CHAIRMAN. Does the gentleman from New Jersey ask unanimous consent to proceed for 5 minutes, notwithstanding the motion of the gentleman from Pennsylvania?

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from New Jersey asks unanimous consent to proceed for 2 minutes, notwithstanding the time limitation.

Mr. ERLENBORN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ERLENBORN. Will the 2 minutes come out of the 30 minutes or be in addition to?

The CHAIRMAN. In answer to the question propounded, it would be in addition to the 30 minutes.

Mr. ERLENBORN. In addition to the 30 minutes?

The CHAIRMAN. In addition to the 30 minutes. The gentleman from New Jersey was on his feet seeking recognition, and the Chair was about to recognize him.

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

Mr. EDWARDS of Alabama. Mr. Chairman, reserving the right to object, would that same permission apply to others who were on their feet at the same time seeking recognition?

The CHAIRMAN. The Chair was trying to alternate back and forth between the two sides in recognizing Members, and had turned his attention to the majority side.

Mr. EDWARDS of Alabama. The gentleman from Oregon (Mr. DELLENBACK) has been standing on his feet for 20 minutes.

Mr. FLOOD. The gentleman from New Jersey had been recognized by the Chair when I interrupted him.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey for 2 minutes, and as soon as he finishes, the Chair will announce the time available for those who were standing at the time the motion to limit debate was made.

Mr. THOMPSON of New Jersey. Mr. Chairman, the gentleman from Ohio (Mr. HARSHA) just talked of responses to a questionnaire. He yielded so that I could ask him what that specific question was. The gentleman happens not to have it in his possession now, but will put it in the RECORD. It seemed to me, not having seen it, that the question was something less than objective.

The gentlewoman from Oregon, I might point out as a member of her subcommittee and as a member of the Committee on Education and Labor, said "those of us on the committee," tried to arrive at a solution. I would like to point out that the gentlewoman was in the definite minority on this question within her subcommittee and was in the minority on the full committee. Therefore, she did not speak for the gentleman from New Jersey, or for a majority of the committee.

The gentleman from Indiana (Mr. BRADEMAS) referred to the stand of the president of the University of Notre Dame. I can say as a member of the committee, with a number of colleges and universities in my district, and I have had some responses from elsewhere, that the responses have shown complete and absolute unanimity from the university community in opposition to this type of amendment. This goes for the president of Princeton University, and for all the colleges and universities in my State that I have heard from, and specifically the University of Chicago, Rutgers, the State University of New Jersey, the University of North Carolina, and innumerable others.

One talks about due process, and it is perfectly easy to make ringing speeches on this subject. The fact of the matter is that 200 Columbia University students were not prosecuted by the university officials. Does anyone know of their innocence or guilt or has anyone given them due process? And does anyone know whether each and every one, or how many of those violated a law of any sort? No, they were not prosecuted and tried, and yet orators here seek to pronounce them guilty. We are not going to give due process to the university, to the students, or to the minority of those who riot and cause dissension. I am as opposed to the rioters as anyone, but by this amendment we are not going to give them due process. This is not the way to do it. It is not the business of the House of Representatives of the United States to interfere in private university affairs.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, it is appropriate, of course, that we should give earnest consideration to amendments to that part of this bill—H.R.

13111—which would restrict or prohibit loans or grants to students and faculty who engage in violent activities on the college campuses, or who threaten such violence.

Several points need to be clarified.

The problem of student unrest—including violence—is not simply a national one. Student unrest is a worldwide problem. Student riots have occurred in the nations of the Western free world as well as in the nations of the Communist world. The excuses for student disorders are different in each instance. But the student actions are basically the same.

The greatest violence has occurred in the nations of Latin America and of the Far East.

Students in Czechoslovakia revolt against Soviet Communist tyranny. Arab students revolt because of their displeasure with the existence of the State of Israel. Chinese students appear to revolt both for and against Mao. Japanese students engage in violent demonstrations over the issue of Okinawa, or even the docking of a nuclear-propelled vessel in a Japanese port.

It is both simplistic and unrealistic to say that the war in Vietnam is the sole cause of student disorders on American campuses.

Our President is striving earnestly to bring the Vietnam war to an honorable end. We all want that war to end.

But it would be erroneous to assume that student unrest must persist, or must be excused as long as the war lasts. And it would be an exercise in wishful thinking to assume that violence and disorders on American campuses will end when the war ends.

Conditions within our colleges and universities must recognize the need for change. At the same time, the needed changes should occur not as the result of violence, but by virtue of reason, persuasion, and improved communications between students, professors, and school administrators.

In considering the amendments before the Committee, it is essential to adopt the amendment of the gentleman from Iowa (Mr. SMITH) to the amendment of the gentleman from Florida (Mr. SIKES). This action can contribute substantially to restoring an atmosphere of order and mutual respect from which improved conditions on our college campuses can develop.

(By unanimous consent, Mr. MCCLORY yielded the remainder of his time to Mr. DELLENBACK.)

SUBSTITUTE AMENDMENT OFFERED BY MR. DELLENBACK TO THE AMENDMENT OFFERED BY MR. SIKES

Mr. DELLENBACK. Mr. Chairman, I offer a substitute amendment to the amendment offered by the gentleman from Florida (Mr. SIKES).

Mr. Chairman, I ask unanimous consent that we dispense with the reading of the substitute amendment, which I will explain in a brief sentence.

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

Mr. BRADEMAS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

Substitute amendment offered by Mr. DELLENBACK to the amendment offered by Mr. SIKES: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institution of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968.

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which was of a serious nature, contributed to a substantial campus disruption, and involved the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

POINT OF ORDER

Mr. BRADEMAS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRADEMAS. Mr. Chairman, I must make a point of order against the amendment offered by the gentleman on the ground that it constitutes legislation on an appropriation bill.

I call the attention of the Chair to the fact that the amendment offered by the gentleman from Oregon contains a number of phrases each of which will require a burden on the part of the Department of Health, Education, and Welfare to make certain judgments and determinations.

For example, Mr. Chairman, the gentleman's amendment uses language which refers to conduct that is "of a serious nature." Who is to decide, Mr. Chairman, when conduct is "of a serious nature" or is not "of a serious nature"?

His amendment contains language which says that the conduct must have "contributed to a substantial campus disruption." Who defines "disruption"? Who defines "substantial"? Those determinations will be burdens imposed upon officials of the executive branch of the Government.

The gentleman's amendment has a phrase referring to conduct which "involved the use of force" or "the threat of force." Once again these phrases require determinations which must be made by the executive branch.

Mr. Chairman, the gentleman's amendment contains the phrase, "to require or prevent" certain kinds of action or occurrences. This is language which clearly involves the stipulation of a purpose which must be in the mind of the person complained of, and a determination must thus be made by the executive branch of the Government on the issue of whether such conduct was indeed intended "to require or prevent" the availability of certain curriculums or to prevent the faculty, students, or administrative officials from engaging in their duties or pursuing their studies.

For all these reasons, Mr. Chairman, I believe it is very clear that the gentleman's amendment constitutes legislation on an appropriation bill, and I believe the amendment should be disallowed.

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

Mr. DELLENBACK. Mr. Chairman, the whole point has been argued before.

The CHAIRMAN (Mr. HOLIFIELD). Then it is obligatory for the Chair to rule, if the gentleman does not desire to be heard.

The Chair is ready to rule. It is clear from the language of the gentleman's amendment that it does go beyond a negative type of amendment and it does impose upon officials certain duties of determination and judgment which are legislative and subject to a point of order on an appropriation bill.

The Chair sustains the point of order.

Mr. DELLENBACK. Mr. Chairman, may I then speak briefly at this time on the amendments before us?

The CHAIRMAN. The Chair recognizes the gentleman from Oregon.

Mr. DELLENBACK. Mr. Chairman, I attempted in my substitute to correct what otherwise bids fair to be a serious error by this House.

If one reads carefully the language now proposed by the gentleman from Florida (Mr. SIKES) as amended by the gentleman from Iowa (Mr. SMITH) there is no requirement whatsoever that there be a campus disruption. There is no requirement whatsoever as to the nature of the action taking place.

If one youngster should stand up and say to another, "If you go into that classroom I will hit you," and there is no campus disruption beyond that, it would be in violation of this language.

My proposal was an attempt to say that there must at least be a campus disruption before the provision comes into play, that there must be a serious action before the provision comes into play. However seriously we may feel about taking action against campus disruption, we certainly should not say that a provision to the effect that every youngster who holds the coat of another person who uses force or every youngster who threatens to use even mild force himself against somebody else, with nothing beyond that whatsoever, shall be punished by mandatory loss of all Federal help, and that this provision be considered to be written into the law of the land.

It is with real reluctance I say that, if we cannot perfect these amendments, if we are not in a position to make this a meaningful amendment, we should not today vote to make it a part of the law of the land.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, as chairman of the House Committee on Internal Security, I am tired, very tired, in one sense of hearing over and over again in

the investigation concerning the activities of the Students for a Democratic Society as to how organizations and people seize upon real or alleged ills existing in our society to accomplish ill-conceived or illegal purposes.

The conditions giving rise to campus unrest which have exploded into campus violence, the firebombings of buildings, the seizure of university buildings and the holding of administrators as hostages are indeed complex and deepseated. These conditions are not confined to the university campus as such. Many of the conditions extend throughout the society at large. Time does not permit me to delineate or discuss in detail all the causative factors of campus disorders, but I would observe in passing that the primary causes are the war in Vietnam and our concomitant policies of selective service.

Albeit, every Member of Congress has justifiably expressed great concern over the tremendous increase in campus disorders over the past school year. You should be concerned because I gather from expressions of opinions coming from all sections of the Nation, your constituents are even greater concerned. They are sick and tired of watching a small minority—a very minuscule minority of students—deny the right of the majority to peacefully and quietly persue their objective of obtaining a college education.

It is impossible to predict with any hoped for degree of accuracy what will happen when school again convenes next fall. Fortunately, there is one favorable development—more and more administrators appear to be getting their "backs up." This growing determination to give all the students a "square deal" should have a salutary effect. There has been a reluctance on the part of many administrators to use the disciplinary tools of expulsion and suspension to bring campus disorders under control and this permissiveness has not only contributed to the intensity of the disorders but has probably contributed to the disorders themselves.

The original language of the Smith amendment was based upon the belief that some administrators need the sobering effect of the threat of cutoff of Federal funds in order to stiffen their backbones. There is validity to this belief when you study the disciplinary efforts of former President Perkins at Cornell. However, all of that language has now been stricken. There is no attempt to force any administrator to do anything. The debate against the amendment appears to me to be wholly irrelevant. All the amendment says is that Federal funds shall not be paid to any person who uses force to accomplish the purposes therein stated. I cannot understand the position of those who in one breath say that they are opposed to any person receiving Federal funds after having disrupted a university by force and violence and in the next breath oppose a simple declaration that no such funds shall be paid to such students. This amendment involves no Federal control. All it does is impose reasonable limitations upon the extension of Federal aid. I support the Smith amendment, although I do have doubts as to whether it will have any appreciable effect of bringing campus disorders under control.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Chairman, I want to say that I was one of those in the committee who was very disappointed that our committee did not act. Since we did not act, I see no alternative but to show our intent by supporting the proposals before the committee today.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, there has been a lot of talk today about bad procedures for making decisions on campuses, in Government bureaus, and practically everywhere else.

I submit that the procedure we are following here may itself lack something. For example, it is not easy, nor necessarily sensible, to discuss questions that everyone describes as vital in 40 seconds. If the only thing that Members of the House wished to say about a proposal was that they favored or opposed it, they could do that by voting yea or nay on a rollcall, when it is possible to have a rollcall. But that, of course, is not what dialog, discussion, or democratic debate is supposed to be.

It is possible that some Members who rose early and kept rising long into the day in an effort to be heard, might have something of interest to say—might have some competence to discuss this matter out of experience, might add to the collective wisdom of the House by their insights and points of view.

How sad that so often we deny ourselves the opportunity to find out if this is in fact the case. It might be worth meeting an hour later on those unusual occasions when legislative business intrudes on other concerns. Mr. Chairman, I am opposed to this amendment because I am opposed to murky legislation that makes bad law; because I am opposed to the Federal Government drifting further toward control of educational institutions, because it is at best—that is, if it is not enforced—misleading and incendiary, and at worst—if anyone, it is not clear who, should undertake to enforce it—capricious, discriminatory, and unfair. I am opposed to it, finally, precisely because I am opposed to violence and coercion on campuses.

If the House is as concerned about violence and coercion on campuses as some of today's oratory suggests, it might not be a bad idea to consider sometime how to deal with that problem effectively. I trust no one thinks we have done that this afternoon.

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

Mr. COHELAN. Mr. Chairman, I ask unanimous consent that I may yield my time to the gentleman from New York.

Mr. HUNT. Mr. Chairman, I object.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, my colleague from Indiana mentioned the president of Notre Dame University, Father Hesburgh, who is very highly respected, might be covered by this and opposed these amendments. Father Hesburgh has enforced all of the laws of Notre Dame, Indiana, and our Nation, and would not be subject to anything in this bill. As I understand the amendment which has been offered and the amendments to it, it does not tell the administration to do anything. It merely says that the taxpayers of this country are not going to support universities or a student at a university involved in some of the disturbances that we have had in our universities or some of the violence we have had there.

There has been much said here about the children of our Nation being underprivileged and handicapped. All of us feel in this direction, and want to help, but I have heard very little about the taxpayers of this country who pay the bills and the taxes required for all these programs. They, too, are certainly underprivileged and are certainly financially handicapped. It is about time that this Congress starts thinking about the poor taxpayer.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, the debate this afternoon proves the old axiom that legislation should not be adopted in the midst of emotion. Certainly no one condones violence—on or off the campus—and any inference to the contrary is unwarranted. However, unrest on college campuses reflects deep divisions within our own society. This present generation of college students has found our generation wanting—unable to end a war which they consider morally wrong, unable to end an inequitable conscription system which drafts them to risk their lives in that undeclared war, unable to end racism, poverty, and hunger.

Campus discipline is the province of university administrators. It cannot be imposed from the House floor. All of the punitive and repressive legislation imaginable will not resolve the underlying causes which brought about the situation with which this amendment attempts to deal. It will only be counterproductive.

Furthermore, the amendment does not provide a modicum of due process—no hearing procedures, no requirement of either a criminal conviction or disciplinary action. Aid could be cut off to a student without a finding by the university's own disciplinary procedure that he had been in violation of a university rule or regulation.

Unlike the amendment to the Higher Education Act which was adopted by the House last year, and became effective on October 12, 1968, it does not even require that an individual be convicted of a crime involving force or violence before funds must be cut off to him.

Mr. Chairman, there is no justification for this provision. If an individual has violated a rule or has seriously disrupted the academic community which the university views as injurious to the academic

environment, the university already has ample power to discipline that individual. If that indivdual was expelled or dismissed from employment, funds would cease to be paid in any event.

Hence, the real purpose of this amendment must be to punish students who are accused of violating campus rules but who have not been excluded from the university either through expulsion, in the case of a student, or dismissal, in the case of a faculty member or other employee. In my view, it is entirely inappropriate to use financial assistance as a punitive measure, for it penalizes only those who require scholarships or other assistance in order to attend college. The practical consequence would be to discriminate against poor students, and especially minority students who frequently need financial aid in order to pursue their educational studies. Such an effect would not only be unfair and discriminatory but would also fly in the face of the basic purpose of Federal scholarship and loan programs, which is to provide needy students with an opportunity to obtain a college education.

It is not the business of the Federal Government to discipline rebellious students. If discipline is required, that function must be performed by individual universities and colleges according to specific circumstances. To attempt to punish campus demonstrators by requiring that financial assistance be withdrawn is an infringement on the academic freedom of our colleges and universities and, in any event, will only punish poorer students in need of financial aid.

I include at this point in the RECORD a letter dated July 28 and addressed to Members of the House by Lawrence Speiser, director of the Washington office of the American Civil Liberties Union:

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., July 28, 1969.

Re Students, orderly and otherwise.

DEAR CONGRESSMAN: There ought to be a law!

It was probably during the First Congress in 1787 that the notion was first advanced that the cure for every problem besetting this nation was the passage of a federal law. That idea has flourished. The more widespread the problem, the greater the political pressures on Congressmen to do something—anything.

And yet, there are times, when Congressional wisdom dictates inaction—not because the problems aren't real and serious, but because the "cure" of federal legislation is often worse than the "disease." Such is the case, we believe, regarding student disorders which have arisen on a number of campuses throughout the country. A surprising unanimity *against* federal legislation has been voiced by many national officials, as well as university officials, who have had an opportunity to examine the problem in depth.

Last month, twenty-two Republican Congressmen completed an intensive study of our nation's campuses. A report submitted to the House by Congressman W. E. Brock (R-Tenn.) summarized their findings. They viewed every conceivable stage of campus disorders, and their report includes a detailed "anatomy of a conflict." Their first recommendation was directly to the point: "No repressive legislation . . . In our opinion the fundamental responsibility for order and conduct on the campus lies with the university community."

All high-ranking administration officials, including President Nixon, oppose any attempt by the federal government to regulate college campuses. Attorney General John Mitchell addressed himself specifically to the inclusion of riders on appropriations bills "which would cut off federal funds to institutions of higher learning which experience campus disorders, or would require them to develop certain rules of behavior and plans to control conduct as a condition of receiving assistance." He stated that any such legislation would be, "counterproductive . . . . The federal government must not be placed in the role of enforcer or overseer of rules and regulations for the conduct of students, faculty, and university employees."

Secretary of Health, Education and Welfare, Robert Finch also has stated that: "To advocate (federal) intervention (in university affairs), in my view, is a form of radical extremism—fatal, indeed, to the perpetuation of our free and pluralistic society."

During this session of Congress, every appropriations bill is being threatened with riders designed to punish students, faculty and even entire universities for any disorders which occur on campus.

One such has already been added by the House to the appropriation bill for the State, Justice and Commerce Departments.

A similar one, Section 407, has been reported with the appropriations bill for Labor and HEW. The language of these riders varies slightly but, in general, they provide:

(1) None of the funds can be used for any loans, or grants to students or to pay the salary of anyone at a higher educational institution who, after October 12, 1968, engaged in "the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property" or prevented anyone from pursuing their studies or duties.

(2) The university shall first have "an opportunity to initiate or complete such proceedings as it deems appropriate but which are not dilatory to determine whether such individual was involved in such conduct."

(3) No funds may go to any university or college unless they certify to HEW at quarterly or semester intervals they are in compliance with this provision.

What's wrong with these riders?

1. They are discriminatory: The penalties only affect those who receive federal aid, or whose salaries are paid with federal funds. Therefore, it is clear that this provision discriminates against those who either are not wealthy enough to go without federal financial support or who, by happenstance, hold positions which are funded by the federal government. This means that an individual who may only peripherally have been involved in a disorder or disruption on campus may be penalized by the loss of many thousands of dollars, while a ringleader who did not receive federal financial aid would be untouched. It would permit the anamolous situation of punishing one teaching assistant or faculty member but not another even though they may hold similar positions and may have engaged in exactly the same kind of activity during a campus sit-in. Those students whose parents are able to afford the cost of a college education will not be deterred one whit by these measures. This distinction between poor and rich students is hardly laudable, and indeed, would be a violation of equal protection, and, therefore, of the due process clause of the Fifth Amendment.

2. They would punish the innocent with the guilty: If a university or college failed to file the semesterly or quarterly certifications with the Secretary of HEW, *whether there had ever been any campus disorders or not*, its funds would be cut off. Campus disorders have occurred on probably 10% of all the colleges in the country. Yet, if a college, through ignorance or inefficiency failed to certify that it was in compliance, its federal funds would automatically be withheld.

This is not even a blunderbuss approach—it's simply playing blindman's bluff with federal funds.

3. Punishment may be imposed without any real due process: These riders make no provision for procedural due process. In fact, by providing that the limitations on appropriations may commence after, ". . . the appropriate institution of higher education at which such conduct occurred shall have had an opportunity *to initiate* or has completed *such proceedings as it deems appropriate . . .*" it may be interpreted to cut off funds even before the university has determined whether the alleged violator is, in fact, guilty of the act with which he has been charged. In other words, funds would be cut off, if the university procedures were merely dilatory.

Even if the proceedings are completed before funds are cut off, this rider does not insure that those proceedings would be consistent with the standards of due process which have already been established. It merely provides that an institution of higher education may use whatever procedures "it deems appropriate." This may mean no proceedings at all.

It is clear this represents the most serious threat to academic freedom university and college faculties have ever faced. Hard-won tenure rights with clear procedural protections are literally tossed into the ash-can, by this provision which permits the withholding of faculty salaries based on whatever procedures the university deems appropriate.

4. Retroactive punishment is clearly invalid: The provision cuts off funds from students or faculty members who engaged in the forbidden activity after October 12, 1968. At first glance, this seems to tie in with the riders Congress passed last year to both the Higher education Bill (P.L. 90–575) and to the appropriations bills for Labor and HEW (P.L. 90–557) aimed at student rioters. However, both of those provided that loss of funds should not occur unless there was a criminal *conviction* of a student.

Now these current proposals would cut off funds from not only students, but also faculty (who weren't covered last year), who have engaged in the prohibited activity since October 12, 1968—even if no conviction or even criminal prosecution occurred. This is so clearly an *ex post facto* law, that it is inconceivable Congress would enact it.

5. These measures strike a blow at the independence of universities and colleges: The issue of the independence of American universities is a large one. Federal intervention would perhaps be tolerable if the states were incapable of regulating conduct within their borders or if the universities were without the means to discipline students. Then it could be said that a federal presence to insure order was necessitated by an institutional failure of the states and the universities. But there is not even arguably such a failure today. Instead, the federal government exercising its authority through its power to spend would be intruding upon these institutions and substituting its judgment for theirs.

It is to be noted that the only role the university plays under these current proposals is to determine if certain conduct occurred. No discretion is left to an institution as to what penalty should be imposed. Even if a university determines an individual should only be given a reprimand because he was only slightly involved in a campus disorder—the federal government steps in with its absolute ban of funds.

The conclusion is inevitable that measures such as that with which we are concerned today are extremely unwise, and more than that symptomatic of something that could eat away at the heart of American life as we have known it. Professor Charles Reich has identified precisely the nature of the think-

ing which underlies these—"the doctrine that the wealth that flows from government is held by its recipients conditionally, subject to confiscation in the interest of the paramount state." He rightly compares this thinking to that which sustained feudal society where the two principal attributes of property were that it flowed from the sovereign and resided in the person to whom it was given so long as it pleased the sovereign. Congress can follow this path backward toward our feudal past, and impose upon all federal spending provisions which cause a forfeiture by the recipient if he fails to live up to standards set by Congress. It can, on the other hand, reject such an approach and determine that the institutions of this country will remain free and independent despite their reliance upon some measure of federal assistance. The proper choice is clear.

Many years ago, Alexander Hamilton wrote some wise words:

"Nothing is more common than for a free people, in time of heat and violence to gratify momentary passions, by letting into the government principles and procedures which afterwards prove fatal to themselves."

He could very well have been talking about these proposed student disorder riders. Last year Congress passed five such measures. It is time to call a halt.

Sincerely yours,
LAWRENCE SPEISER,
Director.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Illinois (Mr. ANDERSON).

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

Mr. OTTINGER. Mr. Chairman, I object.

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

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in opposition to the amendments of Mr. SIKES and Mr. SMITH. The testimony and the statements provided by the administration through Attorney General John Mitchell, Secretary Robert Finch, of HEW, and Dr. James E. Allen, Deputy Assistant Secretary of HEW, more than support the position that additional laws are not necessary to deal with violence by students on or off the campus. The laws are already there. And the college administrations which at the beginning of this period of student disruption were caught unawares and floundered in their handling of the problem, now through harsh experience are ready to deal with those who violate those laws.

Many of my colleagues in this House today have attacked those whom they call "revolutionaries" as though that were an epithet. I am proud of the revolutionaries in our history, those who seek to change society so as to make it more just, those who have a social conscience and see all about them hunger, poverty, immorality, war, and venality in the very highest places of this country, and wish to change that. One can be a revolutionary and not engage in or support violence. Indeed it is admittedly only a small number of students who have engaged in illegal acts. Those students are being dealt with by the chancellors of the universities who are suspending and expelling. For this Congress to indicate its contempt for change in our society, a change peacefully sought by the overwhelming number of students today, can only radicalize the vast majority of those students whose goals are my goals and I think the goals of most if not all of the Members of this House.

Federal legislation should not be employed to repress and to chill lawful action on the part of our students. All of us condemn violence but our authority to do so should rest on the assumption that we are willing to change and renew our society and its institutions without the prod of violence.

Mr. KOCH. Mr. Chairman, I ask unanimous consent to yield the remainder of my time to the gentleman from Missouri (Mr. SYMINGTON).

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

Mr. QUIE. I object.

Mr. KOCH. Mr. Chairman, I yield to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I rise in opposition to section 407 of the bill and all the amendments under consideration. I do so not only because of the unanimous opposition of distinguished educators in my district and State, but because of the considered judgment of the highest officials responsible for the execution of the Nation's relevant laws: Secretary Finch, Attorney General Mitchell, and the President himself.

During the last presidential campaign, the issue of law and order and how to attain it was topmost in everyone's mind. On this vital issue, perhaps more than any other, the Nation placed its confidence in the man it elected President. Surely the message to each one of us which is implicit in this supreme expression of confidence was to listen to this man on this subject. Accordingly, when any proposed legislation concerns itself with the preservation of law, order, and domestic tranquillity. I do indeed listen to our President. And he has clearly indicated his opposition to the kind of legislation we are considering at the moment. His very clear opposition was conveyed by the public letter of July 17, 1969, addressed to Senator DIRKSEN and Minority Leader FORD, and signed by Secretary Finch and Attorney General Mitchell. The full text of the letter has been reported.

But to summarize, the letter anticipates possible efforts in Congress to cut off Federal funds to universities which experience campus disorder or which would not take sufficient steps to control it. The letter recognizes the legitimate concerns of Congress in this area, but states:

In our studied judgment, however, such legislation would be counter productive, and would seriously jeopardize the relationship between the academic community and the Federal Government which has been of such inestimable benefit to our society. We strongly feel that the threatened cutoff of institutional funds is an entirely inappropriate way of dealing with a serious problem . . .

We are actively studying ways in which the Federal Government might constructively assist institutions and protect the right of all Americans to pursue their education without disruption.

The President has asked us to send you these views with the hope that you will call them to the attention of your colleagues, so that there may be no misunderstanding of the Administration's position in case such legislation is offered in the House.

Now that "such legislation" has been offered, I do call these views of the President to the attention of my colleagues. I suggest that we should not wish to encounter at some future time the charge that we enacted legislation that was counterproductive, and did in fact jeopardize satisfactory relations between the Federal Government and the academic community.

It is for the foregoing reasons that this House should support the President and reject these proposals.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding to me.

I must say, Mr. Chairman, that I rise with some reluctance to oppose the Smith amendment. I believe that cutting off funds to students who contribute to a substantial disruption is appropriate but, I concur with my colleague from Oregon (Mr. DELLENBACK) that the language before us is mischievous. I think it is vague and open to serious question. Better we not act at all than to act hastily or out of emotion. That would happen were we to adopt the language of the amendment. Thus I shall oppose the Smith amendment in the belief that we will be harming the cause of the institutions of higher education of this Nation. It is unfortunate that Mr. DELLENBACK'S perfecting language was ruled not germane since with those changes I would support the amendment.

Mr. Chairman, yesterday's morning newspapers indicate that Gov. Ronald Reagan, of California, has joined the ranks of those urging that the Federal Government not take legislative action to cut off funds to institutions of higher education which experience student disorders. I feel that his words should be heard by all my colleagues in this House. Governor Reagan said yesterday:

I don't see how you can withdraw funds from institutions without punishing the innocent.

It is precisely this indiscriminate punishment of innocent students and faculty members, as well as those guilty of troublemaking, that makes the institutional cutoff provisions contained in section 407 unacceptable. I am pleased that the Chair upheld the point of order on this section.

I feel that going that additional step—threatening to cut off all Federal assistance to an institution of higher education—smacks not a little of "overkill." Many colleges and universities, already greatly in need of funds to meet the spiraling costs of providing a higher

education, are significantly dependent upon Federal aid to meet the costs of student financial aid, construction programs, research, and instruction. Denial of such funds to an institution would play right into the hands of the SDS, which wants to close our colleges, not reform them.

All legislation to cut off Federal aid to universities which experience difficulties is based on incomplete information about the situation on campuses. In the past we have complacently assumed that the malaise is not widespread. That we are faced with a handful of revolutionaries who create disorder, but that 99 percent of the student bodies are "members of the silent majority" who do not share the concerns or sympathize with some of the goals of the SDS. Such a picture is an oversimplification of the composition of student opinion. On campus after campus, the so-called silent majority is a myth. The disaffection and alienation which one finds in student revolutionaries is widespread throughout many student bodies. Vast numbers of bright, dedicated, sincere students are just as deeply disturbed as the so-called revolutionaries, the difference is that they are not yet violent. They have not yet rejected completely the view that they should not resort to violence.

Any long-range solutions to the problem have to be based upon a realistic view of the extent of the malaise and the expected reaction of the concerned students who are not yet revolutionaries. I would predict, on the basis of my experience, and without qualification that legislation such as that which was contained in section 407 of this will increase the number of revolutionaries and compound the problems for each university. In effect we are telling the administrator to shape up and solve your problems—if you don't we will see to it that your position is made untenable by cutting off your funding and proving to the rest of the students that SDS has been right all along.

Students will not be coerced—they will not be cowed by the threat of punishment or the application of overwhelming force. When we seek to cut off funds to universities who prove incapable of handling their problems, we only confirm the students' opinions of our motives. We merely provide conclusive evidence of everything the SDS has been telling them about the "establishment."

What we need is greater understanding on their part and on ours. As we acll out the National Guard to restore order on a campus we must also seek to understand their concerns and to restore their faith in the efficacy of democracy. We do not have to condone violence or capitulate in the face of threatened violence. But neither should we do anything to confirm their mistaken views of how the system operates.

Mr. Chairman, the Young Republican National Federation in its July 1969 convention platform said:

> We urge . . . that punitive measures taken . . . not punish the many for the actions of a few by cutting off funds to entire institutions.

> The right to disagree—and to manifest disagreement—which the Constitution allows to the individual . . . does not authorize them to carry on their campaign of education and persuasion at the expense of somebody else's liberty or in violation of some laws whose independent validity is unquestionable.

Mr. Chairman, these words of Erwin N. Griswold, former dean of the Harvard Law School and now Solicitor General of the United States, accurately portray the dangers to the integrity of our educational system embodied in the ever-increasing resort to violence on our college campuses. Griswold added:

> Violent opposition to law—any law—or forcible disregard of another's freedom to disagree, falls beyond the pale of legitimate dissent or even civil disobedience properly understood; it is nothing short of rebellion.

We are indeed faced with a rebellion, and the alarming developments of recent weeks as students at Cornell have armed themselves in the course of presenting their demands to the university are indicative of the vast potential for destruction inherent in the use of force in the academic community.

President Nixon and other administration spokesmen have forthrightly called upon university officials to stand firm in the face of threatened force, and to make clear their determination to preserve our universities. It is vital to the long-run interests of the Nation, that our higher education system be preserved and that its integrity be upheld by those who are most intimately involved in its day-to-day operations.

Malcolm Moos, president of the University of Minnesota, has pointed out that universities themselves contribute to "the destructive notion that disruption is the path to reform, by moving under the threat of chaos and doing business as usual when tensions seem low." Legitimate demands for change will not be satisfied nor will meaningful reforms be implemented through capitulation to those who resort to violence, any more than they will be achieved at the expense of the constitutional rights of others.

But it is essential that we not permit ourselves to fall into the trap of irrationality which seems to plague so many of the militant student groups. We must carefully consider their objections to the present educational system, because they do have some substance, and because numerous individuals, faculty and administrators included, have voiced their dissatisfaction with the pace of reform in higher education. The fact that the manner in which demands for reform are often presented is reprehensible, in no way lessens our responsibility to entertain those suggestions and evaluate the performance of our universities. It is not enough to express abhorrence at the activities of those morally arrogant individuals who would destroy one of the foremost institutions of our society, to call for an end to violence, or to appeal to the rule of reason and rational debate. In all too many instances, such discussions are not properly tempered with an awareness that all is not well with the academic community.

Secretary of Health, Education, and Welfare Robert Finch, has very effectively articulated the need for the universities to respond to legitimate requests for change. In testimony before the House Special Subcommittee on Education, Secretary Finch said:

> In all truth, many academic institutions have brought much (of their difficulties) on themselves. They have not always responded to the clear need of any viable institution for constant self-examination and self-renewal. In the quest for more and better research grants, they have not always attended to their primary objectives as teaching institutions. In attempting to serve many masters—government and industry among them—they have tended to serve none of them well. Now they are faced with extremist attempts to impose a new orthodoxy, and the only proper agents to insure bonafide academic pursuits within the context of order lie in the administration, faculty, governing boards and other segments of the university community itself.

Many areas of university activity need to be seriously questioned. Some of the basic assumptions about the role of the university of society, and the relationships between students, faculty and administrators need to be reevaluated in light of our current needs, and in light of the enormous changes in society which have taken place since the basic structure of the university was devised. Is the present system of advancing faculty according to research abilities the only alternative, or can we find a way to equally reward those who emphasize teaching? Rather than requiring faculty members to teach and do research at the same time, is it perhaps possible to alternate their responsibilities, devoting all of their energy to research or to teaching at different stages in their careers? Can ways be found to channel the youthful enthusiasm and the concern with social problems of students into productive work outside the university? Is the present administrative structure of the university characterized by intense specialization within narrow disciplines the only way to organize an academic community? What has been the impact of Federal funding upon the relationships between the elements of the universities? What happens to the student-teacher relationship when research funds go directly to faculty members instead of to institutions?

Many of these are questions which only the academic community itself can answer—but the fact remains that few attempts have been made to undertake any kind of in-depth evaluation. Unfortunately for the vast majority of students and for the Nation, both radical students and unresponsive and vacillating faculty have only encouraged the view that violence works; and we are rapidly approaching the point at which nonacademic institutions and officials will, of necessity, be forced to intervene, imposing solutions on the university. The Nation cannot sit idly by while its universities are destroyed—and yet no solution can be imposed without destroying the principles of academic freedom upon

which our present system of higher education is based.

Every effort must be made to find ways to enhance the resolve of administrators and faculty to withstand force and the threat of force, while encouraging them to take a position of leadership in analyzing their own responsibilities for current difficulties and seeking constructive changes within the university. There are, presently available, numerous legal instruments which can be relied upon by university administrators to control outbreaks of violence, and every effort should be made to permit each campus to meet the challenge in its own way. In addition to local ordinances, Congress passed last year, legislation which authorized college administrators to withhold Federal grants and loans from students convicted of disrupting a campus. The previous administration did not use these provisions, but President Nixon and Secretary Finch have already taken steps to encourage the application of these regulations, thus providing one more tool to aid administrators in their efforts to control violence.

Ideally the solution at each university should be limited only by each institution's resources and imagination. The only way to bring the current wave of disorders and disruptions to an end is through the development of firm and imaginative leadership on each campus. If faculty, administrators, and moderate students cannot be encouraged to fill the vacuum, then nonacademic institutions will be forced to act, and this would constitute nothing less than a national tragedy.

The language of the Smith amendment attached to the Sikes amendment is vague and ought not to be adopted. Clearly, better language is required if action is to be taken.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, it has been said today that Father Hesburgh, Dr. Milton Eisenhower, Secretary Finch and Commissioner Allen are all against the Sykes-Smith amendments. The gentleman from New Jersey (Mr. THOMPSON) said there was unanimity on the part of a number of university administrators, including the president of the University of North Carolina—from which I graduated—that all are opposed to these amendments.

Mr. Chairman, I would like to say that neither of the gentlemen whose names were used is an elected public official—certainly not a Member of the Congress elected to represent the taxpayers of America and most assuredly they have not been elected to represent the taxpayers of the Second Congressional District of the State of North Carolina.

I support these amendments and hope they will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I support the Sikes-Smith amendments, which reaffirm in legal and reasonable terms the intent of the Congress that Federal funds shall not be used to subsidize violence and illegal use of force on the college campus.

As I understand the amendment, it leaves in the hands of college authorities the power of determination of eligibility with reference to any student, under the terms of the law.

It does make very clear the intent of the Congress on a matter of grave concern to millions of Americans—the use of force, or the threat of force, or the seizure of property on a college campus, to prevent students or faculty from the pursuit of studies at the institution. It makes very clear the intent of Congress that students or faculty found by the institution to be engaging in such illegal activity should not be provided loans, grants or salaries from Federal funds.

Surely this is a conviction shared by the great majority of Americans. I urge the approval of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I rise in favor of this legislation.

I am glad to report to the House that Mariner 6, late last night, passed within 2,100 miles of the equatorial zone of the planet Mars.

I would like to tell the Members that the National Aeronautics and Space Administration states that "the pictures are fantastic." These pictures are scheduled to be on national television tonight at 8:30 p.m. daylight saving time.

The other unmanned capsule, Mariner 7, is closing on the planet Mars from a distance of 1,500,000 miles. Mariner 7 is expected to pass within 2,100 miles of the southern hemisphere and ice cap of Mars.

Last night, Wednesday evening, July 30 the Jet Propulsion Laboratory in California lost radio contact with Mariner 7. This loss continued until communication was reestablished again today. It is the belief of the scientists that the possible cause was the impact of a micrometeorite with Mariner 7. This probably turned the capsule and the antenna enough to cause loss of "antenna lock" with the ground stations in communication with Mariner 7.

The present schedule announced by the Jet Propulsion Lab is that the pictures from Mariner 7 will begin to be received by JPL at 12:59 a.m., Saturday morning, August 2. Of course, the communication is by bits in computer language that contains various kinds of information, so the computers at JPL will have to sort out and produce the pictures from the information received. The daily papers, radio, and television stations should be watched by Members and their families to find out at what time the pictures will be released.

These are certainly interesting times for every American, as well as all world citizens. The U.S. Government, NASA, and the U.S. Congress are to be complimented on making the Apollo 11 moon landing, as well as the flights of Mariner 6 and Mariner 7 to Mars available to the public. This gives us all the feeling of watching history as it is being made by the United States in space exploration.

Someone among the Members has asked me what happens to Mariner 6 now that it has performed so brilliantly on its pass within 2,100 miles of the equitorial zone of Mars. The engines have been restarted from a distance of 59,000,000 miles giving Mariner 6 a kick in the apogee so that Mariner 6 is now en route to solar orbit and will finally, by the pull of the sun's gravity, gradually approach the sun, melting and vaporizing before impact.

Hearty congratulations again to NASA, the Jet Propulsion Lab, American industry and labor, scientists, engineers and technicians, as well as our U.S. taxpayers, who are making this brilliant space record possible.

The United States is now, and will continue to be, preeminent in space and space exploration.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of the Sikes-Smith amendment.

I would say, very briefly in the time allotted to me, that this is not an enforcement-of-the-law amendment. Enforcing of the law must be conducted by law-enforcement officials. This amendment is merely saying, on the part of the Congress of the United States, that we will not finance the tuition in institutions of higher education of radicals, arsonists, anarchists, and others who would destroy these institutions.

Certainly, if we fail to act in this Congress, we will be giving the greatest vote of confidence to the radical elements in our colleges and universities. We will be giving them a license to burn, loot, and destroy the universities which is their avowed purpose.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I wish to rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES), and the gentleman from Iowa (Mr. SMITH), and I hope that my colleagues will join with me in this support.

Now is the time for this body to stand up and be counted for the cause of safe universities and good education, and I think we can do this with these amendments.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I rise to support the amendment of my distinguished and able colleague, BOB SIKES, as amended by my warm colleague and friend, NEIL SMITH, of Iowa.

Mr. Chairman, it would be incredible, unbelievable, and even ridiculous if this House appropriated money for gangsters, anarchists, arsonists, and subversives on the campuses who are sworn to overthrow our great and incomparable system of higher education. Should this amendment be rejected, this House in effect would be subsidizing these hard-core trained leaders who are out to destroy higher education in our great country. I could not think of a more truly American approach than this amendment. It would leave the final decision of whether or not a student is to receive

Federal funds from all the taxpayers of the United States entirely up to the duly constituted college or university authorities.

In other words, Mr. Chairman, if a so-called student who comes to a university or college and attempts or does burn down the coliseum, ROTC building, library, or some other school building, the university authorities would simply have the right to deny him funds from the Federal Treasury. This is a timely amendment. It is long overdue and will restore to college authorities the final decision with reference to the activities of those who are out to destroy the academic community.

Believe me, Mr. Chairman, anarchist and violent revolutionaries are on the campuses. I saw one at one university 3 years ago; this spring, I saw him at another university a thousand miles away. Always the pitch is the same—burn the university, burn the American flag and never once offer a positive, sane program to promote higher education.

Mr. Chairman, I urge that this amendment be adopted and that it be passed by an overwhelming majority in order to make the message crystal clear to the anarchists and subversives on the campus that this Congress is for education and not out to destroy it.

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

Mr. ERLENBORN. Mr. Chairman, I have listened with interest to two debates today, this one we are considering now on campus disorders, and the other was a minidebate at the beginning of the session concerning the investigation of race riots within the military.

I think it is interesting to note the reaction of some of my colleagues.

The gentleman from Michigan, for instance, referred to the Ku Klux Klan and violence caused by them in a way that intimated the race riots that occur today might be justified by actions of the Ku Klux Klan of the past.

Then there are those who today take the floor, premise their remarks by saying that of course they do not condone violence, and then they read the litany of the problems we have facing the Nation as a possible justification for violence.

These people should realize that their attitudes are an encouragement to the further use of violence.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES), and the amendment offered by the gentleman from Iowa (Mr. SMITH).

The American people are tired of violence on our campuses.

Now is the time for Congress to act against those who would destroy academic freedom for the majority of law-abiding serious students. By restricting the use of Federal-aid funds to those who seek only to disrupt, and tear down, rather than build for a better America, we answer the call of the people of this nation who demand action.

No rioter, no arsonist, no gun-carrying extortionist has the slightest right to a single penney of Federal tax funds.

Congress has the opportunity today to speak for the taxpayers of this Nation, and for the students who strive for an education in an environment free of threats and intimidation.

I strongly support the Sikes amendment and the Smith amendment, to cut off funds to anyone who engages in violence against his college or university, or his fellow students.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I am not a candidate for the Presidency or the U.S. Senate. Therefore I rise in support of the amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I rise in opposition to the amendments. The proposed action, designed to discourage unrest on campuses across the Nation, would be a serious mistake, and I urge my colleagues to consider the consequences of its passage.

The use of force on college campuses has created in each instance complex and difficult challenges to men of good will, administrators, faculty, and students alike. Because no two situations are alike, members of each college community must be left to face those challenges on their own, calling in the help of outsiders as they see fit. Each well-publicized incident of student unrest has sparked public debate about the fitness of university response. But whether or not we agree with all decisions made in times of university crises, we must stand up for the right of those directly involved to make those decisions. It hardly makes sense that those of us completely removed from campus events should claim greater wisdom for dealing with them than those involved. I would argue then that more attempts at Federal intervention, such as this one will only make it more difficult for each university to deal with its crises quickly and wisely.

In this Nation we have traditionally and wisely left disciplinary action up to local control. We have considered those closest to the problem are in a better position to understand the difficulty, judge it properly, and mete out appropriate punishment.

Our criminal jurisprudence is replete with manifestations of this principle. A criminal is tried in the county where the crime is committed and by local jurors. In our doctrine of conflict of laws one State will not presume to enforce the criminal laws of another. Yet in this instance, the Federal Government would take jurisdiction over an essentially local matter on the grounds that Federal money is involved. But if we follow this basis of jurisdiction then the Federal Government will have jurisdiction in disciplinary matters over every individual in this country because no individual is outside the scope of some Federal benefit even if it is nothing more than a benefit under our tax laws. If we follow the Federal dollar as a basis of jurisdiction then we can deprive States of highway money unless they certify that they have certain traffic laws and that they will enforce them. We can deprive cities of Federal funds unless they have adequate laws to prevent riots and enforce those laws in accordance with some Federal standards, and many more examples could be cited whereby if we follow the action proposed in this and other student unrest amendments the result would be a gigantic Federal police force. In contemplating this action to stem student unrest we are in effect reverting to a feudal system whereby the sovereign Federal Government is invoking a forefeiture clause in the holding by recipients of Federal benefits if they fail to live up to standards set by the sovereign.

This is to be distinguished from cutting off Federal funds from school districts which do not comply with the Civil Rights Act. The Civil Rights Act is a matter of Federal jurisdiction and it would be unwarranted for Federal funds to be spent for purposes that would be in violation of the Federal Constitution.

I can see no sense in piling punishment on punishment. And I can see no sense in Federal intervention in campus problems so profound and complex that they are challenging the best leadership in the Nation's campuses: I doubt that simple solutions can be found on Capitol Hill.

Let me close by quoting a passage by Alexander Hamilton spoken many years ago which seems appropriate today:

> Nothing is more common than for a free people, in time of heat and violence to gratify momentary passions, by letting into the Government principles and procedures which afterwards prove fatal to themselves.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I plan to support the amendment offered by the gentleman from Iowa (Mr. SMITH), and the amendment offered by the gentleman from Florida (Mr. SIKES). I do not believe the Sikes amendment is going to do any damage. In fact it will not do much of anything. All it says is that the universities have to comply with the law. They certainly will do that since they decide whether they are in compliance not the Secretary of Health, Education, and Welfare.

Now, this means that the Congress indicates to the universities that we back Secretary Finch, not Cohn, because Secretary Cohn sent letters out to colleges and universities saying that the law could not be enforced and was unwise, so that they got the impression they might as well forget about the law.

Secretary Finch said the institution should enforce the law, so we will stand up for Finch in the Sikes amendment.

So far as the amendment offered by the gentleman from Iowa (Mr. SMITH) is concerned, his amendment just makes it clear that if any student engages in such activities as he lists, we do not want to fund them with taxpayers' money.

Mr. Chairman, I believe we could have worked out better language if the bill had come out of the Education and Labor Committee. We should have worked it

out there, but we were denied that opportunity by a majority of that committee.

I think it is the responsibility of the Committee on Education and Labor to pass a good piece of legislation governing the use of money appropriated rather than adding language as a limitation on appropriations. Since the Education and Labor Committee failed, I think we should at least pass this language.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mr. SIKES. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, I would like to make doubly clear that I feel the Smith of Iowa amendment to my amendment adds strength and substance to it. It is needed and I endorse the Smith of Iowa amendment and shall endorse both amendments.

Mr. CLARK. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. CLARK. Mr. Chairman, it was the Cristopher movement which adopted the slogan which says:

It is better to light one little candle than to stand and curse the darkness.

And it is my intention today to light that one little candle rather than stand and curse the darkness of anarchy and subversion.

I am for the Sikes amendment and the Smith of Iowa amendment. We must give our college professors backing. If we just sit and twiddle our thumbs here in Congress, while the SDS plots and plans disruptive measures in our schools, not only our school system is in jeopardy, but our whole society will go down the drain, all to the delight of our enemies around the world.

I have been collecting in my office the clippings concerning the disruptive and disgusting so-called Students for a Democratic Society. Never has there been a less accurate name for an organization for they should be called the "Students for a Disruptive Society." Going back to the Democratic National Convention of a year ago they worked their anarchist ways attempting to destroy the convention for the very simple reason that they did not agree with the choice that was made of a nominee. Now would not this Nation not be in just dandy shape if all of us decided to riot every time our Government made a decision we did not like? Well, the absurdity of this fanatic organization has been finally and clearly demonstrated—and appropriately enough in the same Chicago they tried to destroy—by their recent meeting where the first order of business was to bar the press while they proceeded with their canabalistic rites—the Chinese-type Communists and the Russian-type Communists and the American-type Communists all at each others throats. Sometimes when I look out my office window at the Potomac River I think this would be a fitting place to heave all of them for at least if they did not drown they might come out clean instead of with the filthy physical and philosophical stench that they give out now.

Of course, the thing that really sets me off is the fact that these radicals and rabble rousers are such a minuscule minority of today's youth and yet their weird proclamations and bizarre behavior receives so much attention that one would think they are speaking for the modern generation. One of the advantages, however, of a Congressman's position is that he gets mail—loads and loads of mail. And my mail runs 40 and 50 to 1 each time I lash out at the parasites of American society. And much of the mail that comes in dealing with the law and order issue comes from young people who are thoroughly disgusted with the antics of their contemporaries. And many of these fine young Americans are pointed in their remarks concerning their dedication to their Nation and flag and their genuine anger with those bearded scavengers who purport to speak for the modern generation.

To the average American reading his newspaper the disgusting, disruptive, and deplorable actions by the SDS must almost seem to be representative of the student bodies on our campuses today, and nothing could be further from the truth. In point of fact the SDS simply represents a minuscule minority dedicated to total disruption of the educational process with no desire to reform our society but a Marxian-like dedication to its destruction.

There are literally millions of young Americans in high school and college, who have a total aversion to the actions of the SDS and who want to demonstrate that you should either love America or leave it.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

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

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

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding and wish to state I wholeheartedly support his previous remarks and those of the gentleman from Oregon (Mr. DELLENBACK). The amendment before us is vague as well as unnecessary. It is not a constructive step to help college administrations.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, this amendment is unnecessary in my view and in the view of the President, the Attorney General, the Secretary of Health, Education, and Welfare, and the U.S. Commissioner of Education.

It adds nothing but mischief and the potential for further polarization, to our already overcharged university scene.

Our body has expressed itself time and time again as opposed to violence or threats of violence or the destruction of property, public or private in the pursuit of the solution of social ills.

Our university administrators have become more sophisticated in dealing with the violent radical left, more adept in isolating the minute splinter of violent disruptors from the mainstream campus adherents of peaceful nonviolent change and overdue "aggiornamento," more forthright and courageous in calling in the law promptly, when necessary, either through the police presence, the local district attorney, or the injunction power of the courts, each in turn where appropriate.

In recent months, we have seen a marked improvement in the effectiveness and dispatch with which college and university administrators have managed to contain violent disruption, and get on with the business of necessary change and reform. Across the Nation the vast majority of students, through their elected leaders, are being "included in" in the process of determining the direction and pace of needed change. The moderates are being given effective voice, and the violent extremists are being isolated, by university administrators across the land.

Let us keep the long arm of the Federal Government, Congress, and executive branch out of our local college campuses. College administrators, the local police, the local courts, and local prosecutors have the situation increasingly well in hand.

Mr. REID of New York. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to my colleague, the gentleman from New York.

Mr. REID of New York. I thank my colleague, the gentleman from New York, for yielding.

Mr. Chairman, I would say very simply that I oppose the Smith-Sikes amendment which is very clearly an outrageous provision to cut off funds to certain students. It will be clearly counterproductive. At a time when colleges are improving communications, providing for appropriate student governance and acting through the courts where necessary to deal with disorder, this type of Federal legislation is not only wrong but it would also tend to play into the hands of the real extremists. To talk of the threat of force or the use of force is to use pernicious language and that is deplorable.

I strongly urge defeat of the amendments.

The CHAIRMAN. The Chair recognizes the gentleman form Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I shall support the amendment offered by the gentleman from Iowa (Mr. SMITH) because it does not represent a broad-gaged institutional cutoff but in fact and in reality it is the kind of legislation that is limited to those individual students who are engaged in a course of illegal conduct.

I would also remind the House that shortly we will be considering the sections of this law involving the power of the Federal Government to cut off funds under title VI from people who violate the law.

I believe in title VI. I am going to support amendments that would preserve the integrity of that section and, therefore, I do not see any inconsistency in asserting the right of the Federal Government to cut off funds from individuals who break the law.

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

Mr. McCLOSKEY. Mr. Chairman, I support the Sikes amendment but I oppose the Smith amendment.

Section 504(a) of the present law penalizes students convicted of crime which involves the use of force.

Under section 504(b) we penalize students who wilfully refuse to obey the lawful regulations of a university. It is easy to enforce those laws and to provide due process in determining what is good conduct and what is bad conduct.

But when we add language here which penalizes conduct involving the use of force, we add a vagueness to the law that makes it impossible to provide due process and it is going to injure rather than help law enforcement on the campuses by so doing.

Mr. Chairman, I urge a vote against the Smith amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

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

Mr. WILLIAM D. FORD. I yield to the gentleman.

Mr. BRADEMAS. Mr. Chairman, I only want to comment on what my friend, the gentleman from Indiana (Mr. MYERS) said earlier when he spoke favorably of the actions of Father Hesburgh in enforcing the rules and regulations of and at the University of Notre Dame, and it is precisely because he and other university presidents around the country want to be able to enforce their own rules and regulations that the legislation before us now is not necessary.

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

Mr. COHELAN. Mr. Chairman, I shall enumerate my reasons for opposing this amendment as one who represents the best university in the country, the University of California at Berkeley.

I am opposed to these amendments for the following reasons:

First. They needlessly pre-empt the authority of local police to deal with lawbreakers free from Federal considerations.

Second. They impinge mightily on prerogatives of college administrators to handle their own disciplinary matters free from Federal considerations.

Third. They needlessly interpose the Federal Government in academic affairs.

The great universities ultimately must solve their own problems, and this legislation will not help them.

This amendment is a mere facade, an attempt to treat symptoms. But it does nothing to help meet or solve the serious underlying social causes, the gaps between rhetoric and action, the enormous lack of confidence in the ability of our Government to meet our problems.

I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ESCH.)

Mr. ESCH. Mr. Chairman, none of us condones acts of violence or illegality on a college campus or anywhere else. That is not the issue. None would approve the indiscriminate granting of amnesty to those guilty of violence or disruption, on campuses, or anywhere else. But that is not at issue here either.

What concerns us now is the need to make a proper judgment respecting the character of congressional response to acts of violence. If we intend to discourage violence on the Nation's campuses, we cannot do so by cutting aid to institutions. Such an act would encourage those who are bent on destroying our institutions of higher education, because the retribution for their acts of violence would be felt more by the victims than by the perpetrators of such actions.

Recently I had called to my attention a letter to the Assistant Attorney General, Office of Legal Counsel, from William F. Baxter, an eminent professor of law at Stanford University. Professor Baxter describes himself as one of the most outspoken advocates of hardline opposition to the student radicals at Stanford.

In his letter to the Justice Department, Professor Baxter warns that while only about 1 percent of the student body can be described as hardcore revolutionaries, they nonetheless can gather more supporters quickly as a reaction to what may appear to be repressive acts by Congress or local authorities. He anticipates as follows the consequences of the kind of antiriot legislation that is included in the committee bill:

> The government can weaken most universities and perhaps destroy some by taking away financial support; but it will not succeed in maintaining "peace on the campus" by that technique for several reasons. First, withdrawal of funds represents no threat to the radicals who cause the disruptions. On the contrary, to them it represents a strong incentive; for total divorce and complete alienation between the University and the Government is one of their primary objectives . . . Insofar as it withdrew support for scientific work with potential military applications, they would be delighted; and, finally, since protesting students and faculty come primarily from the classic and humanities and because they have the erroneous impression that substantially all government aid goes to the social and physical sciences, the threat would not seem aimed at them in any event. I am positive that this step would encourage the radicals, and I am reasonably confident that the step will adversely affect the evolution toward responsibility among the faculty; and given those facts, no increase in determination on the part of the administration and those of us already striving to maintain order will be of any utility.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, my amendment merely provides that the money appropriated will not be used to support presence on the campuses of individuals who use force to prevent others from enjoying academic or student freedom, and that money will then be available for some other student who would otherwise be unable to get a loan and I think that is the very least we can do.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FLOOD) is recognized to close debate.

Mr. FLOOD. Mr. Chairman, the debate is closed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH) to the amendment offered by the gentleman from Florida (Mr. SIKES).

The question was taken; and on a division (demanded by Mr. BRADEMAS) there were—ayes 129, noes 58.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Florida (Mr. SIKES) as amended.

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 162, noes 61.

So the amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

AMENDMENTS OFFERED BY MR. COHELAN

Mr. COHELAN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

> Amendment offered by Mr. COHELAN: On page 56, strike lines 16, 17, 18, 19, and 20.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

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

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

The CHAIRMAN. The objection comes too late.

Mr. COHELAN. Mr. Chairman, I further ask unanimous consent to have my amendment to strike section 408 and my amendment to strike section 409 considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California to consider amendments to sections 408 and 409 en bloc?

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

> Amendment offered by Mr. COHELAN: On page 56, strike lines 16, 17, 18, 19, and 20.

The CHAIRMAN. Under the unanimous-consent agreement, the two amendments will be considered en bloc.

The gentleman from California is recognized for 10 minutes.

Mr. COHELAN. Mr. Chairman, by this time, as I know the House recognizes, this is somewhat of an old standard. Mr. WHITTEN and I have gone through this ritual now at least three times.

I come before the Members today with pride in announcing that our effort today is a bipartisan effort, as it has been

in the past, and henceforth let the country know and let the world know that this shall be known as the Cohelan-Conte amendment. The gentleman from Massachusetts (Mr. CONTE) who is my colleague on the Appropriations Committee, has conducted a very active campaign on his side of the aisle, and we stand together today for the amendments we are advancing here.

Mr. Chairman, we rise to offer an amendment to strike section 408 and to strike section 409 from this bill.

This is without question an issue of black and white.

A vote against these amendments to strike will be a vote against civil rights. It will be a vote against the Constitution, against the Supreme Court, and aganst elementary fairness and equality in education.

The provisions advanced by our distinguished colleague, the gentleman from Mississippi (Mr. WHITTEN), are an open invitation to recalcitrant southern school officials to continue defiance of the law, to disregard the constitutional rights of millions of Negro students to equal access to public elementary and secondary schools.

If these provisions are accepted, many school districts which have reluctantly complied with the law in the past will seize upon this as an opportunity for backsliding, for lawlessness on a scale this country has never before witnessed. All of us are against lawlessness, and all of us are against violence.

If these provisions are accepted, there is a real possibility that Negro students will once again be denied a precious freedom so long denied them, that of participating as equals with white contemporaries, in the same schools, and not in separate-but-equal or unequal schools.

If the Members vote against these amendments they will be affirming the South's right to keep its racially segregated schools. They will be ignoring the 1954 Supreme Court decision which I called the beginning of the second reconstruction in the history of the United States of America. They will be ignoring what the Congress overwhelmingly supported only 5 years ago when it enacted the Civil Rights Act of 1964.

We have seen some progress since the enactment of the civil rights legislation, but this progress now hangs before us in jeopardy.

During the 1967–68 school year—mark this—13.9 percent of Negro students in the South attended racially integrated schools. Last year this figure increased to 20.3 percent. Under the present law we can expect an increase to about 40 percent this coming year.

However, if we reject these amendments and accept this bill with sections 408 and 409 intact we can expect retrenchment—not 40 percent integration, but 10 or 5 percent. These provisions attempt to remove Federal enforcement of local school district policies to end unconstitutional discrimination. They attempt to leave a requirement that so-called freedom of choice plans are acceptable means of desegregating schools, even though such plans fail to eliminate discrimination and unconstitutional segregation in schools. They are an attempt to perpetuate, blatantly, discriminatory separate-but-equal dual school system concepts which were declared unconstitutional by the Supreme Court 15 years ago.

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

Mr. COHELAN. I am happy to yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say to the gentleman that the amendments before us do not do a single one of the things the gentleman has mentioned. The membership not having heard the amendments, I ask unanimous consent that the gentleman's time be extended a minute and a half so that he can read the language, so that the Members can see it does not do what the gentleman has said.

The CHAIRMAN. Will the gentleman state his unanimous-consent request?

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent that the gentleman may have a minute and a half to read the language so that it will be apparent it does not do these things.

Mr. COHELAN. I will be glad to read the language. I do want to tell the House that I have written to every Member of the House and I have submitted my view on the matter. I have also submitted to each Member the language of sections 408 and 409; the language which incidentally, was introduced in the Appropriations Committee by our distinguished colleague, Mr. WHITTEN.

I will be glad to do that.

Mr. WHITTEN. I wish the gentleman would read it. I do not believe it has anything but two syllable words.

Mr. COHELAN. I will read the language. But I do not want the Members to be deceived, or the Committee to be deceived by the language of the bill, because what is pertinent in the argument is that this is an attack on title VI of the Civil Rights Act of 1964. The substance and the thrust of what is being proposed is precisely what we turned down this year in the form of the Collins amendment.

All the civil rights organizations certainly know what it is. There are people here in this chamber today who are some of the leading spokesmen of the civil rights movement in this country, and they know what this proposal will do. They know this is an anti-civil-rights, anti-Constitution, anti-equality proposal.

In order to comply with the request of the gentleman, for whom I have the highest regard, I will read the language:

SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

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

Mr. COHELAN. Let me go on, please. I have complied with the gentleman's request. Let me complete my argument, and I will be glad to see that the gentleman's unanimous-consent request for further time is granted, because, as our colleague, Mr. LOWENSTEIN, the gentleman from New York, has said, this subject and the subjects we have been discussing today are much too important to quibble over questions of time. I believe that the gentleman's point of view should be fully discussed on the floor today, and I know he wants me to do the same thing. Now let me proceed.

As I said, Mr. Chairman, we have seen some progress. If we adopt this bill, the progress that has been made, and which has been relatively meager in 15 years time, will be done away with. We will see that if we persevere in enforcing the Constitution and the Civil Rights Act, we will achieve 40 percent desegregation in the South this year. If we adopt these amendments, we can expect nothing.

These provisions attempt to impose Federal limitations on local school districts policies to end discrimination.

They attempt to legislate a requirement that so-called freedom of choice plans are acceptable means of desegregating schools even though such plans may fail to eliminate discrimination and unconstitutional segregation in schools.

They are an attempt to perpetuate blatantly discriminatory "separate but equal" dual school system concepts which were declared unconstitutional by the Supreme Court 15 years ago.

They are an attempt to negate effective Department of Health, Education, and Welfare enforcement of title VI of the Civil Rights Act of 1964.

These provisions which have been previously considered by the House and rejected in the fiscal year 1969 appropriations bill are nothing but repeats of last year's efforts to force a Federal agency to accept ineffective freedom of choice desegregation plans when the Supreme Court and the Congress have made it clear time and time again, that paper compliance with the law is not enough. We can settle for nothing less than full compliance.

Tokenism in obedience to the law cannot become associated with this Congress nor with this or any other administration. The obligation upon the Department of Health, Education, and Welfare and other agencies is to enforce—fairly and firmly—the nondiscrimination requirements of title VI of the Civil Rights Act of 1964. Sections 408 and 409 are designed to achieve the opposite.

These provisions also make mention of busing and forced school closing. Mark this: But the fact is that they have nothing to do with busing. Under present law, Federal funds may not be used to force busing. They have nothing to do with school closings. The Federal Government, under current law, cannot force any school to be closed. These are emotionally charged issues designed to detract from the real issue which is to tie the hands of the Federal Government in its battle against unconstitutional segregation.

Mr. Chairman, I am tired of hearing the words "busing and abolishment of schools" invoked by the segregationists of the South. Where have these same voices been for years and years while both black and white children were bused from one side of a school district to another in order to maintain the black, white dual school system. Where have these same voices been for years while a large percentage of the overcrowded, all black schools in the South deteriorated into complete disrepair. I will tell you where these voices have been—they have been silent.

Busing and abolishment of schools are merely words used to disguise the real purpose of these provisions which is to allow the South to go back to adopting unconstitutional "freedom of choice," plans that result in the perpetuation of discrimination and unconstitutional segregation.

"Freedom of choice" is not a new concept. It has been used in the South until recently as a means of escaping the constitutional responsibility of school desegregation.

On May 27, 1968, Green against School Board of New Kent County, the Supreme Court held that freedom of choice plans are acceptable only when these plans result in the elimination of discrimination and unconstitutional segregation. In Green, the Court held that—

> The burden on a school board today is to come forward with a desegregation plan that promises realistically to work, and promises realistically to work now.

The Court added that—

> There are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, non-racial school system, freedom of choice must be held unacceptable.

Mr. Chairman, the Supreme Court's language is clear. When so-called freedom-of-choice plans fail to result in desegregation, they are not acceptable to meet the requirements of title VI of the Civil Rights Act of 1964. And, Mr. Chairman, the use of freedom of choice in the South has failed.

Freedom of choice has been tried in the South from 1954, the year of the first Brown decision, to early 1968. During that 14-year period, black children attending white schools rose from practically zero percent to a very poor 14 percent—an average of about 1 percent per year. However, between the fall of 1967 and the fall of 1968, following the Green decision, the desegregation rate in the Deep South States jumped by 6 percent to a total of 20 percent. If the Department of Health, Education, and Welfare can continue to reject ineffective and unconstitutional freedom-of-choice plans, the desegregation rate in the Deep South is expected to increase to 40 percent this fall.

With the adoption of the Civil Rights Act of 1964, the Congress stated unequivocally that the Federal Government should not extend financial assistance to segregated schools or other facilities or programs which discriminate on the basis of race. If sections 408 and 409 are not deleted from this bill, the Federal Government will be aiding discrimination against millions of school-age children. I believe that would be morally and legally unconscionable.

I have before me an analytical report from the Department of Health, Education, and Welfare which gives a detailed accounting of the numbers of Negro children in the southern border States now in integrated schools. The record is clear. The statistics speak for themselves. I request your permission to insert this report in its entirety in the RECORD, for it is excellent testimony on the case at hand.

Mr. Chairman, I cannot overemphasize the damage that will be done if this bill is passed as is. I urge adoption of the amendment.

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

Mr. CASEY. Now, Mr. Chairman, our subcommittee considered these two sections that were submitted by the gentleman from Mississippi very carefully.

Now, the gentleman who preceded me here in the well is trying to revive the War Between the States or something because he keeps referring to the South. However, I imagine a few of you from the North are a little concerned now, because last year there was decreed by our committee uniform enforcement in this area throughout the country. So, I think all of you ought to know about this language. This is for the whole country. Let us not wreck our school system. Let us not take it completely away from local control.

Mr. Chairman, there is nothing to stop a local school district from busing students if that is what people in that district want. But you cannot say to some student that you are going to do so whether you like it or not or whether your parents like it or not, because we think you ought to do it in order to maintain equal education as they call it now, because we have stopped using the phrase "to overcome racial imbalance." In other words, they use some other excuse. What you will do is to take away the neighborhood schools. They tell us that by these sections we are destroying the neighborhood schools. However, I say that this will preserve them. You will be preserving them in the interest of the people who take an interest in the PTA. But, the bureaucrats think they have got to mix things up to better improve the school system. I suggest that they take a look at the District of Columbia school system. Do you think it has been improved in the last 5 years?

Mr. Chairman, this is not going to interfere with court orders. After all, the courts interpret the law.

As you well know, they also interpret the Constitution contrary to what a lot of us think it is. But read carefully sections 408 and 409. As the gentleman from Mississippi (Mr. WHITTEN), said, in a few simple words, any parent, if they want to institute a busing system, they can, but they cannot take some students who do not want to go in the bus and say "You have got to go."

And that is what is going to happen if you do not leave these two sections in.

It is not going to just happen in the South. It is going to happen all over this country. When some fellow in HEW gets the idea that it ought to be done, it will not be your school board, and it will not be the PTA, not the citizens who pay the local taxes, but it will be the man in HEW.

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

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

Mr. COHELAN. Mr. Chairman, would the gentleman tell the committee exactly upon what authority HEW would be acting in such a situation as the gentleman describes? Is it not true that they would be acting under the requirements that they enforce title VI of the Civil Rights Act to remove the elements of unconstitutional segregation of children?

Mr. CASEY. Mr. Chairman, I will say to the gentleman that they have been doing it, and they will continue to do it on the basis that you do it, voluntarily, or you do not get the money.

Mr. COHELAN. Well, how else do you do it? How else do you do this? How else do you enforce title VI of the Civil Rights Act?

Mr. CASEY. I will tell the gentleman again, and I will repeat what HEW said, and that is that we do not care how you do it, but you are going to get a certain number of black students in this school, and you are going to get a certain number of white students in this other school, and you are going to get a certain number of white teachers in this school.

You figure out how to do it. The only way you are going to get the black students from 15 miles away is to bus them.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield further, what have the courts held? Have not the courts held that that is exactly what they have to do, whether it be by a freedom of choice plan, or whether it be by busing?

Is that not what the court has held? Is not this really a kind of an effort to fuzz up the issues?

Mr. CASEY. Mr. Chairman, I would state to the gentleman that I think this is an effort to clarify the intent of this Congress that we want to let the school districts run their own schools.

Mr. COHELAN. The Congress said that we wanted to end the unconstitutional segregation of black children who are American citizens, and who have been deprived of their constitutional rights for almost 170 years.

Mr. CASEY. I understand that. I understand it very clearly. But I would say to the gentleman from California that there are some black people who do not want us messing around with their schools either.

Mr. COHELAN. There is no doubt that in some communities where they have a large proportion of black citizens that may be true. But what we are trying to do for America is to provide equal opportunity, and certainly that begins with ending segregation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. CASEY was allowed to proceed for 1 additional minute.)

Mr. CASEY. Mr. Chairman, I just want to reiterate, and you can twist it around any way you want to, but read it very carefully and clearly:

If you knock these two sections out, you are going to have compulsory busing.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment offered by the gentleman from California.

Mr. Chairman, at the outset I want to compliment the gentleman from California (Mr. COHELAN) for his valiant efforts and the work he has put forth upon these amendments, both in the committee and here on the floor of the House in the past few days. We won yesterday on the Joelson amendment because we had bipartisan support and we can win today with that same support. Yesterday we struck a new blow for the betterment of our educational system, let us continue with that drive today by defeating sections 408 and 409.

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

Mr. CONTE. I am happy to yield to the gentleman from New Jersey.

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

Mr. Chairman, I would just like to take this brief time to say something about the vote yesterday on my amendment.

I would be remiss if I did not state that when I stood there as a teller that I was impressed when I saw many of the gentlewomen and gentlemen from the other side of the aisle pass through in favor of my amendment. I do not consider that a personal victory, but I am pleased to acknowledge the support I received from the other side, and to express my gratitude for it. I hope that they will continue their support later in the day.

Mr. CONTE. I thank the gentleman from New Jersey for his gracious remarks.

Mr. Chairman, I rise today in opposition to this most recent effort by the gentleman from Mississippi to persuade the House to take a most dangerous step backward—a step which would, in effect, undermine both Supreme Court decisions and the very clear commitment of Congress to complete the desegregation of our Nation's schools.

Before explaining the reasons for my opposition, Mr. Chairman, let me say that much of the language used in these provisions is nothing but a "Red herring." We hear phases like "Forced busing" and "Freedom of choice." It is important that their meaning be clear, so that all of us know just what is at stake here. At least three times before, the Congress has made clear that it is opposed to forced busing to eliminate racial imbalance. Racial imbalance is not a condition created by Government action. In the Civil Rights Act of 1964, in the Elementary and Secondary Education Act, and in the Metropolitan Development Act of 1966, forced busing or other acts to eliminate this innocently created "Imbalance" are prohibited.

Therefore, these sections offered by the gentleman from Mississippi are completely superfluous and unnecessary for that purpose. But, at the same time, they would nullify the action Congress has taken to implement the constitutional mandate to put an end to segregated schools.

Another deceptive phrase is "Freedom of choice." Its true meaning, in practice, is completely at odds with what it may appear to suggest. The Department of Health, Education, and Welfare has stated regarding this concept:

> Experience has demonstrated that use of the so-called freedom of choice plan simply keeps in effect for the vast majority of Negro students a racially segregated school system with inherently resulting inequities and badges of servitude.

Last year in Green against School Board of New Kent County, the Supreme Court held that so-called freedom of choice plans are unconstitutional where they are designed to perpetuate a segregated system.

The gentleman from Mississippi seeks to repudiate the Green decision and in effect the national direction and purpose this country has followed for the past 15 years.

In clarifying the terminology, Mr. Chairman, which the gentleman from Mississippi has chosen to use, I think we clearly demonstrate the inappropriateness and the unfairness of his proposals. Under the guise of language which might have a certain surface appeal, he would have this Nation take a leap backward that can only be described as disastrous.

Adoption of these amendments can only be interpreted by our black citizens as an attack on their fundamental and constitutional rights to equal treatment in this country. At a time when the need is greatest for understanding and cooperation among all groups in this Nation, the enactment of these provisions could only serve to drive a stake, a barrier, a wall between black and white in this country.

The action proposed today, Mr. Chairman, would result in nullifying the mandate of title VI of the 1964 Civil Rights Act—its vital enforcement section.

This proposal would have us retreat to the shameful record of the past before the famous Brown decision. We cannot countenance such a retreat. What is needed is a rededication to the speedy implementation of that great decision.

Despite their deceptive phrasing, I urge my colleagues to see these sections for what they are, and to reject this latest desperate effort to turn back the clock. I urge the adoption of the amendment to strike sections 408 and 409.

Mr. EDWARDS of Alabama. Mr. Chairman, it is easy to sit here and listen to all these high platitudes and wonderful words. What I am asking you to do now for just a few minutes is to listen to some practical talk. It is easy to say that HEW cannot force busing. It is easy to say that they cannot close schools. But I want you to give me your attention for just a minute while I tell you some of the facts of life.

The Green case says there are other reasonable ways. But the Green case does not say you have got to pick up young students and bus them 12 miles across the city. And yet this is the HEW plan in my city of Mobile. HEW would haul 2,100 children 10 and 12 miles across the city of Mobile to carry out what we have been told here today cannot be done.

HEW'S plan would call for the closing of six schools in the city of Mobile to carry out what we have been told cannot be done. And, yes, the old dream of an educational park that was thought up in the last administration has even resurrected and set out in the plan of HEW for my city of Mobile, where they would join four schools and call on the school board to build covered walkways, if you will, from one school to the other and across many streets and even over a railroad track in one case. The plan calls for each child in a period of 4 years to attend one of the four schools, so that at the end of the 4 years each has been in all four. This is the HEW plan in practical aspect. The cost, Mr. Chairman, to the Mobile County School Board is $13.5 million. Think of it; $600,000 would be required just for buses.

Now, you can talk all you want to about these dreams, but this is what has happened.

Or think about Choctaw County, a fine rural county in my district. The HEW plan calls for students in some cases in Choctaw County to be bused on a trip that will take 2 hours in the morning and 2 hours in the afternoon on a round trip of 90 miles. You can use your own imagination as to how long you have to be up in the dark waiting on the schoolbus and what time these young children will get home. The HEW plan calls for the students of Choctaw County in almost every instance to go to six different schools in order to graduate from high school. You go here for the first and second grade, and over here for the third and fourth, over here for the fifth and sixth, and over here for the seventh and eighth. The plan even calls for the closing of the two largest high schools in Choctaw County if you can believe that. The HEW plans are racially oriented, they are racial entirely. I said to Secretary Finch of HEW only last week, "Isn't the purpose education?" HEW is not doing what some of my colleagues here would say they are doing, or what you perhaps hope they are doing when you write these laws.

These are the things that concern the people in my district. These are the things that should concern you and, yes, we have fussed about the Federal courts down there. But we are in the position now, with the plan of HEW, where we are saying, "Thank God for the Federal courts." Perhaps they will save us from what has been proposed by HEW.

Do not tell me that title VI, and what was in the HEW bill last year, is going to solve all the problems, because when you add the words "to overcome a racial imbalance," you open the door for HEW to use every other excuse they can dream up to bus the children around the countryside. These are the things that should concern you. These are the practical aspects of what HEW is doing.

I can say to Members as a practical matter, that I doubt very seriously if the present Secretary of Health, Education,

and Welfare has known that these things are going on. At least, he did not appear to know until last week when I told him. These are the things coming from the bureaucrats in the field, the dreamers, if you will, who could care less about the education of the children of the United States.

Mr. Chairman, I urge the Members to vote down the amendments.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendments.

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

Mr. EVANS of Colorado. Mr. Chairman, I yield with pleasure to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I think it was Victor Hugo who once said: "When the time for an idea has come, nothing can stop it."

The time for desegregation came several years ago. It could not be stopped then. It cannot be stopped now. Desegregation is here and it is going to stay here. No amendments and no provisions of the type offered by the gentleman from Mississippi (Mr. WHITTEN), for whom I have an abiding regard, are going to change that idea of desegregation.

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

Mr. CELLER. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I would just like to say if the gentleman reads my amendment, while the gentleman talks about these things, the amendment says the moneys shall be made available for education and education shall proceed while these things are going on.

Mr. CELLER. Mr. Chairman, I understand that. I hesitate to use the harsh phrase and say the gentleman's amendment is a subterfuge.

As said by cne of the earlier speakers, it would be turning the clock backwards. I do not think we would want to be doing that. We would be placing ourselves in the position we were a decade ago. The speeches we hear in support of the Whitten amendments are the same speeches we heard in opposition to the school desegregation case, Brown against Board of Education.

If we would do anything, Mr. Chairman, to bolster the Whitten amendments, we would be like the characters in the story that comes out of Greek mythology. Remember the story of Sisyphus. Sisyphus was ordered to push a huge boulder over the hill. He used his great strength to try to push that boulder over the hill. When he got to the top, however, the weight of the boulder overwhelmed him and down the boulder came with him.

We are not going to allow that boulder to come down upon us now by adopting the Whitten provisions. If we were to do that, we would cast into the abysmal depths of uselessness all the decisions of the Supreme Court attacking school segregation, as well as all the laws we passed with reference to desegregation, and I do not think we want to do that.

In my humble opinion, these Whitten amendments would seek to bring about segregation. That is exactly what they do. They will bring about a situation where we would have separate but equal schools, which have been declared unconstitutional by the Supreme Court. I would say for that reason the Whitten amendments are as irritating, to me at least, as a hangnail—and a hangnail can be extremely irritating.

I think these provisions offered by the gentleman from Mississippi are obnoxious and they should be ripped out root and branch from this appropriations bill.

Mr. Chairman, this bill to us flies in the face of a recent Supreme Court decision, *Green* v *School Board of Virginia*, 391 U.S. 430 (1968) involving New Kent County, Va., schools, where with all the ingenuity at their command, the school district said, "We shall provide freedom of choice." But this system yielded no desegregation. Instead it operated to perpetuate a dual-school system based on race.

The Supreme Court held "freedom of choice" was unacceptable in that situation.

I hope that the amendments offered by the gentleman from California will prevail.

Mr. Chairman, the so-called Whitten amendments, attempting to interrupt and prevent the slow but sure progress toward desegregation in education, have now become as inevitable as the winter frost and the summer heat.

Less than a year has passed since the Whitten riders were last rejected by the 90th Congress. In the interim our citizens have not faltered in their commitment to equal educational opportunity. The passage of a year has not made the Whitten amendments any more attractive.

It is strange and extremely sad that despite the passing of a decade and a half since the landmark Brown against Board of Education school decision, education in various sections of this country still remains segregated. A generation of schoolchildren have entered grade school and graduated from high school without enjoying the rights to which they were declared to be entitled 15 years ago. All manner and kinds of dodges and subterfuges and circumventions and delays have been used to prevent the realization of a unitary, desegregated educational system.

Ostensibly, the Whitten amendments are intended to restrict efforts to eliminate the badly discredited "freedom of choice" plans, which, by seeming to allow students to choose their own schools, often in atmospheres heavy with coercion and intimidation, have in reality resulted in no desegregation at all.

In *Green* v. *School Board of Virginia*, 391 U.S. 430, decided in May 1968, the Supreme Court met this issue head on. The Court unanimously ruled that "freedom of choice" was not an end in itself and that where there are reasonably available other ways which promise speedier and more effective conversion to a unitary, nonracial school system, "freedom of choice" must be held unacceptable. The Green case involved the New Kent County, Va., schools which were operated under a Court-ordered freedom of choice plan of pupil assignment. After 3 years of operating under this plan—New Kent County waited, it should be pointed out, 11 years after the first Supreme Court decision, Brown against Board of Education, to take step one toward desegregating—85 percent of all Negro children in the school district were still in an all-Negro school. The Court held that the imposition of freedom of choice shifted to Negro parents and children a burden which is the duty of school officials—the duty to "convert to a unitary system in which racial discrimination would be eliminated root and branch," 391 U.S. 430, 438. The Green decision enunciates the law of the land. Following the Green decision, Federal courts have been concerned with enforcing its teaching. The Department of Health, Education, and Welfare has followed the decision in order to enforce title VI of the Civil Rights Act of 1964 by preventing Federal funds from going to school districts which would discriminate on the basis of race, color or national origin. But the Whitten riders would attempt to overturn the Green decision. They seek to legitimize the so-called freedom of choice plans as the only acceptable and reasonable means of desegregating schools.

Mr. Chairman, the Whitten riders would frustrate and disappoint Negro school children and their parents who still wait to enjoy rights declared to be theirs 15 years ago. These Whitten riders also would confuse and give false guidance to school administrators who are trying to cooperate in ending the blight of dual school systems based on race.

The Whitten amendments represent the old pressure for unequal treatment.

They represent a retreat from ending racial discrimination in schools steadily and speedily in accordance with the law of the land.

I urge my colleagues to join with me in voting to strike out the Whitten riders from the pending bill.

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

Mr. Chairman, I wish to speak in opposition to sections 408 and 409—items which President Nixon specifically deleted from his budget—and which the Attorney General of the United States also opposes.

Let me first address the legal questions this amendment raises. It is my understanding that no law now in existence—or the HEW appropriation bill, now before the House—requires the busing of students for the purpose of achieving racial balance. If HEW seeks to impose such busing, it does so without legal authorization. No existing or contemplated Federal law requires busing, nor should it. So the issue of "forced busing" is a smoke screen which diverts attention from the real meaning of this amendment, which is to resurrect the so-called freedom of choice plan.

As we all know, the freedom of choice plan can mean different things in different places, depending upon the way it is implemented. In certain areas of the

country practical experience shows it is a subterfuge to maintain segregated schools. In certain areas, that has been its effect—and one can only reasonably conclude that that has been its intent as well. So "freedom of choice" can and does mean segregated schools. The preservation of segregated schools by whatever means is illegal and wrong.

It violates the law, as written by this Congress.

It violates the Constitution of the United States.

It violates the Bill of Rights.

And it violates the conscience and dignity of man.

Denial and division based on race is wrong; it is repugnant and indefensible. And this applies to civil rights, jobs, housing, education, and everything else across the board.

Either we are one Nation indivisible, or we are not.

Either liberty and justice for all, means all, or it does not.

Either "all men are created equal, and endowed with certain inalienable rights," or they are not.

These are basic questions. They must be answered. If this flag is to hang behind the Speaker's chair, if the mace is to stand there as a symbol of liberty and justice, if our sworn oath as Members of Congress to uphold the Constitution is to mean anything, then they mean first, last, and always that human dignity, equal justice, and equal opportunity must be guaranteed for all our citizens, every single one—man, woman, or child; black or white—all day, every day, in every way, and everywhere in this country.

What right is more basic than education—the right to develop and learn, to grow in capacity, and to become productive and self-reliant?

For long centuries we have maintained the hypocrisy of separate and unequal schools in this country, based on a child's color. It continues today in various forms, in various regions of the country. It is wrong wherever it occurs.

Let us finally, as a Congress—as men—as a Nation—summon the moral courage to end it now. The snake of discrimination and racial denial will always grow a new head, unless and until we resolve to hack it to pieces, once and for all.

If there is a person in this chamber today who would tell a young returning serviceman from Vietnam, whose legs have been blown off in combat, and whose skin is black, that his children cannot attend integrated schools, then that man ought not to be here.

The law today is absolutely clear on the implementation of desegregation. The method and technique for ending segregation is left to the local school officials. Their only requirement is to get that job done in some way which is theirs to devise.

No one should intrude on that responsibility, as long as the law of this land is carried out. This in no way violates the neighborhood school concept, nor forces any particular implementation plan. It says only that our Nation's laws will be obeyed and carried out, and that the rights of all our people will be protected equally. It was not, and is not, the intent of the law to bus students to achieve racial balance.

This is not the year 1750, or 1875, or 1920. It is 1969. We are in a new time, where our vision and our ingenuity can let us reach the moon. But is it to be that we can reach the moon and not reach each other?

Is it to be that we can surpass physical and technical barriers and fail to overcome human barriers?

Must men be separated by color in our schools when they die in each other's arms in Vietnam this very minute?

Are we today, with this amendment, to deny human rights that are God given, inalienable, and which form the very basis of our national meaning? Or are we finally willing to speak and do what must be said and done?

Yes, there are temporary political risks which stem from public fear, misunderstanding, ugly passions, that have been inflamed by demagoguery, and such things as these.

Each man here, to a greater or lesser extent, must deal with these pressures.

But I would contend that the American people, above all else, ultimately wish to do what is morally right. They seek to understand; they seek the words and examples of their public leaders; they desire most to meet the great issues head on with courage, and determination, and a final willingness to commit their lives, their fortunes, and their sacred honor to their country's highest ideals.

And our people watch us today—200 million of them—they are ready to respond to inspired leadership, to fulfill the destiny of our country. They are asking us the way—which path is the one of honor and goodness.

Yet, as we deliberate, there is a rising chorus of extreme voices at both ends of the spectrum, whose only answer is to burn, and beat, and bomb, and break the law.

Most of our people repudiate this. Our people seek the higher road. But we here in this Chamber must be prepared to take it first.

And if we move, our voices and our bodies, toward what is right, we will meet the test we are asked to meet, and so will our people.

Mr. Chairman, I urge the adoption of this amendment to strike sections 408 and 409.

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

Mr. Chairman, I rise addressing myself particularly to section 408, because I find myself somewhat perplexed as to how it would operate in my home city and in my State. It says:

> No part of the funds contained in this Act may be used to force busing of students.

In the Sacramento Unified School District, the busing of students has been carried on for a number of years under an order of the superior court of the State of California. I assume, therefore, that none of these funds, because it is a forced busing, could be utilized by the unified school district for the expense of busing those students.

Now, Mr. Chairman, I want to go on to another point. We have a system of schools for the mentally retarded. Obviously, we cannot have one in each school district, so we have to bus students to these particular schools, which their parents may not approve of. However, our law requires that they attend school until they are at least 16 years of age. In the schools for the mentally retarded, we give them special programs of education. That is an enforced requirement of attendance at a particular school. I have the impression that under the language of this section my school district would not be permitted to use any Federal funds to carry out that program, worthy as it is.

Mr. Chairman, we also have schools for the handicapped in my district. Again we bus them there and again we require their attendance, because certainly we take many who otherwise would face a life of hopelessness and we give them again the special type of education which only the highly trained specialists can afford to give to these youngsters. It is a required attendance. Does not section 408 again withhold Federal funds? In my judgment it does. In my judgment, it does grave injustice in an effort to perpetuate a policy which has been discredited, which has been found to be unconstitutional, which has been declared illegal, and which has been found repugnant to the conscience of this Nation by the action of this body repeatedly and by the action of our cobody on the other side of the Hill.

I think it is time that we vote it down and recognize the reality of the age in which we live and try to establish communication, move ahead, and make progress and not go back for a quarter of a century.

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

Mr. Chairman, almost like Banquo's ghost, sections 408 and 409 rise to haunt us here in the Chamber this afternoon.

Mr. Chairman, most members of the committee felt that we had dispatched these iniquitous sections of this legislation in October of last year to a final resting place. They have no place in this bill. This is not a civil rights bill. This is an appropriation bill. So, why should we today convert it into an anti-civil-rights bill?

Mr. Chairman, it occurs to me that just a few days ago, within the week, that man made his way to the moon. Perhaps in a few years man may yet set his foot on some far distant planet. Will we still be quarreling about equality of opportunity in education? Or, will we once and for all be done with the matter and decide that we will not resort to the kind of subterfuge that is contained in this language, because mark these words and mark them well: We are not concerned with busing in these sections. It is a false issue. I suppose there is scarcely any word in the English language which arouses more intense emotion than this word "busing." To many this conjures up in the mind the pictures of some small frightened child far removed from the safety, security, and sanctity of a neighborhood school as the result of being bused to a school far from his home.

Mr. Chairman, there are ample provisions of law today to forbid the busing

of children in order to overcome racial imbalance. That is not the issue before this House. The issue is a very simple one. The issue is: Do you want to preserve the integrity and meaning of title VI of the Civil Rights Act of 1964?

I beg you, do not take refuge in some comfortable notion that there is some change in the temper of our times. The people do not want to abandon the goal of racial integration. I would plead with my friends on this side of the aisle as I did a few minutes ago when you applauded the idea that we cut off the funds to those students who would break the laws of our land.

I joined you—I joined you in supporting that amendment, because I feel there is an inherent right and power in the Federal Government, a right and power which it has to cut off funds to those who are today violating the laws of our land. Yet, when I read as I did in the RECORD a few days ago that there are school districts where 80 percent or 90 percent of the Negro students are still attending segregated schools 15 years—15 years—after we thought we had once and for all settled the proposition that separate but equal was not good enough. And, then I hear my friends—and they are dear friends and I very much dislike having to disagree with them, that say maybe the Federal courts will save us. I wonder if they still cling to some notion that by the process of legal delay they may yet have some years during which to delay compliance with what is the law of the land.

Mr. Chairman, I have in my hand an opinion containing a decision by one of the Federal district courts in which they say:

> School boards have the affirmative duty to take whatever steps may be necessary to convert to a unitary system in which discrimination is eliminated.

If you pass this law today with this kind of language, you are telling the school boards of this country that you cannot begin to comply—you shall not comply with the law of the land. Do not hide behind "freedom of choice." That was decided years ago by Judge Soboloff in the case of Green against New Kent County when he said:

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation, and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end. The school officials have the continuing duty to take whatever action may be necessary to create a unitary, nonracial system.

Mr. Chairman, as I said a few minutes ago, a few days ago men found their way to the moon. A few years hence perhaps interplanetary travel may yet land man upon some remote and far distant planet. Will that event find us still quarreling among ourselves here on earth with regard to the implementation of desegregation in our Nation's schools? God forbid that we should be capable on one hand of so great a technological achievement and yet falter and fail in that far nobler purpose of freeing the human spirit from those forces that would chain and fetter it through ignorance and fear. Let us today strike these sections from the bill and renew our pledge to continue our march toward that goal.

As far as I am concerned, the test which would be applied to these provisions authored by the gentleman from Mississippi (Mr. WHITTEN) is simply this: Do they advance or retard the constitutional goal of providing equality of education? I think the answer must be painfully clear. If we ratify these provisions today, we tell scores of school districts where the goal of equality in educational opportunity has not been met—a little more delay is perfectly all right with the people's Representatives in the U.S. Congress. Instead of demonstrating a sense of urgency that we get on with the job of achieving the goal of integrated schools, we will signal a permissible slowdown in that effort. Mr. Chairman, this would be a tragic misreading of both the needs and the temper of our times.

I beg you to support the amendments of the gentleman from California to strike from the bill the language contained in sections 408 and 409.

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

Mr. Chairman, I would like to direct several questions to the gentleman from Mississippi (Mr. WHITTEN).

First, Mr. Chairman, a lot of horrendous charges have been made during the course of the debate about the intent of this language, and the results that will flow from the language. I would ask the gentleman from Mississippi, who is the author of the sections sought to be stricken, if there is any difference between the language in either one of these sections and the language adopted by this House a year ago?

Mr. WHITTEN. Mr. Chairman, if the gentleman will yield, these are the sections that we had a year ago.

As the gentleman will recall, the Senate added to the sections——

Mr. JONAS. Mr. Chairman, if the gentleman will permit me, I am not inquiring as to what the Senate did. I am asking the gentleman if the language in section 408 and section 409 is or is not identical with the language adopted by this House a year ago in the bill providing appropriations for this same department?

Mr. WHITTEN. It is.

Mr. JONAS. Now, Mr. Chairman, I did not hear a lot of the wailing and gnashing of teeth last year when this matter was before the House.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield——

Mr. JONAS. We had a little debate.

Mr. COHELAN. We had a big debate.

Mr. JONAS. And the House adopted the language that is now sought to be stricken.

I do not understand why the argument is made, then, that here suddenly out of the blue sky somebody is engaged in an effort to undo something that was started 15 years ago.

This is exactly the same action the House took a year ago. I do not see any reason why we do not have the right, if a majority of the Members of the House feel that this language is proper, to adopt it again regardless of what happens in the other body, or regardless of how the courts have ruled under on other laws, courts, or anything else. This House certainly has the right to express its views. And if you will just read the language in sections 408 and 409, you simply cannot believe that the arguments we have heard today apply to these sections.

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

Mr. JONAS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, may I say I hope they will read the language carefully, because all this says, when we talk about all these billions of dollars for education, that HEW has no right to withhold money from the people of all races which we appropriate for education in the schools, where they are completely desegregated, as we defined that term in the Civil Rights Act, that they have to have money for education.

With my provisions HEW cannot withhold those funds in order to make certain schools go beyond what the law requires. It is no more what has been described here than anything.

Mr. JONAS. Mr. Chairman, may I ask the gentleman from Mississippi another question?

It has been charged during the debate that this is a trick on the part of some southerners to pull the wool over the eyes of the rest of the country. Is there anything in the language of either of the sections that applies only to the South?

Mr. WHITTEN. There is not. I have before me the testimony given before the committee by the Commissioner of Education as to the situation in the city of New York. I have before me that story and others. It is my belief that unless we adopt or maintain these provisions—and may I say I put it in the bill, I do not want to put anybody on the spot—my provisions are in the bill. If retained, there will be no further vote in the House.

But may I say if you read the hearings which are available, then you will see that by far the greatest future problem with this, if we do not maintain this language, if we do not go ahead and require the use of these funds, is in the big cities of the North. They are ready now under the intsructions given to them last year.

Mr. JONAS. Is not the purpose of the funds provided in this bill to encourage and stimulate education?

Mr. WHITTEN. It certainly is.

Mr. JONAS. How do you improve education if you close schools?

Mr. WHITTEN. You cannot. And in the hearings you will see that right now they are withholding educational funds from a hundred or more schools which are fully desegregated, as that term is defined by the Congress in the Civil Rights Act, and that these children of our Nation are not receiving these funds for their education.

Mr. JONAS. Mr. Chairman, it would seem to me that if we want to promote

the quality of education we would want to utilize all of the existing facilities in doing that, and not by closing schools.

One of the purposes of the language of these sections is to prevent the closing of the schools, as I read it, and force the busing of children.

Mr. Chairman, I hope the amendments to strike these sections will be defeated.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I agree with the gentleman from Michigan (Mr. RIEGLE), who spoke a few moments ago. I would say it certainly is wrong to have any black children continue to have less spent on them in school than other children.

It is wrong to have any black children—or any other children—continue to go to rundown and dilapidated and overcrowded schools. It is wrong to have black children—or any children—neglected by a society that professes to care.

If this happens any place in the United States, it will not just be these children who will suffer, but it will be future generations that will suffer, because an irresponsible Government did not give yet another generation the education that was rightfully theirs.

Mr. Chairman, I have voted for every Civil Rights Act that has been before this House of Representatives. I favor the Civil Rights Act.

I have no quarrel with the gentleman from Illinois in terms of the Civil Rights law, but I do quarrel with the way the Civil Rights Act is being administered.

Two or 3 years ago on the floor of the House, I put into the RECORD some memorandums which were sent by HEW officials and were signed by them when they visited for a few days in various school districts. They said, in those memorandums which were written and signed by them:

> In "X" school you are to have a black teacher. In "Y" school you are to have a white librarian, etc., etc.

Where is this to be found in the Civil Civil Rights Act?

If anybody on the floor says that the enforcement division of the Civil Rights Act does not require busing, in my judgment he is blind to what is taking place.

When the civil rights enforcement people say that in a school 5 miles away you must have a certain racial mix and then you are not requiring busing—what are we doing? Requiring youngsters to walk 5 miles? Is that what we are asking?

I am not going to argue from the legal standpoint, because I am not a lawyer. But I am going to describe what I think is happening. I think we are witnessing in this country the deterioration of our public school system. I think certain national policies are contributing to this deterioration.

All that I would ask is for the House of Representatives in a levelheaded way to examine what is actually happening and what is the result of certain national policies in our school system? Then on the basis of the evidence, make a judgment.

The gentleman from California a moment ago asked the rhetorical question: "How do you enforce civil rights if you do not cut off funds?"

Well, a moment ago we were arguing on another matter and it was suggested another law might be enforced by the cutting off of funds to individuals who abuse the law and he was very much opposed to that.

May I suggest that we are obliged not only to write laws but to see how those laws are enforced and how they are working. I really am not fully persuaded that we have found the absolutely correct solution by cutting off funds to enforce civil rights. It may be that it is true, but I would like to see evidence and I would like to see this question brought out to the stage of "visible discussion"—and not just in private conversations or in the cloakroom.

Recently there was a situation in the State of Mississippi where funds were cut off and the first thing that happened was that 80 Negro teachers were fired.

I think it is a legitimate question to ask: Are we really hurting the very people we want to help? What happened to the black children in this case? I would like to see title VI requirements reexamined by the most ardent supporters of civil rights. Who is being helped? Who is being hurt? How has the cutoff affected the quality of educational opportunity?

Is there another way—a better way to enforce the provisions of the Civil Rights Act against discrimination in any form?

I am as committed to an integrated society as fully—as completely as any person in this Chamber. I always will be committed to an integrated society. I think that is the only way we can live on our little corner of this planet.

But also I have serious questions about a society that places the major responsibility for our social ills on one institution in our society. That is what we are doing. We are placing the major responsibility for integration on one institution. I think this ought to be examined by the most ardent supporters of civil rights. Also, I think it is very difficult for any society to cross two social barriers at one time, and this is what we are trying to do.

We are trying as a society to cross the racial barrier and the class barrier all at the same time—and, if I may say so, I think the latter is probably creating greater problems, greater disruption—yet we hear very little about it. We have never examined this closely when we talk about civil rights.

I should like to talk informally about a situation of which I know. Again, I do not discuss it from a legal standpoint, but it is what is happening, and I think this case can be multiplied by hundreds of thousands of cases across the country.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 5 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, 8 years ago one of my close friends came to Washington with the Kennedy administration. This gentleman was and is committed to an integrated society. He had always supported civil rights legislation at the State level as well as the national. This family—and I am going to discuss them in personal terms, but not use their name. I think he would not object. This family is a Catholic family. They are also committed to the public schools. This family, because of income, could probably have moved into almost any area they wanted to in the District of Columbia. This family chose, because of their commitment, to move into an integrated neighborhood. They have three daughters. They placed all three daughters in the public school system.

About 2 years ago or 3 years ago they started busing 90 youngsters from Anacostia—and I am extremely critical of the deplorable situation of the District of Columbia schools. That is why I am pleased when we voted more funds for vital education programs—funds for the District of Columbia—and all other school districts. I may have different priorities on the programs that we ought to support, and had I had my druthers—I would have increased vocational education funds more and impact aid less. But we must improve the quality of education, and equality of educational opportunity for all. But let me get back to this particular family and their series of problems.

Two years ago their youngest daughter became one out of three white children in an all-black classroom. Ninety youngsters were bused from Anacostia. It was not a "random sample" who were bused—and I do not blame any principal in Anacostia—already overburdened with problems—short of space in the classroom. But discipline problems emotionally disturbed youngsters, were the ones to be bused out. At 8:15 in the morning the small buses came and picked up children of white families in this neighborhood, who had the money to send their children to private schools, and at a quarter to 9 the big buses came from Anacostia and put the black children in the schools to occupy the spaces that the white children had just vacated.

I agree with the gentleman who spoke—and I have forgotten who it was—a moment ago about the questionable benefits to be gained from busing. It is the disadvantaged home, the disadvantaged neighborhood which must be improved equally as much as the school. Will 30 or 35 hours in another school offset the other 120 or 130 hours a week spent in deprivation? Can we continue to ask miracles of a teacher during 5 hours a day in class? If we rely on busing to correct social ills, are we not obliged to ask what is at the end of that bus line? Emphasis on integration and busing unaccompanied by a demand for academic excellence is worthless. This is what we ought to be concerned about—the quality of the programs. But the busing from Anacostia continued and the quality deteriorated.

Last year, this youngster would have been the only white child in an all-black classroom. This family had to face the

problem, "Is my first responsibility to provide the best education I can for my daughter, or is my responsibility to maintain my commitment to an integrated class?"

And they decided, as hundreds of thousands of parents across this land are deciding, "My first responsibility is to provide the best education I can for my own child."

So this year they took all three of their children out of the public schools. The oldest daughter had also encountered major problems and threats of physical safety. All three of the daughters were taken out of the public schools and placed in private schools. This friend said—and he laughed—embarrassed as he said it—

> Edith, for the first time in my life—and I am ashamed to admit it—I have a serious question whether I am going to support tax levies and bond issues. I'm now paying for tuition for all three daughters in private schools.

About a month ago this family, because the neighborhood was changing and because of the situation of their three daughters, this family sold their home in the integrated neighborhood and they moved out to Maryland.

Now, what are we accomplishing? What are we accomplishing in terms of improving education? I believe the situation I described has been duplicated thousands and thousands of times all across the Nation.

I want to say that what is happening in terms of national policy affects Oregon. We do not have the problems in Portland that we have in the District of Columbia, but in Oregon this year 126 tax levies for schools were defeated—an all-time high. More and more people become dissatisfied, they are going to refuse to support the public schools. You see it in every State of the Nation.

If this happens, we have another step in this vicious cycle and a further deterioration of the public school system. So I make the plea for the Members who are lawyers and who say the Civil Rights Act is working out as they intended, and that busing is not occurring, take another look, examine the results—really inquire as to whether it is being enforced the way it ought to be enforced, and let us not let the eager beavers in the enforcement division of HEW enforce it the way they want to enforce it irregardless of the law—but require them—if they want to rewrite the Civil Rights Act, to present their proposals to the Congress; let us argue the issues on their merit, and write the laws and decide the issues by a majority vote.

It seems to me these are policies we must consider if we are really concerned about quality education, and we must not continue to let people outside the Government or let those in the executive branch enforce their version of what they think a civil rights law should require.

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

Mr. Chairman, I rise to speak against the amendments.

Mr. Chairman, here I stand in the well, addressing this august body for the first time, and I find on the opposite side the chairman of the Republican conference and the dean of this body. But frankly, I do not feel I am talking in opposition to these gentlemen, because I think they have presented an excellent case for integration and against segregation, and I stand here agreeing with them. I think what they have forgotten to talk about is education—which is what this bill is all about.

Are we so willing to think in terms of civil rights that we blind ourselves about the purpose of education and commonsense?

If Members will hear, the Department of Labor, which is enforcing similar regulations, came before my committee not too long ago and said that in Job Corps it was found out that—and this is where people are old enough to work—when they moved the individuals out of their environment, they undid all the good that the Job Corps was doing. The program is being changed now, and is moving the individuals back into their own environment to work.

Are we going to take children, who are of primary school age, in the first, second, or third grade, and transfer them 10 or 12 or 15 miles out of their environment and keep them away from home as much as 10 hours and call this good education?

Are we going to destroy communities because they are forced to take action against their will? Are we going to not allow school boards to run their own schools? Are we going to not allow them to work out the best ways to use their facilities and funds and resources?

We of North Carolina accept the basic laws of the land, and wish them to be upheld with firmness. We believe interpretation and implementation should be left to the local communities. Where they are carried out in a manner different than Congress has decreed, it becomes necessary for Congress to assert its will anew. Sections 408 and 409 reaffirm the congressional will. I urge their adoption.

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

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

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

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

Mr. FUQUA. Mr. Chairman, I rise in support of the Whitten amendment. I am opposed to any other amendments which would remove the Whitten amendment from the bill.

I oppose busing of students simply for racial balance, and I support freedom of choice.

In taking this stand, I am as opposed to racial discrimination as I am in favor of good government.

The essence of what we are to decide here is whether a local school system can be operated to the best of its capabilities and expectations while conducting a program of busing for racial balance.

I believe it cannot.

It would be complicated, indeed challenging the faith our people have in the ability of their Government to perform basic functions and services. It would be costly and inefficient. Frankly, I feel it would tend to disrupt an already overburdened educational process.

Mr. WHITTEN. Mr. Chairman, we have heard numerous speeches on the subject of civil rights this afternoon. We have heard several speeches which I thought were excellent. Naturally, I suppose, I see it from the side I support.

I hope I can have the attention of Members. At my instance, the Appropriations Committee included these provisions, section 408 and section 409, in the bill by a vote of 34 to 11. I hope we can hold them.

We do not want to create any issue over the country, or here in the Congress, but I do think we want to consider the provisions for what they are.

May I say, this does not touch the Civil Rights Act. When we act against the amendment, and to keep my provisions in the bill, which I hope we will, the courts will still be in the courthouses and the judges will still have all the authority they ever had, and the Civil Rights Act will not have been touched though as you know I differ with them. What we will have done, by keeping my provision, is to see that these children, whom we all feel so sorry for, in the areas Members say they need it the worst, get their share of the billions of dollars we have in this bill and I hope get all branches of Government to see public education must come first.

As it stands now—and I have the list—200 or 300 schools are not getting the Federal funds we so proudly appropriate unless they kow tow to HEW. It is not that they are not desegregated as Congress provided. They are. It is because they will not offer a plan which HEW approves, which in every instance goes beyond what the law requires.

Can it be the Members would be so cruel here, with a bill providing billions of dollars, to let HEW withhold funds from these schools which Members say need them the worst, when they are in full compliance with the Civil Rights Act the Congress wrote, when the schools are open to people of all races?

A letter was sent out on this side, may I say to my friends, and a letter was sent out on that side. They say that busing is illegal under three statutes. I have not checked it, but I know it is at least two.

Should we stand by and let HEW hold up the money until they come in and agree to do that which the Members themselves say is illegal?

What would I say? Please listen a minute. Let us read what I would say.

Someone earlier asked me if this were a trick. Personally, to me this House is a jury. One might, in a courtroom trial try tricks, I suppose, and might get by with one jury, and the jury would be gone the next day but the jury is the same here, week after week. In my years here

I do not believe I have ever resorted to tricks. I see the same jury day after day and I assure you I want to lay it on the line.

Let us read my sections. Some Members have made wonderful speeches which might have been appropriate in 1964 but which do not apply to my language in this bill in the least.

Let us see what is in these provisions. I am not going to ask for a show of hands, but I ask the Members to think about whether they have read the provisions before they spoke. Many seem not to have.

Section 408 provides that no part of the funds contained in this act may be used to force busing of students—to force busing of students. That means the school boards are free to bus if the circumstances require it, if the parents want to, if the school board wants to.

Next is "the abolishment of any school". Goodness knows, with this country crying for school facilities, and everybody trying to increase the money for facilities, no part of the money in this bill should be used to make school boards close schools—or to force any student who is in school to go somewhere against the wishes of his parents.

This is not freedom of choice; it is freedom from force, a force we never did give to HEW, to the Commissioner of Education.

Now, the next section is the same, except it says that the Commissioner of Education, of Health, Education, and Welfare, cannot require school districts or people to bus students—require; force to close a school, or to send a student who is in school to another school before they let them have the money which the Congress provided in the appropriation.

Sometimes I think we forget how important education is. I spoke out at Mount Vernon Junior College to about 125 bright interns the other night, at the invitation of the administrative assistant of the Congresswoman from New York (Mrs. CHISHOLM).

I was asked to come and I did. I was asked if I thought things would not work out better if all races sat down together and worked out our problems, and I said "Certainly." I said "Sure. However, if you have to put a shotgun on all parties to make them go to a place, they will go, but they are likely to be in a frame of mind where they would not make much progress." However, I agree that what you suggest is what we must work toward.

Be that as it may, it says in my provisions that HEW cannot claim authority to deprive these children of education from funds we have appropriated and make them go beyond the law.

You know, Mr. Chairman, one of the foremost necessities for continuing our society is a system of education. Except for what the young know by instinct, they must be taught. I have not heard a finer speech made on the floor than that presented by the gentlewoman from Oregon (Mrs. GREEN). This was sensible, logical, honest, and comes from a sense of knowledge.

I want to say again that in the Civil Rights Act the Congress said that desegregation shall mean the assigning of students to public schools without regard to race, color, religion, or national origin. But it says that desegregation shall not mean assignment of them to public schools in order to overcome racial imbalance.

Mr. Chairman, I hate to see sectionalism get into this. I was enforcing civil rights before I ever came here, as a district attorney, When you go to my hometown, like I did last week, and the Negro owner of one of the best businesses came to me and said, "Congressman, is there not something that you can do to save our schools," it makes you realize the situation we are facing. When you go through the South you see these situations. We had some of these difficulties in the South, and they arose there, but you folks in other areas have the problem now. This is not the issue, though. Last year the Congress told HEW to treat the whole country alike. I picked up the New York Times on July 8 and I saw that HEW is moving into Chicago. At the insistance of HEW the Department of Justice has gone after the faculties there. It sounds as though Chicago is still pretty smart, though, because when HEW told them they had to do something, accord- to the press, the school authorities said, "We will pay teachers a thousand dollars extra to teach in certain areas." Then they said, "We do not have the money to do it. You have to furnish the money if you want us to pay them that."

What they are doing is demanding that we take their dictation in schools all over the country. Some of my colleagues live in New York. If you will read pages 60 and 61 of the hearings, volume 5, you will see how Mr. Allen, who came down here from New York, testified. He said that there were 76 schools on one island. I believe I have the time to read this if you want to know why this is a national problem and why we are facing it as we are.

I now read the above-mentioned pages from the hearing:

Mr. SMITH. So I can more clearly understand what you are saying, we have this hypothesis I mentioned of the school district with two elementary schools. By freedom of choice, one becomes mostly a Negro school and one becomes mostly white.

Are you saying the children in both are getting an inferior education?

Dr. ALLEN. In my judgment both are losing something in education.

What I am saying is, that while you can provide good education in both schools, you need this additional ingredient of learning how to live together. You cannot do that in such schools and therefore you try to seek some way to accomplish that. So the main thing is to make certain the child does not feel he is in a school simply because of his race.

Mr. SMITH. There are 11 States in the East that have county school systems but in the rest of the country there are local school systems carved out by the legislature in one way or another. In most cases those are but a small part of the county. So to carry your opinion to the logical conclusion, you would have to conclude I think that with schools in these smaller school districts, if one district turned out to be 70 percent black and one was 10 percent next to it, you would have to require them to consolidate in some way.

Dr. ALLEN. That is right.

The only answer to the problem would have to be consolidation. That is right.

In New York that is one of the problems. On Long Island we have 76 school districts in a very small area, some of them very small. There is one that has now become about 98 percent black. There are three schools in the district and they are all black. The only way you can deal with that is to make that district a part of a larger unit so there is more flexibility in locating the school and in eliminating the racial imbalance.

Mr. SMITH. What do you do in a State like Iowa where 1 percent overall are Negro but they are mostly located in two cities? Do you have to incorporate the whole State into one school district?

Dr. ALLEN. You have to look at the practical side of this.

Mr. SMITH. What is the percentage below which you cannot go then?

Dr. ALLEN. I have never used a percentage. I do not think you can use a percentage. The effort we made in New York was within a community, if the blacks were 20 percent we think the schools should be a cross section of the community.

Mr. FLOOD. Why do you limit it to New York City? Why do you not take in the area around it and have a little different perspective?

Dr. ALLEN. That may eventually have to be done.

Mr. SMITH. This is crucial to determining what we are talking about because if you do not have some kind of a yardstick you do not know how many districts you should put together.

Dr. ALLEN. There is a limit to what you can do from a practical point of view. You cannot bus a child 50 miles away to a school just to achieve these things. It may be for some time to come that we are going to have to live with a segregated situation and hopefully, as we improve housing and economic conditions in these urban communities, the people in these communities will be able to take advantage, move out and work this thing out themselves.

Mr. SMITH. As you know, coming from New York City, it does not take as long to go 50 miles in some parts of the country as to go 50 blocks in some cities.

Dr. ALLEN. That is right. We have not advocated the child be taken 50 blocks or any particular distance in New York City.

Mr. SMITH. Would not your decision there require in most of the ordinary sized cities of the country, we will say 50 to 500 thousand, to just about scrap their high school system and have one central high school? They could not possibly have racial balance any other way, could they?

Dr. ALLEN. They might have more than one. And this is what is happening in a great many of the cities.

Mr. SMITH. Most of them will have four to six or eight high schools, attendance centers is what they really are. But in order to have racial balance or not to have racial imbalance you would have to scrap all of them?

Dr. ALLEN. You would——

Mr. SMITH. And have one central one?

Dr. ALLEN. You might have to in some cases, yes.

One of the things that is being worked out now in some of the urban centers is the transportation of children from the ghetto area out into the suburbs. This is going on in Rochester, N.Y., Hartford, Conn., and several other places as a means of giving an opportunity for the inner city children to be in schools with white children.

Mr. SMITH. This is voluntary on the part of the school district?

Dr. ALLEN. That is right; worked out between the suburban community and the city.

Mr. MICHEL. Mr. Commissioner, you understand our line of questioning here. While

not yet down to any specifics on dollar amounts and figures, and with you being new in the position, it is natural we take the line of first exploring some general policy guidelines and philosophy. I hope that seat does not get too darn hot for you. You are going to be there quite awhile. We would not expect that every year you would be coming up here, that we would be going into broad policy questions, although it is our prerogative where we are funding all of the programs to ask some basic questions and get some good answers for the people back home who are footing the bill.

Mr. Chairman, he said this:

Dr. ALLEN. There is a limit from the practical point of view, "You cannot bus a child 50 miles.

Mr. Smith said:

How far can you go?

Dr. Allen replied:

Well, I have not set up a distance.

Mr. Chairman, the only thing that I am undertaking to do through these provisions is to pursue the course which is available to me and that is to ask you to stop, look, and listen.

Mr. Chairman, during the course of the hearings it was developed that there are some 200-odd school districts which are being deprived of money which this Congress has appropriated at a time when we have increased the amount of funds available; others have, under duress, agreed to plans which will destroy our system of public education.

Mr. COHELAN. Mr. Chairman, will the gentleman yield? I would like to get the RECORD straight on this.

Mr. WHITTEN. Permit me to finish my statement and then I shall yield to the gentleman. Now, as we have that situation actually existing, the background history and information indicates that they have not come up with a plan which meets the proposed requirements of the Department of Health, Education, and Welfare and which must be approved by that Department.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTEN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. HAYS. Mr. Chairman, reserving the right to object, and I shall not object in this instance—I want to serve notice that I will object to any further extensions of time for the rest of the day. We have been on this bill 3 days and if anyone has not said already what they want to say, they ought to extend their remarks.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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

Mr. WHITTEN. I yield to the gentleman.

Mr. COHELAN. Is it not true that out of the 22,000 school districts in the United States there are only 100 districts presently having difficulty insofar as adjustments are concerned?

Mr. WHITTEN. I would not argue with the gentleman on that point.

Mr. COHELAN. That is the fact.

Mr. WHITTEN. As to the exact number I cannot say because the situation changes from day to day.

Mr. Chairman, when this amendment was introduced the figures were not available with reference to several districts and so I am not up to date.

But, they have used this device of withholding their money in order to get them to agree to plans that go beyond what the law provides. My amendment would prevent that.

I hope those of you who spoke and those who have not as yet spoken, will get the bill and read those two sections. If you will do this you will see that I am only trying my best to see that the funds go to the students for their benefit and that all of the schools are already desegregated, as Congress defined that term.

We leave the Civil Rights Act alone as the rules require. We leave the judges in the courthouses though we hope for better from them. We just say that HEW is not going to misuse the funds made available to them. After all Congress is the one that makes funds for education available and sets the terms under which they are to be used. We cannot stand by and see them frozen or used to set up HEW as a dictatorship.

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

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

Mr. JONAS. Mr. Chairman, in the final analysis who is hurt in the cutoff of funds to education? Is it the school board or the schoolchildren?

Mr. WHITTEN. The gentleman from North Carolina has made the best point I can imagine and one which I had intended to make but had overlooked. This is done under the guise that somehow by punishing the children you are taking it out on the school board and there could not be anything more ridiculous.

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

Mr. Chairman I recognize the fact that the House is becoming a little impatient so I shall try to be brief and to the point.

Mr. Chairman, I have listened intently to the debate here today. I am proud to say that I sit in the House with someone like the distinguished gentlewoman from Oregon (Mrs. GREEN) who has such depth of feeling and who understands the true issues confronting us in this bill.

I do not come from a district that is heavily Negro. Probably less than 10 percent of the district which I am privileged to represent is Negro. Race relations are excellent. There is respect and consideration for all citizens.

In my hometown there is goodwill and harmony among the races. Integration has been accepted and is moving along well in the public schools. The Negroes and the whites are proud of the job they have done and are doing. They do not want to disturb this feeling of cooperation. The school authorities have worked diligently and effectively toward the implementation of a workable plan.

The school board was invited to Washington for a discussion of their integration plan. I accompanied members of the board to the Department of Health, Education, and Welfare. At the meeting it seemed to me that some of the employees of the Department were unmindful of the law and little concerned about the problems of members of the school board who had come to Washington to plead their case. The Government employees were not elected officials. They took it upon themselves to announce what the school officials could and could not do. It was my opinion that HEW employees were seeking to make requirements which could not be supported on the basis of the law.

When the meeting was over I was very courteous, but walked away in some degree of anger and disgust. I resolved then and there to do what I could to see to it that this country is run on the basis of a fair and reasonable interpretation of the enactments of Congress. That has not been the case in the administration of the laws with respect to the public schools.

I have been a little unhappy with my good friend, the gentleman from Mississippi (Mr. WHITTEN), because he speaks about "my amendment". Mr. WHITTEN did offer the amendment in the appropriations committee but this is not just the Whitten amendment. This is the amendment of the Committee on Appropriations which approved the action by a vote of 34 to 11. So I do not speak from a narrow platform. I speak from the standpoint of more than two-thirds of the Committee on Appropriations in supporting the language which is in this bill. We approved this same language last year, but it was later watered down to the extent that it was rather meaningless.

It is fair to say that this is the amendment of the Committee on Appropriations. And it is an amendment which I think certainly represents the prevailing view of the majority of the Members of the House.

Mr. Chairman, we are threatened, as EDITH GREEN so well said, with the destruction of the excellent public school system in this country. It is the system which has helped make this country great. We must not destroy this system. We have to preserve it by preventing capricious actions of autocrats who are harassing our people and making it impossible for the school officials and the school boards to do an adequate job in carrying out programs of integration. The integration law is here to stay. The only issue here is a matter of fair administration of the law. Our object is not to destroy integration but to prevent the destruction of our schools.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. HAYS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, I appreciate the gentleman from Georgia (Mr. FLYNT) yielding to me.

I am sure the gentleman recognizes that we are confronted here with a very serious situation and we need to do something sensible about it.

We do not propose here the repeal of the civil rights law. This is not the issue. We want to try to make the law work in the interest of the people. What we are trying to get is a more practical application of the law .

Is there anything wrong with that? I think not.

I urge you, I plead with you, vote down the amendment offered from California and enable us to assert the authority of the Congress in demanding a more rational, sensible, and workable policy in the public schools of the country.

Mr. O'NEAL of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to my colleague, the gentleman from Georgia.

Mr. O'NEAL of Georgia. Mr. Chairman, anyone who subscribes to the doctrine of separation of powers must agree that the Department of Health, Education, and Welfare is not authorized to set policy that is contrary to the legislative intent of Congress.

The Congress has never given HEW the right to force busing, the right to abolish schools, or the right to force transfer of pupils from where their parents are sending them to where HEW wants them.

As a matter of fact, officials in the Office of Education will probably admit that they do not have the right to affirmatively take these actions. Yet, they take them nevertheless. These overzealous officials are underhanded in their dealings with local school boards. They circumvent the intent of Congress by withholding Federal funds until schools "voluntarily" offer to meet certain requirements that HEW has no legal right to require.

If anyone doubts this is the current practice, let them examine the twisted arms and broken backs of school officials.

Therefore, I fail to see how there can be legitimate objection to the language in sections 408 and 409 of this bill. It is very simple and straightforward. Its only purpose is to keep HEW honest.

Let us set the record straight at this point. The two sections of the bill under consideration do not attempt to void the power of the courts. I wish there was a way to accomplish this, but the fact remains that the courts would retain all the powers they have ever had in dealing with the question of school desegregation.

We are simply requiring the Department of Health, Education, and Welfare to cease and desist from going beyond the law. Our Appropriations Committee has on several occasions written in its report that the Department continues to ignore the legislative intent of Congress. Since HEW officials have failed to take this subtle hint, our only recourse is to write these provisions into law.

I do not think that there can be any doubt that the sole purpose of title VI of the Civil Rights Act of 1964 was to prohibit the forced separation of races in the public schools. In other words, a system was instituted by which students would be free to attend the schools of their choice without regard to race, creed, or national origin.

The people of my State and district did in good faith comply. They established a bona fide freedom-of-choice system in the public schools.

It was not long before the guideline writers were dismayed to discover that a significant number of Negroes were exercising their freedom of choice in a manner which did not comply with the preconceived fantasies of the guideline writers. In other words, when given the freedom of choice, many Negro students chose to continue their education at the schools they had attended prior to passage of the Civil Rights Act of 1964.

Southerners were then accused af applying some vague, invisible pressure to maintain the status quo. Nothing could be further from the truth.

At this point the guideline writers went beyond the intent of Congress and with absolute disregard for the wishes of the parent, the child and the local school board forced what was to have been "voluntary" action.

Americans value their freedom. We have freedom of religion, freedom of the press, freedom of speech, and practically every freedom you can name. However, there is one lone exception. The Department of Health, Education, and Welfare has effectively denied the southern Negro the right to choose the school he wishes to attend.

They have completely overlooked the fact that those—black as well as white—who sincerely do not wish to integrate the schools have their constitutional rights too.

Mr. Chairman, I urge my colleagues to defeat the pending amendment and support the language in this bill which would prohibit HEW officials from setting policy that is contrary to the legislative intent of Congress.

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

Mr. FLYNT. I yield to the gentleman.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the Cohelan amendment and in support of language in sections 408 and 409 of the Labor-HEW appropriation bill.

No one can speak with more knowledge or authority about busing of students to achieve a racial balance in our schools than someone from Alabama. Since the passage of the Civil Rights Act of 1964 and Elementary and Secondary Education Act of 1965, Alabama schools have been the target of harassment and intimidation by Federal officials. Every public school system in Alabama is currently operating, under the threat of contempt citation, under one type of Federal court order or another. The latest blueprints of HEW and the Justice Department for Alabama's schools—calling for extensive busing and student and faculty balances—are perfect examples of the type of situation, hopefully, which the Whitten amendment can work to alleviate.

The Justice Department and the Department of Health, Education, and Welfare have requested, Mr. Chairman, and the Federal courts have ordered, extensive busing of Alabama students solely to achieve a particular level of integration—not desegregation, Mr. Chairman, but forced integration. Mobile County, for example, has been threatened with extensive busing of students at a cost of about $13 million.

In addition, the courts have ordered millions of dollars of school buildings closed by the State of Alabama for the sole purpose of achieving integration. In other instances, the courts have ordered entire grades shifted from one school to another. I contend, Mr. Chairman, that this action is contrary to laws already on the statute books.

Mr. Chairman, I believe that one very important element of our society has been overlooked by the Departments of Justice and Health, Education, and Welfare—and that is the welfare of the children of the Nation. HEW theorists are more interested in sociological considerations than they are in the education of our children. It appears that our social engineers are bent upon destroying, rather than assisting, public education—not only in Alabama, but throughout the country.

Mr. Chairman, I know that the school board in Montgomery, Ala., is more qualified to operate its schools than social theorists in Washington, and I, as a former judge and chairman of a school board, am certain that professional educators have more expertise in school matters than Federal judges. Our educators will continue to do the fine job they have always done if they are allowed to do so by Federal bureaucrats.

Therefore, I urge the Members of the House to oppose the amendment offered by the gentleman from California (Mr. COHELAN) and support the language in the bill, authored by the gentleman from Mississippi (Mr. WHITTEN).

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

Mr. FLYNT. I yield to the gentleman from Florida (Mr. SIKES), my colleague on the committee.

Mr. SIKES. Mr. Chairman, before we complete the debate on sections 408 and 409, I want to welcome my liberal friends to the ranks of States' righters. You were a little late in getting here, but better late than never. During the debate on section 407 just concluded, I was particularly touched by your concern that Congress not punish innocent and guilty alike by cutting off Federal aid to academic institutions which are not in compliance with the basic law of the land against Federal loans and grants to those responsible for illegal campus disorders and destruction. You did not want the Federal Government to inject itself in matters of State and local jurisdiction. I hope you will retain this solicitude just a little while longer and exercise it now when efforts are being made

to strike sections 408 and 409 from the bill; because in these sections there is language which expressly seeks to stop the punishment of all the pupils and their teachers and their parents in communities where so-called experts operating under extralegal guidelines have ruled that a few pupils are not in compliance. If my liberal friends considered the language in section 407 to be bad, then surely you must support the language in sections 408 and 409. Surely you will be consistent.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman.

Mr. ANDREWS of Alabama. Mr. Chairman, the HEW bureaucrats are fast destroying the public school system of America. They are ordering school boards all over the Nation to bus children across cities and in some instances across counties, to bring about a balance of Negro and white children. Often, these actions are forced upon the children against their wishes and against the wishes of their parents.

Few, if any—except private—schools in Alabama are as segregated as are the schools of Washington, D.C., the home of the Department of Health, Education, and Welfare.

The school population of Washington, D.C., is 95 percent colored, and a white student in most public schools is a rarity.

Prior to 1954 the Washington school system was rated as one of the best in the Nation. Today it is the worst and in fact is a joke. This is the "showcase" promised the Nation in 1954 when the schools were integrated. I hope there will be no more "showcases."

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

Mr. FLYNT. I yield to the gentleman.

Mr. FISHER. Mr. Chairman, we have heard some amazing things said during the debate on compulsory busing. Those who oppose the busing practice have been told by speaker after speaker that there is no such thing as compulsory busing, no such thing as closing down a school in order to comply with a desegregation order from HEW.

Such arguments are a confession of ignorance or misinformation about what is going on in this country. The fact is—and it can be confirmed in a hundred instances—that compulsory busing is being imposed, and schools are being closed as the only way to comply with orders from HEW's braintrusters. In many instances if they do not bus, if they do not close down a school when there is no alternative, the money appropriated for the benefit of the students in such schools is arbitrarily withheld.

To be sure, they do not have to bus; they do not have to close down a school; but what is the penalty if they do not take such actions? Money allotted for the affected schools is withheld.

That is happening now in San Antonio. It is happening in Sonora, Tex. It is happening in Odessa, Tex. And it can happen in practically every school district in my area—and probably will unless this amendment against compulsory busing is retained.

The demand for this legislation springs from the people—the parents, the teachers, and the school boards. And it comes from all races.

I am speaking of those schools where there is no semblence of racial discrimination, where there is total and complete integration, where any child—regardless of race—is admitted without question into that child's neighborhood schools where the child lives. That practice, that policy, conforms with Supreme Court decisions on the subject.

President Nixon as a candidate condemned this concept of compulsory busing. Secretary of Health, Education, and Welfare Robert H. Finch condemned it last March, as reported by a UPI news story which stated:

> He (Finch) said moving pupils about just to obtain a 'salt and pepper effect' was detrimental to education and was opposed by both whites and blacks.

Mr. Chairman, let us forget about politics for a moment and face up to this issue. As stated in this debate, unless compulsory busing and other arbitrary controls over the management of local school affairs is curbed our public school system may be on its way out. Has it come to pass that local school boards, local teachers, local PTA's, and local taxpayers cannot, in their schools where there is no racial discrimination whatever, have something to say about the operation of their own schools?

The pending amendment, which would strike from the bill the provision against compulsory busing, the closing of schools, and the right of parents to send their children to local schools, should be defeated. Let us respond to the voice of the people we are elected to represent.

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

Mr. FLYNT. I yield to the gentleman.

Mr. ABERNETHY. Mr. Chairman, I thank my colleague from Georgia for yielding. My remarks will be brief.

First, Mr. Chairman, I wish to express my profound thanks to the Appropriations Committee for including sections 408 and 409 in this bill. It is sound and sensible. If left in the bill it will settle an abundance of unnecessary controversy and put the bureaucrats in the Department of Health, Education, and Welfare on the lawful and right track in administering the Civil Rights Act.

It is a well known fact that the Federal underlings are exceeding their authority. Their principal objective is not to better education but to bring about a social order in our country which meets with their approval.

When the Civil Rights Act was passed in 1964 the sponsors thereof clearly stated in debate that the bill was not designed to bring about racial balance; that it was not intended that the busing of students would be put into effect; that there would be no exercise of authority over the selection of faculties and that local officials would continue to operate their schools and receive Federal aid so long as they did not deny any child the right to attend any school he or she desired to attend. But, Mr. Chairman, the act has not been so administered.

There is more unrest in our educational institutions today than ever in the history of our Nation. The unrest is not confined to the colleges. A considerable amount is prevalent in our elementary and secondary schools—high schools, junior high, and grammar schools. Much of this has been brought about by the manner in which HEW underlings have administered the Civil Rights Act.

Mr. Chairman, all we seek is the right to allow our children to attend the schools in their own neighborhood or to attend any other school in the area which he or she desires to attend. We feel that the children are entitled to the full benefit of Federal funds under these conditions and which in many instances they are not receiving because of the improper administration of the programs.

The sections under consideration if left in the bill will not mitigate against any child, white or black, to get an integrated education in compliance with Federal law.

It has been clearly pointed out by the gentlewoman from Oregon (Mrs. GREEN) that education in many schools over the country is rapidly deteriorating because of the improper administration I have referred to. Her remarks were so sound, so sensible, and so reasonable. Regardless of what the views of the various Members may be about the subject of integration, every member of this body can vote to retain these sections, which the amendment proposes to strike, without waiver of his views on integration.

The language will merely eliminate forced busing and leave Federal aid moneys available to all children alike. The language repeals not one word of the Civil Rights Acts. It simply puts a stop to improper interpretation and unlawful administration of the law by underlings in the Department of Health, Education, and Welfare.

I thrust the amendment of the gentlemen from California (Mr. COHELAN), will be voted down.

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

Mr. FLYNT. I yield to the gentleman.

Mr. MONTGOMERY. Mr. Chairman, I rise in vigorous objection to the amendment presently under consideration. This amendment, if accepted, would mean the Department of Health, Education, and Welfare would be allowed to continue their present guidelines of requiring the busing of school students or the pairing and zoning of schools just to satisfy arbitrarily set racial quotas. These guidelines are causing irrevocable havoc with the quality of education offered in my home State of Mississippi. I have received numerous letters, telegrams, and telephone calls from school administrators in my Fourth District stressing alarm over the damage that will be done if they have to submit to the present guidelines of the Department of Health, Education, and Welfare which clearly go beyond the intent of the Congress and the intent of the Constitution. I urge all my colleagues to give a sounding vote of defeat to the Cohelan-Conte amendment and thus return the administration of local schools to local officials.

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

Mr. FLYNT. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, someone has said:

A lie will hold its throne a whole age longer if allowed to skulk behind the shield of some fair seeming name.

Mr. Chairman, I have listened to, and I have watched the parade of normally responsible people take this well against the Whitten amendment. Mr. Chairman, at least one distinguished chairman, by the tone of his voice, emphasized "the gentleman from Mississippi" so that immediately there would be animosity toward this amendment. Mr. Chairman, I have never seen more misrepresentations from responsible people nor have I heard more erroneous information even from people whose integrity neither I nor anyone else can impugn in this Congress. Certain of these gentlemen must therefore be just plain uninformed.

Mr. Chairman, I can only speak for South Carolina. We are living and observing the spirit and intent of the Civil Rights Act on integration in our schools. We have been, and are, faithfully trying to live under the law of the United States as passed by this Congress. However, Mr. Chairman, as the distinguished lady from Oregon has so aptly said, unless the bureaucrats in the HEW are stopped, the law of this country requiring busing will continue, and unless the arrogant misinterpretation of the law by this outfit is curtailed, education in my Southland will be destroyed for many of those for whom we seek to educate. The remarks of the gentlewoman from Oregon (Mrs. GREEN) should be heeded by every Member of this body since she is a knowledgeable woman and we should not forget that she led the fight for the Civil Rights Act.

Also, Mr. Chairman, we should heed the cool and sensible statement by the distinguished chairman of the Appropriations Committee, the gentleman from Texas (Mr. MAHON) as well as the explanation of his own amendment, by the gentleman from Mississippi (Mr. WHITTEN).

Mr. Chairman, I believe this is a fair body; I am convinced that a reasonable group of men and women compose our membership. If we do not compel the HEW to observe the law which we have passed by enacting the Whitten amendment, we will be giving only lipservice to the rule of law. We will by our own inaction, underwrite and approve the actual violation of the law which this Congress has passed.

Mr. FLYNT. Mr. Chairman, although I had intended to use most or all of my 5 minutes, I was glad to yield as much of that time to the gentleman from Texas (Mr. MAHON) as he required to complete his remarks.

I oppose the pending amendments offered by the gentleman from California (Mr. COHELAN). The language included in sections 408 and 409, which the pending amendment would strike, were written into the bill by the Committee on Appropriations by a vote of 34 to 11.

As much as I would like to describe those two sections as freedom-of-choice provisions, they are not exactly that. The fact is that sections 408 and 409 constitute freedom-from-force provisions and are designed to prevent or reduce further harassment, capriciousness, and tyranny over elected school boards and school administrators by subordinate officials in the Office for Civil Rights in the Department of Health, Education, and Welfare who are elected by nobody, responsible for nothing, and apparently wholly unresponsive to the difference between right and wrong.

As I listened to the chairman of the Committee on Appropriations recount his experiences where he accompanied the board of education and the superintendent of schools of Lubbock, Tex., to a conference at the Department of Health, Education, and Welfare, it recalled to my own mind many bitterly frustrating experiences which I have had. In those same offices in the Department of Health, Education, and Welfare I have watched honest, honorable, responsible citizens and officials of my district harassed and almost humiliated by the prejudiced, opinionated, and inexperienced employees of the Office for Civil Rights in the Department of Health, Education, and Welfare.

On nearly every one of these occasions, I have accompanied school board members and school administrators who were acting in good faith and who were making determined efforts to voluntarily comply, not only with laws enacted by Congress, but with decisions of many courts, State and Federal. I have seen these schools officials offer plans which in a relatively short period of time would have voluntarily accomplished the stated objectives of laws and court decisions. I have seen HEW officials with little or no knowledge of school administration arbitrarily reject these proposals and suggest or demand unreasonable and unworkable plans. The net result was that Federal education funds would be cut off unless the well-considered local plans were abandoned and the arbitrary HEW plans substituted in their place.

The results have oftentimes been near tragic. In some instances, well-intentioned, strong-minded men of good faith and good will have either resigned their positions or have been subsequently defeated for reelection to school board members and school administrator posts. Another result has frequently been the defeat of school bond issues because the citizens, voters, and taxpayers were unwilling to accept an arbitrary HEW plan as a substitute for an equally good voluntary plan which they would have accepted and would have provided the necessary bonds with which to finance badly needed expansion of school and school building facilities.

Mr. Chairman, many of us have lived with these problems and this issue for nearly 5 years. We have exerted every effort possible to convince HEW officials of the good faith of our local officials and the good results which would be obtained by a degree of understanding and cooperation.

Mr. Chairman, we have seen these so-called compliance teams from HEW suggest that brandnew schools be closed under a direct threat of a cutoff of funds unless the schools be closed or unless children be transported from other communities miles remote from the location of the school.

We have seen other similar compliance teams order the pairing of classes within schools which would require at least a 100-percent increase in transportation mileage in order to transport the same students to the same school buildings—or else lose Federal funds to which the school system would otherwise be entitled.

Mr. Chairman, those of our colleagues who have never seen these arbitrary and tyrannical actions apparently are unable to believe they could happen. We who have seen these things urge the Committee to reject the Cohelan amendments and sustain the language presently contained in sections 408 and 409.

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

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

Mr. HAWKINS. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. COHELAN).

Mr. Chairman, I was proud yesterday to help restore the Federal education program to a minimum funding level. Passing the Joelson amendment, with its total of $894,547,000 to increase the effectiveness of aid for constructing and operating schools and libraries, is a great victory for those who believe that there is no higher priority than quality education. The 242 votes cast on a teller vote for the Joelson amendment indicate that this House has not forgotten its commitment to education.

The victory, of course, is only partial. We have succeeded only in restoring Federal aid to education in most cases to the level of fiscal year 1969. I think it is obvious that we have never done enough for education. The funding levels for education in 1970 will be high enough to keep the hopes for quality education alive, but we must expect to work for better financing and more effective programs in the future.

We are now preparing to vote upon—and, I hope, to defeat—a highly dangerous proposal. The Whitten amendment sections 408 and 409 of H.R. 13111—would emasculate the national effort to educate our children on a just and equitable basis, by depriving the Department of Health, Education, and Welfare of the financial rewards and sanctions it needs to bring about school desegregation.

Mr. Chairman, the proponents of sections 408 and 409 claim that title VI of the Civil Rights Act is a club to be used ruthlessly against one section of the country. That is patently false. As the Members of the House know, the Department of Health, Education, and Welfare has used its financial sanctions against northern, as well as southern school districts which discriminate among students on the basis of color. The Department has used those sanc-

tions as a last resort, when moral persuasion was not enough to bring about desegregation. The sanctions have been applied sparingly, but effectively.

Given the history of title VI of the 1964 Civil Rights Act, no one can claim that he is promoting freedom or desegregation by removing HEW's enforcement powers. Sections 408 and 409 of H.R. 13111 are clearly segregationist measures. They must be defeated soundly, once and for all. I urge all the Members of the House, from all sections of the country, to join in voting for the Cohelan amendment to strike those sections from the Labor-HEW appropriations bill.

Mr. HAWKINS. Mr. Chairman, the Whitten amendments create more problems than they can possibly settle. None of the methods of desegregation prohibited by this proposal is now required by the Office of Education or the courts. How local school districts desegregate is a local matter. The law only requires that they do. If not bussing they can use other methods.

Backers of the Whitten amendments want to both use Federal money and segregate at the same time. As such they seek to violate an old maxim: Those who dip their hands in the public till should not object if a little democracy sticks to their fingers.

There is absolutely no justification for these sections even being in an appropriation bill. How Federal funds are being expended is not the issue. These sections do not even reach the basic laws they seek to abrogate.

Circuit Judge John Minor Wisdom, of the Fifth Circuit, U.S. Court of Appeals speaking for the majority in sustaining the U.S. Office of Education guidelines in 1966 declared:

> In any school desegregation case the issue concerns the constitutional rights of the State—not the issue whether Federal financial assistance should be withheld under Title VI of the Civil Rights Act of 1964.

If HEW is illegally withholding funds let school officials—not poor litigants go to court. Moreover, another title, title IV of the same act empowers the Attorney General to sue to desegregate a public school system even though it may not be receiving Federal aid.

These acts were based on the 14th amendment as interpreted by the Supreme Court in the 1954 school desegregation case, and the Whitten amendments in no way can reach this far: to destroy equality of educational opportunity as the law of the land. And thank God we live in a country of constitutional law where violence is not needed.

Equality of educational opportunity is important because a decent education is related to employment opportunities, obtaining better housing, and enjoying adequate medical care.

Also in our democracy, universal suffrage and good citizenship are based on such equality of educational opportunity.

Freedom of choice plans have also encountered legal troubles for the simple reason they seldom offer free choice and have not resulted in desegregation. Statistics are abundant that such schemes do not work.

Again, in pointing out what school officials should do if they really want to make them work, Judge Wisdom reveals the various devices which have been used to prevent desegregation:

> They (school officials) should see that notices of plans and procedures are clear and timely. They should avoid the discriminatory use of tests and the use of birth and health certificates to make transfer difficult. They should eliminate inconvenient or burdensome arrangements for transfer, such as requiring the personal appearance of parents, notarized forms, signatures of both parents, making forms available at inconvenient times to working people. They should employ forms which do not designate the name of a Negro school as the choice or contain a "waiver" of the "right" to attend white schools. Certainly school officials should not discourage Negro children from enrolling in white schools, directly or indirectly, as for example, by advising them that they would not be permitted to engage or would not want to engage in school activities, athletics, the band, clubs, school plays. If transportation is provided for white children, the schedules should be re-routed to provide for Negro children.

In addition, although he did not, he might have noted also economic reprisals, intimidation, and even violence being used to make freedom of choice a cruel delusion.

In addition, these amendments are wrong on another score. They contradict the very essence of the public school system.

In the historical development of American public education, we have moved from a position that education is for the elite or a "ruling class."

In so doing, we have rejected such theories that some children cannot or should not be taught or that there are such things as innate and cultural inferiority.

Today we are willing to examine our schools to determine why some children do not achieve as well as others and to insist that it is the responsibility of the schools to teach, not merely to accept the legal custody of children during school hours; and it is the schools responsibility to teach poor children as well as the rich, black children as well as the white.

Thus lacking both legal and educational theory support, these amendments can only create further racial discord in an already highly emotional situation.

The time has come when it is far better that we lay to rest the issues that once divided us as a nation. On this basis alone we should reject the Whitten proposals and adopt the amendments offered by the gentleman from California (Mr. COHELAN).

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

Mr. HAWKINS. I yield to my colleague from California.

Mr. BURTON of California. Mr. Chairman, I would like to commend my distinguished colleague from California, and I associate myself with his remarks.

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

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

Mr. RYAN. Mr. Chairman, I wish to commend the gentleman from California (Mr. HAWKINS) for his splendid statement. He has pointed out how the Whitten amendments undermine title VI of the Civil Rights Act of 1964.

Mr. Chairman, I support the Cohelan amendment to strike sections 408 and 409 from H.R. 13111, which represent another attempt to defeat enforcement of title VI of the Civil Rights Act of 1964, and frustrate decisions of the U.S. Supreme Court requiring the desegregation of public schools.

Attempts to weaken the school desegregation efforts of the Department of Health, Education, and Welfare have become an annual event. On each occasion in the past several years on which we have considered funds for HEW, amendments have been made which seek to cripple enforcement of title VI of the 1964 Civil Rights Act. In fact, the provisions of section 408 and 409 of H.R. 13111, which we are debating today, are identical to provisions rejected by Congress only last fall.

The purpose of sections 408 and 409 is to compel HEW to accept so-called freedom of choice desegregation plans without regard to whether or not those plans will end segregation in schools. These sections are being offered in spite of the fact that in May of 1968 the Supreme Court ruled in Green against New Kent County, that freedom of choice plans are only acceptable if they accomplish the goal of desegregation and the prompt elimination of dual school systems. As I pointed out on June 25, 1968, when a similar amendment was offered by the proponents of so-called freedom of choice plans, the Supreme Court's decision followed logically from the Brown against Board of Education decision of 1954.

Despite unequivocal Supreme Court decisions, a strong civil rights statute enacted in 1964, and enforcement of civil rights compliance by the Civil Rights Office of the Office of Education, only limited progress has been made in achieving desegregated schools in the South. Figures released by the Office of Education in January of this year show that in the 11 States studied only 20.3 percent of the estimated 2.5 million nonwhite school age children in those States attend predominantly white schools. In the school districts in these 11 States desegregating under title VI, 25.6 percent of the 1 million nonwhite school age children attend predominately white schools.

As disappointing as these statistics are, however, it is important to note that significant progress has been made in the past year by HEW in eliminating segregation in public schools. In the school year previous to the one most recently studied by HEW, only 13.9 percent of nonwhite school age children in the same 11 States were attending predominately white schools, and only 19 percent of those residing in district desegregating under title VI attended predominately white schools.

While progress is slow, then, it is nonetheless moving toward the elimination of segregated public schools in the South. It is obvious that if further progress is to be made, HEW's desegregation efforts must not be obstructed. Yet that is precisely what the proponents of sections 408 and 409 seek to accomplish. References to busing in these sections obscure the real intent of these provisions; namely, to force HEW to accept freedom of choice plans. HEW does not require the transportation of students to overcome racial imbalance. Nor does it require the closing of schools unless the continued operation of inadequate minority attended schools would perpetuate discrimination and unequal educational opportunities. HEW does require that federally aided school systems eliminate unconstitutional discrimination and segregation as a condition to receiving Federal funds. That was the purpose of title VI which this Congress adopted 5 years ago. Title VI would clearly be undermined by sections 408 and 409 of H.R. 13111.

Mr. Chairman, 15 years after the Supreme Court outlawed segregation in public schools, only a minority of nonwhite students attend predominately white schools in the South. It has been 5 years since Congress enacted title VI of the Civil Rights Act of 1964 which provided for banning and cutting off Federal assistance to school systems which discriminate on the basis of color and 1 year since the Supreme Court declared ineffective freedom of choice plans unacceptable. Much remains to be done before the effects of 100 years of discrimination and segregation will be eradicated and equality of educational opportunity will be a reality for black Americans. We cannot allow that work to be impeded by legislation which would cripple HEW's ability to enforce title VI of the Civil Rights Act of 1964.

I urge that sections 408 and 409 of H.R. 13111 be stricken so that the work of bringing recalcitrant school systems into compliance with the law can be continued.

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

Mr. Chairman, today we are talking about the subject of neighborhood schools. To bring it down to language we understand, I know it is the same with each family as it is with mine. When we were trying to buy a home, the first thing my wife was interested in was where our children would go to school and how many blocks they would have to walk and we were not worried about where the bus stop was.

In 1964 and 1966 the language on busing was plain. But what has happened in recent years? The language was that we would not have busing. Now every school system is faced with two alternatives. They either have to redraw their boundary lines, as in Galveston, where they were drawn within one block of a school, to make a better pattern, or we have to close the schools, such as happened in Bear Creek, where a modern brick school was closed.

Then we start busing. It is a very real subject. It is not academic.

I want to get one thing straight about this, because it has been discussed. Ninety percent of the funds that take care of our school system are local funds. It is paid for by the State and the county and the city governments. Those are local funds.

As such, they are still available. That 90 percent is available.

That takes care of the handicapped in special situations.

What we are talking about is forced busing.

I read somewhere that 60 percent of the Members of the House of Representatives are lawyers, and the rest of us are businessmen and a general cross section of other walks of life. We have in this House very few who are educators and who really know firsthand what is involved in this.

I was interested in a survey that had gone to the people in the field of education, those who are concerned with education all over the country. This was not done just in the South or in the North, but it was the same everywhere, in the East and in the West and everywhere.

They went to people all over the country and asked these questions. They first asked the school superintendents if they would support busing as a desegregation measure, and 74 percent said "No." They then asked the Members of the school boards all over the Nation, and 88 percent said they would not favor busing. They then went to the teachers and had the NEA—which is a very representative group of teachers—and asked them the same question, and 78 percent of the teachers were opposed to busing students from one district to another.

These were three groups who knew something about it. They were the school boards, the school superintendents, and the schoolteachers, and they all said busing would not work.

We have several friends from New York City, where they have been very interested in this. In New York State they tried busing. Members will remember the New York State Legislature, which was in very close contact with this situation, by a vote of 104 to 41—and this is the State legislature which is closely in touch with the situation—in March of this year voted by this vote of 104 to 41—to ban busing in the State of New York.

I saw in a Washington paper this week a story about Charlotte, carried by the UPI, which wrote that Charlotte Negroes plan to fight desegregation proposals by the school board in which they would require over 4,200 black students to bus to schools outside their neighborhood. In the statement, which I will read, the Negroes said:

> We will not under any circumstances accept closing of black schools and busing of black children. We cannot accept the lie that all black teachers and children are inferior.

This was the statement made by the black leaders in North Carolina.

I hope Members saw what happened in Denver, Colo. There they had a very energetic school board. This group was determined that they would put in an active busing system in Denver in September. In May they had an election of the school board, in that area. What happened?

In favor of busing they had the big newspapers, the Denver Post and the Rocky Mountain News, all the do-good groups in town, and all the civic groups. In fact, as the New York Times said later, they had everybody in favor of busing but the people.

I will tell you what the election said, when they took the vote. The man who got the most votes opposed busing. He got 75,000. The man on the school board, who said, "Let us have busing," got 28,000. They were listening to the mothers out there, and they were listening to the concerned parents in Denver, Colo. They listened to them as they said 75,000 to 28,000 they did not want busing in Denver.

I want to tell you; the folks in Denver, Colo., in Chicago, in Los Angeles, in Boston, and in Buffalo do not want busing.

I recommend that we answer the people of America and vote "no."

Mr. FLOOD. Mr. Chairman, I should like to know how many Members would like to talk at this time. Let me count.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 30 minutes.

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

Mr. THOMPSON of Georgia. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 30 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD).

The motion was agreed to.

The CHAIRMAN. Members standing at the time the limitation was ordered will be recognized for 1 minute each.

The gentleman from California (Mr. TUNNEY) is recognized.

Mr. TUNNEY. Mr. Chairman, adoption of this provision would represent a severe setback in the efforts we are making to end school segregation.

It should be strongly opposed.

This provision asks us to accept dual school systems for black and white. It tells us that we may not withhold funds from school districts which have failed to adopt a unitary nonracial school system. It tells us that, in effect, from now on we will use Federal funds to perpetuate discrimination.

Title VI of the Civil Rights Act of 1964 prohibits discrimination in programs receiving Federal assistance. This provision, if adopted, would nullify title VI fund cutoffs from school districts which have not come up with effective plans for desegregation.

The Federal Government does not require that an effective plan involve busing, or the closing of schools. It is up to the local school districts to devise the method for ending a system of dual schools. This may indeed require changes in transportation arrangements, changes in the use of facilities and new construc-

tion. This is only the result of the past ingenuity of school administrators in developing a system of racially divided schools.

This provision would reinforce the dual school system. It is not enough to operate on a "freedom of choice" basis, where parents are free to select which of two schools to send their children. This is not a two-way street. The whites choose to stay at the traditionally white school. None choose to transfer to the black school, which retains its traditional identity. A few black children may transfer to the white school. We still have a dual school system. It is this we must overcome, and we must defeat the proposed amendment to continue the effort.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, it is virtually impossible in 1 minute really to shed any light on this, but I want you to know one thing, that is, this is one Congressman who is very upset about what occurred in my district this week.

We had an $850,000 school closed and abandoned. That $850,000 just went down the drain. We were served notice, by HEW further, that we have five, six, or seven other schools that are deep in all-black areas. Without a single exception, every child going into this $850,000 Eva Thomas High School was going to the school that they lived closest to. HEW told the Fulton County system, "You may not assign the children to the school that they live closest to, but you must provide racial balance." They gave us three choices by which to abide. This is coercion.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, the Committee on Appropriations has quite properly included sections 408 and 409 in the bill referred to this Committee for consideration. The language contained in both of these sections is concise, to the point and is not subject to administrative or judicial "interpretation." These two sections taken together provide concrete assurance that this Government will not force busing of students or force any student to attend a particular school against his choice or that of his parents, and this is as it should be.

A history of ill conceived action by the Department of Health, Education, and Welfare makes inclusion of these sections mandatory. The continued existence of a system of public education beneficial to children of all races demands an end to HEW harassment. Therefore, Mr. Chairman, in order to protect public education in Alabama, and indeed, throughout the Nation, I urge that the Members of this body leave section 408 and 409 intact as written.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. MACGREGOR).

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

Mr. Chairman, it seems to me we have overlooked, or at least only lightly touched on, three items in this debate.

The first things we have overlooked are the provisions of existing law. Existing law is very clear and it has been for 5 years. Section 401 of the Civil Rights Act of 1964 clearly provides that desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance. Title VI provides explicitly for judicial review. I have heard a lot of complaints today about how school district leaders have been treated by the Department of Health, Education, and Welfare, but I have heard very little about their resort to the courts in order to secure justice under the law.

The second thing, Mr. Chairman, is that we have a new administration. It issued a comprehensive statement, the Finch-Mitchell statement, on July 3 of this year. I think we ought to give the Nixon administration an opportunity to work out its plans for school desegregation under existing law before we effect this drastic change through poorly considered language such as that now before us in sections.

Item 3, Mr. Chairman, is simply this: We have a School Desegregation Guideline Subcommittee of the House Committee on the Judiciary. Here is the place to consider sweeping changes in basic law; the proper vehicle is surely not this appropriations bill.

Mr. Chairman, the time for mere "deliberate speed" has run out in our efforts to make school desegregation a reality throughout America. As recent Supreme Court and circuit court decisions have stated, school districts not now in compliance must complete the process of desegregation "at the earliest practicable date."

I am pleased to see that the Nixon administration by word and deed has reiterated its determination to bring a speedy end to racial segregation in our schools in accordance with the law of the land. The procedures for achieving this goal have been spelled out in the comprehensive joint statement on school desegration by Robert Finch, Secretary of Health, Education, and Welfare, and Attorney General John N. Mitchell issued July 3. Their statement follows:

STATEMENT ON SCHOOLS: "OUR AIM IS TO EDUCATE, NOT PUNISH"

(NOTE.—Following is the text of a joint statement on school desegregation by Robert Finch, Secretary of Health, Education, and Welfare, and Attorney General John N. Mitchell.)

This Administration is unequivocally committed to the goal of finally ending racial discrimination in schools, steadily and speedily, in accordance with the law of the land. The new procedures set forth in this statement are designed to achieve that goal in a way that will improve, rather than disrupt, the education of the children concerned.

The time has come to face the facts involved in solving this difficult problem and to strip away the confusion which has too often characterized discussion of this issue. Setting, breaking and resetting unrealistic "deadlines" may give the appearance of great Federal activity, but in too many cases it has actually impeded progress.

This Administration does not intend to continue those old procedures that make satisfying headlines in some areas but often hamper progress toward equal, desegregation education.

Our aim is to educate, not to punish; to stimulate real progress, not to strike a pose; to induce compliance rather than compel submission. In the final analysis Congress has enacted the law and buttressed the Constitution, the courts have interpreted the law and the Constitution. This Administration will enforce the law and carry out the mandates of the Constitution.

A great deal of confusion surrounds the "guidelines." The essential problem, however, centers not on the guidelines themselves but on how and when individual school districts are to be brought into compliance with the law.

The "guidelines" are administrative regulations promulgated by the Department of Health, Education and Welfare, as an administrative interpretation, not a court interpretation, of the law. Frequently the policies of the Department of Justice, which is involved in law suits, and the Department of Health, Education and Welfare, which is involved in voluntary compliance, have been at variance.

Thus, we are jointly announcing new, coordinated procedures, not new "guidelines."

In arriving at our decision, we have for five months analyzed the complex legacy that this Administration inherited from its predecessor and have concluded that such a coordinated approach is necessary.

Fifteen years have passed since the Supreme Court, in Brown v. Board of Education, declared that racially segregated public schools are inherently unequal, and that officially-imposed segregation is in violation of the Constitution. Fourteen years have passed since the Court, in its second Brown decision, recognized the tenacious and deep-rooted nature of the problems that would have to be overcome, but nevertheless ordered that school authorities should proceed toward full compliance "with all deliberate speed."

Progress toward compliance has been orderly and uneventful in some areas, and marked by bitterness and turmoil in others. Efforts to achieve compliance have been a process of trial and error, occasionally accompanied by unnecessary friction, and sometimes resulting in a temporary—but for those affected, irremediable—sacrifice in the quality of education.

Some friction is inevitable. Some disruption of education is inescapable. Our aim is to achieve full compliance with the law in a manner that provides the most progress with the least disruption and friction.

The implications of the Brown decisions are national in scope. The problem of racially separate schools is a national problem, and we intend to approach enforcement by coordinated administrative action and court litigation.

SEGREGATION POLICY

The most immediate compliance problems are concentrated in those states which, in the past, have maintained racial segregation as official policy. These districts comprise 4477 school districts located primarily in the 17 Southern and border states; 2994 have desegregated voluntarily and completely; 333 are in the process of completing desegregation plans; 234 have made an agreement with the Department of Health, Education and Welfare to desegregate at the opening of the 1969-70 school year; under exemption policies established by the previous Administration, 96 have made such an agreement for the opening of the 1970-71 school year.

As a result of action by the Department of Justice or private litigants, 369 districts are under court orders to desegregate. In many of these cases the courts have ordered the

districts to seek the assistance of professional educators in HEW's Office of Education pursuant to Title IV.

A total of 121 school districts have been completely cut off from all Federal funds because they have refused to desegregate or even negotiate. There are 263 school districts which face the prospect, during the coming year, of a fund cut-off by HEW or a lawsuit by the Department of Justice.

These remaining districts represent a steadily shrinking core of resistance. In most Southern and border school districts, our citizens have conscientiously confronted the problems of desegregation, and have come into voluntary compliance through the efforts of those who recognize their responsibilities under the law.

SEGREGATION IN FACT

Almost 50 per cent of all of our public elementary and secondary students attend schools which are concentrated in the industrial metropolitan areas of the 3 Middle Atlantic states, the 5 northern Midwestern states and the 3 Pacific Coast states.

Radical discrimination is prevalent in our industrial metropolitan areas. In terms of national impact, the educational situation in the North, the Midwest and the West require immediate and massive attention.

Segregation and discrimination in areas outside the south are generally de facto problems stemming from housing patterns and denial of adequate funds and attention to ghetto schools. But the result is just as unsatisfactory as the results of the de jure segregation.

We will start a substantial program in those districts where school discrimination exists because of racial patterns in housing. This Administration will insist on nondiscrimination, the desegregation of facilities and school activities, and the equalization of expenditures to insure equal educational opportunity.

In last year's landmark Green case, the Supreme Court noted: "There is no universal answer to the complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance." As recently as this past May, in Montgomery V. Carr, the Court also noted that "in this field the way must always be left open for experimentation."

Accordingly, it is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in all districts, or to lay down a single, arbitrary system by which it should be achieved.

A policy requiring all school districts, regardless of the difficulties they face, to complete desegregation by the same terminal date is too rigid to be either workable or equitable. This is reflected in the history of the "guidelines."

After passage of the 1964 Civil Rights Act, an HEW policy statement first interpreted the Act to require affirmative steps to end racial discrimination in all districts within one year of the Act's effective date. When this deadline was not achieved, a new deadline was set for 1967. When this, in turn, was not met, the deadline was moved to the 1968 school year, or at the latest 1969. This, too, was later modified, administratively, to provide a 1970 deadline for districts with a majority Negro population, or for those in which new construction necessary for desegregation was scheduled for early completion.

Our policy in this area will be as defined in the latest Supreme Court and Circuit Court decisions: that school districts not now in compliance are required to complete the process of desegregation "at the earliest practicable date"; that "the time for mere 'deliberate speed' has run out"; and, in the words of Green, that "the burden on a school board today is to come forward with a plan that promises realistically to work, work now."

In order to be acceptable, such a plan must ensure complete compliance with the Civil Rights Act of 1964 and the Constitutional mandate.

In general, such a plan must provide for full compliance now—that is, the "terminal date" must be the 1969–70 school year. In some districts there may be sound reasons for some limited delay. In considering whether and how much additional time is justified, we will take into account only bona fide educational and administrative problems. Examples of such problems would be serious shortages of necessary physical facilities, financial resources or faculty. Additional time will be allowed only where those requesting it sustain the heavy factual burden of proving that compliance with the 1969–70 time schedule cannot be achieved; where additional time is allowed, it will be the minimum shown to be necessary.

In accordance with recent decisions which place strict limitations on "freedom of choice," if "freedom of choice" is used in the plan, the school district must demonstrate, on the basis of its record, that this is not a subterfuge for maintaining a dual system, but rather that the plan as a whole genuinely promises to achieve a complete end to racial discrimination at the earliest practicable date. Otherwise, the use of "freedom of choice" in such a plan is not acceptable.

For local and Federal authorities alike, school desegregation poses both educational and law enforcement problems. To the extent practicable, on the Federal level the law enforcement aspects will be handled by the Department of Justice in judicial proceedings affording due process of law, and the educational aspects will be administered by HEW. Because they are so closely interwoven, these aspects cannot be entirely separated. We intend to use the administrative machinery of HEW in tandem with the stepped-up enforcement activities of Justice, and to draw on HEW for more assistance by professional educators as provided for under Title IV of the 1964 Act. This procedure has these principal aims:

To minimize the number of cases in which it becomes necessary to employ the particular remedy of a cutoff of Federal funds, recognizing that the burden of this cutoff falls nearly always on those the Act was intended to help; the children of the poor and the black.

To ensure, to the greatest extent possible, that educational quality is maintained while desegregation is achieved and bureaucratic disruption of the educational process is avoided.

The Division of Equal Educational Opportunities in the Office of Education has already shown that its program of advice and assistance to local school districts can be most helpful in solving the educational problems of the desegregation process. We intend to expand our cooperation with local districts to make certain that the desegregation plans devised are educationally sound, as well as legally adequate.

We are convinced that desegregation will best be achieved in some cases through a selective infusion of Federal funds for such needs as school construction, teacher subsidies and remedial education. HEW is launching a study of the needs, the costs, and the ways the Federal Government can most appropriately share the burden of a system of financial aids and incentives designed to help secure full and prompt compliance. When this study is completed, we intend to recommend the necessary legislation.

We are committed to ending racial discrimination in the Nation's schools, carrying out the mandate of the Constitution and the Congress.

We are committed to provide increased assistance by professional educators, and to encourage greater involvement by local leaders in each community.

We are committed to maintaining quality public education, recognizing that if desegregated schools fail to educate, they fail in their primary purpose.

We are determined that the law of the land will be upheld; and that the Federal role in upholding that law, and in providing equal and constantly improving educational opportunities for all, will be firmly exercised with an even hand.

The objective of the Nixon administration as set forth in this statement is to achieve total desegregation of our schools "in a way that will improve, rather than disrupt, the education of the children concerned." In the past the Departments of Justice and Health, Education, and Welfare have failed to fully coordinate their activities so as to effectively accomplish this objective. These two Departments are now working together to assure this type of cooperative effort. Where possible, greater emphasis is being placed on stepped up enforcement activities by Justice and greater use of technical assistance and other Federal help as provided for in title IV of the 1964 Civil Rights Act. This should help to achieve compliance without resorting to the use of the drastic device of a cutoff of Federal funds. These cutoffs often hurt most the very children who are in the greatest need.

As the Washington Evening Star recently commented:

Impressive statements are a poor substitute for productive action.

Speaking of the Finch-Mitchell statement the Star added that—

The selective tactic, now being employed, is more flexible but not necessarily more lenient on offending local officials.

Since the present administration took office, the Justice Department has become involved in 15 lawsuits and has issued three warnings affecting school districts in both North and South. Indeed the evidence to date provides little comfort for those who had hoped that this administration would abandon or compromise its clearly stated determination to vigorously enforce the civil rights laws.

Here is the full text of editorials from the Miami Herald and the Evening Star of July 11, 1969, commenting on this administration's actions to bring about school desegregation:

[From the Washington (D.C.) Evening Star, July 11, 1969]

DESEGREGATION TACTICS

It now appears that much of the civil rights community and a handful of editorial hipshooters sounded off somewhat prematurely about the Nixon administration's "sellout" to the school segregationists. The liberal lamentations—and those muted cheers from the segregationist camp—that greeted the announcement of a relaxation of the September desegregation deadline might better have been withheld until the administration's motives became a matter of knowledge rather than speculation.

The Justice Department's ultimatums to the school boards of Chicago and Georgia,

coupled with the six new school desegregation suits already instituted, provide persuasive evidence that what's afoot is a change of tactics, not a sellout.

It is, perhaps, somewhat too early for an unqualified endorsement of the new tactic. Everything depends on how earnestly the Justice Department follows up on its new policy of moving against offending school systems, wherever they may be, to force compliance with the federal law. All that can be said now is that the administration is off to an encouraging start, and one that can provide no comfort at all to the die-hard segregationists.

Those who set up the premature clamor over the administration's initial announcement evidently failed to appreciate that impressive statements are a poor substitute for productive action. The desegregation deadline, which sounded jim-dandy, would in fact have proved almost impossible to enforce. A strict enforcement would have inflicted severe penalties on school systems—and school children—which were unavoidably unable to meet the standards.

The selective tactic, now being employed, is more flexible but not necessarily more lenient on offending local officials. It should certainly be given a chance to prove itself before being condemned.

Civil rights leaders have complained, with ample reason, that desegregation, since the historic Supreme Court order 15 years ago, has progressed at an outrageously slow pace. It seems passing strange that so many of these concerned citizens should leap to the defense of the system that has produced such scant results, and should have moved so quickly to attack an approach to the problem that is new, and that may well replace the hollow promise of yesterday with results.

[From the Miami (Fla.) Herald, July 11, 1969]

THE MODERATE COURSE UNHINGES NIXON CRITICS

Once again, the Nixon administration shows its critics that they should not be quite so hasty in sketching its political profile.

The President continues to steer a middle and moderate course not easily categorized. His decision to try a new tactic in school desegregation is the latest evidence.

For the first time the Justice Department will sue for school integration on a statewide basis. Georgia has been given two weeks to begin remedial action.

At the same time, adding geographical balance, the city of Chicago is given the same two weeks to end school faculty segregation.

Just last week, critics were sounding the alarm that the President would not move decisively in this field.

Their concern was prompted by two recent decisions: That judgment should be exercised in applying September, 1969, school integration deadlines; that the Voting Rights Act be broadened to include all the nation, and that the Justice Department should exercise the initiative in prosecuting violations.

Both positions were interpreted as poorly disguised attempts to pacify segregationists, in particular Sen. Strom Thurmond of South Carolina.

As we said before, the President should be judged by what he does, not by what some are afraid he might do. The actions in Chicago and Georgia show that he is honoring his promise of "unequivocal commitment to the goal of finally ending racial discrimination in schools."

The careful, undramatic manner he chooses to meet this commitment may seem tame stuff in these intemperate times, but we see it as a good path for a nation too much torn by disruption.

Many will want a faster pace, and some will want no pace at all, but for the nation as a whole Mr. Nixon's deliberate pace seems to promise the most reliable progress.

Mr. Chairman, while I strongly favor the increased amounts now contained in the bill by amendment for the support of education, I cannot vote "yes" on final passage unless we strike from the bill the anti-civil-rights language inserted by the gentleman from Mississippi (Mr. WHITTEN). I urge my colleagues to support the Cohelan amendment to strike.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, so many others, especially the distinguished gentlewoman from Oregon (Mrs. GREEN), and the chairman of the Appropriations Committee (Mr. MAHON), have already said much more eloquently than I can, what I have been trying to get across since the passage of title VI of the Civil Rights Act of 1964.

Federal funds appropriated to help improve the public school systems of this country—to help bring about quality education, have too often been used as a blackjack to force local school officials to succumb to the wishes of those who are not elected officials but administrators in the Department of Health, Education, and Welfare.

No law can be meaningful and useful unless it is administered with wisdom and understanding. Sections 408 and 409 of this legislation will not change any court decisions nor any provisions of any civil rights law. It is intended to inject wisdom and understanding into the administration of title VI of the Civil Rights Act of 1964, and to prevent a cutoff of Federal funds in those school districts which are complying with school desegregation laws and in those where an honest, faithful effort is being made to comply through freedom of choice and other methods.

Freedom of choice in North Carolina has resulted in very substantial integration of our public schools, but regrettably both our courts and certain officials in HEW and the Department of Justice have not been satisfied. If the new administration intends to work for quality education and to be fair and just to all of our children, sections 408 and 409 will handicap them in no way.

Mr. Chairman, I oppose the amendment of the gentleman from California and urge its defeat.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH. Mr. Chairman, I rise in support of the motion to strike sections 408 and 409.

Fifteen years ago the Supreme Court, in Brown against Board of Education, ruled that discriminatorily segregated schools must desegregate with all deliberate speed. The realization of that mandate is long overdue.

Children who were about to enter school when the Supreme Court spoke have now completed their education. Yet many schools in our country are still segregated. Such delay is unconscionable.

Basically, there are two ways to compel a school district to comply with the Constitution: first, laws enacted in accordance therewith to withhold Federal funds, and second, to enjoin the segregation and hold noncomplying officials in contempt of court.

The second method is unworkable. In many parts of the country, the elected school board members must defy court orders to desegregate in order to retain their positions. Thus, noncomplying officials ofttimes achieve popularity while black children do not achieve equality.

Sections 408 and 409 would thus remove the more workable means of compelling compliance with the Constitution. Those sections, in effect, would prevent the executive branch of our Government from performing its most fundamental duty—enforcing the law of the land.

Those sections would not only prevent us from going forward but would require that we march backward from the goal of equal justice for all.

I urge the Members of this body to permit HEW to continue to enforce the Constitution and the laws enacted pursuant thereto. I urge the adoption of the motion to strike.

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

Mr. CORMAN. Mr. Chairman, there is no more troublesome issue in this Nation than that of racial segregation. We must get on with desegregation in our schools. The vote today is to decide whether or not we will.

Mr. Chairman, the purpose of freedom of choice in the South is merely a method to continue the dual school system. One is both shocked and saddened at the depth of dedication to continued racial discrimination. Can you imagine a school board closing an $850,000 high school rather than integrating it?

Mr. Chairman, the first time I ever heard a speech in this House of Representatives was in 1950 when I was sitting in the gallery. The issue pending at that time was whether or not we were to desegregate our Armed Forces. I recall very well the gentleman from Illinois (Mr. DAWSON), chairman of the Committee on Government Operations, making the most eloquent speech I ever heard pleading for an end to second-class citizenship for Negroes.

Mr. Chairman, the Congress in 1950 decided we would no longer make the Negro a second-class citizen while he was fighting for his country. In a few minutes we will vote on whether he is to be a second-class citizen while attending his country's public school.

A vote for the Cohelan amendment will be a vote for equality and racial justice. I urge support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I rise in opposition to the Whitten amendment and in support of the amendment of the gentleman from California (Mr. COHELAN) and the gentleman from Massachusetts (Mr. CONTE), to strike sections 408 and 409 of the bill.

Mr. Chairman, very simply, these sections seek to perpetuate illegal segregation and discrimination in public schools: 15 years after the Supreme Court declared that segregated education is inherently unequal; 5 years after Congress enacted the Civil Rights Act of 1964 banning Federal assistance to school systems which discriminate on the basis of race; 1 year after the Supreme Court ruled that ineffective free-choice plans are unacceptable; and only 10 months, I submit, after this House deleted identical language from last year's bill.

Freedom of choice plans have been totally inadequate and insufficient evidence of desegregation, and the courts have held that such plans are acceptable only when these plans result in the elimination of discrimination and unconstitutional segregation.

Specifically, on May 27, 1968, the Supreme Court held in the Green case that the "burden on a school board today is to come forward with a desegration plan that promises realistically to work, and promises realistically to work now."

The issue of busing is introduced into these sections only as a red herring designed to negate the Supreme Court decision in the Green case and to vitiate title VI of the Civil Rights Act of 1964. The sections should be removed from the bill, and we should give full authority to the Department of HEW to withhold money to enforce desegregation. I compliment the gentleman from California and the gentleman from Massachusetts for their continuing leadership in the cause of justice.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I rise in support of the Cohelan amendment. I should like merely to point out that the court, through Justice Sobeloff, in the Bowman case clearly said that "freedom of choice" is not a talisman; that if it fails to accomplish the desegregation of black and white schools it must be knocked down.

The Supreme Court in the Green case has definitely declared that we have to desegregate the separate black and white schools.

Now, the provisions in the bill here clearly provide that HEW may not use abolition of the freedom of choice scheme to strike down black and white schools, and I submit it is clearly unconstitutional.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I would like to make a few comments in support of the committee language dealing with busing of students. Language of this type, I believe, is important to have in the bill, and I strongly hope that it will remain.

The main reason I feel it should be kept is that it will help us keep our desegregation efforts on an even keel, and will help assure that the neighborhood school concept is not completely abandoned.

As an example, I would like to cite the situation in my own home of Austin, Tex., where we recently have had several difficulties on the question of school desegregation.

By way of background, Austin has operated under a freedom-of-choice plan since the desegregation decisions were handed down in 1954 and 1955. This approach has brought us to the point over the past 5 years that over 54 percent of all Negro high school pupils, last school year, were in formally all-white schools. When these programs were started, that figure was less than 1 percent.

The school formerly characterized as the "Negro high school," Anderson High, originally had a peak enrollment of over 1,200, but as a result of the freedom-of-choice plans, enrollment by last year dropped by half to a level of approximately 800. In other words, two-thirds of the students in the Anderson area elected to stay at Anderson. They voted for Anderson. To me this is proof that a good freedom-of-choice plan can be a good one.

This approach met with wide approval throughout all parts of Austin. It was an approach which was showing definite progress, and which was not wholly disruptive of customs for the area.

A great deal of pride and tradition was built up in Anderson High, and it was not easy simply to discard it.

While the existing freedom of choice approach was acceptable locally, and was continuing to show progress, it was not acceptable to HEW. Instead of pursuing this plan, they recommended that Anderson High be closed down, that another junior high be restructured as to the grades it served, and that several other less sweeping steps be taken.

As might be expected, this approach was widely opposed. Primarily, the parents of high school students living in the relatively contiguous black areas of Austin, resented the fact that desegregation generally amounts to closing Negro schools, and transporting Negro students into other areas. As I have heard some Negro parents put it, "Why does desegregation always hit just us?"

Similarly, white parents in surrounding junior high school areas did not like the fact that the new student assignment rules proposed by HEW would cause them to travel greater distances into schools with which they were not familiar.

The HEW plan was aggravated by the fact that its desegregation efforts were, by HEW's own admission, temporary in nature, and did not, and could not, account for the large Spanish-speaking population in Austin. In other words, they said that this plan would still leave us with "minority schools," which would continue to assume an increasing minority ethnic character.

It was in the face of this that the Austin School Board resolved to try to come up with its own plan which would meet HEW approval, but which would also have the support of the local community.

In broadest terms, they elected to try to accelerate the freedom-of-choice program. Anderson High was to be beefed-up in its course curriculum, to include special vocational courses offered nowhere else in town: the faculty was to be more fully integrated—one white teacher for one Negro teacher—and there would be a strong program to encourage white students to transfer into Anderson. White students living in the Anderson area would not be allowed to transfer out, but Negro students would be encouraged to exercise their freedom of choice to attend other high schools.

This plan met with local approval, probably for the primary reason that it preserved Anderson High, but the school board went out on a limb with HEW to pursue this approach. But the Austin school system now has been cited for noncompliance.

Mr. Chairman, Austin is a town of over 260,000 population, and we probably have one of the most progressive records in the area of integration of all cities of similar size. Our school board over the years has been dedicated and alert to the needs of all students in the school system.

When HEW began to threaten our schools with closings, our board bent over backward to find a plan that would be acceptable. They made several counteroffers on plans, but HEW refused all of them. They have done all that they can to keep Anderson open, and this is a goal supported by nearly everyone in Austin. In public meetings, held repeatedly over the past few months, the sentiment has been expressed that the HEW plan is unfair.

I noticed recently that a Federal judge in another Texas city said that that school system must increase, over the next several years, the percentage of Negro students in integrated schools from the present level of approximately 10 percent to at least 16 percent. In Austin, the overall level now is more than 35 percent.

Mr. Chairman, HEW should not have gotten involved in this case at all. HEW seems more interested in obtaining full desegregation, as such, than they are in basic education. In effect, they are trying to abolish a popular and important school in our area. We should allow local school boards to run local schools if they are doing a good job. To the extent the committee language in sections 408 and 409 goes to remedy this problem, this amendment should certainly stay in the bill.

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

Mr. MCCLOSKEY. Mr. Chairman, I would like to speak in favor of the amendment on a single point; that a due respect for law requires that sections 408 and 409 be deleted from the bill.

Respect for the law necessarily includes respect for Supreme Court decisions.

Regardless of how we may differ on the wisdom of any given Supreme Court decision, I doubt that there is a member in this Chamber who would argue that the Court's rulings are not the law of the land. Congress, more than any other body, owes a duty to respect those decisions and to follow the same law we ask our constituents to accept.

Sections 408 and 409, however, would write into our statutory law a principle which is in direct conflict with a constitu-

tional requirement laid down by the Supreme Court in May 1968, in Green against The School Board of New Kent County, Virginia.[1]

In the Green case the Court said that freedom of choice alone was not sufficient to meet the constitutional tests laid down in the first and second Brown decisions. A freedom of choice plan might be acceptable, but if under facts such as existed in New Kent County, Va., it was merely a subterfuge to preserve segregated schools, then title VI of the Civil Rights Act of 1964[2] would require that no Federal funds be granted to such segregated schools.

Sections 408 and 409, however, would permit funding of such segregated schools.

This is an incredible result, and in all good conscience I do not see how in this year of crisis in law and order we in the Congress can urge our constituents to respect the law if we deliberately enact a bill we know to be inconsistent with an unanimous Supreme Court decision.

Let me add that I do not urge here that the facts and rule of the Green case are applicable to all of the freedom of choice plans which may exist throughout the South and in many places in the North. Forced integration by absurd busing requirements, unreasonable school closings or transfer of pupils from long distances is just as wrong as the deliberate continuance of segregated schools by State or local agencies. Some of my colleagues whom I respect highly have called my attention to specific cases which, in their judgment, represent unreasonable requirements by HEW with respect to either busing or school closings.

But busing and school closings are not the issue here.

If any case occurs where HEW's recommendations or requirements in a given area are capricious or unreasonable. Congress may very well have the obligation to see that HEW does not abuse the rule imposed in the special factual conditions of the Green case.

It may be that we should ourselves clarify desegregation guidelines with respect to mandatory busing and school closings.

But the responsibility to prevent abuse of power in busing and school closing cases does not make it appropriate to deny the proper exercise of power in unlawful freedom of choice cases.

I, therefore, urge an aye vote on the amendment to strike those sections 408 and 409 which would preclude HEW's enforcement of the 1964 Civil Rights Act and the Supreme Court's desegregation decisions.

Purely as a matter of law, these sections are bad law and, in my judgment, would damage not only our efforts to achieve respect for the law by those we represent, but would also unnecessarily damage the reputation of the Congress as the world's foremost lawmaking body.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. CHISHOLM).

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Mrs. CHISHOLM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman for yielding.

The CHAIRMAN. Does the gentleman wish to take up his time also at this point?

Mr. CONYERS. Yes, Mr. Chairman; I do.

Mr. Chairman, I wish to comment upon what a sad day this is for the democratic process when we listen to people who are apparently serious, telling us that the Whitten provisions are not a means for perpetuating or extending racial school systems in this country. It fools no one outside the Chamber of this House.

Mr. Chairman, I have been trying to check into some of the fanciful tales that have been supposedly recorded about the worst agency, apparently, in the Government—the Department of Health, Education, and Welfare. I have checked into one matter raised by my colleague, the gentleman from Georgia (Mr. THOMPSON), who told us how a new school in his district was forced to close because of abusive, dictatorial policies of the Department of Health, Education, and Welfare. When I sympathetically inquired into this situation, to my amazement and surprise, I found that the decision to close the school had been made by my colleague and the school officials. In making this determination they had rejected no less than three alternative provisions which would have kept the school open.

In addition, we have heard a lot about so-called freedom-of-choice plans. But the truth of the matter is that the freedom-of-choice programs were so slow in bringing about any significant amount of desegregation since the 1954 Supreme Court decision that HEW was reluctantly forced to begin to issue guidelines. That is why we have guidelines—to assist in the regular and speedy development of school desegregation plans. I, for one, refuse to take seriously the undocumented allegations being made against HEW.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. CHISHOLM) has expired.

The CHAIRMAN. The gentleman from Louisiana (Mr. WAGGONNER) is recognized for 1 minute.

Mr. WAGGONNER. Mr. Chairman, I have been a Member of the House of Representatives for five terms and I have never heard more misrepresentation over an issue than has come forth here today.

There has been more misrepresentation about what HEW is doing or is not doing and fewer people are informed about what HEW is doing than I have ever known in my life.

Quit clouding the issue. Stop your misplaced emotional appeals about segregation and integration. We are neither referring to nor talking about either. Our one concern is preservation of our public school system and quality education for all, both black and white.

If it is wrong to say you cannot, and it is, it is equally wrong to say you must or have to.

There is little to criticize in the language of the 1964 civil rights law. It does nothing more than outlaw discrimination. Discrimination is forbidden. There have been many slips between the cup and the lip. The Office of Education, HEW and the Courts have gone beyond the law with their demands and have ignored Congressional intent. Harold Howe, the last Commissioner of Education went so far as to say: "If I have my way, schools in the future will be built for the primary purpose of social and economic integration." He didn't even mention education.

Some of you make the ridiculous statement that HEW is not guilty of forced busing, but they are. I can prove beyond any shadow of a doubt by producing 37 plans for 37 school boards submitted by HEW to the Western District Court in Louisiana requiring forced busing to satisfy them. I challenge any member of this body to challenge this statement and fact. The arrogance of some HEW and Justice Department personnel defies description. Some of you allege that we will destroy neighborhood schools. Actually what we propose will preserve neighborhood schools. But more important it will give meaning to "freedom of choice" which is the cornerstone of Democracy by outlawing force. You should be ashamed of yourselves. Why don't you come South and see for yourselves how wrong you are. Get rid of your narrow view.

Mr. Chairman, even the Negroes, the professional school people in Louisiana, want freedom from force and this is what this language provides for. Surprising to you, I know, but true.

Vote down the Cohelan amendment so he can apply his efforts to his home town of Berkeley, Calif., where a real problem exists.

The CHAIRMAN. The gentleman from Illinois (Mr. YATES) is recognized.

Mr. YATES. Mr. Chairman, I am one of the members of the Appropriations Committee who voted against the Whitten amendments in committee. I shall support the Cohelan amendment to strike them from the bill.

Some years ago the distinguished author, John Bartlow Martin, made a survey of southern viewpoint on the Brown decision of the United States Supreme Court that public schools be desegregated with all deliberate speed. He incorporated the results of his study in a book entitled: "The Deep South Says Never." Fifteen years after that decision

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[1] "Although the general experience under 'freedom of choice' to date has been such as to indicate its ineffectiveness as a tool of desegregation, there may well be instances in which it can serve as an effective device. Where it offers a real promise of aiding a desegregation program to effectuate conversion to a unitary, nonracial system there might be no objection to allowing such a device to prove itself in operation. On the other hand, if there are reasonably available other ways, such for illustration as zoning, promising speedier and more effective conversion to a unitary, nonracial school system, 'freedom of choice' must be held unacceptable." *Green v. County School Board of New Kent County, Virginia.*

[2] "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Civil Rights Act of 1964, Title VI.

the deep South apparently still says "never." The amendment of the gentleman from Mississippi, is the latest parliamentary expression of that viewpoint and is an amendment that seeks to nullify the Brown decision, that seeks to rescind title 6 of the Civil Rights Act, that seeks to restore, if that were possible, which it is not, conditions of segregation of the Nation's public schools which existed prior to 1954.

Mr. Chairman, it is unthinkable that the Congress should accept an ill-considered amendment of such extreme importance in an appropriations bill. The amendment is obviously unconstitutional. It would never be approved by the Committee on the Judiciary which has jurisdiction over civil rights matters, and which would be aware of its invalidity under the Constitution. For that matter, it would not be considered by the Education and Labor Committee, either, for that committee, which has jurisdiction over matters involving education, would not take action to turn back the clock. The Appropriations Committee has taken upon itself a legislative prerogative that rightfully belongs to a legislative committee.

The cause of education, the cause of democracy is not served by amendments of this kind. Equal justice under law, the cardinal American principle, embraces within its concept equality of educational opportunity for all the children of our country. The written amendments must be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Chairman, I rise in support of the Cohelan amendment, and concurrently commend that distinguished gentleman for the excellent and diligent leadership which he has provided in this matter.

Mr. Chairman, just a few moments ago, when the gentleman from California (Mr. CORMAN) mentioned the speech made by the gentleman from Illinois (Mr. DAWSON), it reminded me of the fact that in 1943 I happened to have been one of the young men in the U.S. armed services for whom Mr. DAWSON was pleading. I was one of the black soldiers in the service of his country who was required to ride in the back of the bus in Mississippi—even though I was in full uniform and on the U.S. Army post where I was stationed at the time.

I guess my heart just does not bleed this afternoon for those who are complaining of the problems that they are subjected to under busing.

My heart does not bleed for you because it bleeds for the 80 percent of the black children in America who are being subjected to this kind of continuous perpetuation of segregation and discrimination. Yes, my heart bleeds for those whose voices you do not hear today.

Mr. Chairman, it is difficult to understand how this House can spend so much time today talking about a law that should be applied to rebellious students, and yet not want the law of the land to apply to their States.

How long—how long, I ask you, do we go on crippling the minds of our young black children in America? For 15 years after the Supreme Court ruled that separate but equal was inherently unequal, the Southern States of this Nation have refused to obey that law.

No, my heart does not bleed for you and the problems which you are having from HEW as a result of your open and defiant disregard of the law. The alleviation of your problems can be summed up in one word—"compliance."

Yesterday, this House showed, during debate, great concern for handicapped children—those who by accident of birth were less fortunate than others. And it was right and proper to show such concern. But how can we turn around today and disregard those who were born normal but have been handicapped by their society? How can we ignore those who have been relegated to unequal educations in America merely because they happend to be black.

All over this Nation today we find evidence of the hostility and alienation of young people, black and white, toward the society in which we live. As a result of our trip to the moon we have harnessed the greatest scientific minds in the Nation to examine the components of rocks from the moon. What this House ought to be doing this afternoon is examining the psychological damage done to the hearts, minds, and souls of young black people as a result of segregation and discrimination in America.

This Congress has to bear a large share of the responsiiblity of explaining how the South still fails to comply with the desegregation order imposed by Brown against Board of Education 15 years ago. Not only has there been open defiance and noncompliance with the law of the land, but today you are being asked to reward the South with a legislative act authorizing their continued perpetuation of segregation.

This utter disregard and disrespect for law is intolerable today.

The greatest disregard for law is evidenced in the State of Mississippi, which has the following deplorable state of affairs:

School districts, 149.

Integrated districts, seven—4.7 percent.

Voluntarily complying districts, 20—13.2 percent.

Districts under court order, 66—44.3 percent.

Districts under administrative examination, 19—12.9 percent.

Districts which have lost all Federal funds, 38—25.5 percent.

This Nation has a responsibility to every child in America to educate that child without regard to his race or national origin. The segregation and discrimination which persists in this country is not in keeping with its promise of equality of opportunity for all Americans.

As one who has over and over again tried to defend the system under which we live, I can testify that this task is made more and more burdensome by every denial of the civil rights of black citizens.

I urge this House to rise up to its responsibilities to every child, black or white, for an equal opportunity in America. I beseech you to support the Cohelan amendment in the name of decency and honor.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, there are two points that should be made as we come to the end of this discussion. One is that the Office of Education does not, in fact, engage in busing, as I suspect all of us know, except in cases where busing has been used to perpetuate segregation or where school construction has been used as a device for that purpose. Before we vote, we should all know that we are not voting for or against compulsory busing—that is a cloak under which daggers are stabbing the law of the land in the back.

The second point grows from the first, and it is perhaps not much of an overstatement to call it the central matter at issue in this vote. For the fact is that the United States has reached a critical turn in its handling of what we have come to call the race question. We must move toward one society now, firmly, clearly, quickly, honestly; or the drift toward two societies will accelerate, and the Kerner report will move from baleful prophecy to awful reality. In short, Mr. Chairman, we must integrate or we shall surely disintegrate.

There are many people, black and white, who want to preserve—or create—a segregated society, a dual society, a society renouncing the Constitution and reviving separate but equal, this time as the national goal. Those of us who do not want to live in that kind of society, who do not want what was worst in our past to become suddenly the hope of the future, are in retreat, and, worse, in disarray. We retreat further at the price of greater disarray, and so it could continue, on and on, to worse divisions and greater frustrations. That is really what this vote is all about.

I would as soon believe that crocodiles fly as believe that my eminent colleagues who have spent their public lives fighting for segregation—for "our way of life," as it was called not so long ago—have suddenly abandoned their most cherished principles, and have in fact decided to demonstrate their commitment to integration by pressing for the Whitten provisos. I think we owe it to the American people to present squarely a question that is so critical to their future so they can decide which turn they want to take. The use of the busing distraction by those who have all along favored segregation suggests that they know their approach could not prevail if the question were to be joined squarely.

This House should never give strength to extremists of either race. We will give strength to extremists of both if we reject the Cohelan amendments. Every day offers further proof of how right those of us have been who have worked through the years for one America. We see where the failure to achieve one America is bringing us—that alone should be incentive enough for all men of

good will to try harder to do what we ought to have done so long ago.

I shudder for my country if we take the other turn.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, desegration is a very painful process in the North as well as in the South, and we must face the fact that there are people leaving the public school system. But, they are leaving primarily because the educational plants are going downhill.

What was so disheartening in this debate was that the same Appropriations Committee that brought in the so-called Whitten amendment also reduced the appropriation for education by about $1 billion. If we would put in the moneys necessary to make the public educational school plants in this country first rate, we would not have people fleeing the public schools.

Surely, all of us, when we reflect, know that desegration in every phase of public life, including the schools, is necessary to keep this country from polarizing. And, in our hearts as well as our minds we also know it is the right way to proceed, instead of doing those things which separate us and tear this country apart.

To repeat, we must put the needed money into public education so that parents who, understandably, will not sacrifice the education of their children, will bring those children back into the public schools. And at the same time we must continue to desegregate these institutions of learning. The children of this country, black and white are sacred, belonging to all of us and none of them should or need be sacrificed.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, we have heard a lot about busing and how it will affect the Chicago area. Just outside of my district in the Chicago area they have been busing for years—busing little white children, past a nearer all-Negro school, to an all-white school. When HEW tried to do something about it, they were accused of high-handedness. But sections 408 and 409 not only do not prevent that kind of busing; instead they prevent HEW from doing anything about that kind of busing. If that is even-handedness, then I do not understand the word.

I support the Cohelan amendments, striking sections 408 and 409.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from California (Mr. COHELAN), pertaining to sections 408 and 409, which by unanimous consent will be considered en bloc.

Mr. COHELAN. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. COHELAN and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 141, noes 158.

So the amendments were rejected.

AMENDMENTS OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer amendments and I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. CONTE: On page 56, line 11, strike lines 11 through 15 and insert the following:

"SEC. 408. No part of the funds contained in this Act may be used to force bussing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parent or parents, in order to overcome racial imbalance."

And on page 56, line 16. Strike lines 16 through 20 and insert the following:

"SEC. 409. No part of the funds contained in this Act may be used to force bussing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

Mr. SIKES. Mr. Chairman, I wish to make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SIKES. Mr. Chairman, it appears to me that the rulings of the Chair heretofore on this bill this afternoon show clearly that this is legislation on an appropriation bill and not a simple limitation in that the language of the amendment will require someone in the executive department to determine whether busing is to overcome racial imbalance. Therefore, it imposes additional duties and as such I consider it to be legislation on an appropriation bill. The Chair has so ruled on a number of occasions on this bill to date.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. CONTE) care to be heard on the point of order?

Mr. CONTE. I certainly do.

Mr. Chairman, I do not see where these amendments I have, which only change several words in order to overcome racial imbalance, and these are the words that I add, and that is the crucial term—I do not see where it gives the Department of Health, Education, and Welfare or its head or anyone under the Secretary any additional burdens that the present Jamie Whitten sections 408 or 409 do not. I think it is certainly a limitation on the expenditure of funds, and, therefore, the point of order should be overruled.

Further, I may say, Mr. Chairman, if a point of order would lie on this, it will certainly lie on sections 408 and 409, and I will offer such.

Mr. WHITTEN. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. Certainly.

Mr. WHITTEN. Mr. Chairman, I would like to affirm the statement made by the gentleman from Florida (Mr. SIKES), with respect to the earlier ruling by the Chair this afternoon, this being the same factual situation. I submit it is clearly subject to a point of order and clearly in line with the earlier ruling of the Chair this afternoon.

The CHAIRMAN. The Chair is prepared to rule. The Chair recognizes that this is a very difficult matter. The proposed amendment for section 408 is different from section 408 of the bill in that it has added the words "in order to overcome racial imbalance."

The Chair believes that this would impose duties upon officials which they do not have at the present time and, therefore, it is legislation on an appropriation bill.

Mr. CONTE. Mr. Chairman, may I be heard for a minute?

Mr. WAGGONNER. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman will please desist until the Chair has finished his ruling on the second amendment because they are being considered en bloc.

The additional words in the amendment to section 409 are "in order to overcome racial imbalance" and this clearly requires additional duties on the part of the officials. Therefore, it is not negative in nature and is legislation on an appropriation bill.

The Chair, therefore, sustains the point of order.

AMENDMENTS OFFERED BY MR. O'HARA OF MICHIGAN

Mr. O'HARA. Mr. Chairman, I offer two amendments and ask unanimous consent that they be considered en bloc. Both of them concern the so-called Whitten provision.

The CHAIRMAN. The gentleman from Michigan makes the unanimous-consent request that both amendments be considered en bloc as they both pertain to sections 408 and 409.

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

Mr. O'HARA. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I would like to ask my friend if he has copies of the amendments for the use of the Committee?

Mr. O'HARA. I would advise the distinguished chairman that I wrote them by hand just a few moments ago and have only one copy of them.

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

Mr. WHITTEN. Mr. Chairman, reserving the right to object, would the gentleman be so kind as to tell us what the amendments are?

Mr. O'HARA. Mr. Chairman, if the gentleman will yield, they strike the language having to do with attendance at a particular school and pertain to sections 408 and 409 to delete the language about busing and the abolishment of schools.

Mr. FLOOD. Mr. Chairman, will the gentleman from Mississippi yield to me?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, an hour ago I made a motion which was passed by the Committee to limit debate on that amendment and all amendments thereto to 30 minutes. That motion was

agreed to. Therefore, I submit, Mr. Chairman, that this is not in order.

The CHAIRMAN. The Chair must inform the gentleman that his limitation was to the Cohelan amendment, and all amendments thereto. But this is not the Cohelan amendment.

Mr. FLOOD. Mr. Chairman, for the first time since the War between the States—I used to call it the Civil War—I beg to differ. That was not my motion, or the extent of my motion, under no circumstances. I know exactly what I was doing. I did it to prevent this kind of thing, and this House voted on it, and it was sustained, Mr. Chairman.

The CHAIRMAN. The Chair will state that it was the understanding of the Chair that the gentleman referred to the amendment of the gentleman from California (Mr. COHELAN), and all amendments thereto. Since that time the Chair has recognized the gentleman from Massachusetts (Mr. CONTE), for an amendment to these sections, and no one objected to Mr. CONTE's amendments being considered.

PARLIAMENTARY INQUIRY

Mr. FLOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FLOOD. Mr. Chairman, I made the motion as chairman of this committee. I have no interest in what the Chair and the gentleman from Massachusetts (Mr. CONTE) did. I now say that I made the motion. I know exactly what the motion was, and this House sustained it. And, Mr. Chairman, the overwhelming majority of this Committee understands exactly what I did at this minute, do not press it.

The CHAIRMAN. The Chair will state that the gentleman is entitled to his opinion, and that the Chair is entitled to its opinion. If the gentleman insists upon his position the Chair will suspend any further proceedings until a copy of the gentleman's motion is brought before the Chair.

The Chair is trying to do a fair job for each Member here, and the Chair has the right to its opinion, as well as the gentleman from Pennsylvania having a right to his opinion.

Mr. FLOOD. Mr. Chairman, having been in that chair for many years, I yield to the chairman.

Mr. WHITTEN. Mr. Chairman, reserving the right to object to the unanimous-consent request——

The CHAIRMAN. The gentleman has reserved the right to object.

Mr. WHITTEN. Mr. Chairman, could we have the amendment read?

The CHAIRMAN. Under the unanimous-consent request, the amendments can be read with the gentleman from Mississippi reserving the right to object to them being considered en bloc.

The Clerk will read the amendments.

The Clerk read as follows:

Amendment offered by Mr. O'HARA: on page 56, line 12, insert "or".

On line 13 strike out the comma, insert a period and strike out all that follows through and including line 15.

On page 56, line 17, after the comma, insert "or".

On line 18 after the word "school" strike out all that follows down through and including the word "school" on line 19.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. O'HARA), that the two amendments be considered en bloc?

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendments at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan (Mr. O'HARA), to consider the two amendments en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. O'HARA) is recognized for 5 minutes in support of his amendments.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. O'HARA. Mr. Chairman, I do not yield for a parliamentary inquiry.

The CHAIRMAN. Without objection, the gentleman's request to revise and extend his remarks is granted.

There was no objection.

Mr. O'HARA. Mr. Chairman, I would be happy to yield to the gentleman if he can get me extra time. Otherwise, I cannot.

Mr. Chairman, what I have tried to do is to narrow the issue.

You see the Whitten provisions deal with three different things.

First, "forced busing."

Second, the "abolishment of any school."

Third, and this is the hooker, Mr. Chairman—third, a prohibition against requiring a student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

My amendment simply strikes out that ratification ratifies freedom of choice. I do not change the "busing" provision. I do not change the "abolishment of a school" provision. But I remove those phrases that refer to freedom of choice school plans, because the gentleman from Mississippi (Mr. WHITTEN) is asking the House to adopt a freedom of choice school system.

Do you realize, Mr. Chairman, that you could not run a neighborhood school system using funds under this act if the Whitten provisions are agreed to?

The essence of a neighborhood school system is that the children must attend the school in their neighborhood. They have no right to say, "We do not want to go to that school—we will go to another school in a different neighborhood."

I cannot believe that this House, Mr. Chairman, wants to say that it prefers "freedom of choice" and does not like the neighborhood schools any more. But that is what we will be saying—unless we adopt my amendment.

And make no mistake, this ratification of freedom of choice school systems is the real essence of the Whitten provisions. This is what they want from the House.

The business about "forced busing" and the business about the "abolishment of schools," is a lot of window dressing. The real guts of this provision is the ratification of the freedom of choice school system as opposed to the neighborhood school system. I think you ought to consider that carefully before you cast your vote.

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

Mr. O'HARA. I yield to the gentleman.

Mr. BROWN of Michigan. May I pose a hypothetical situation to the gentleman that I think his amendment corrects?

In a school district such as in Kalamazoo we have two high schools. One is a brandnew high school with a swimming pool and other advantages and all the students wish to attend that high school.

Now without your amendment the school board would be incapable of dealing with that situation. Is that true?

Mr. O'HARA. That is correct. They could not be required to attend the school in their neighborhood.

Mr. BROWN of Michigan. They would have to let all the students who wanted to, attend the nice new school and nobody would attend the older school; is that correct?

Mr. O'HARA. That is correct.

Mr. Chairman, I ask that my amendment be agreed to.

The CHAIRMAN. Does the gentleman from Mississippi (Mr. WHITTEN) insist on making a point of order, under his reservation?

Mr. WHITTEN. No; Mr. Chairman, I will not make the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the subcommittee.

Mr. FLOOD. Mr. Chairman, I move to limit debate on section 408 and 409 and all amendments thereto, to terminate in 15 minutes.

Mr. CONTE. Mr. Chairman, a parliamentary inquiry. Has section 409 been read yet?

The CHAIRMAN. It has not been read yet.

Mr. CONTE. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. If the request is agreed to, would it prevent me from raising a point of order against section 409?

Mr. FLOOD. Mr. Chairman, I do not like to seemingly advise the Chair, but we have passed on the merits of that section.

Mr. CONTE. Section 409 has not yet been read.

The CHAIRMAN. The Chair regrets to inform the gentleman from Pennsylvania that section 409 has not been read. Agreements were reached to consider several amendments to sections 408 and 409 en bloc, but section 409 has not been read. Therefore we must proceed in order.

Mr. CONTE. I thank the Chairman.

The CHAIRMAN. As the Chair understands it, the gentleman has asked that all debate on sections 408 and 409 cease in 15 minutes. Is that correct?

Mr. FLOOD. Mr. Chairman, I move that all debate on sections 408 and 409 be terminated in 15 minutes.

Mr. JOELSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOELSON. Section 409 is the last section of the bill. I understand there will be an explanation of a proposed motion to recommit. Will there be time to explain the motion and time for me to comment on it?

The CHAIRMAN. There will be time. Section 409 has not yet been read. Section 409 still must be read. The Chair will certainly recognize any Member after the section has been read, providing it is not for the purpose of offering an amendment to section 408 or section 409. In fact, the Chair will recognize the chairman for a perfecting amendment after that.

Mr. FLOOD. Mr. Chairman, I have no intention of attempting to foreclose a motion, if there is one—and I do not know that there will be—to recommit. I have no intention of foreclosing explanations, if there are any, by any opponent of the motion to recommit.

The CHAIRMAN. The Chair is pleased to have that statement, because the Chair had promised the gentleman who will offer the recommital motion to recognize him for 5 minutes when he moves to strike out the last word, after the Committee concludes action on sections 408 and 409, for an explanation of his motion to recommit.

Mr. JOELSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOELSON. Would the Chair allow me only 5 minutes to comment on the motion to recommit?

The CHAIRMAN. The Chair cannot answer that question right now.

Mr. CONTE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONTE. Mr. Chairman, I should like to inquire whether my rights will be protected to raise a point of order on section 409 if the motion prevails.

The CHAIRMAN. The gentleman would be entitled to raise a point of order after section 409 is read.

Mr. CONTE. I thank the Chairman.

Mr. ECKHARDT. Mr. Chairman, reserving a point of order, is it the understanding that this motion includes both sections 408 and 409, section 409 not yet having been read?

The CHAIRMAN. That is the understanding of the Chair.

Mr. ECKHARDT. If it included only section 408, I should not make a point of order; but if it includes section 409 also, I would make a point of order that that section has not yet been read.

The CHAIRMAN. Does the gentleman from Texas say that he would make a point of order against the motion of the gentleman from Pennsylvania?

Mr. ECKHARDT. That is correct, cutting off debate on both sections 408 and 409 when section 409 has not been read.

The CHAIRMAN. The gentleman's point of order is well taken on that point and he will be protected on it.

Section 409 has not been read.

Mr. FLOOD. Mr. Chairman, can Members imagine me without words? That surprises me.

Mr. Chairman, I now move that all debate on section 408 terminate now.

The CHAIRMAN. The gentleman has made a motion. Does he include with that all amendments thereto?

Mr. FLOOD. That is correct, on section 408, and we will take 409 in due course.

The CHAIRMAN. And all amendments thereto? The Chair wants to be sure the Chair understands what the motion is. The Chair is ready to state the question on the motion. The question is on the motion of the gentleman from Pennsylvania that all debate now close on section 408 and all amendments thereto.

The motion was agreed to.

The CHAIRMAN. As a result of the motion, just agreed to, there will be no further debate on section 408.

The question now is on the amendments offered by the gentleman from Michigan (Mr. O'HARA), to section 408 and section 409, because unanimous consent has been obtained that they will be considered en bloc.

Mr. WHITTEN. Mr. Chairman, in view of the Chairman's decision that these are to be considered en bloc, I have a question.

The CHAIRMAN. That was the decision of the Committee of the Whole.

Mr. WHITTEN. Mr. Chairman, unanimous consent was requested, and for all practical purposes that includes section 408 and section 409, and the point of order would come too late.

The CHAIRMAN. The question before the House at this moment is a vote on the amendments of the gentleman from Michigan (Mr. O'HARA).

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. Mr. Chairman, the Chair has just now stated that the business before the House is on section 408, as amended, and I would point out the gentleman from Michigan (Mr. O'HARA), has proposed an amendment, and I have not seen nor heard any vote on it, so if the Chair will pardon the gentleman from Ohio, the business before the House, is it not, is the vote on the amendment of the gentleman from Michigan (Mr. O'HARA), to the sections 408 and 409?

The CHAIRMAN. The Chair just stated that the question is a vote on the amendments of the gentleman from Michigan (Mr. O'HARA) to sections 408 and 409.

Mr. HAYS. The vote is on the amendment, not on the section.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan to sections 408 and 409.

Mr. O'HARA. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. O'HARA and Mr. FLOOD.

The committee divided, and the tellers reported that there were—ayes 153, noes 157.

So the amendments were rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 409. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

POINT OF ORDER

Mr. CONTE. Mr. Chairman, I raise the point of order on section 409 on page 56 of the bill that this is legislation on an appropriation bill. It violates section 834 of the House rules. It does not comply with the Holman rule. It is not a retrenchment. In fact, it adds additional burdens and additional duties, just as the Chair ruled against my amendment to section 408 because it would require additional personnel to determine whether busing has been used, one, for the abolishing of any school and, two, to require the attendance of any student at any particular school. You would have to have investigators there to determine this as a condition precedent to obtaining Federal funds otherwise available to any State school district or school. No. 1, for the abolition of any school, and No. 2, whether the attendance of any student at any particular school could be investigated there to determine this as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Therefore, Mr. Chairman, I urge the Chairman to sustain the point of order.

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

Mr. WHITTEN. I do, Mr. Chairman.

Mr. Chairman, I raised the point awhile ago that the gentleman, having asked unanimous consent that the amendments to the two sections be considered en bloc and having obtained that unanimous-consent request, and after having the amendments considered en bloc in connection with the two sections, that the House has already considered section 409 and the point of order comes too late. That is the situation on the one hand.

Second, a reading of the section clearly shows that the House has already considered section 409 in connection with the prior amendments. In addition to that, this is clearly a limitation on an appropriation bill and does not have to conform to the Holman rule.

Mr. WAGGONNER. Mr. Chairman——

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

Mr. WAGGONNER. I do, Mr. Chairman.

Mr. Chairman, this is clearly a limitation on the expenditure of funds provided in this legislation. The wording of section 409 is identical in every

respect with the wording of the language included in the bill last year and agreed to by this House. Therefore, we have the precedent of its having been accepted without a point of order having been made.

Mr. CONTE. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for that purpose.

Mr. CONTE. The point of order that was ruled against the amendment offered was passed by this House last year on a unanimous vote and no one raised a point of order on that.

The CHAIRMAN (Mr. HOLIFIELD). The Chair is ready to rule.

The objection of the gentleman from Mississippi which has been made to the effect that this section had been considered when, by unanimous consent amendments to the two sections were considered, does not nullify the fact that section 409 had not been read. Therefore, when section 409 was read it was subject to points of order.

Mr. WHITTEN. I do not press that point, I will say to the Chairman.

The CHAIRMAN. The point was raised and the Chair wanted to clarify that point.

Now, the gentleman from Massachusetts (Mr. CONTE) has raised a point of order against section 409 on the ground that it constitutes legislation on an appropriation bill. The gentleman from Mississippi (Mr. WHITTEN) insists that the language is in order as a limitation.

The Chair has reviewed the section in question. It prohibits the use of funds in this bill to force first, the busing of students; second, the abolishment of any school; or third the attendance of students at a particular school.

The clear intent of this section is to impose a negative restriction on the use of the moneys contained in this bill.

The Chair has examined a decision in a situation similar to that presented by the current amendment in the 86th Congress, during consideration of the Defense Department appropriation bill, an amendment was offered by Mr. O'HARA, of Michigan, which provided—and the Chair is now paraphrasing—no funds appropriated in that bill should be used to pay on a contract which was awarded to the higher of two bidders because of certain Defense Department policies. The Chairman of the Committee of the Whole, Mr. Keogh, of New York, held the amendment in order as a limitation, even though it touched on the policy of an executive department—86th Congress, May 5, 1960; CONGRESSIONAL RECORD, volume 106, part 7, page 9641. Chairman Keogh quoted, in his decision, the precedent carried in section 3968 of volume IV, Hinds' Precedents, and the Chair thinks the headnote of that earlier precedent is applicable here:

> The House may provide that no part of an appropriation shall be used in a certain way, even though executive discretion be thereby negatively restricted.

The Chair overrules the point of order.

AMENDMENT OFFERED BY MR. FLOOD

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

The Clerk read as follows:

> Amendment offered by Mr. FLOOD: On page 56, after line 20, add the following: "This Act may be cited as the Departments of Labor, and Health, Education, and Welfare, and related agencies appropriations act, 1970."

Mr. FLOOD. Mr. Chairman, with this amendment the heavens will not fall. I went to the opening of a very famous play a few years ago, "Something Funny Happened On The Way To The Forum." Well, something funny happened here, and I am very embarrassed. Believe it or not, the citation paragraph at the end of the bill was there in the committee print. I saw it with my own eyes. But it got lost someplace on the way downtown, and it is not in the official, numbered bill. So all this amendment does is restore it.

Mr. Chairman, I hope that we may conclude the amending process of this bill with a blaze of glory for the committee. I trust that the amendment is agreed to overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FLOOD).

The amendment was agreed to.

Mr. MICHEL. Mr. Chairman, as we wind up the deliberations on this very important bill to fund all the activities of the Departments of Labor, and Health, Education, and Welfare, I would like to say that this 3-day debate has been a very healthy one conducted on the highest plane in keeping with the finest traditions of this House.

It turned out to be a controversial piece of legislation both in terms of money and philosophy.

On the strength of the increased money amendments adopted in the Committee of the Whole House, our Committee on Appropriations has been rolled for more money than I can recall in my 14 years as a Member.

In view of what some of us attempted to do, I'm naturally distressed to have lost. All of us in this arena like to win, but as in any game, we win some and lose some and tomorrow is another day.

I do hope that before long we will see the day when this war will be over and when inflation will be brought under control, for then I will feel that I too in good conscience can support a higher level of expenditures for these vital fields of Health, Education, and Welfare.

I intend to support the motion to recommit with instructions to be offered by the gentleman from Ohio (Mr. Bow), and if it fails will very reluctantly be forced to vote against my own bill. I just do not see how I can vote for a billion-dollar increase after voting against an extension of the 10 percent surcharge.

And finally when the Chairman of the Committee of the Whole, Mr. HOLIFIELD, steps down to report to the Speaker I believe he deserves a generous round of applause for his superlative performance and deft handling of several very complicated parliamentary situations.

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

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

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

Mr. COLMER. Mr. Chairman, I have asked my friend, the gentleman from Ohio (Mr. Bow) to yield to me, and I appreciate his yielding to me, merely to announce that, immediately following the vote on this bill, the Committee on Rules will meet upstairs.

Mr. BOW. Mr. Chairman, until I have completed my statement I will decline to yield further.

Mr. Chairman, at the appropriate time I propose to offer a motion to recommit which would provide a spending limitation of $16,364,000,000 for the fiscal year 1970 for the departments and agencies covered by this bill.

I want to point out to the Committee that this spending limitation provides for the expenditure effect of the $156 million which the Committee provided above the budget estimates for 1970 and that it allows for the expenditure effect of the $398 million increase of aid to impacted school districts which was adopted as a part of the Joelson amendment.

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

Mr. BOW. No. I will not yield at this time.

Mr. JOELSON. Mr. Chairman, I am sure the gentleman would not want——

Mr. BOW. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman declines to yield.

Mr. BOW. This does not affect the expenditure of trust funds for social security, unemployment compensation, soldiers home, railroad retirement, and military service credits, or other Federal fund payments made to trust funds.

Mr. Chairman, I am delighted now to yield to the distinguished gentleman from Texas (Mr. MAHON).

Mr. MAHON. As I understand it, the gentleman, in his motion to recommit, proposes to support the bill as reported to the House, which was $156 million above the budget, and in addition would include in his proposed expenditure limitation provision for the aid to impacted school districts; that is, the total figure as provided in the Joelson amendment; is that correct?

Mr. BOW. The gentleman is absolutely correct. I support the committee bill as to the $156 million increase over the budget and the $398 million for the impacted school areas.

Mr. MAHON. Under the circumstances, I shall support the gentleman's motion to recommit.

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

Mr. Chairman, the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) was courteous enough to provide me with a copy of the motion to recommit. I am very grateful to him for that courtesy.

Now I have read the motion to recommit, and I do not think it does what the gentleman from Ohio (Mr. Bow) thinks it does. This is a difference of opinion. I want you to listen to it very carefully when it is read.

What it does is to increase the committee's recommendation by $398 million. It does not say that the $398 million

should be for impacted areas. It can be for anything. If you think an administration that is against the impacted area aid is going to give money for the impacted areas unless they are mandated to do so, I think you are living in a wonderland.

Aside from that—just on the issues—even if it does what the gentleman from Ohio (Mr. Bow) thinks it does—and it does not—but assuming that it does—it just takes care of impacted areas. You turn your back on the kids in the city slums. You turn your back on those kids who want to go to college and get a loan. You turn your back on the schools of America who want a little money for libraries and for equipment. You turn your back on vocational education and you turn your back on school construction.

I say to you, it is a cynical ploy and I do not think it is going to work even on the Republican side of the aisle.

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

Mr. DELLENBACK. Mr. Chairman, yesterday the House took a commendable step toward recognizing the urgent needs of education in our country today. By amending this HEW appropriation bill to increase the appropriations for several major programs by a total of almost $900 million, we of the House demonstrated our conviction that generous investment in education is extremely prudent economy for the Federal Government. The returns yielded by this investment will be beyond price.

Personally I am pleased perhaps most of all with the increase for vocational education. The additional $240,500,000 over last year's funds will make it possible for vocational educators to initiate exciting, promising, innovative programs authorized by the 1968 amendments as well as to continue ongoing programs which have proven successful.

As a further result of yesterday's action, school librarians who have made vast improvements with ESEA title II funds will be able to continue their progress in fiscal 1970 with an appropriation of $50 million. The past achievements under ESEA title III, NDEA titles III and V–A, were recognized also by substantial increases. All four programs should be strengthened further by consolidation in 1971 as provided in H.R. 514, already passed by this body and now awaiting action by the Senate.

Once again, controversy over the impact aid program opened up the possibility of a crisis situation for hundreds of school districts throughout the United States. To avoid financial disaster for these districts which had understandably counted on this aid, it was obviously necessary to fund the 3(b) category adequately. In order to avoid any repetition of this near-crisis situation in the future, it is essential for Congress to consider the future of the entire impact aid program as soon as possible. Certainly under no circumstances should the entire funding of 3(b) impacted aid programs be summarily cut off.

A financial crisis would also have resulted from underfunding of the NDEA student loan program. And worse, inadequate appropriations would have brought disappointment and disillusionment to students across the Nation. Hopefully, the increase of about $35 million over the 1969 appropriation will make it possible to expand this program in fiscal 1970 and bring the benefits of a higher education to an even greater number of students this coming year.

Finally, the addition of $180 million to the original bill's appropriation for ESEA title I clearly expresses an abiding concern for the disadvantaged children in this country and a special desire to make their futures brighter. In fact, all of these increases for outstanding educational programs will brighten the future of the entire Nation.

The first task now before us is for the Members of the House to pass this appropriation bill, as amended and to do so by a strong and convincing margin. The next task is for the Senate to act carefully but swiftly to join the House in passing this measure and make it the law of the land. And the next task is for all of us who are concerned about education to join together to make the dollars here committed to the causes of education fulfill their assigned functions as effectively and efficiently as possible. This bill will make a long step in the direction of making available the proper tools. It is now up to the educators—to the school boards and administrators—to the State legislators—to seize those tools and use them to their utmost potential.

Mr. BOB WILSON. Mr. Chairman, I want to add my strong and wholehearted support for the need for full funding of Public Law 874.

In recent years the Federal Government has become increasingly involved in the betterment of education across the country and innovative Federal programs have been established. Despite the initiation of new, highly specialized and federally controlled projects, education officials in my district have repeatedly emphasized the importance and value of the nearly two-decade-old impact aid program. This program consistently receives high marks from educators who are particularly attuned to its flexibility and lack of direct Federal controls.

The presence of Federal installations in a community removes a substantial amount of property from the tax base of the area, while at the same time causing a large impact on student enrollments and subsequent education costs. This greatly increases the local tax load of the already overburdened taxpayer. Failure by the Federal Government to provide impact aid funds to offset this burden would result in local fiscal havoc in education funding.

Despite the pleasing announcement today that we have a substantial budget surplus for the first time in many years, we are, nonetheless, aware of the importance of keeping down the level of Federal spending and fighting inflation. Reducing impact aid funding by more than half of last year's appropriation, however, would be false economy and a serious blow to an established and well-proven education program.

For these reasons, I support the full funding of both category A and B students and urge my House colleagues to restore these funds to the bill before us now.

Mr. DEVINE. Mr. Chairman, yesterday this House took a giant stride backward in what I consider to be a disgraceful performance in the area of complete financial irresponsibility. By a series of amendments, coupled with emotional speeches and some raw demagoguery, this body loaded the American taxpayers with additional obligations exceeding $1 billion. A real budget-busting billion dollar blow.

Mr. Chairman, to compound this reckless disregard of the heavy burdens already carried by the taxpayer, it should concern all of the American people that a great number of the Members who supported this billion dollar budget-busting operation, are among the identical ones who piously voted against the surtax extension that would provide some of the funds to pay for their excesses. In fact, an examination of voting patterns over the years reveals a substantial cadre that never-ever voted "no" on a spending bill, but these same big spenders vote against the bill to raise the funds.

Let us put it another way, Mr. Chairman. Can it be considered responsible conduct, free of political motivation to favor and speak for all of the bills giving millions and millions to kids, education, mothers, poor folks, old folks, veterans, handicapped, sick, disabled, retarded, teachers, with appropriate press releases about compassion, humanitarianism, and their general do-gooder posture, and then turn around and expect the other Members who responsibly control themselves within the anticipated revenues to bail them out by voting for the money to pay the bill? I think not, and feel this type of legislative chicanery is reprehensible.

It is easy, Mr. Chairman, to be for everything, and hold oneself out as the champion of all. And it is equally difficult to do the responsible thing and try to confine one's activities within the limitation of available funds. The Members obviously felt the warm breath of the school people manning the galleries and marched up the hill and down again, adding $398 million to impact aid; $110 million plus for libraries, equipment, and so forth; $131 million plus vocational education; $33 million higher education; $40 million plus NDEA student loans; $180 million plus ESEA title I. Further add-ons were $15 million plus for handicapped, $4 million mentally retarded; $7 million for libraries. There were at least a half dozen other amendments offered for more money for the Library of Congress, juvenile delinquency, consumer training. So far these are not included, but do not be a bit surprised when this thing comes back from the Senate, further loaded like a Christmas tree.

Mr. Chairman, those of us who cannot swallow the practice of voting for programs when we do not have the money; that will require the Government to go out and borrow the money; that will further compound the public debt; that will increase the interest obligations, will

also be vilified by the special-interest groups, lobbyists, and professional handwringers for being against children, education, teachers, libraries, motherhood, and any number of things. This, of course, is ridiculous and less than honest.

It seems to me our school people have sold out. This has all come about by the carrot-on-the-stick bribery of Federal funds. Many of us predicted what would happen when the local schools bought the Federal aid to education concept. The impact area theory was sound when initiated, but has gone completely out of control. Rather than being looked upon as a windfall to supplement local funds, they are now conditioned to expect perpetual and increased impact funds as a base from which to build their local budget. Of course, we recognize the very difficult problem of school financing and the reluctance of the people to approve levies and bond issues, but where in the world do people think Federal funds come from? Yes, the taxpayer. The same taxpayer who cannot exactly feel the direct impact of paying indirectly. As far as my State is concerned, the Tax Foundation suggests our people in Ohio pay $1.48 for each dollar they receive in Federal aid. That might show why a lot of other States support these programs, but it sure is a bad deal for my people.

In any event, Mr. Chairman, this legislation has been very revealing as to pattern and philosophy. Yesterday and today are landmarks that will not be forgotten. Perhaps the President may see fit to veto this bill and send it back within the bounds of reason and financial responsibility. I certainly hope so, because the American people continue to cry out for reduced spending and tax relief. It will never come by following the patterns we have seen develop this week.

Mr. LLOYD. Mr. Chairman, there is no question but that in an era in which we are spending $20 billion annually for a war and ever-increasing amounts in the exploration of space, we must give continuing consideration to our priorities, and I for one am in favor of adjusting these priorities to place greater emphasis on the obvious needs and opportunities in the field of education.

The fact that we are spending $4 billion annually for moon and space exploration certainly does not constitute a directive to us to overspend on projects not directly connected with the moon.

We must also give priority to the economic emergency which confronts us. The stock market has plunged to the lowest point in over 2½ years which is indicative of lack of confidence in our Nation's commitment to good management of our fiscal affairs which would give more stability to the value of the savings of our people. Last month our inflation rate was at the rate of 0.06 of 1 percent which is at an annual rate in excess of 5 percent.

Today we have legislation brought before us by the Appropriations Committee which has labored long and responsibly in consideration of our ability to give Federal aid to many branches of education. The committee has recommended that we increase our appropriations to education over the appropriations of fiscal year 1969. Personally I do not believe even that amount is sufficient, and on a selective basis, particularly in the area of aid to federally impacted areas, I favor a substantial increase in Federal appropriations. I also favor increases in other selected areas such as vocational education and libraries. I support selective increases.

The Joelson amendment, however, is an omnibus package adding nearly $900 million to the nine items covered, nearly doubling the entire appropriation recommended by the committee for those programs, and is, in my opinion, distribution of funds by a shotgun method, not in accord with fiscal responsibility.

It is particularly ironic that many of the supporters of this amendment have refused to affirmatively vote in this session the necessary taxes to pay for even the already budgeted expenses of Government. They vote for increased spending and against taxes, and in that direction we face disaster.

I have the greatest respect for the educators of my State, so many of whom have appealed to me on this issue. I fully sympathize with their dilemma and with their problem, and I conscientiously believe that approaching the financial problems of education on a selective basis will do more to assist education in the long run, while at the same time recognizing the other needs and responsibility of Government. Were I to submit to the entreaties of the educators because of the number and volume of their communications—personally, by telephone, by telegram, by letter, and by petition, then my job as a Congressman would be very simple—then I would merely vote to favor those individual interests most numerous in communication. I have confidence, however, that thoughtful members of the education profession will recognize that honest people, working in good faith, will disagree and that judging this matter as I do, to submit to them against my best judgment, and I certainly do not criticize those who see this issue differently than I, would be clear evidence that I would likewise submit to other interests based on a decision made purely on the basis of political gain.

I have supported and voted for continuance of the surtax in order that we will be able to support our essential needs of education at the same time attempting to protect the value of the salaries of our educators. A vote against the Joelson amendment is not a vote against impacted aid or any other individual line item in this education bill. Defeat of the Joelson amendment will allow individual amendments and selective judgment. Congresswoman MINK, for example, has an amendment ready on impacted aid which provides more funds than the Joelson amendment. Defeat of the $900 million Joelson amendment does not equate with a vote against education, regardless of any claims which may be made. In voting against the Joelson amendment, I do not vote against education, but rather vote to assist education in the selected areas where the needs are greatest and in accordance with what I consider to be the realities of our present situation. We will have before us this year a total of 13 appropriations bills. This is the sixth of those 13. The precedent of wholesale increases—the meat ax in reverse—over the considered recommendations of the Appropriations Committee is a very dangerous precedent to set, and from now on it will be much more difficult for this House to resist the pressures for excessive increases over those recommended by the Appropriations Committee. The obvious result is a ruthless attack against our efforts to control inflation.

In conclusion, the Joelson amendment is a direct disregard of the July 22 message of President Nixon. In that message he made specific reference to the Federal spending ceiling of $191.9 billion established according to law and stated:

> The new ceiling will be of little help in keeping Federal spending under control—if the Congress that imposed it does not cooperate actively with the Administration in meeting it.

He further said:

> I know Congress shares my determination to make the budget an effective instrument against the inflation that has wrought so much damage to the income and savings of millions of Americans. If Congress did not share that commitment, it would not have imposed this spending ceiling. However, this general expression of support for fiscal restraint must now be matched by specific acts of the Congress.

Mr. BRASCO. Mr. Chairman, that education is a vital function of this country is an oft repeated but more often ignored cliche. With this in mind I rise in support of H.R. 13111 as amended by the Joelson amendment. The passage of the bill as reported by the committee would place our schools and colleges in a desperate situation. It would mean, in short, the curtailment or outright elimination of many vital educational programs.

The Joelson package amendment provides about a $900 million increase for assistance to schools and colleges. It adds funds for impacted aid, school libraries, educational equipment and materials, guidance and counseling programs, construction grants for colleges, and national defense student loans.

This amendment does not fill all the great needs in these areas, but it is a step in the right direction.

Further, it will show the youth of this Nation that the Federal Government does care about their future. The programs mentioned before are vital to the success of our education processes. Had we passed this bill without the amendment, it would have been a sure sign to our young people that we do know, but do not care, about their problems.

Many of you who are aware of the pressing need for greater funding in the area or education are also economy minded. You recognize the problem, but wonder if we have the money to begin to solve it. Yesterday, the Government reported its largest surplus since 1957: $3.1 billion. With the passage of the surtax extension, we can be assured that the Government would not be involved in deficit spending in the 1970 budget even with passage of H.R. 13111 as

amended by the Joelson amendment. Some economists feel that a very large surplus could slow down the economy to the point where there is danger of a recession. A vote for the bill as amended is a fiscally responsible move for both the present and the future. It certainly would not hurt the economy now, and it would insure the future growth and prosperity of our Nation.

In the words of President Nixon, education is for "young Americans who deserve the chance to make a life for themselves and insure the progress of their country. If we fail in this, no success we have is worth keeping." I urge you to consider this statement carefully and then support H.R. 13111. In doing this, you would be fulfilling a basic commitment to our youth and to our Nation.

Mr. PHILBIN. Mr. Chairman, I strongly favor the Joelson amendment and this bill. I will also vigorously support all perfecting amendments that will strengthen and amplify this vitally necessary measure.

In my judgment, this is one of the most important bills ever presented to the House. It shapes up our educational program for the jet-space age. It provides the funds so urgently required to strengthen and improve our national educational system and help many States and communities to keep pace with the march of progress in American education that they would not be able to do without the funds and guidance provided by the bill.

The benefits and grants cover a wide range and are exceptionally important, if we are to go forward in enhancing educational standards and spreading them to all parts of the country.

In many areas, we have increased the funds and thereby will insure marked advances and expansion in impact aid, which means so much to so many, and must be increased and continued, in school library facilities, in new modern equipment, in guidance and counsel, in supplementary centers, in vocational education, of such surpassing import, in construction for higher education, 4-year undergraduate, NDEA student loans, title I ESEA, and in other areas entailing very substantial, sustaining help for many salutary educational aims and activities.

Let me repeat—this bill will prove a great boon to the cause of forward-looking education in this Nation. It represents real progress for our American system of learning, which we believe is the best in the world.

It is a milestone marking one of the most significant advances in education for students and teachers, families and communities and the Nation as a whole.

To be sure, there are always disappointments along the road in legislative matters, as in everything else. And this bill, commendable as it is, cannot be considered perfect. But it is a great triumph for those of us who for years have been working so hard to assist our own districts and States and all parts of the country to lift up educational standards and opportunities and move closer to the day when we proudly boast of high-standard, modern, adequate, freely available education at every level for all.

Let us continue our efforts to speed that day.

Mr. ECKHARDT. Mr. Chairman, let me explain precisely how this amendment is unconstitutional. A pattern of separate white and Negro schools had been adopted in many school districts in the South under compulsion of State laws. This was the case in the recent case of *Green* v. *County School Board* (391 U.S. 430). When such situations existed, it was necessary to strike down the laws and order desegregation "with deliberate speed," as was done in *Brown* v. *Board of Education* (347 U.S. 483), and then to order school boards operating dual school systems, part white and part Negro, to effectuate a transition to a racially nondiscriminatory school system as was done in the second Brown case—349 U.S. 294.

To resist this, some school boards fell back on a so-called freedom of choice scheme, permitting children or their families to choose schools in districts other than their home districts. In this way a system which had already crystallized under unconstitutional segregated arrangements could be continued. Though a Negro child who happened to live in a white school district could insist on enrollment in the white school, and thus would not have to move out of his neighborhood, few were in this situation. Theoretically, Negro children could go out of their neighborhood to the white schools but few were likely to do so due to various social pressures acting upon them to remain in the familiar school and familiar environment. The result was de facto segregated schools in many areas of the South.

The Court was confronted with this situation in a number of cases within recent years. One example was *Bowman* v. *County School Board* (382 F. (2d) 326), where it was said, on page 333):

> Freedom of choice is not a sacred talisman; it is only a means to a constitutionally required end—the abolition of the system of segregation and its effects. If the means prove effective, it is acceptable, but if it fails to undo segregation, other means must be used to achieve this end.

The Court quoted this case with approval in the recent case of *Green* v. *County School Board* (391 U.S. 430) and held—

> It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness.

Obviously in these circumstances there must be some plan presented by the school board which provides for certain students to attend a particular school, and in order to undo the segregated pattern which has developed under freedom of choice, the attendance districts must be such that children within them are assigned there, without affording freedom of choice to go to another school.

Several other means have been used by school districts, and approved by the Federal courts, to break the mold of segregation. For instance, school attendance districts have been enlarged so as to include two school buildings which ran the whole gamut of grades. The white school was made to accommodate the first four grades, for instance, and the Negro school was made to accommodate the fifth through the eighth grade. This is called "pairing." Obviously, the enlarged school district might, as a practical matter, require the picking up of students in buses.

In other cases, a dilapidated Negro school might be abandoned and all students in a wider area, formerly encompassing that school and a white school, might attend the latter.

But the Whitten sections, attacked by the Cohelan amendment, provide:

> SEC. 408. No part of the funds contained in this Act may be used to force busing of students, the abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent.

Section 409 provides substantially the same thing, with the specific proviso that the conditions cannot be "a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school."

Therefore, the Whitten sections clearly provide that HEW may not use abolition of the freedom-of-choice scheme to strike down black and white schools. HEW may not insist on any pairing which would force any busing of students. And HEW may not abolish the dilapidated Negro school which stands in the way of desegregation.

Usually, in framing an order in a desegregation case in Federal court, the judge will bring HEW people, school board representatives, and the plaintiffs' attorneys together and try to establish an acceptable scheme to eliminate the unconstitutional white and Negro schools. If the agency, the school board, and the plaintiff cannot legally, within the provisions of the Whitten amendment, establish a means of eliminating the segregated school system, no means may be practically available to eliminate segregation.

Under the Whitten amendment, the school board can refuse to agree to using buses in the case of paired schools. Such would either destroy the scheme or make it so onerous on persons in the enlarged school district as to render it totally impracticable. Under the Whitten provisions a freedom-of-choice scheme cannot be thrown out, even by agreement of all the parties, because a parent may disagree and prevent the establishment of a neighborhood school attendance pattern which would accomplish desegregation.

Thus, it is perfectly obvious that the Whitten provisions, if viable, would block every feasible route toward desegregation in most cases where the school system had been previously frozen into a segregated pattern. This is exactly what they were intended to do. It is quite obvious that an agency of the

Federal Government cannot be mandated to regulate its flow of funds in such a way as to perpetuate segregation. Such was the object of sections 408 and 409 and they must fall as unconstitutional.

Mr. DORN. Mr. Chairman, I rise today to support the language in the bill adopted by the full committee by an overwhelming vote which was offered and proposed by my able colleague, the gentleman from Mississippi (Mr. WHITTEN). This section of the bill would prevent the Department of Health, Education, and Welfare from forcing on local school districts the busing of little children from one community to another and perhaps completely across the great cities of our country to achieve a so-called racial balance. I know of nothing which is more detrimental to the cause of education, illogically forced by HEW than the busing of students which is already being forced in too many areas of the country.

Mr. Chairman, in my own congressional district, in one of the counties which has a low per capita income, comparatively speaking, and in a county which needs every dollar it can get for education, all Federal funds have been completely cut off by unelected bureaucrats in the Department of Health, Education, and Welfare. These misguided, unelected officials have in their pomposity and arrogance denied little children Federal participation in the free lunch program, denied children the right to have better labs, better libraries, more books, and better salaries for teachers. They have gone even further and have been instrumental in denying funds to this county from the Forest Service which has been allocated by law for education.

Mr. Chairman, I am interested in education—the education of every single child regardless of race, creed, or national origin. It is a tragedy for these unelected Washington officials to deny any district which has complied with the law, these funds for the education of our boys and girls. I have five children in the public schools of my home city where the board of education is struggling night and day to keep the schools open and secure this money for the education of all of our children. I know whereof I speak.

If these funds are denied to even one school district in our Nation, then representative government has become a fraud and we have turned the administration of justice over to a totalitarian, centralized dictatorship. I believe, Mr. Chairman, that this House today will retain this language in the bill. I believe this House will exercise its constitutional right and that of the American people and provide to a maximum degree for the education, opportunity, and civil rights of all our children. Let us today uphold the law as passed and written by the Congress. Let us uphold and support the law of the land.

Mr. HAWKINS. Mr. Chairman, if the American dream has any reality, it is the promise held out to every individual to develop his talents to the fullest possible extent and, to this end, American public education is so structured, at least in theory.

In operation, however, we have often strayed from this ideal and in implementation of traditional educational programs favored the educated elite by refusing to adequately finance the very programs that compensate disadvantaged youngsters for conditions which we have imposed on them.

Equality of educational opportunity—as with equal rights for all citizens—is deeply involved in our American life, our basic law, and our ethics.

Under the 14th amendment, this right to equal treatment in education, as in other areas, is safeguarded for every citizen: white and black, rich and poor alike. This Congress cannot by legislation take away this right. But this Congress can, and should, implement and make this right a reality for all, not only because it is legally required and is morally right but in addition, because the strength of our Nation, our survival, and our enlightened self-interest depend on strengthening the wellsprings of public education from which we draw the talents and skills which make us productive, prosperous, and creative as a nation.

Genuine education costs money—far more than we are now spending. Compensatory education for those we have deprived of equal educational opportunities costs even more and precisely for the same reasons: Past neglect and false economy; we have frequently advocated in this body in recent years, so-called economy on budget balancing, fighting inflation, and stabilizing the dollar.

What we are doing then is sacrificing minorities and poverty-stricken youngsters—by depriving them of a decent education, we are cheating them of equal employment opportunities, better housing, and medical care—in order that we can balance the budget to fit what someone has considered to be the maximum revenues and restrict the national debt to a magical number. That in the process we violate the basic law of our Nation does not seem to matter.

It looks as if we have continued to cheat these disadvantaged youngsters. The Court said desegregate—and some of us seem willing to defy the courts and at the same time refuse to appropriate adequate money for an alternative, even if this is lawful, to do so.

At the local levels, property owners are rebelling against providing more school aid while the States are either unwilling or unable despite their insistence on local control.

Even if States appropriate adequately, can some with heavy immigration carry the load?

Federal assistance then is clearly needed if equal educational opportunities are to be realized.

We cannot in good conscience defend expenditures for liberal farm subsidies, fat military contracts, and an undeclared war in Southeast Asia as opposed to inadequate funds for education on the basis of either national security or equity in meeting national needs of a modern society in the space age—and certainly not on the basis of the benefits received.

Money alone will not solve our problems in meeting the crisis in education but without more adequate funding, reform and reorganization cannot be accomplished.

We are spending millions in education and training programs outside the school system to do the job which we should expect the schools to do—to teach simple skills, to educate for employment, and for our citizens to live relevant lives. Let us insist on the schools doing what they should, but let us give them the finances to do the job.

Mr. WHALEN. Mr. Chairman, I congratulate the distinguished gentleman from New Jersey (Mr. JOELSEN) for his efforts to restore Public Law 874 funds for thousands of schoolchildren across the Nation.

At issue yesterday was the cancellation of a resource which has been provided for almost 20 years now. These funds have become an integral part of the budgetary planning of every impacted school district. There is little doubt whatever that this assistance has contributed to the improvement in quality of the curriculums offered in many schools. For some, it certainly has made the difference between an acceptable educational program and a poor one.

Arguments in behalf of the elimination of this expenditure are persuasive. As an economist, I share the view that reductions in spending must be made during this period of inflation. But as an educator, also, I believe that we must bend every effort to assist, rather than impair, the betterment of the Nation's educational system.

Had we failed yesterday to enact the Joelson amendment to H.R. 13111, we would have complicated the financial position of school districts within federally impacted areas. Failure to provide Public Law 874 assistance does not contribute to the solution but, instead, adds to the problem. Had we not adopted the Joelsen "package," we would have created a hardship which, in some instances, would be staggering and lead to sharply reduced services for many schoolchildren.

We know this to be a fact of life in my district, Mr. Speaker, where seven school districts in the eastern half of Montgomery County, Ohio, are affected directly. They are Wayne Township, city of Kettering, Washington Township, Northmont, Vandalia-Butler, city of Dayton, and Northridge. The number of students involved is approximately 10,000.

As I said earlier, there is some merit in the arguments favoring elimination of Public Law 874 assistance. But what makes those arguments unrealistic is the absence of any alternative proposal whereby impacted school districts can avoid severe financial difficulty.

I doubt that there is a single Member of the House who would not agree that education deserves one of the highest priorities among all of our domestic needs.

I believe that the issue of Federal aid to impacted school districts relates directly to that commitment.

Therefore, Mr. Chairman, it was for this reason that I supported the Joelson amendment.

Mr. CHARLES H. WILSON. Mr. Chairman, in his inaugural address in January of 1961, President Kennedy began by noting that the occasion was "not a victory of party but a celebration of freedom." I believe yesterday's landmark vote in this body on the vitally important adoption of the Joelson amendment can be described in a similar manner. Though party lines were certainly evident and our Democratic leadership did a magnificent job, the solid vote in favor of meeting the crucial demands of quality education in this country signifies, more than anything else, that when the need is great, this distinguished body will rally to meet the needs of our people. Clearly, education is high on the list of those needs.

The administration has offered the continuing war in Vietnam as an excuse for all sorts of priority setting and budget cutting. How much longer we will continue to pay more to destroy than to build is impossible to predict, but yesterday's vote was an encouraging move in the right direction and one we can and should afford. The case for gutting Labor-HEW programs becomes rather weak when viewed against the backdrop of a $3 billion budget surplus. I would never be one to allow the education of young people to be compromised in order that the party in power can lay claim to an attractive surplus.

The Joelson amendment's passage will assure full and adequate funding in nine important areas relating to education. Under impact aid, 90 percent of the authorization will now be provided, representing a substantial increase of nearly $400,000. School library funds will also be substantially increased; this is especially gratifying when one considers the special relationship between the quality of library facilities and the quality of education a particular school can offer. The two go hand in hand. Guidance and counsel, vital to a well-rounded school program that must meet the needs of all sorts of students, from chronic truants to failing underachievers, will also receive larger allocations.

Vocational education is especially vital to underprivileged areas where unemployment is high and skills are few, and this area will see increased funding as well. Supplementary centers will receive full funding equal to that of fiscal 1969, as will construction of undergraduate higher education facilities. Increases in program costs for title I of the ESEA and the restoration of funds for grants to local educational agencies are also provided for. Finally, the NDEA student loan program will receive adequate funds to meet the increased demand for these extremely important loans.

In relation to the issue of making higher education available to the greatest number of young people, I believe my colleagues will find the contents of a recent article from the Los Angeles Citizen of interest. Using statistics from the U.S. Bureau of the Census, this fine paper has listed some of the financial obstacles which block the path to a college education for many.

The article follows:

A TRAGIC BARRIER TO THE POOR: NATION STILL HANGING DOLLAR SIGNS ON COLLEGE GATES

Despite the vast educational machine that has been created in the United States, the American people still do not make higher education available to the poor as they do to the wealthy and the better off.

To a highly troubling degree high school boys and girls who go on to college still are mostly representative of high family income and a background of parents, who, themselves, have gone to college.

Latest statistics compiled by the Bureau of the Census on the percentage of high school graduates who go on to college show that the "dollar sign still stands at the college gate."

The study was a follow-up on one made of high school seniors in 1965 and what happened to them by 1967. A number of important facts were found: only 8 per cent had dropped out of high school before graduation and the rate for girls was even less. But the most important fact to emerge was the educational and economic background of those students who finished high school and of those who went on to college.

1. Among seniors whose fathers had not completed elementary school, 15 per cent dropped out of high school as compared with only 5 per cent for those whose fathers had at least an elementary school education.

2. Among seniors whose family income was under $4000, 13 per cent failed to graduate compared with only 6 per cent of those whose family income was higher.

3. Among high school graduates whose fathers were college graduates, 82 per cent went on to college compared with only 22 per cent of those whose fathers had not completed elementary school.

4. "High family income is associated with the likelihood of college attendance," the report said. "Of those high school graduates who were from families whose income was $5,000 or more, 87 per cent went on to college."

As family income went up, so did college attendance: 19.8 per cent for those with family incomes of less than $3,000; 32.3 per cent for income of $3,000 to $4,000; 36.9 per cent for $4,000 to $6,000; 41.1 per cent for $6,000 to $7,500; 51 per cent for $7,500 to $10,000; and 61.3 per cent for $10,000 to $15,000.

5. Nearly half of the white high school graduates went on to college compared with only a third of the Negro High School graduates.

All of these findings indicate clearly that despite our many free and partly free colleges and the scholarship programs that have been pushed so hard by some foundations and the labor movement, the chances of a poor boy getting a college education are infinitely lower than those of a boy from a well-off family.

Actually, at a time when sending a boy or girl to college can cost between $3,000 and $4,000 a year, as it does now, the children of even relatively well-paid middle class workers and professionals find college difficult without extreme family sacrifice.

This need not be. The United States proved that it could reach into the ranks of all of its citizens and provide higher education to the veterans of World War II, a program that added immeasurably to the nation's wealth and growth. It has not been as successful with its program for its Viet Nam veterans or with its program to aid students get higher educations.

There are various reasons for this, many of them monetary. While Congress has enacted a score of highly progressive educational programs, it has failed to fund them adequately. So urgent has been the need for proper funding of these programs that its one gesture of help to high school students who seek to continue their education has suffered greatly.

In the mid-60's Congress sought to provide economic aid to college students to continue their scholastic careers. Organized labor supported legislation that would have extended direct Federal subsidies and loans to students at low interest rates. Instead, Congress settled for a compromise that merely guaranteed loans to be made by banks at low rates to needy students.

Unfortunately the banks have failed to live up to their end of the bargain. At a time when interest rates have been mounting steadily, banks have shown little interest in low-interest loans to students even with government guarantees. The result has been a sharp drop in such loans which have become extremely difficult to get.

The Bureau of the Census study is all the evidence that Congress needs to awaken it to the need for breaking down the economic barriers that still keep so many young Americans from getting the higher education they need so urgently.

The American people cannot afford to place the "Dollar sign at the College Gate" and thus lose the potential contributions that so many of its young—but poor—sons and daughters can make to the national welfare.

In conclusion, Mr. Chairman, I would like to express the hope that in the coming months we will score more victories for the public interest in other vital areas beyond education. Much remains to be done in order that we may move closer to guaranteeing that all Americans will have access to the bounty which America has to offer. The key to that access is a good education and I am proud to have shared in the effort to make it possible for millions of young people in this country.

Mr. MORSE. Mr. Chairman, 5 years ago, the Congress passed the International Education Act with the specific mission of finding ways to strengthen American educational resources for international studies and research. The act had wide bipartisan support. Since then, however, no money whatever has been appropriated to carry out the mission of this legislation.

This year, a modest request was made for planning money to begin the process of putting into action the intent of Congress as expressed in this act. The committee has deleted those funds so that for another year, the International Education Act may be nothing more than a fine idea.

I point this out, Mr. Chairman, because I am gravely disappointed in the committee's action. Let me just outline briefly what that money would have accomplished.

The International Education Act has two grant titles: the first for assistance to undergraduate institutions and the second for assistance to graduate institutions. The $2 million requested would have been spent to support undergraduate institutional planning and development at 64 institutions, 10 regional consortia, and two nonprofit educational organizations. In addition, some $300,000 of that amount would be used to support planning of centers for advanced international studies at 20 institutions. At

the undergraduate level, the grants would enable institutions to develop a comprehensive international dimension throughout the undergraduate program. While previous legislation for international education has had a highly specialized language-area study focus, this act permits broader focus on problem, issue-centered studies.

When Congress enacted the International Education Act, it found:

A knowledge of other countries is of the utmost importance in promoting mutual understanding and cooperation between nations; that strong American educational resources are a necessary base for strengthening our relations with other countries; (and) that this and future generations of Americans should be assured ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures.

Mr. Chairman, I would hope that we will not continue to forget the promise of that statement. It will be more, not less, germane in the next several years.

Mr. RANDALL. Mr. Chairman, I support H.R. 13111 with its substantial increase, mindful of the size of the increase, and yet with the recognition that every cent will be spent for education of our youth which, when all is said and done, is our most important resource.

There is nothing in the entire field of human endeavor more important than education. Many persons have tried to stress the importance of education but I can recall no one quotation that puts the thought in better perspective than the words of H. G. Wells, when he wrote in his "Outline of Human History":

Human history becomes more and more a race between education and catastrophe.

In passing I wish to be on record that I am pleased to see sections 408 and 409 of title IV retained in H.R. 13111. The issue involved in these sections is not a question of race or civil rights. I suppose on the merits the busing of disadvantaged children into areas away from their homes and by commingling them with students from more privileged areas really helps neither the slower student nor the better student. I have always believed that to insist upon the proposition that you will bus sudents from an area that has not had all the advantages into an area where the level of student ability may be higher helps none of the students. It does not assist those who are bused into the area and certainly does not help the others. The net result is that it lowers the quality of education for both.

The important point of sections 408 and 409 is that if the local people wish or prefer to bus their children then that should be their privilege whatever the consequences may be. But these same local school administrators should not be forced to bus students or to force any students attending elementary or secondary school to attend a particular school against the wishes of his or her parents. Neither should funds provided by this bill be withheld from such school districts or should these districts be forced to bus students to attend a particular school as a condition precedent to obtaining Federal funds otherwise available.

Sections 408 and 409 spell out some guidelines established by the Congress that are guidelines which certainly should go toward correcting the maladministration in the past by the appointive or unelected persons down at Health, Education, and Welfare who have been telling school districts across the country what to do as a condition of precedent to obtaining their Federal funds.

H.R. 13111 has been increased substantially over the amount reported by the Appropriations Committee. Those of us who supported these increases must resolve to recoup some of these increases by cutting some other programs in order to obtain a balanced budget. When we increase funds for education we must not forget our responsibility to reduce other programs by a comparable amount. As I support this bill today, I want to provide the assurance that I shall support cuts in spending for nonessential military hardware, for unnecessary foreign aid, for money to pay for visits to every one of the planets and vote against money to provide handouts to every recipient that makes a request.

When we talk about money for education programs we are not talking about cold, hard dollars but about an investment in the future of our Nation and our world. Every one of us has an order of values or list of priorities and education should be at the top of that list. If we can spend over $30 billion in Southeast Asia then it is not a malapportionment of our revenues to spend a little over 3 percent of our estimated gross national product for education.

For 3 long days we have worked on this appropriation bill. For months beforehand the subcommittee heard more than 600 witnesses gathering more than 9,000 pages of testimony. We have increased the appropriations in several categories but it is my considered opinion that it is a great day when we can say we have dug into our resources in order to protect and enhance the value of our physical and human resources of the future.

There is no other Government program for which money is spent more effectively than for educational purposes. There has never been a breath of scandal either alleged or proved against the handling of funds for education. As we approve these increases in the several categories we are saying to the children of this country, the Congress believes in your capabilities.

As long as we live we will see the greatly appreciated returns from the investment we make today. In the passage of this bill we are saying to our youth, we have faith that by providing the maximum support for your education you will insure for all of us a greater future for America.

Mr. ROBISON. Mr. Chairman, like the visible portion of an iceberg, the ensuing rollcall votes on H.R. 13111—the Departments of Labor, and Health, Education, and Welfare, and related agencies appropriation bill, 1970—will reveal only a small part of the whole matter, so a recapitulation of my votes on the major amendments offered and considered in the Committee of the Whole House should be made a part of the RECORD.

As a preliminary to that, however, I would like to state that in any overall comparison of Federal priorities education—and Federal programs in aid thereof—has always occupied a high ranking in my mind. I was therefore disappointed earlier this year in the budgetary cuts suggested in many such areas by both the original Johnson budget and then the Nixon revision thereof. When the appropriations subcommittee charged with reviewing this portion of the budget finished its work and rendered its report to the full Committee on Appropriations—of which I have the honor to be a member—I thought that, on balance, the subcommittee had done a highly creditable job except for a number of educational programs that, in view of the need, still seemed to me to be underfunded.

In particular, I was disappointed in the apparent willingness of the subcommittee to permit the House—as it inevitably would—to once again increase its recommendation for funding the so-called impacted-aid program, and probably to lift the moneys for the same up to or beyond fiscal 1969 levels while, at the same time, allowing the funds for other, ongoing and, in my judgment, more desirable educational programs to rest at levels substantially below the 1969 figures.

Accordingly, when the subcommittee's bill was reported to the full committee I felt constrained to offer an amendment thereto restoring $110 million—on a categorical basis—to the subcommittee's recommendation—on a consolidated basis—for these four educational programs: ESEA title II, known as the school-library resources program; ESEA title III, the innovative supplementary educational services program; NDEA title III–A, the State matching program to enable our schools to acquire laboratory and other instructional equipment, and to accomplish such minor remodeling of their plants as necessary to accommodate the same, and NDEA title V–A, the so-called guidance and counseling program that, I am sure we can all agree, has had a catalytic beneficial effect in this important area.

The subcommittee chairman, the gentleman from Pennsylvania (Mr. FLOOD), in opposing my amendment, spoke less to its merits than he did to this matter of consolidation versus earmarking of funds—stressing the fact that, by virtue of our action earlier this year on H.R. 514, we have already voted to consolidate such four programs under a common State plan beginning in fiscal 1971, and he argued that we therefore ought to move in that general bloc-grant direction in this fiscal year, as well.

When my amendment was defeated in full committee, I thereupon determined that if I reoffered it during debate on the bill I, too, would accept the idea of consolidation, not only because I tend to favor this approach that gives the States a good deal more flexibility than they now enjoy and a better chance

at setting their own priorities, but also because I wished to meet Mr. FLOOD's objections in this connection. Running into his buzz-saw once, it seemed to me, was enough—but of course I had no way then of knowing that, in Committee of the Whole, he would remain silent on this same issue.

In any event, from this point forward—all add-on amendments as offered on a selective basis in full committee having been defeated—attention centered around the efforts of those advocating "full funding" of educational programs to put together a package amendment that would accomplish their purpose. In attempting to do this, the advocates of full funding intended to use the anticipated floor support for full impacted-aid funding—a highly popular, but to my mind largely indefensible program—as the "carrot" to attract enough votes to carry the rest of their package.

Having, at this point, succeeded in that ambition it can, of course, be argued that the ends have justified the means—an argument that someone like myself, a strong proponent of education, finds difficult to refute. Nevertheless, Mr. Chairman, since the fiscal situation in which we still find ourselves is one continuing to call for budgetary restraint—and an overall reordering of priorities that this Congress seems unlikely to accomplish—it appears to me that we are about to go well overboard. If sustained in the other body, this bill will present us with the largest education budget in history—with funding at a level some $500 million over that of the last fiscal year.

I made an early decision not to support the package approach for two reasons: As I have said, I find at least the 3(b) portion of the impacted-aid program indefensible. It does not address itself to need, and its benefits fall unevenly across the Nation with few if any dollars thereunder going into ghetto school districts in our larger cities or into the hard-pressed rural school districts trying to provide its children with an adequate education out of an inadequate tax base. About all that can be said in justification of the continuance of this part of the impacted-aid program is that moneys were poured through it into more than 375 congressional districts last year—including mine—and that the receiving school districts have come to depend thereon.

My other reason for rejecting the package approach—though I strongly favored many parts of the package—was that I believe this method of making budgetary decisions tends to destroy the basic appropriation process that, by and large, has served us so well for so long. Overriding decisions of the Committee on Appropriations, if it is to be done at all—and some in this Chamber are quite gleeful to see the committee get "rolled" as it certainly did this week—ought to be done on a selective basis, and not on the basis of putting all the things one bloc after another of Members is interested in all together on a take-it-or-leave-it approach. Carried to its ultimate—and perhaps now inevitable—conclusion, such an approach would tend to destroy the Committee on Appropriations that has the original responsibility for bearing in mind the overall expenditure picture and, up to now at least, has helped this House find a collective sense of balance respecting the same.

Earlier this year, my colleague from New York (Mr. CONABLE), musing about all this in a slightly different context, wrote:

> Is a congressman an individual officer or a member of a group? Obviously he's both, and every one of us has to find his own balance if he is to perform effectively for his country, his constituents and himself. Four hundred and thirty-five members of the House of Representatives, if every one were a complete individualist, would accomplish no more than a football team that had no plays and made no effort to divide up the duties.

Mr. Chairman, I must say that, this week—albeit with the best of intentions—this House has been acting much like Mr. CONABLE's disorganized "football team"; and I have some considerable concern for the future unless we can, somehow, recover our collective sense of balance.

And I must add—with all kindness—that no better illustration of that lack could be found than in our majority leader's description of the adoption of the package amendment as being a "great Democratic victory." One has to wonder where that may leave the gentleman from Pennsylvania (Mr. FLOOD) and the other four Democratic members of this particular subcommittee, who faced up as best they could in this instance to what was surely an unenviable assignment.

In any event, as to those votes: When the gentleman from Illinois (Mr. MICHEL) offered his substitute to the package amendment—seeking like the sponsors of the package to draw upon support for the impacted-aid program in order to preserve the subcommittee's general position elsewhere—I again felt constrained to offer my amendment, now on a consolidated basis, thereto. There were two reasons behind this move: First, from a parliamentary standpoint, had the Michel substitute eventually carried we would not then have been able to return to the four programs my amendment touched upon. And that would have left us with our educational priorities badly scrambled—willing, that is, to keep impacted aid at last year's level while, meanwhile, cutting these other four programs' funding $110 million below last year's levels.

My second reason was related: I was certain, as was everyone in the Chamber, that impacted aid would eventually wind up at or above last year's level; and, as I have just noted, with my opposition to the 3(b) part of that program, I thought it would be unconscionable to allow that to happen while cutting the educational budget elsewhere.

As we know, the amendment I offered failed, and thereafter I could not vote for the Michel substitute that offered me only more impacted-aid moneys.

When the substitute also failed, the next major vote occurred on the package—or Joelson—amendment. I voted against it, not because I opposed all it attempted to do but because, as I explained, I believed selective increases were what we should be considering, not an all-or-nothing package. It deserves to be mentioned, too, that had the Joelson amendment then failed, we would have been automatically returned back to page 25 of the bill and could then have worked our will, on that selective basis, on all the numerous education programs and, had I been recognized, my same amendment would, I believe, have been the first we would then have considered in that fashion—going on from there through the impacted-aid issue, the question of more money for ESEA title I, vocational education, NDEA student loans, and so forth, all of which, with adoption of the Joelson package has now become academic in a legislative as well as a literal sense.

Before commenting upon the anticipated rollcall votes, let me also note that the suggestion, as made during debate over my amendment, that consolidation of these four programs would "destroy" them, especially the popular library resources program, was sheer nonsense. The gentleman from Pennsylvania (Mr. FLOOD) made no mention of this during debate in Committee of the Whole, but I believe it fair to note that, in our full committee meeting several days ago, he indicated he had an "understanding" with the Commissioner of Education to the effect that any lump sum for the four programs would be distributed more or less in proportion to the categorical funding the same enjoyed in the last fiscal year.

Even if this were not so, at worst next year when these programs are to be consolidated—absent disagreement by the other body—the school librarians' battle over priorities among the four competing programs would merely shift from the Office of Education here in Washington to the several State capitals; and I have always believed that it is wise to get decisions on priorities as close to home as possible, so I do not see this as being bad.

In any event, I shall now have to vote for the Joelson package amendment if a separate vote is demanded thereon—for it contains more that I support than it does that I oppose, and my chance at selectivity has been destroyed.

For the same reason, I shall also vote for the amended bill on final passage even though, as noted, I believe it carries more money than it should and cannot help but add to the fiscal problems of the President whom we have, in our self-righteousness, burdened with an expenditure ceiling that, effective or not, represents something of an abdication of our own overall responsibilities in relation to all this.

I have, also, already taken a position in opposition to the so-called Whitten amendment—an ill-advised attempt to curb progress being made toward desegregation in our school systems—and, if opportunity permits, will vote against such language.

In the same fashion, should there be opportunity, I shall vote against what new remains of the effort, through this vehicle, to control campus disorders through a cutoff of funds to campus demonstrators. By virtue of the points of order that have been lodged and sustained against some of the bill's original language in this respect, what remains of that language is now better than it was, but I have become convinced that the Federal Government—and the Congress—should for the time being stay out of this legislative area, despite the fact that it is one of deep concern to all of us and to our constituents.

I hold no brief for student radicals or revolutionaries—and have been appalled by the scenes of violence and disorder they have produced. But mighty few of them, as we have discovered, are receiving Federal assistance of any sort. In addition to this, we already have laws on the books designed to do what can be done by the Federal Government to restore peace to the Nation's campuses, and I understand it to be the position of the administration that no further laws are now needed—much less the vague and uncertain prohibition now remaining for us to act on in connection with this bill.

Incidentally, while I have expressed my regret over the way matters have turned out—not so much in the way of dollars to be spent on education, perhaps, for the administration may be hard pressed to find those dollars no matter how many we vote down to it, as in terms of how we, as an institution, measure up to our fiscal responsibility—I might as well say a word for one program that was not funded in this bill. That program has yet to receive even any planning money, though it was authorized in 1966. Even in this difficult budgetary year, and even in the midst of the strictures it otherwise placed upon itself, the Nixon administration felt this program potentially valuable enough to request $2 million for planning purposes—and, of course, I speak of the International Education Act, for which the fiscal 1970 authorization—speaking of "full funding"—is $90 million.

In this rapidly shrinking world, it is important to remember that this is not a disguised foreign-aid program, but rather one designed for the purpose of strengthening a very much neglected aspect of American education and one that, especially now, would meet an important and timely domestic need. Perhaps the other body that, in former years, has found it necessary to review much that was contained or omitted in this annual vehicle, will now have time to take a closer look at that need. I, for one, hope that it does.

Finally, Mr. Chairman, it is also to be hoped for that all of us have learned much from this experience. It may be fun to set the Committee on Appropriations back on its heels now and then—and perhaps we deserved it in this instance.

But we are far from being out of the fiscal woods yet. That "surplus" which the administration was somewhat embarrassed to find in fiscal 1969's final review was pointed to by some in full-throated support of the Joelson package as proof we could afford what we were about to do. But it is essential to remember that this is not a true surplus under budgeting concepts that applied here until recently—this because trust fund balances are now counted in—and that, in 1969, we did experience what can be called an operating deficit of about $5 billion; far too much, yet, in a time of still-uncontrolled inflation.

It seems to me the Appropriations Committee should seek procedures—or take positions—in the future, that would prevent this sort of thing happening again. How this is to be done is not for me to suggest; at least I would not presume to do so at the moment. But if part of the answer lies in different procedure—or methodology insofar as the form of our bills in such instances is concerned—I suspect the rest of the answer rests in the committee better reading the temper of this House than it did in this instance. That can probably best be summed up in these lines from the poet, Yeats, who once wrote that "When the center cannot hold, things fall apart"—and it seems to me, Mr. Chairman, that that is about what happened here in this Chamber this week.

Mr. ALEXANDER. Mr. Chairman, I would like to express my support for the Sikes-Smith amendment to the education appropriation bill. This amendment purports to grant authority to college presidents to cut off Federal funds to any students who participate in or provoke violence on the campuses of the Nation. As with my colleagues, the citizens of the First District of Arkansas have made it very clear to me that they are deeply disturbed by the violence and disorders that have beset many of our colleges. It is intolerable that a few militants could be permitted to disrupt the orderly process of education in America. It is unthinkable that the same revolutionaries may be supported by Federal funds.

Had the original language included in the bill not been ruled out of order, I would have been forced to oppose that provision. Prior to the debate today on this subject, I consulted with one of the most outstanding and esteemed college administrators in the State of Arkansas, Dr. Carl Reng, president of Arkansas State University.

Dr. Reng, who is known for his fairness as well as his firmness, agreed with what many of my colleagues have said here today—that the original language in the bill would have played right into the hands of the militant few who are devoted not to the cause of education, but to the cause of destruction. While it may be true that some college administrators—I personally believe them to be a minute minority—may lack "backbone" as some of my colleagues have suggested, the original language would have been more likely to provide "backbone" to the radical minority who would then see the possibility that by persevering just a little longer, they could effectively close a university or college through no fault of the hundreds and thousands of law-abiding students, faculty members, and college administrators who are dedicated to the cause of education.

Dr. Reng said he is in agreement with the principle of the Smith-Sikes amendment, however, because it provides another tool to deal with campus disruptions while leaving the power and authority where it ought to be—with the local college administrators.

This provision also deals with one other problem that is justifiably upsetting to a large percentage of my constituents. There is no justification whatsoever to the taxation of our citizens, many of them who can hardly afford to support the education of their own children, to support the education of young people who are dedicated to the destruction of our educational system. This is an inequity that must be corrected.

This amendment is acceptable to the college administrators in my State. It is a necessary means of dealing with campus violence in the eyes of the people of northeast Arkansas. And it is an expression of my deep concern over the future of our higher education system. I support the amendment.

Mr. GILBERT. Mr. Chairman, the annual appropriations bill to provide funds for education in the United States is one of the most important pieces of legislation to come before Congress.

It is one thing for Congress to pass pious resolutions of intent in the field of education; it is quite another for Congress to provide the necessary money to finance that intent. This year's educational appropriation bill, as submitted to us by the committee, is grievously inadequate. It is a mass of broken promises. I am wholeheartedly in favor of the Joelson amendment to bring this measure up to a level that will give our educational programs meaning at a time when we desperately seek meaning for them.

We are dealing here not with the question of what Congress can afford to do so much as with the question of what Congress cannot afford to leave undone. If we are truly to meet our social problems—correct injustices and eliminate poverty and crime—we must go directly to the root causes.

I will not say I am satisfied with this appropriation, for I see far too much money wasted on arms and wars—money that should be directed to teacher training, student incentives, the development of relevent curriculums, and other objectives to redeem young people from unproductive ignorance. But the Joelson amendment is an important step; it will come closer to what is necessary to raise the Nation's network of schools to a decent level.

This amendment increases the Federal school aid appropriation by almost $1 billion. It raises the vocational educational allocation by $131 million to more than $488 million so that young men and women without academic aptitude can still be trained for interesting, useful jobs. It provides $50 million for school libraries and the acquisition of text books. It allocates $78 million for equipment used in science and foreign language training, equipment absolutely essential in our highly technological age. It provides $33 million for construction of the Nation's colleges, which are under intensive pressure from growing student

enrollment, and $229 million for student loans, which in these days of rising costs are essential to the young people of low and middle incomes. It also designates $180 million more for direct assistance to elementary and secondary schools. As our own experience in New York confirms, even this figure is highly inadequate. Our schools need more than bandaids if they are to educate today's young people as they must be educated. But every few dollars helps pay for the teachers that our youngsters require for a decent chance to live, and I heartily support this increase. If the funds unwisely cut in committee are not restored, the effect on education and library programs will be devastating. In New York it would mean serious curtailment of programs benefiting the culturally deprived youngsters through additional services and equipment, teachers' aides, books, and library services. It would mean that innovative programs of preschool training involving the pupil and parent alike would have to be abandoned; and it would mean that the quality of teacher instruction in critical subject matters would be hurt and the availability of educational equipment would decrease.

Mr. Chairman, while supporting the Joelson amendment, I am also announcing my opposition to the so-called Whitten amendment, which weakens the desegregation stipulations that have been written into this law. After all that the American people have gone through to assure equality to every citizen, this amendment in my view, is both immoral and unwise. I also am opposed to the amendment to punish colleges for the disruptive acts of their students.

Let me conclude, Mr. Chairman, that the time is growing short for American society to mend its ways. We are being shortsighted in our priorities. And there is no doubt about education being a priority. As I said earlier on this floor, a majority of my constituents, in response to a questionnaire from me, ranked education No. 1 priority. The significance of that response cannot be overlooked; the American people know the importance of education, to themselves as individuals and to our national community. We cannot reject the mandate of the American people to look ahead and not be deterred by momentary economic expediency. What matters most is that we have a strong, self-confident society right here. All our other achievements will depend on that. And if we do not build better schools, we will simply decline to a general level of social mediocrity which is not my conception of what our country is.

Mr. Chairman, I wish to insert for the RECORD, and call to the attention of my colleagues, an analysis of the package amendment. The analysis follows:

ANALYSIS OF PACKAGE AMENDMENT TO H.R. 13111, LABOR-HEW APPROPRIATION BILL, 1970

[In thousands of dollars]

Program	Fiscal year 1969 appropriation	Fiscal year 1970 package	Increase over House committee	Increase over fiscal year 1969	Purpose
Impact aid	505,900	585,000	398,000	79,100	To provide sufficient funds for 90 percent of the authorization.
ESEA title II school library	50,000	50,000		0	To provide funds equal to the amount appropriated in fiscal year 1969.
NDEA title III equipment	78,740	78,740	110,453	0	Do.
NDEA title V guidance and counsel	17,000	17,000		0	Do.
ESEA title III supplemental centers	164,876	164,876		0	Do.
Vocational education	248,216	488,716	131,500	240,500	To provide additional funds to meet urgent needs in vocational education.
Higher education construction (4-yr. undergraduate)	33,000	33,000	33,000	0	To provide funds equal to the amount appropriated in fiscal year 1969.
NDEA student loan	193,400	229,000	40,794	35,600	To provide necessary funds for increased demand for student loans.
Title I, ESEA	1,123,127	1,396,975	180,800	273,848	To restore diminished funds for grants to local educational agencies resulting from amendments adding additional participting agencies and to offset increases in program costs.
Total	2,414,259	3,043,307	894,547	629,048	

Mr. BLANTON. Mr. Chairman, I support the Joelson amendment. I believe this Congress ought to go on record in support of higher education in a realistic, meaningful manner, and this amendment does just that.

I am particularly interested in seeing that we give the necessary support to vocational education, for I feel that this is one of the major tools we have in attacking poverty and making useful citizens out of many unskilled persons. By allotting $131,500,000 more for vocational education in the States, we are investing in rehabilitating poverty stricken people, or people who are prime candidates for the welfare rolls, and our gain will be putting them into the mainstream of society with useful skills where they do not have to rely on Federal aid, or State aid.

Likewise, I believe the $110,453,000 increase this amendment provides for school libraries under ESEA II; for supplemental centers under ESEA III, for guidance and counseling—NDEA V—and for equipment—NDEA III—is realistic and averts a possible crises in education.

The Joelson amendments will restore confidence in Congress by educators who have been alarmed over the dragging of feet appearance we have seemed to give over education. It is inconceivable, in this day and time, that the Federal Government should ever be reluctant to be aggressive in funding of worthy educational programs. For education is the blood of our system of government, and without its support by the Federal Government, the States are simply unable to do the job.

HIGH PRIORITY FOR EDUCATION

Mr. SYMINGTON. Mr. Chairman, in the past few days we have achieved a victory for education and for young people in St. Louis County and across the Nation. By amending the Labor-HEW appropriations bill for fiscal year 1970 to include nearly $1 billion in additional funds for essential education programs, we are reaffirming the wisdom of centuries ago, that "the foundation of every State is the education of its youth." Our action will strengthen that foundation; it is a significant step toward quality education, but by no means the last that must be taken. The House bill must still pass the Senate; and even if the Senate concurs fully with the amended and expanded House proposal, Congress will be providing this year less than 44 percent of the funds previously authorized for various education measures.

The future of quality education has been given, however, a strong boost by the House acceptance of the Joelson amendment which would increase Office of Education appropriations by $894 million. The committee bill, before amendment, had provided education expenditures of $2.3 billion, a figure $100 million below 1969 levels. While the bill includes $123 million more than the administration request, it falls $5 billion below levels authorized by Congress. It would have been unfortunate to suffer such a drastic reduction in education, particularly during a period of unrest, in which the Nation relies on the intelligence of its young people.

The greatest increase—$398 million—provided by the Joelson package is for the program of aid to federally impacted schools with large enrollments of children of Government employees. With this increase, the bill provides $600 million, or 90 percent of the amount authorized by Congress for the program in fiscal 1970. The amendment restores vital category "B" funds under the impact aid program, which the committee bill had eliminated entirely. Under this category Federal assistance is provided for children of Federal employees who work but do not live on Federal installations. In St. Louis, for instance, there are 4,000 children whose parents are employed by the Federal Government—which pays no property tax. Such serious tax losses to the schools cannot easily be made up by escalating assessments on the property of tax-weary homeowners. Over the past year the Second Congressional District has received $797,293 from category "B" funds, and $1,326,000 from the entire impact aid program. These funds have helped to ease the burden on property owners and maintain quality education.

The package also provided $33 million for higher education construction grants, which had been excluded from the administration budget as well as the committee bill, and raised the committee figure by $131.5 million to provide additional funds to meet urgent needs in vocational education.

Other provisions in the Joelson amendment restore to 1969 levels vitally needed funds for titles II and III of the Elementary and Secondary Education Act, to provide school library materials and supplementary education centers to renew and revitalize schools from within. Through combined efforts, the First and Second Districts of Missouri have already received $250,970 in title II funds, which have produced substantial results in improving St. Louis libraries.

Title III funds have made a significant impact as well. Mr. Henry C. McKenna, project director of the St. Louis-St. Louis County title III social studies project, has advised me that their program alone involves 50 teachers from grades 4 through 12 working on innovative curricula in the field of social studies. This single effort, which received $258,614 for a 3-year period, has the potential to enrich the education of over 250,000 students in the area.

The amendment also restores 1969 level appropriations for titles III and V of the National Defense Education Act, which provides for instructional equipment, and guidance and counseling programs. Title II of NDEA, which provides student loans for higher education, was funded at $67.1 million above the administration request and $35.6 million over 1969 appropriations by including an additional $40.7 million in the Joelson package. This program, so vital in securing higher education for many young Americans, is doubly essential because of inadequacies of the guaranteed loan program today. A tight money market and better returns on other investments make banks reluctant to make loans at the 7-percent rate. Thus, many students must seek financial aid elsewhere, through such channels as the NDEA. Judging from rising college enrollment just in the St. Louis area, the need for even greater loan funds and guaranteed loans for education is tremendous. Such funds are part of our assurance that we need not surrender quantity for quality in educating our youth.

Another vital fund increase provided in the amendment is the $108.3 million—bringing to $1.4 billion total Office of Education funds for title I of ESEA—to provide assistance for educationally deprived children.

Despite small increases in annual Federal appropriations, this title has shown a consistent drop in per pupil expenditures each year since its passage. In St. Louis, for instance, the student base for title I assistance has risen from 22,000 to 28,000 over the last 3 years. During the same period, title I funds have fallen from $5.2 to $4.3 million, and per pupil allotments have dropped from $218 to $154. This is a rather solemn commentary on a Nation which has recently accomplished the first lunar landing and paved the way to the stars; a Nation in which education and democracy are inseparably connected and where injury to either wounds both.

House restoration of $894 million through the Joelson amendment, plus additional funds for public library construction, facilities for the mentally retarded and education for the handicapped will help to redress the imbalance. However, if we want the same kind of results in our school system that we achieved in the space program, we must approach the task with the same sense of urgency. While public education is traditionally a local responsibility in America, local communities cannot continue to finance education on their own. Last year the Nation spent $28.3 billion on public education—92 percent of which was provided by State and local governments. Over 50 percent of the local share came from property taxes. But declining urban tax bases, coupled with rising taxes, coupled with rising taxes on the modest homes of most of our citizens spell tragedy for our schools without massive State help, and promised resources from Federal programs—those which are authorized must not be underfunded. Subsistence education is not good enough for a Natien eyeing the stars.

The need to appraise and reorder our national priorities becomes more crucial each day. How important is education to a nation which spends more in 1 year on cigarettes and alcohol than on this vital investment in its young people? In the trend of national commitments to education throughout the world the United States, at all levels of government together, spends proportionately less than the U.S.S.R. on education. We also know that the United States ranks low among all nations in the proportion of tax dollars spent for education. Education programs must occupy a higher place on our list of priorities.

No one denies the need to curb Federal spending and dampen inflation, but, equally, no one can blame our educational investments for inflation. Military spending absorbs 41 percent of our Federal budget. Yet Congress is asked to cut education appropriations down to 1½ percent of that budget. Recently in the Senate, despite agreed budgetary consequences of a new weapons system and grave doubts and differences as to its efficacy, that system was adopted. Yet, on the floor of the House, increased educational assistance is questioned and criticized on cost alone. What are the national values which allow, or compel us to invest a sum in the next generation of weapons which might not work, and not one-tenth of that sum in the next generation of Americans who will certainly have to?

Our schools limp from crisis to crisis, while we seek cures rather than preventives for the problems of inadequate education. The question of what to do must not be answered with hindsight. As in the race to the moon, the course must be plotted and embarked upon by men looking ahead.

Mr. FLOOD. 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 the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, 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. 13111), making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, 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. FLOOD. 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?

Mr. HAYS. Mr. Speaker, I demand a separate vote on the Joelson amendment.

The SPEAKER. Will the gentleman from Ohio state which one of the Joelson amendments he has in mind?

Mr. HAYS. As I understand, Mr. Speaker, there is only one Joelson amendment, a lengthy amendment which covered several sections of the bill. To be more specific, I am talking about the amendment which raised various categories of funds for educational purposes in this country, and my specific reason for doing this is that I want the Members to have an opportunity to vote on that and then see if they want to vote for Mr. Bow's motion to destroy it.

The SPEAKER. The Chair understands the gentleman's demand. In other words, the gentleman is demanding a separate vote on the Joelson amendment providing for certain increases, and not the other amendments of the gentleman from New Jersey striking out certain other paragraphs of the bill.

Mr. HAYS. That is correct, Mr. Speaker.

The SPEAKER. The Chair understands.

Is a separate vote demanded on any other amendment?

Mr. SIKES. Mr. Speaker, I demand a separate vote on the Sikes-Smith of Iowa amendment.

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

The amendments were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 25 strike out lines 9 through 24 and substitute in lieu thereof the following paragraph:

"For carrying out titles II, III, V, VII, and section 807 of the Elementary and Secondary Education Act of 1965, as amended, section 402 of the Elementary and Secondary Education Amendments of 1967, and titles III–A and V–A of the National Defense Education Act of 1958 $364,616,000: of which $50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Act of 1965; $164,876,000 shall be for supplementary educational centers and services under title III of said Act of 1965; $78,740,000 shall be for equipment and minor remodeling and State administrative services under title III–A of said Act of 1958; $17,000,000 shall be for guidance, counseling, and testing under title V–A of said Act of 1958; $29,750,000 shall be for strengthening State departments of education under title V of said Act of 1965; $5,000,000 shall be

for dropout programs under section 807 of said Act of 1965; $9,250,000 shall be for planning and evaluation under section 402 of the Elementary and Secondary Education Amendments of 1967; and $10,000,000 shall be for bilingual education programs under title VII of said Act of 1965. For an additional amount for grants under title I–A of the Elementary and Secondary Education Act of 1965 for the fiscal year 1970, $386,160,700: *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 92 per centum of the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants. For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $600,167,000, of which $585,000,000 shall be for the maintenance and operation of schools as authorized by sections 3, 6, and 7 of said title I of the Act of September 30, 1950, as amended, and $15,167,000 which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950. For carrying out titles III and IV (except parts D and F), part E of title V, and section 1207 of the Higher Education Act of 1965, as amended, titles I and III of the Higher Education Facilities Act of 1963, as amended, title II and IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 421–429), and section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $859,633,000 of which $159,600,000 shall be for educational opportunity grants under part A of title IV of the Higher Education Act of 1965 and shall remain available through June 30, 1971, $63,900,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed $1,500,000 for computer services in connection with the insured loan program, $154,000,000 shall be for grants for college work-study programs under part C of title IV of that Act (of which amounts reallotted shall remain available through June 30, 1971), including one per centum of such amount to be available, without regard to the provisions in section 442 of that Act, for cooperative education programs that alternate periods of full-time academic study with periods of full-time public or private employment, $43,000,000 shall be for grants for construction of public community colleges and technical institutes and $33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1971, $11,750,000, to remain available until expended, shall be for annual interest grants under section 306 of that Act, $222,100,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 of the National Defense Education Act of 1958, and $12,120,000 shall be for the purposes of section 22 of the Act of June 29, 1935. For carrying out the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391) (except part E of title I), and section 402 of the Elementary and Secondary Education Amendments of 1967, $448,716,000 of which not to exceed $357,836,000 shall be for State vocational programs under part B and $40,000,000 shall be for programs under section 102(b) of said Vocational Education Act of 1963, including development and administration of State plans and evaluation and dissemination activities authorized under section 102(c) of said Act, and $10,000,000 for part H of said title I, not to exceed $1,680,000 for State advisory councils established pursuant to section 104(b) of said Act, $13,000,000 for exemplary programs under part D of said Act of which fifty per centum shall remain available until expended and fifty per centum shall remain available through June 30, 1971, $15,000,000 for consumer and homemaking education programs under part F of said Act, and $14,000,000 shall be for cooperative vocational education programs under Part G of said Act.

Mr. COHELAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

Mr. SAYLOR. Mr. Speaker, I object.

The Clerk proceeded to read the amendment.

Mr. GERALD R. FORD (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment.

Mr. HAYS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 294, nays 119, not voting 19, as follows:

[Roll No. 131]

YEAS—294

Adair	Cunningham	Harsha
Adams	Daddario	Harvey
Addabbo	Daniels, N.J.	Hathaway
Albert	Davis, Ga.	Hawkins
Alexander	Dawson	Hays
Anderson, Calif.	de la Garza	Hechler, W. Va.
	Delaney	Heckler, Mass.
Anderson, Tenn.	Dellenback	Helstoski
	Dent	Henderson
Andrews, N. Dak.	Diggs	Hicks
	Dingell	Hogan
Ashley	Donohue	Holifield
Aspinall	Dorn	Horton
Ayres	Downing	Hosmer
Baring	Dulski	Howard
Barrett	Dwyer	Hungate
Beall, Md.	Eckhardt	Ichord
Belcher	Edmondson	Jacobs
Bell, Calif.	Eilberg	Joelson
Bevill	Esch	Johnson, Calif.
Biaggi	Eshleman	Johnson, Pa.
Biester	Evans, Colo.	Jones, Ala.
Bingham	Fallon	Jones, N.C.
Blanton	Farbstein	Jones, Tenn.
Blatnik	Fascell	Karth
Boggs	Feighan	Kastenmeier
Boland	Fish	Kazen
Bolling	Fisher	Kee
Brademas	Flood	Keith
Brasco	Flowers	Kleppe
Brinkley	Foley	Koch
Brooks	Ford, William D.	Kyros
Brotzman		Landrum
Brown, Calif.	Foreman	Latta
Brown, Mich.	Fraser	Leggett
Brown, Ohio	Frelinghuysen	Long, Md.
Broyhill, Va.	Friedel	Lowenstein
Burke, Mass.	Fulton, Pa.	Lukens
Burlison, Mo.	Fulton, Tenn.	McCarthy
Burton, Calif.	Galifianakis	McClory
Burton, Utah	Garmatz	McCloskey
Button	Gaydos	McClure
Byrne, Pa.	Gettys	McCulloch
Cahill	Giaimo	McDade
Camp	Gibbons	McDonald, Mich.
Carter	Gilbert	
Celler	Gonzalez	McFall
Chamberlain	Gray	McKneally
Chisholm	Green, Oreg.	Macdonald, Mass.
Clark	Green, Pa.	
Clausen, Don H.	Griffiths	MacGregor
	Gubser	Madden
Clay	Gude	Mailliard
Cohelan	Hamilton	Mann
Conte	Hammer-schmidt	Mathias
Conyers		Matsunaga
Corbett	Hanley	Meeds
Corman	Hanna	Melcher
Coughlin	Hansen, Idaho	Meskill
Culver	Hansen, Wash.	Mikva
Miller, Calif.	Pucinski	Stubblefield
Miller, Ohio	Purcell	Stuckey
Mills	Quie	Sullivan
Minish	Quillen	Symington
Mink	Railsback	Talcott
Minshall	Randall	Taylor
Mize	Rees	Teague, Calif.
Mollohan	Reid, N.Y.	Thompson, Ga.
Monagan	Reifel	Thompson, N.J.
Moorhead	Reuss	Thomson, Wis.
Morgan	Riegle	Tiernan
Morse	Robison	Tunney
Mosher	Rodino	Udall
Moss	Rogers, Colo.	Ullman
Murphy, Ill.	Ronan	Van Deerlin
Murphy, N.Y.	Rooney, N.Y.	Vander Jagt
Natcher	Rooney, Pa.	Vanik
Nedzi	Rosenthal	Vigorito
Nichols	Rostenkowski	Waldie
Nix	Roybal	Watts
Obey	Ruppe	Weicker
O'Hara	Ryan	Whalen
O'Konski	St Germain	Whalley
Olsen	St. Onge	White
O'Neill, Mass.	Sandman	Whitehurst
Ottinger	Scheuer	Widnall
Patman	Schwengel	Williams
Patten	Shriver	Wilson, Charles H.
Pelly	Sisk	
Perkins	Skubitz	Winn
Pettis	Slack	Wold
Philbin	Smith, Iowa	Wolff
Pickle	Springer	Wright
Pike	Stafford	Wyatt
Pirnie	Staggers	Wydler
Poage	Stanton	Yates
Podell	Steed	Yatron
Pollock	Steiger, Wis.	Young
Preyer, N.C.	Stephens	Zablocki
Price, Ill.	Stokes	Zion
Pryor, Ark.	Stratton	Zwach

NAYS—119

Abbitt	Edwards, La.	Morton
Abernethy	Erlenborn	Myers
Anderson, Ill.	Findley	Nelsen
Andrews, Ala.	Flynt	O'Neal, Ga.
Arends	Ford, Gerald R.	Passman
Ashbrook	Fountain	Poff
Bennett	Frey	Price, Tex.
Berry	Goldwater	Rarick
Betts	Goodling	Reid, Ill.
Blackburn	Griffin	Rhodes
Bow	Gross	Rivers
Bray	Grover	Roberts
Brock	Hagan	Rogers, Fla.
Broyhill, N.C.	Haley	Roth
Buchanan	Hall	Roudebush
Burke, Fla.	Hébert	Ruth
Burleson, Tex.	Hull	Satterfield
Bush	Hunt	Saylor
Byrnes, Wis.	Hutchinson	Schadeberg
Cabell	Jarman	Scherle
Caffery	Jonas	Schneebeli
Casey	King	Scott
Clancy	Kuykendall	Sebelius
Clawson, Del	Kyl	Shipley
Cleveland	Landgrebe	Sikes
Collier	Langen	Smith, Calif.
Collins	Lennon	Smith, N.Y.
Colmer	Lloyd	Steiger, Ariz.
Conable	Long, La.	Teague, Tex.
Cowger	Lujan	Utt
Cramer	McEwen	Waggonner
Daniel, Va.	McMillan	Wampler
Davis, Wis.	Mahon	Watkins
Denney	Marsh	Watson
Dennis	Martin	Whitten
Derwinski	May	Wiggins
Dickinson	Mayne	Wilson, Bob
Dowdy	Michel	Wylie
Duncan	Mizell	Wyman
Edwards, Ala.	Montgomery	

NOT VOTING—19

Annunzio	Evins, Tenn.	Lipscomb
Broomfield	Fuqua	Pepper
Carey	Gallagher	Powell
Cederberg	Halpern	Snyder
Chappell	Hastings	Taft
Devine	Kirwan	
Edwards, Calif.	Kluczynski	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio for, with Mr. Chappell against.

Mr. Broomfield for, with Mr. Devine against.

Until further notice:

Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Kluczynski with Mr. Cederberg.
Mr. Kirwan with Mr. Pepper.
Mr. Carey with Mr. Halpern.
Mr. Gallagher with Mr. Taft.
Mr. Fuqua with Mr. Snyder.
Mr. Edwards of California with Mr. Hastings.

Mr. CUNNINGHAM changed his vote from "nay" to "yea."

Mr. DAVIS of Georgia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will report the next amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: On page 55 after line 8 insert the following:

"SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institution of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968 (P.L. 90-575).

"No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institute of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

The SPEAKER pro tempore. The question is on the amendment.

Mr. SIKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 316, nays 95, not voting 21, as follows:

[Roll No. 132]

YEAS—316

Abbitt	Brinkley	Corbett
Abernethy	Brock	Coughlin
Adair	Brooks	Cowger
Addabbo	Brotzman	Cramer
Albert	Brown, Mich.	Cunningham
Alexander	Brown, Ohio	Daniel, Va.
Anderson, Calif.	Broyhill, N.C.	Daniels, N.J.
	Broyhill, Va.	Davis, Ga.
Anderson, Ill.	Buchanan	Davis, Wis.
Anderson, Tenn.	Burke, Fla.	de la Garza
	Burke, Mass.	Delaney
Andrews, Ala.	Burleson, Tex.	Denney
Andrews, N. Dak.	Burlison, Mo.	Dennis
	Burton, Utah	Dent
Arends	Bush	Derwinski
Ashbrook	Button	Dickinson
Aspinall	Byrne, Pa.	Dingell
Ayres	Byrnes, Wis.	Donohue
Baring	Cabell	Dorn
Barrett	Caffery	Dowdy
Beall, Md.	Camp	Downing
Belcher	Carter	Dulski
Bell, Calif.	Casey	Duncan
Bennett	Chamberlain	Dwyer
Berry	Clancy	Edmondson
Betts	Clark	Edwards, Ala.
Bevill	Clausen, Don H.	Edwards, La.
Biaggi		Eilberg
Biester	Clawson, Del	Erlenborn
Blackburn	Cleveland	Esch
Blanton	Collier	Eshleman
Boggs	Collins	Evans, Colo.
Boland	Colmer	Fascell
Bow	Conable	Feighan
Bray	Conte	Findley
Fisher	Long, Md.	Rooney, Pa.
Flood	Lujan	Rostenkowski
Flowers	Lukens	Roth
Flynt	McClory	Roudebush
Ford, Gerald R.	McClure	Ruth
Foreman	McDade	Sandman
Fountain	McDonald, Mich.	Satterfield
Frey		Saylor
Fulton, Pa.	McEwen	Schadeberg
Fulton, Tenn.	McFall	Scherle
Galifianakis	McKneally	Schneebeli
Garmatz	McMillan	Schwengel
Gaydos	MacGregor	Scott
Gettys	Mahon	Sebelius
Giaimo	Mann	Shipley
Gibbons	Marsh	Shriver
Goldwater	Martin	Sikes
Gonzalez	Mathias	Sisk
Goodling	May	Skubitz
Gray	Mayne	Slack
Green, Oreg.	Melcher	Smith, Calif.
Griffin	Meskill	Smith, Iowa
Gross	Michel	Smith, N.Y.
Grover	Miller, Calif.	Springer
Gubser	Miller, Ohio	Staggers
Gude	Mills	Stanton
Hagan	Minshall	Steed
Haley	Mize	Steiger, Ariz.
Hall	Mizell	Stephens
Hamilton	Mollohan	Stratton
Hammer-schmidt	Monagan	Stubblefield
	Montgomery	Stuckey
Hanley	Morgan	Sullivan
Hanna	Morton	Talcott
Hansen, Idaho	Murphy, Ill.	Taylor
Harsha	Murphy, N.Y.	Teague, Calif.
Harvey	Myers	Teague, Tex.
Hays	Natcher	Thompson, Ga.
Hébert	Nedzi	Thomson, Wis.
Heckler, Mass.	Nelsen	Ullman
Henderson	Nichols	Utt
Hogan	Obey	Van Deerlin
Holifield	O'Konski	Vander Jagt
Horton	O'Neal, Ga.	Vanik
Hosmer	Passman	Vigorito
Hull	Patman	Waggonner
Hungate	Pelly	Wampler
Hunt	Perkins	Watkins
Hutchinson	Pettis	Watson
Ichord	Philbin	Watts
Jacobs	Pickle	Weicker
Jarman	Pike	Whalley
Johnson, Calif.	Pirnie	White
Johnson, Pa.	Poage	Whitehurst
Jonas	Poff	Whitten
Jones, N.C.	Pollock	Widnall
Jones, Tenn.	Preyer, N.C.	Wiggins
Karth	Price, Ill.	Williams
Kazen	Price, Tex.	Wilson, Bob
Kee	Pryor, Ark.	Winn
Keith	Pucinski	Wold
King	Purcell	Wolff
Kleppe	Quie	Wright
Kuykendall	Quillen	Wydler
Kyl	Randall	Wylie
Kyros	Rarick	Wyman
Landgrebe	Reid, Ill.	Yatron
Landrum	Rhodes	Young
Langen	Rivers	Zablocki
Latta	Roberts	Zion
Lennon	Rogers, Colo.	Zwach
Lloyd	Rogers, Fla.	
Long, La.	Rooney, N.Y.	

NAYS—95

Adams	Hansen, Wash.	Patten
Ashley	Hathaway	Podell
Bingham	Hawkins	Railsback
Blatnik	Hechler, W. Va.	Rees
Bolling	Helstoski	Reid, N.Y.
Brademas	Hicks	Reifel
Brasco	Howard	Reuss
Brown, Calif.	Joelson	Riegle
Burton, Calif.	Kastenmeier	Robison
Cahill	Koch	Rodino
Celler	Leggett	Ronan
Chisholm	Lowenstein	Rosenthal
Clay	McCarthy	Roybal
Cohelan	McCloskey	Ruppe
Conyers	McCulloch	Ryan
Corman	Macdonald, Mass.	St Germain
Culver		St. Onge
Daddario	Madden	Scheuer
Dawson	Mailliard	Stafford
Dellenback	Matsunaga	Steiger, Wis.
Diggs	Meeds	Stokes
Eckhardt	Mikva	Symington
Fallon	Minish	Thompson, N.J.
Farbstein	Mink	Tiernan
Fish	Moorhead	Tunney
Foley	Morse	Udall
Ford, William D.	Mosher	Waldie
	Moss	Whalen
Fraser	Nix	Wilson, Charles H.
Frelinghuysen	O'Hara	
Friedel	Olsen	Wyatt
Gilbert	O'Neill, Mass.	Yates
Green, Pa.	Ottinger	

NOT VOTING—21

Annunzio	Evins, Tenn.	Kirwan
Broomfield	Fuqua	Kluczynski
Carey	Gallagher	Lipscomb
Cederberg	Griffiths	Pepper
Chappell	Halpern	Powell
Devine	Hastings	Snyder
Edwards, Calif.	Jones, Ala.	Taft

So the amendment was agreed to.

The Clerk announced the following pairs.

On this vote:

Mr. Chappell for, with Mr. Annunzio against.

Mr. Devine for, with Mr. Edwards of California against.

Until further notice:

Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Kluczynski with Mr. Broomfield.
Mr. Kirwan with Mr. Cederberg.
Mr. Pepper with Mr. Hastings.
Mr. Jones of Alabama with Mr. Snyder.
Mr. Carey with Mr. Halpern.
Mr. Gallagher with Mr. Taft.
Mr. Fuqua with Mrs. Griffiths.

Mr. JOELSON and Mr. RUPPE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

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

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

MOTION TO RECOMMIT

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bow moves to recommit the bill H.R. 13111 to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: On page 56 following line 20, insert a new section as follows:

"SEC. 410. Excluding expenditures from the social security, United States Soldiers' Home, and Railroad Retirement trust funds, military service credits paid to trust funds and other Federal fund payments to trust funds, money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1970 only to the extent that expenditure thereof shall not result in the net aggregate expenditure of Federal funds by all agencies provided for herein beyond $16,364,000,000."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 393, nays 16, as follows:

[Roll No. 133]

YEAS—393

Abbitt	Albert	Anderson, Tenn.
Abernethy	Alexander	Andrews, Ala.
Adair	Anderson, Calif.	Andrews, N. Dak.
Adams	Anderson, Ill.	
Addabbo		

Arends	Fish	Madden
Ashley	Fisher	Mahon
Aspinall	Flood	Mailliard
Ayres	Flowers	Mann
Baring	Flynt	Marsh
Barrett	Foley	Martin
Beall, Md.	Ford, Gerald R.	Mathias
Belcher	Ford, William D.	Matsunaga
Bell, Calif.	Foreman	May
Berry	Fountain	Mayne
Betts	Fraser	Meeds
Biaggi	Frelinghuysen	Melcher
Biester	Frey	Meskill
Bingham	Friedel	Mikva
Blackburn	Fulton, Pa.	Miller, Calif.
Blanton	Fulton, Tenn.	Miller, Ohio
Blatnik	Galifianakis	Mills
Boggs	Garmatz	Minish
Boland	Gaydos	Mink
Bolling	Gettys	Minshall
Brademas	Giaimo	Mize
Brasco	Gibbons	Mizell
Bray	Gilbert	Mollohan
Brinkley	Goldwater	Monagan
Brock	Gonzalez	Montgomery
Brooks	Gray	Moorhead
Brotzman	Green, Oreg.	Morgan
Brown, Calif.	Green, Pa.	Morse
Brown, Mich.	Griffin	Morton
Brown, Ohio	Grover	Mosher
Broyhill, N.C.	Gubser	Moss
Broyhill, Va.	Gude	Murphy, Ill.
Buchanan	Hagan	Murphy, N.Y.
Burke, Fla.	Haley	Myers
Burke, Mass.	Hamilton	Natcher
Burleson, Tex.	Hammer-	Nedzi
Burlison, Mo.	schmidt	Nelsen
Burton, Calif.	Hanley	Nichols
Burton, Utah	Hanna	Nix
Bush	Hansen, Idaho	Obey
Button	Hansen, Wash.	O'Hara
Byrne, Pa.	Harvey	O'Konski
Cabell	Hathaway	Olsen
Caffery	Hawkins	O'Neal, Ga.
Cahill	Hays	O'Neill, Mass.
Camp	Hébert	Ottinger
Carter	Hechler, W. Va.	Passman
Casey	Heckler, Mass.	Patman
Celler	Helstoski	Patten
Chamberlain	Henderson	Pelly
Chisholm	Hicks	Perkins
Clancy	Hogan	Pettis
Clark	Holifield	Philbin
Clausen, Don H.	Horton	Pickle
Clawson, Del	Hosmer	Pike
Clay	Howard	Pirnie
Cleveland	Hull	Poage
Cohelan	Hungate	Podell
Collins	Hunt	Poff
Colmer	Hutchinson	Pollock
Conable	Ichord	Preyer, N.C.
Conte	Jacobs	Price, Ill.
Conyers	Jarman	Price, Tex.
Corbett	Joelson	Pryor, Ark.
Corman	Johnson, Calif.	Pucinski
Coughlin	Johnson, Pa.	Purcell
Cowger	Jones, Ala.	Quie
Cramer	Jones, N.C.	Quillen
Culver	Jones, Tenn.	Randall
Cunningham	Karth	Rarick
Daddario	Kastenmeier	Rees
Daniel, Va.	Kazen	Reid, Ill.
Daniels, N.J.	Kee	Reid, N.Y.
Davis, Ga.	Keith	Reifel
Dawson	King	Reuss
de la Garza	Kleppe	Rhodes
Delaney	Koch	Riegle
Dellenback	Kuykendall	Rivers
Denney	Kyl	Roberts
Dennis	Kyros	Robison
Dent	Landrum	Rodino
Derwinski	Langen	Rogers, Colo.
Dickinson	Latta	Rogers, Fla.
Diggs	Leggett	Ronan
Dingell	Lennon	Rooney, N.Y.
Donohue	Lloyd	Rooney, Pa.
Dorn	Long, La.	Rosenthal
Dowdy	Long, Md.	Rostenkowski
Downing	Lowenstein	Roth
Dulski	Lujan	Roudebush
Duncan	Lukens	Roybal
Dwyer	McCarthy	Ruppe
Eckhardt	McClory	Ruth
Edmondson	McCloskey	Ryan
Edwards, Ala.	McClure	St Germain
Edwards, La.	McCulloch	St Onge
Eilberg	McDade	Sandman
Esch	McDonald, Mich.	Satterfield
Eshleman	McEwen	Schadeberg
Evans, Colo.	McFall	Scherle
Fallon	McKneally	Scheuer
Farbstein	McMillan	Schneebeli
Fascell	Macdonald, Mass.	Schwengel
Feighan		Scott
Findley		Sebelius
		Shipley
Shriver	Taylor	White
Sikes	Teague, Calif.	Whitehurst
Sisk	Thompson, Ga.	Whitten
Skubitz	Thompson, N.J.	Widnall
Slack	Thomson, Wis.	Wiggins
Smith, Calif.	Tiernan	Williams
Smith, Iowa	Tunney	Wilson, Bob
Smith, N.Y.	Udall	Wilson, Charles H.
Springer	Ullman	Winn
Stafford	Utt	Wold
Staggers	Van Deerlin	Wolff
Stanton	Vander Jagt	Wright
Steed	Vanik	Wyatt
Steiger, Ariz.	Vigorito	Wydler
Steiger, Wis.	Waggonner	Wylie
Stephens	Waldie	Wyman
Stokes	Wampler	Yates
Stratton	Watkins	Yatron
Stubblefield	Watson	Young
Stuckey	Watts	Zablocki
Sullivan	Weicker	Zion
Symington	Whalen	Zwach
Talcott	Whalley	

NAYS—16

Ashbrook	Erlenborn	MacGregor
Bennett	Goodling	Michel
Bow	Gross	Saylor
Byrnes, Wis.	Hall	Teague, Tex.
Collier	Jonas	
Davis, Wis.	Landgrebe	

NOT VOTING—23

Annunzio	Evins, Tenn.	Kluczynski
Bevill	Fuqua	Lipscomb
Broomfield	Gallagher	Pepper
Carey	Griffiths	Powell
Cederberg	Halpern	Railsback
Chappell	Harsha	Snyder
Devine	Hastings	Taft
Edwards, Calif.	Kirwan	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Cederberg for, with Mr. Devine, against.

Until further notice:

Mr. Annunzio with Mr. Railsback.

Mr. Evins of Tennessee with Mr. Broomfield.

Mr. Kirwan with Mr. Lipscomb.

Mr. Carey with Mr. Taft.

Mr. Kluczynski with Mr. Harsha.

Mr. Chappell with Mr. Hastings.

Mr. Edwards of California with Mr. Halpern.

Mr. Pepper with Mr. Snyder.

Mr. Bevill with Mrs. Griffiths.

Mr. Gallagher with Mr. Fuqua.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9951. An act to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable years; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes.

GENERAL LEAVE

Mr. FLOOD. 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 extraneous material.

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

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

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

Mr. HAYS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

COLLECTION OF FEDERAL UNEMPLOYMENT TAX

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER. The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

Mr. BOGGS. Mr. Speaker, the gentleman from Louisiana equally admires the gentleman in the chair. I thoroughly understand the position of the distinguished Speaker.

FALSE ECONOMY OF CIVILIAN PERSONNEL CEILING

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

Mr. HENDERSON. Mr. Speaker, I applaud the recent action taken by the Congress in removing the limitation on the number of civilian employees on the Federal payroll; namely, section 201 of the Revenue and Expenditure Control Act of 1968. This has proven to be false economy.

Last August I indicated to Members of the House that over an 8-year period it has been the experience of the Manpower and Civil Service Subcommittee of the Committee on Post Office and Civil Service that a restricted control on civil service employment merely means an increased use of military and/or contractor employees in jobs normally and efficiently performed by civil service personnel. This has occurred despite the fact both sources of labor, military or contractor, are generally more expensive than the Government civilian employee. Likewise, an extensive use of active duty military for civilian-type support jobs can have an adverse impact on the combat effectiveness of our military forces.

In a letter on August 1, 1968, to Hon. WILBUR MILLS, chairman of the Ways and Means Committee, the subcommittee's extensive experience was made known. And, I quote:

> In view of the manpower limitations in the Revenue and Expenditure Control Act of 1968, I thought you would like to have the benefit of this subcommittee's actions in the area of manpower management. I am sure that you will agree that the American taxpayer is primarily interested in dollar savings; and, I know this was an object of the Ways and Means Committee in sponsoring Public Law 90-364. However, I think the members must understand that often ceilings on Government employment result in a greater expenditure of taxpayers' money. In the final analysis, we must find ways to save money and in so doing must be careful that we do not authorize more costly methods.

The above point was made in August 1968; and now in July 1969, the Appropriations Committee in House Report No. 91-356, a conference report for the second supplemental appropriation, 1969, has listed specific examples of the cost to the American taxpayer of the legislative control of civilian employees. The report reveals this limitation not only cost more than it saved but also resulted in inefficient utilization of personnel.

Mr. Speaker, now that we concur that the civilian personnel ceiling was improper, what should be our course of action?

I have written today to the Director of the Bureau of the Budget, Hon. Robert P. Mayo, outlining a plan of action, which I believe will give greater flexibility in managing the Government's civilian labor force. This, in turn, should reduce the need by operating officials to resort to the more expensive contractor personnel and/or active duty military to perform work normally handled efficiently over the years by Government personnel.

Mr. Speaker, our objective today must be the most effective use possible of our Government work force. To service the public efficiently and economically and to continue a strong defense posture, we cannot afford to limit the kinds and types of available labor to our Federal agencies. But, this is what a restricted Government personnel ceiling can do, and has done in the past.

The letter to the Director of the Bureau of the Budget follows:

> U.S. HOUSE OF REPRESENTATIVES,
> SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE OF THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
> *Washington, D.C., July 31, 1969.*
>
> Hon. ROBERT P. MAYO,
> *Director, Bureau of the Budget,*
> *Washington, D.C.*
>
> DEAR MR. MAYO: I applaud the action of the Congress and the support of President Nixon in the removal of the legislative control over the Government civilian work force. It was my feeling last August (1968) at the time of the passage of Section 201 of the Revenue and Expenditure Control Act of 1968, P.L. 90-364, that this was not a satisfactory or realistic approach to effective manpower management in the Federal Government.
>
> For more than eight years this Subcommittee has been concerned about the effect of manpower ceiling restrictions upon the efficiency and economy of Government operations. Too often, these restrictions have caused Executive agencies to rely upon contractors, or costly overtime schedules, or upon military personnel for work which could be done more effectively or at less cost by civil service personnel working regular hours.
>
> We have devoted a substantial portion of our time and staff resources to this problem. In addition to hearings and less formal meetings with the heads of agencies most directly concerned (including, of course, the Bureau of the Budget), we have conducted extensive field examinations and have caused the General Accounting Office to investigate numerous specific conditions. These efforts have resulted in correcting some of the specific cases identified and have demonstrated not only to this Subcommittee but also to other principal committees of the Congress that the problem is general and not limited to a few isolated examples. However, I personally feel that actions have not actually been initiated to correct underlying causes of this general condition.
>
> Time and again we have noted a lack of flexibility in the overall control of Government civilian ceilings. Likewise, it has been quite evident that there has been an inadequate monitoring of contracts for personal services.
>
> During the past year, the opportunities for dealing with this problem effectively have been limited by the special restrictions imposed by Section 201. However, now that this statutory restriction has been removed controls of manpower undoubtedly will be administered by the Bureau of the Budget. This provides a new opportunity to examine this basic problem and to take the initiative in seeing that the necessary corrective measures are being taken or planned, such as:
>
> Actions to streamline the flow of documents to assure that ceilings are adjusted soon enough to permit conversion of uneconomical contracts, civilianization of operations being handled by military personnel and reduction of overtime. We would appreciate receiving a copy of any regulations issued for this purpose.
>
> Initiatives which the Bureau of the Budget plans to take in collaboration with the principal operating agencies to identify causes of delays and inflexibility which the General Accounting Office has found are the principal causes of failures to correct this problem. We would be particularly interested in any procedures designed to provide necessary manpower authorizations to permit prompt conversions as soon as they are justified.
>
> Plans in the Bureau of the Budget and in the principal operating agencies for immediate identification of contracts for personal services, which have been started or allowed to continue although they are suspected or known to be more costly than in-house operations.
>
> Plans for controlling the use of contracts for personnel services, military personnel, and overtime so they do not continue to be convenient escape routes from the restrictions on Government civilian manpower.
>
> Plans in the Bureau of the Budget for reviewing personnel ceiling controls where other controls are already in existence. I have in mind activities already under Industrial Funds.
>
> In summary, Mr. Mayo, I believe that effective manpower management entails more than the imposition of specific controls over only one of several sources of labor for the departments and agencies. It would appear proper and timely for the Bureau of the Budget to lead the way for the departments and agencies to reappraise the priorities of their missions, to look for overlap and duplication of efforts and to ferret out ineffective and inefficient operating techniques. This approach should lead to more effective utilization of our Government's labor force, and thereby reduce the Government's labor costs.
>
> The Members of the Subcommittee and staff are ready to cooperate with you to get a program under way.
>
> With best wishes, I am
> Sincerely yours,
> DAVID N. HENDERSON,
> *Chairman.*

EXPANDED CONTACTS BETWEEN SOVIETS AND AMERICANS COULD HELP EASE TENSIONS

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

Mr. FARBSTEIN. Mr. Speaker, next year marks the 25th anniversary of the end of World War II and the signing of the Charter of the United Nations. The hopes and dreams that surrounded those two historic events have yet to be realized and today many of the nations of the world view each other with suspicion and mistrust. This is no more true than in the case of the United States and the Soviet Union. The free exchange of ideas and peoples long desired by the United States has not developed. The Soviet Union, for reasons known only to Soviet leaders, has been reluctant to either open its doors to American citizens or to permit Soviet citizens to engage in meaningful exchanges with citizens of the United States. People-to-people contacts have been few and not easy to arrange.

I believe that more contact, more interaction between Soviet and American citizens could have a beneficial affect in helping overcome some of the misunderstandings that exist between the two countries. Such contacts could help ease some of the tensions that exist between the two countries. And if tensions between the United States and the Soviet Union can be lessened we may well help create a climate in which meaningful discussions on the several issues which

divide us could take place. I believe, like President Nixon, that the age of confrontation is being replaced by the era of negotiations. The Congress can help in this process.

Recently the Soviet Foreign Minister, Andrei A. Gromyko, called for increased contacts between Soviet and American governmental leaders and private citizens. I think that we should take him at his word. I believe that we should be willing to expose our country to the scrutiny of the Soviet citizen. I believe that we should encourage increased Russian visits to this country. I believe that we should take pride in the working democracy that we have produced in this country. I believe that we should be prepared to show Soviet citizens the true continuing revolution in process—the eternal quest of man for the blessings of liberty for himself and his posterity.

This America of ours is not an ordinary country—our Government is not an ordinary Government—it is a living, vibrant, enthusiastic, changing society attempting to find the solution to the age-old problem of creating an environment in which diverse peoples and cultures can live secure and at peace with one another.

This is not an easy problem to solve, but we are solving it. It will take decades and perhaps even a century before we finally reach our goal, but we are moving in the right direction.

Mr. Speaker, I believe that we should make every effort to publicize this great experiment—the greatest in the history of the world. I am convinced that anybody who experiences even part of this must go away with the realization that here is a people who only want to live in peace and get on with the creation of a world where the weak are secure and the peace preserved.

President John F. Kennedy, in speaking of relations with the Soviet Union once said:

> So let us begin anew—remembering on both sides that civility is not a sign of weakness and sincerity is always subject to proof. Let us never negotiate out of fear, but let us never fear to negotiate.

Mr. Speaker, I believe that we should negotiate with the Soviet Union with every advantage that we have. And the greatest advantage that we do have—our greatest strength—is the American people who, regardless of race, color or creed, make our democracy work.

Mr. Speaker, as a first step, I am today introducing a resolution asking the President to extend an invitation to the Soviet Government to send a representative group from the Supreme Soviet of the Soviet Union to study the working democracy that we have produced in this country and to observe the American people as they really are and not as they have been told we are.

We would also encourage the President to arrange a series of visits by Soviet governmental leaders, students, and private citizens. We would throw open our doors to them. We would welcome them as friends. We would welcome them as cosigners of the Charter of the United Nations and as participants in the dream of one world free from the scourge of war. We would hope that they would reciprocate by extending similar invitations to U.S. governmental leaders, students and private citizens.

Regardless of the Soviet reaction, we would be offering to take a giant step toward better understanding which could lead to that day in the future when international understanding replaces mistrust and suspicion as a way of life—to that day when all mankind is able to enjoy the blessings of liberty for himself and his posterity.

Mr. Speaker, if this first step produces meaningful results, there is a possibility that the two countries could agree to observe 1970 as a year of renewed efforts to make the United Nations into the instrument for peace and cooperation that was envisioned for it almost a quarter of a century ago.

There are those who would object to a program such as I have outlined. But the time has come to begin anew the quest for peace. If it fails we will have lost nothing. Rather we will have gained. For when the history of this age is written, those writing it will say "they tried." We could not ask for a more fitting judgment.

VIETNAM IS NOT OUR FINEST HOUR

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

Mr. KOCH. Mr. Speaker, the statements made by President Nixon on his brief visit to Vietnam indicate that the basic lesson to have been learned from our initial and continuing involvement in Vietnam has still not reached the White House. President Nixon stated:

> I think history will record that this may have been one of America's finest hours, because we took a difficult task and we succeeded.

Succeeded in doing what? In trying to bomb a country and its people into submission? In creating millions of refugees? In supporting a corrupt military junta? Let us be blunt about this. The misguided policy of this President and the prior Presidents involved in this war has led to the loss of about 40,000 American lives. And by continuing our present insane policy the killing will continue. The policy is simply the persistence of national pride beyond any political, economic, or moral justification. As others have said, our pride be damned.

The American public should tell the President that we will not tolerate an extension of the killing. No, not even for another month. Our troops should be withdrawn, not at slow-paced intervals which will keep us there for years, but now and immediately.

On May 15 of this year several Members of this Congress proposed that the President call for an immediate cease-fire. On July 2, I wrote to the President asking that he endorse that proposal. This past week I received the response and whether by intention or otherwise the response misses the point. The President's staff responded:

> A ceasefire is a sensitive and complex question that hopefully will be addressed to an appropriate time in the Paris talks.

That time is now. Those peace talks have been going on since May 1968, and they are going nowhere. What the President can and should do is to propose a bilateral immediate cease-fire. Let it be the other side that turns it down. Who knows, they may accept.

AID TO BASIC EDUCATION—A COMMITMENT KEPT

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

Mr. MIZE. Mr. Speaker, I am heartened by the firm support for education in the House of Representatives. This support was clearly evidenced when this body approved an amendment to the education appropriations bill restoring some $900 million to authorize programs of the highest merit and urgency.

This action by the House is not a relapse from fiscal responsibility. Rather, it is striking proof that priorities are being considered by Members who traditionally support fiscal restraint.

For instance, it is well known that about $9 billion is spent each year on welfare programs. This is several times the amount appropriated for essential education programs at the elementary and secondary level. If the Congress will continue to show commitment to basic education for the disadvantaged among us—those same disadvantaged will respond with worthwhile, productive, independent lives. I have that much faith in human nature and our fellow Americans.

Mr. Speaker, the best way to break the poverty cycle, the best way to overcome malnutrition, the best way to reduce the welfare burdens over the long run is through upgraded education for the victims—better basic education, vocational education, higher education.

This Congress, I am proud to say, has spoken this week: To the extent possible, in spite of heavy burdens in Vietnam, the crucial education programs developed over the years will receive top priority in 1970.

The Congress will support Public Law 874—aid to federally impacted areas—the Elementary and Secondary Education Act—aid to school districts for helping the disadvantaged—and other worthwhile programs.

This priority, I fervently pray, will help provide millions of Americans with the capacity to lead successful, productive lives in the years ahead.

Education is not the only element for success—there must be available jobs in rural areas, and there must be credit opportunity for the deserving—but education is among the most essential.

The Congress has initiated a pattern of support which will lead to dignity and hope for those millions long left behind by both technology and their fellow men.

TRAGEDY AT CAMP LEJEUNE, N.C.

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

Mr. COLMER. Mr. Speaker, with some reluctance I desire to call the attention of my colleagues to a tragedy that occurred recently at Camp Lejeune, N.C., and I have written it out here.

Mr. Speaker, a few days ago at Camp Lejeune, N.C., a group of militant goons, reputedly led by Black Panthers, went on a rampage with the slogan, "Get the Whities." I am informed reliably that they were armed with chains and other lethal weapons. The result was that one white marine was killed and another was so badly mauled there is serious doubt that he will recover. The marine who was killed was a constituent of mine. He was Cpl. Edward Bankston of Picayune, Miss. Another of my constituents, Sgt. Michael Vereker, of Biloxi, Miss., was badly beaten. At the same time a considerable number of other marines were mauled and severely beaten. The fact that two of these marines happen to be my constituents from Mississippi naturally is of great concern to me. However, some of the more fortunate victims of this totally unjustified and intolerable outrage were from other sections of our great common country.

As a matter of fact, some of them were from the great State of New York. And, I am advised by our esteemed colleague, Congressman MARIO BIAGGI of New York, that two of his friends, who had served on the police force with him in the city of New York and who are now on duty as marines at Camp Lejeune rescued the Mississippi boy, who later died. Congressman BIAGGI, who is no racist, has made his own personal investigation and is outraged as I am over this tragedy. In fact, the New York Congressman joined me in requesting a full and exhaustive congressional inquiry in this totally fiendish attack on patriotic and innocent victims.

Both Chairman RIVERS of the House Armed Services Committee and the Commandant of the U.S. Marine Corps, Gen. Leonard F. Chapman, Jr., have assured me that the matter is being thoroughly investigated; and that some eight of the guilty parties have been arrested and incarcerated.

Mr. Speaker, unfortunately this is not an isolated incident. These attacks have been going on for some time. Several months ago three young Marine officers from the U.S. Marine base in Quantico, on the streets of the Capital of the Nation which they were serving, were assaulted, severely beaten, and from which beating one or more of them died. Only a few days ago a woman from Ohio, whose son was hospitalized as a result of wounds received in Vietnam, came to the Nation's Capital to see her son. She was attacked on the street not too far from Walter Reed Army Hospital. She was forced into a waiting automobile, driven off to a secluded spot where she was robbed of $102 and brutally raped by six men.

Mr. Speaker, too long have these militant racial groups been pampered and as a result the chickens are coming home to roost. If a patriotic American, serving his country in the Armed Forces of the Nation, cannot be safe on a military base from felonious assault by the enemies within, God pity the future of this country. As one Member of this Congress, who has no desire to fan the flames of racial discord, I do not propose to sit idly by and see this condition continue. This dastardly episode must be thoroughly investigated and the guilty parties fully punished.

MARINES ASSAULTED AT CAMP LEJEUNE

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

Mr. BIAGGI. Mr. Speaker, I commend my colleague, the gentleman from Mississippi (Mr. COLMER), for his statement in connection with the incidents at Camp Lejeune.

Mr. Speaker, in response to telephone calls and telegrams from some of my constituents who are members of a Marines Corps Reserve unit that is currently training at Camp Lejeune, N.C., I visited and inspected that military installation on July 23.

The inspection was prompted by the fact that members of this particular Reserve unit known as the 6th Communications Battalion from Fort Schuyler, N.Y. expressed concern for their safety because of conditions at Camp Lejeune.

While at Camp Lejeune, I spoke to many Reserves and Regular marines, to both commissioned and noncommissioned officers, and reviewed the matter with Maj. Gen. Michael Ryan, commanding officer of the 2d Marine Division at Camp Lejeune, and Brig. Gen. Fred Haynes, legislative chief at Marine Corps Headquarters in the Pentagon.

My conclusion was inescapable. Yes, there was ample reason for concern at Camp Lejeune. I, therefore, recommended as an immediate measure that the Reserve unit from my district be moved to safer quarters away from a section of the installation that was obviously a trouble area. The morning after my inspection tour, General Haynes telephoned my office to inform me that there was compliance with my recommendation. He reported that the Reserve unit was moved to an area very close to base headquarters.

On Sunday, July 20, 3 days before my inspection of Camp Lejeune, 15 Regular marines were assaulted on the base during an apparent outbreak of racial violence. Three of these marines were seriously injured and required hospitalization. One of them, Cpl. Edward Bankston of Picayune, Miss., has since died. This 19-year-old youth was so savagely beaten that had he lived he would have had to undergo months of plastic surgery and treatment for the restructuring of his face.

Both General Ryan and General Haynes informed me that the outbreak of violence on July 20 at Camp Lejeune was the worst ever experienced at that installation. But they also acknowledged that a pattern of trouble occasionally culminating in assaults has been developing at Camp Lejeune for some months now.

In addition, military intelligence officers and others in a position to know what is happening have reported that a similar pattern of trouble has been developing at other military installations here and abroad. They have informed me that a growing number of disruptive activities on some military installations are posing a serious challenge to discipline and authority.

I have been advised that, in addition to Camp Lejeune, some of the military installations burdened by this problem within recent months are Fort Jackson, S.C.; Fort Belvoir, Va.; Fort Lee, Va.; Fort Gordon, Ga.; Fort Hood, Tex.; Fort Bragg, N.C.; Fort Dix, N.J.; Fort Carson, Colo.; Fort Sill, Okla.; Fort Sheridan, Ill.; and Fort Knox, Ky.

In the Army alone, some measure of the disciplinary and morale problem can be gleaned from the fact that last year 39,239 men were classified as deserters. That is the equivalent of about two and a half infantry divisions.

In addition, an estimated 5,000 young men have fled to Canada to avoid the draft and more than 200 servicemen are known to have taken refuge in Sweden, either to avoid a continuance of military duty or to escape disciplinary action.

In regard to national security, I do not say presently that the problem has reached alarming stages. But I do say that the very nature of the problem is alarming and should be dealt with by this body at this time as a matter of national interest. The signs are conspicuous; there is sound reason for action.

It is sad but accurate to say at this time that American boys are not only dying on foreign soil, but their lives are also obviously being jeopardized needlessly right within the confines of some of our own military installations. That, in my opinion, is sufficient reason alone for objective procedure.

In that regard, I offer a resolution for the creation of a select committee composed of seven Members of the House of Representatives for the purpose of conducting an inquiry of all aspects of crime and disorder on U.S. military installations. Such a committee would compile findings and recommend fair and equitable procedures for correcting the problems that now exist.

It would purely and simply deal with the disruptive, illegal, and violent acts that have taken place on some of our military installations and strive for the means of alleviating the problems within the laws of our land.

I ask that you give this resolution your most serious consideration.

RACISM

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

Mr. O'HARA. Mr. Speaker, I was horrified to learn of the brutality that had occurred at Camp Lejeune, and I want to join my colleagues from Mississippi and

from New York in deploring that sort of vicious attack by one human being on another.

I was interested, too, in learning of the resolution the gentleman from New York has introduced. I would hope that this Congress would take its obligations to examine the causes of racial animosity and hatred in this country seriously and I hope that if and when we do so, we do an even-handed job and we look at both sides of the issue. We must not stop with examining racist attacks by the relatively recently organized black racist organizations, without also examining racist attacks extending over more than a half century for which white racist organizations such as the Ku Klux Klan are responsible in many States of this country, including the State of the distinguished chairman of the Committee on Rules. Only by looking at all aspects of this problem will we learn anything and make any useful contribution to public understanding.

RESOLUTION ENCOURAGING BUSINESSES TO DISPLAY AMERICAN FLAG

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

Mr. ST GERMAIN. Mr. Speaker, one of my constituents who lost a son in Vietnam wrote to me suggesting that American companies having contracts with the Government should fly the American flag at their place of business to indicate respect for the American men who have sacrificed their lives for their country.

I considered the suggestion an excellent one, and today I am introducing a resolution encouraging American businesses which have contracts with the Government to display the flag at a suitable site on their company premises.

The flag is a symbol of our Nation. It stands for this country's ideals of achieving liberty, equality, human dignity, justice for all our citizens, and insuring their protection from any foreign adversary. The flag is a symbol of our common history and of our unity as one people.

The flag also stands for the commitments of our Government—to education, to civil rights, to health research, to the eradication of poverty, to space exploration, to the protection of our allies.

The flag is not a symbol of aggression or tyranny or thirst for power. Has any government in history done more for its people, been less of an oppressor of its own citizens, or been more concerned with helping other nations?

Businesses with Government contracts should be proud to indicate their participation in the tasks of our Government and in furthering the ideals of our Nation by displaying the U.S. flag.

They should also take pride in thereby associating themselves with the brave men and women who have given their lives under the flag for our country. At this time especially, displaying the flag would proclaim a unity with our servicemen who have died and are dying now in Vietnam.

Displaying the flag would say to all that a business' goals are not simply profit or economic power, but that a broader vision guides its efforts, that it is engaged in implementing the ideals and tasks of our Nation.

We are living in an age of symbolism. People are commonly using signs, pins, symbolic actions, and so forth for communication. The flag is a universally recognized symbol of our country—which we became aware of once again so dramatically last week when our astronauts placed our flag on the surface of the moon. And how fittingly it symbolizes the ideals of our Nation. The red and white stripes have signified liberty since the very beginning of our Nation; and, as John Quincy Adams once noted, the stars in the blue field signify our dedication to peace—a fitting banner to implant upon the moon, but no less appropriate to keep before us here on earth.

It is important for the average American to associate himself with this symbol of our country. For if only the extremists display the flag—those who would have us use nuclear weapons at the least provocation, those who want more and more of the Federal budget spent on weapons systems and none on education and social programs, those who claim that all civil rights legislation is Communist inspired, then the flag will lose its value as a symbol of American ideals.

Businesses with Government contracts can help set an example for our people. Furthermore, they often have better facilities than family homes for displaying the flag. A business can help express the true feelings of its employees, many of whom would like to display the flag but have no appropriate setting where they live. In fact, if any business or corporation under contract with the Government were slow to take up this recommendation of the Congress which my resolution proposes, I am sure that there would be employees who would take the initiative of urging their employer to exhibit the flag at their place of work.

The American companies whose work for the Government in manufacturing or research and development comprises a major part of their annual business should be proud to indicate their commitment to the ideals for which this country stands, their dedication to the tasks with which our Government is involved, and their desire to express a common unity with other Americans.

The resolution I am introducing would make it the sense of Congress that they should do this by displaying the flag of the United States during each day at an appropriate place at the site or sites of their business.

ARMY MATERIEL COMMAND FACES AND WELCOMES NEW CHALLENGES IN ITS "SECOND GENERATION"

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

Mr. FLYNT. Mr. Speaker, on August 1, the U.S. Army Materiel Command, Washington, D.C., will celebrate its seventh anniversary.

This organization is headed by an outstanding leader, a great soldier, a dedicated citizen, a man who is respected by all who have had the privilege of knowing him. Gen. Ferdinand J. Chesarek is a public servant of the highest order. His greatest desire is to serve his country and sustain and protect and provide for our soldiers wherever they are stationed. It is my personal privilege and I am sure the privilege of my colleagues to salute Gen. Ferdinand J. Chesarek and his associates at the U.S. Army Materiel Command on this, their seventh birthday. Personally, and for the sake of our Nation, I wish General Chesarek a long and continually successful life.

At this time I would like to insert in the RECORD "Army Materiel Command Faces and Welcomes New Challenges in Its 'Second Generation' ":

ARMY MATERIEL COMMAND FACES AND WELCOMES NEW CHALLENGES IN ITS "SECOND GENERATION"

Terming the Army Materiel Command's support of the U.S. forces in Vietnam "an event that will stand tall in military history," General F. J. Chesarek, Commander of the Army's huge supply organization, today challenged its more than 177,000 military and civilian personnel to "consolidate our experience, refine our procedures, and develop new methodologies for the difficult tasks which lie ahead."

In a message disseminated to AMC's 180 installations and activities throughout the United States, on the occasion of its seventh anniversary, General Chesarek pledged the Command "to prove through performance that it is the master of the sciences of research, development, procurement, distribution and maintenance."

General Chesarek's declaration that "the second generation of AMC will be tough, professional, confident and alert" coincided with a message to AMC personnel from General W. C. Westmoreland, Chief of Staff of the Army, in which he expressed confidence that AMC's future accomplishments "will fully measure up to its established reputation."

Commenting upon AMC's past record, General Westmoreland said:

"In the difficult task of combining the most recent scientific and technological developments with present and future needs of the Army, you are ensuring that our soldiers are the best equipped in the world. While accomplishing this tremendous undertaking, you have reduced the number of project managers and made possible a higher level of responsiveness to requirements from the field. In addition, through your Integrated Logistic Support Planning, we are assured that necessary logistical support and instructions are available when new weapons systems are sent to the field."

An initial step in streamlining AMC's organization and improving its effective operation in support of the Army in the field was taken in May of this year with a realignment of the Command's Washington, D.C. Headquarters. The realignment involved the appointment of a Deputy Commanding General for Materiel Acquisition, who will center his attention on the industrial base, and a Deputy Commanding General for Logistics Support, who will focus upon supporting the Army in the field. These deputies were named in addition to the existing principal Deputy Commanding General, the CG's chief assist-

ant and resource manager, and already established Deputy for Laboratories. Simultaneously the previous total of 67 project managers was reduced to 49 by the elimination of 10, whose functions are being assigned to major subordinate commanders, and by combining eight with other project manager officers.

Under these realignments, the AMC Commander's span of control will be reduced about 60 percent. Instead of the 190 commands, agencies, or individuals reporting directly to the Command Group, there will be only 78.

Efforts also are underway to secure suitable office space to consolidate the AMC headquarters, now scattered in five government-owned facilities and four commercial office buildings, at a single site in Northern Virginia within a 10-mile radius of the Pentagon. Target date for the move is the Fall of 1971.

Specific actions taken by AMC during the past twelve months to support U.S. forces in Vietnam and to increase the over-all readiness of the Army in the field ranged from advances in support techniques to the development and introduction of new or improved items of weapons and equipment.

The following are typical of AMC actions over the past year designed primarily to contribute to the increase effectiveness of U.S. and allied combat forces in Vietnam:

AMC established VLAPA (Vietnam Laboratory Assistance Program, Army) to provide quick reaction, in-country, scientific and engineering assistance to U.S. Army forces in Vietnam. Under VLAPA, AMC laboratory representatives in Vietnam are allowed to levy their parent laboratories for quick engineering solutions to problems they encounter in the field. Some of the requests fulfilled or being worked on under the program include the aircraft crash position locator, paraglider evaluation, combustible cartridge support, and new packages for water purification tablets.

The newly-developed M551 armored reconnaissance/airborne assault vehicle, the General Sheridan, was initially deployed to Vietnam and committed to combat in February. According to field commanders, the weapon system has made a significant contribution to the firepower and mobility of using units.

As a result of an AMC development project the M113 armored personnel carrier was equipped to perform as an assault bridge. Bridging equipment consists of the launcher and the bridge itself—a modified box forming two treadway sections folded at the center for carry. Twenty-four units have been shipped to Vietnam for operational evaluation.

Under AMC direction Combat Evaluation Tests of five Vulcan Air Defense Weapon Systems were conducted in Vietnam. During the tests the systems were credited with stopping and destroying two ambushes and inflicting heavy enemy casualties in their ground support role.

AMC accelerated development of a 420-gallon-per-hour lightweight water purification unit for use in Vietnam, which was shipped to Vietnam for support of battalion-size mobile forces.

AMC continued to emphasize its program to obtain civilian employee volunteers for overseas assignments in support of users of Army materiel. As of July of this year, approximately 500 AMC personnel were in a "ready" position to provide quick reaction assistance when requested by commanders in Vietnam and other overseas areas.

In the field of aircraft development, maintenance and armament, AMC made numerous advances which will directly enhance the Army's combat effectiveness:

A new armament subsystem (XM35) was developed for the recently-deployed AH–1G Hueycobra helicopter. It consists of a 20mm six-barrel gun mounted on the left wing inboard station of the aircraft in a fixed position. The gun is capable of firing 750 rounds per minute. Later in 1969 a new armament subsystem XM59, caliber 0.50 machine gun, pintle mounted, is expected to become available for use on the UH–1D or H helicopter.

Also in final stages of development is the new CH–54B heavy lift helicopter. This helicopter is an improved version of the CH–54A, which has proved its value in Vietnam by recovering downed aircraft worth more than the total system cost. The CH–54B has greater safety and better maintainability than its predecessor and can lift a heavier payload.

Pre-production models of the newest version of the OV–1 Mohawk surveillance aircraft, the OV–1D, have been accepted by the Army for testing. Improvements over earlier models include interchangeable infrared and side looking airborne radar surveillance systems, increased engine power and installation of an inertial guidance system.

Turbine aircraft engine overhaul and repair production at the Army Aeronautical Depot Maintenance Center increased by 37% during the past year, compared with Fiscal 1968. Production has climbed to an output of more than 600 engines per month from a beginning figure of 19 engines in 1962.

Currently under development is a 50,000-pound capacity airdrop system for the C–5 aircraft, which will be able to airdrop four such loads. A new 135-foot parachute for use in the system has completed engineering design tests.

Advances also were made in the development, production and deployment of missiles and other weapons:

Engineering development was completed in what may be considered the most important breakthrough in mechanical time fuzes for artillery since World War II. The new fuze, which will undergo extensive field tests soon, features greater accuracy, greater coverage of optional time settings, universal application to all artillery calibers, improved decisive setting action and improved sealing against moisture and temperature environments.

Lance, the Army's newest battlefield artillery missile, now in engineering development, successfully completed a series of critical environmental flight tests. Lance is capable of carrying either a nuclear or conventional warhead and is the first Army missile to use pre-packaged storable liquid propellants.

A confirmatory test of the 20mm Vehicle Rapid Fire Weapons System for the M114A-1E1 Command and Reconnaissance Vehicle was completed in Europe. The new vehicle gives scout and reconnaissance personnel added firepower.

Vigorous flight tests against both moving and stationary targets were conducted with the shoulder-fired Dragon antitank missile system. In addition to its antitank capability, the Dragon can provide assault fire against such hard-point targets as weapon emplacements and field fortifications.

Units of the new Self-Propelled Hawk missile were shipped to Europe in preparation for issue to troops. The low-altitude, all-weather Hawk system was developed to provide a highly mobile air defense capability in forward areas. The launcher tows necessary radar and equipment for system operations.

AMC continued to progress in its continuing programs to meet the Army's immediate and long-range requirements for new and improved vehicles:

The United States/Federal Republic of Germany Main Battle Tank Program is utilizing six research and development pilot models in component tests ranging from a 6,000-mile National Waterlift suspension test run to main weapon fire control testing and missile firing tests. Six additional second generation prototypes are under fabrication, incorporating lessons learned during early component testing.

A contract has been awarded for development and production of 18,000 new cargo vehicles—the XM705, 1¼-ton truck—over a three-year period. The V8-powered XM705 will be a general purpose companion vehicle to the 1¼-ton, high mobility Gama Goat. The six-wheeled Gama Goat is in the early production stages and is expected to be issued to front-line Army and Marine Corps units in the Spring of 1970.

A new model ¼-ton truck incorporating many new design features to increase the vehicles' operational safety, reliability and durability has been approved for production. The improved model features a new rear suspension system, "Deep-dish" steering wheel, "lube-for-life" suspension and steering joints, and improved lighting on front and rear. Designated the M151A2, it replaces the A1 model in the military vehicular fleet.

A program of rebuild and retrofit of M48A1 tanks to the M48A3 improved configuration for use in Vietnam was completed in FY 1969. Major improvements include a diesel engine to increase cruising range and a Xenon searchlight and an infrared fire control sighting device to improve night fighting capability.

Assembly-line output of the new M656, 8x8, 5-ton truck started during FY 1969. The M656, newly added to the Army's general purpose fleet of tactical vehicles, has been selected to support the surface-to-surface Pershing missile system.

Approval is expected soon of the contract definition phase of the Armored Reconnaissance Scout Vehicle (XM800). The concept formulation phase was completed during Fiscal 1969. The small, lightweight, lightly armored, highly mobile XM800 will replace the M114A1 in the Army inventory.

The Mechanized Infantry Combat Vehicle (MICV) is expected to enter the contract definition phase later this year. The MICV is to be lightly armored, with protected cross-country mobility. It will have a firepower capability to support the mechanized infantry squad.

The Mobile Floating Assault Bridge/Ferry, a versatile amphibious vehicle, has been tested in Europe by Seventh Army troops. In the Ohio River test, a six-unit ferry successfully transported vehicles with a total weight of 118½ tons.

The following actions accomplished during the past year indicate the wide range of activities through which AMC is contributing to the world-wide logistical support of the U.S. Armed Forces:

Expansion of Project ARMS (Army Master Delta File Reader Microfilm System), which involves transmittal of supply management data via microfilm to the Army in the field, has raised to 1,100 the number of microfilm readers in use in the program. These readers are located within Regular Army units throughout the world, as well as National Guard units, Military Assistance Advisory Groups, and friendly foreign governments. Many advantages are accruing to the U.S. Government through providing supply management data to potential customers.

A new electronic data converter system (Data Converter, Coordinated Air Defense System, AN/GSA–77) has been developed to integrate Nike Hercules and Hawk missile batteries into Air Defense Control and Coordination Centers. The system represents the first application of micro-electronic technology to this type of equipment.

AMC played an important part in regard to procurement of units for the Department of Defense standard family of electric power generator sets. The Army has been designated executive agent for fielding the sets. AMC, through coordination with the other military services and Defense Supply Agency,

reduced the number of standard engine generator sets from 69 to 46 during FY 1969.

Specific improvements in overhaul methods, including installation of electrostatic paint spray equipment and standardization of the metal cleaning process, produced savings of more than $1.25 million during FY 1969.

As of the end of FY 1969, AMC was managing 16 coproduction projects with six foreign countries and NATO. Through these projects, which cover 15 different items of military hardware, some $500 million will be spent in the United States.

Under Project SWAP, early this month battalion-sized "packages" of improved Pershing Missile equipment, known as Pershing 1–A were loaded aboard the GTS Admiral William M. Callaghan at Port Canaveral, Florida for delivery to Bremerhaven, West Germany. On arrival, it will be "swapped" for the ground support equipment of present U.S. Army Pershing Missile units. The most apparent difference in the system is a change from track-laying vehicles to a new wheeled version. Other improvements include a computerized countdown and firing system, a fault isolation capability, expanded communications, a faster rate of fire and greater reliability. When SWAP is completed the U.S. Pershing battalions will have been fully updated with modern, fast reacting ground support equipment.

During the past year, AMC continued to win more than its share of formal awards and commendations for its performance in all areas:

The Command won the FY 1968 Department of the Army Award of Honor for the best safety program in worldwide competition with other major commands. It was the third consecutive time, and the fourth in six years, that AMC has been so honored. In addition, the National Safety Council recognized AMC's safety achievements during FY 1968 with the NSC Award of Honor. It was the fifth such award in six years.

Two films produced by the Army Pictorial Center (R&D Film Reports #34, "Seeing the Unseeable" and #35, "Fluerics—Thinking with Air") were awarded top honors, "The Golden Rocket Award," in the Popular Science Film Category, at the 16th Annual International Electronics, Nuclear and Telecommunications Congress, Rome, Italy.

Industrial Management Society film awards were won again by AMC in open competition with films entered by the nation's leading industrial firms. U.S. Army Missile Command won first place for its value engineering film, "Value Management". In the methods improvement category, Sharpe Army Depot won first place for its film, "CONEX Portable Warehouse," and Frankford Arsenal (U.S. Army Munitions Command) won a second place award for the film, "Work Simplification Project 321."

AIR TRAFFIC CONTROLLERS

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

Mr. MOSS. Mr. Speaker, I have become increasingly disturbed over the actions taken by Mr. John Shaffer, Administrator of the Federal Aviation Administration, in unilaterally canceling the dues deduction agreement with the professional Air Controller Association.

Mr. Speaker, the job of an air traffic controller is not under the most ideal conditions an easy one. Under the conditions existing in many of the airports of our Nation, it is an onerous undertaking. Those conditions have caused considerable resentment on the part of the men who have devoted many years of their life to serving the Government and the traveling public.

I do not question the authority of Mr. Shaffer to take action on an individual basis against persons who have acted in flagrant disregard of Federal law or Federal personnel policies, but I question the wisdom most seriously of a man who would take action against an entire body of many because of alleged wrongdoings of a fractional percentage; I might add, a most insignificant fractional percentage of the total of the organization. I am afraid the action of Mr. Shaffer reflects the lack of adequate experience in dealing with personnel problems, and unless he learns very quickly, the Nation will reap a whirlwind of disastrous portions because of his almost naive approach to the handling of relations with the men under his jurisdiction.

To indicate the attitude of the men themselves, I enclose a copy of a petition presented by a group of 175 control personnel in the San Francisco Bay area. I would call to the attention of all Members the years of service represented and the grade levels represented by the signers of the petition. I would say the two points focus most directly upon the thorough qualifications of the men for the job they hold and their dedication to the service in which they are engaged.

The petition and the names of the signers follow:

JULY 22, 1969.

Hon. JOHN E. MOSS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOSS: Enclosed is a copy of a petition which was presented to Mr. John Shaffer, Administrator of the Federal Aviation Administration, on July 18, 1969, during his recent visit to the San Francisco Bay area.

Because we have been informed by various sources that you are interested in the current air traffic crisis facing the United States, we believe that you would want to be apprised of this petition. Any assistance and action toward accomplishing its purpose will be greatly appreciated.

This petition was endorsed, independent of any organization, by 175 control personnel in the San Francisco Bay area. We feel implementation of its recommendations would contribute significantly to serving the best interests of the public, and the Federal Aviation Administration's purported purpose: safe travel by aircraft.

If you are so disposed, we earnestly solicit your aid in helping us provide the *safe* service the public deserves. May we assure you, Congressman Moss, that our desire to contribute to the correction of the present and increasingly pathetic crisis, *before an air tragedy occurs,* is sincere, genuine, and urgent.

Thank you.

PETITION

To John Shaffer, Administrator, FAA.
From the undersigned.
Subject petition.
Date July 18, 1969.

SIR: The undersigned control personnel of the control facilities located in the San Francisco and adjacent areas respectfully present this petition for action by the responsible authorities.

For the purpose of clarification, be it known and thoroughly understood that this petition is not derived from the desires of any organization; rather, it is an expression of the individual controllers who have chosen to endorse it.

Recently, many controllers throughout the United States have, by various means, conveyed their personal dissatisfaction with the conditions prevailing in their profession. This discontent extends to—and beyond—consideration of remuneration, retirement age, etc. The simple point has emerged: controllers are not tranquil and contented in their working environment.

Perhaps the Federal Aviation Administration would like to know why this condition exists. The signers of this petition cannot purport to represent all controllers, but they do consider their views as representative of many personnel in other facilities.

As virtually all conscientious controllers in high-density facilities would agree, and as all persons in lesser-density facilities—at least those with a modicum of five-year foresight should agree—the air traffic control system has reached a point of near chaos under saturation traffic conditions.

Why has this situation occurred? Certainly, controllers are dedicated, hard-working individuals; they maximize the aids allocated to them; the fault is not solely theirs. Controllers are professionals dedicated to the prevention of aircraft collisions and the correspondent preservation of human life. Should the controllers fail in this task, however, the burden of responsibility must be equally borne by a management which has provided very few qualified controllers, insufficient and sporadic training, substandard equipment, inadequate procedures, and bureaucratized, unresponsive attitudes to bona fide controller needs.

The recent discontent manifested by controllers concerning this situation has resulted in a continuing investigation and harassment of the very persons directly responsible for safe travel by aircraft—the controllers. We, as controllers, protest this action and request that the inquiry be directed into the long-range area where the ultimate bottlenecks to safe and orderly aircraft movement lie, i.e., in the area of management.

We desire that the present inquiry concerning controller actions during the month of June, 1969, be redirected into this area under the proceeding guidelines:

1. All management personnel be investigated for possible mismanagement and incompetence.

2. The inquiry be impromptu and not announced.

3. Special emphasis be placed on those facility officers who have held their positions more than ten years, thereby enabling them to erect massive substructures based on semi-patronage.

This request is based on the following premises:

1. Controllers must meet their job-requirements, but management has a reciprocal responsibility to furnish an adequate environment in which to accomplish these ends.

2. Management will attempt to defend the system they have built, however inadequate it may be, and this situation must be taken into account.

Denial of this request will only worsen the present situation and further complicate future progress. This petition constitutes a desire for understanding, a plea for some semblance of rational thought on the part of the Federal Aviation Administration, and an effort to establish order in present and pending chaos.

SAN FRANCISCO AREA CONTROLLERS.
(Signatories.)

(NOTE.—This petition was endorsed by 175 Control Personnel from the Oakland A.R.T.C.C., Bay TRACON, and San Francisco Tower.)

(Signature, current G.S. grade, and length of Federal service)

Richard L. Usson, 12, 10 years.
Hersey Wright, 12, 9 years.
Richard H. Holzhauer, 12, 14 years.
Kenneth W. Barton, 12, 15 years.
Calvin W. Steel, 12, 8 years.
Joseph R. Bpe, 12, 16½ years.
Forrest E. West, 12, 13 years.
R. O. Sigrist, 12, 14 years.
Warren J. Kreach, 12, 18 years.
Terry D. Falkner, 12, 10 years.
R. S. A———, 12, 14 years.
Baysite B. Ward, 12, 14 years.
Barry C. Airey, 12, 11 years.
Douglas G. Smith, 12, 8 years.
Robert E. Beyer, 12, 14 years.
Jos. Ellingsworth, 12, 15 years.
James E. Tohey, 12, 8 years.
Robert S. Potter, 12, 12 years.
Paul Kelley, 12, 12 years.
Fred Benedict, 12, 20 years.
James D. Hosford, 12, 9 years.
Robert Borden, 12, 12 years.
Verg D. Mansgoing, 11, 2 years.
Teozil McConhachino, 12, 13 years.
Donald Wunn, 12, 14 years.
Charles A. Heath, 12, 16 years.
Robert Ega, 12, 13 years.
Harvey A. Johnson, 12, 9 years.
John E. LaPosier, 11, 5 years.
Alex C. Sala, 11, 8 years.
Gerald A. Dickson, 12, 13 years.
Jack L. Drager, 12, 19 years.
Charles O. Maky, 12, 32 years.
Roy B. Blount, 11, 6 years.
Gordon K. Trimble, 9, 4 years.
James R. Edler, 12, 6 years.
Charlotte Kositch, 12, 15 years.
William Saffay, 9, 4 years.
James T. Wille, 11, 5 years.
David E. Kemp, 12, 19 years.
Charles R. Cox, 9, 5 years.
Robert T. Meyer, 9, 10 years.
LeRoy Zerah, 12, 15 years.
Frank B. Wilwin, 11, 2 years.
Levino R. Garcia, 12, 10 years.
David Wynn, 9, 8 years.
Robert L. Lowe, 12, 14 years.
Larry W. Swanson, 9, 2 years.
D. V. Torchin, 9, 2 years.
Harvey Bieber, 12, 13 years.
J. Neyhib, 11, 1½ years.
H. J. McVeigh, 12, 2½ years.
David L. Green, 11, 10½ years.
Sid S. Solomon, 12, 18 years.
Frank R. Taylor, 12, 10 years.
Leslie E. Resur, 12, 5 years.
Jack Williams, 12, 17 years.
Joseph C. Marlitz, 12, 25 years.
Richard D. Ulan, 12, 14 years.
Bob C. Crossdall, 12, 10 years.
Larry L. Scheuffele, 11, 4 years.
Diana Bradford, 9, 2 years.
Donald G. McDonald, 12, 8 years.
John A. Driskill, 12, 16 years.
Ronald E. Manville, 12, 12 years.
Kenneth E. Anderson, 12, 10 years.
L. D. Thompson, 12, 12 years.
G. Banchems, 9, 2 years.
R. L. St. John, 12, 32 years.
Joe E. Coltrain, 12, 15 years.
Lee E. Olson, 9, 2 years.
Carroll W. Park, 12, 17 years.
Edmond A. Chadwick, 12, 10 years.
Bruce C. Butte, 9, 2½ years.
D. F. Durant, 12, 30 years.
W. L. Burns, 9, 8 years.
Richard Trewhitt, 9, 2½ years.
Frank Blaken, 9, 22 years.
Joe I. Segura, 12, 16 years.
James A. Woody, 12, 15 years.
Earl N. Sunday, 12, 22 years.
Steph L. Bradley, 12, 5 years.
Myron L. Chaman, 12, 10½ years.
James C. Heath, 12, 5 years.
Wayne L. McLaughlin, 12, 18 years.
Raymond H. McKinney, 12, 10 years.
Douglas Nultey, 9, 2½ years.
David Rolley, 12, 10 years.
Nicholas C. Davis, 12, 12 years.
Reono J. Kosa, 12, 20 years.
Floyd C. Bishop, 12, 22 years.
Gerald D. Gibson, 12, 14 years.
Rudolfo R. Lucaso, 12, 14½ years.
John F. Dodcup, 12, 14 years.
Edward DeVille, Jr., 12, 14 years.
George R. Seyboldt, 12, 16 years.
Thomas A. Hager, 12, 32 years.
William A. Denton, Jr., 12, 21 years.
Thomas L. Whiting, 12, 10 years.
Edward L. Lippman, 11, 7 years.
Glenn Tom Woods, 9, 1 year.
Cyril R. White, 9, 14 years.
W. C. Wilson, 9, 21 years.
Jeb Aston, 9, 5 years.
John D. Simpson, 9, 15 years.
Michael H. Scott, 12, 5½ years.
D. L. Warwick, 11, 21 years.
F. D. Lippman, 11, 8 years.
C. M. Olin, 9, 1½ years.
C. B. Goodnight, 9, 2½ years.
P. B. Romney, 12, 13 years.
R. F. Templeton, 12, 17½ years.
Ronald S. Ryan, 12, 14 years.
Lawrence B. Kordin, 12, 7 years.
Donald Pittman, 11, 12 years.
James McRory, 12, 10 years.
Robert Metz, 12, 10 years.
Thomas F. Kulter, 11, 5 years.
Paul L. Clements, 12, 10½ years.
Charles F. Egan, 12, 14 years.
Steve Brigham, 12, 12 years.
Harold B. Chartte, 12, 9 years.
Charles F. Afer, 12, 13 years.
George E. Gorman, 12, 28 years.
Lee C. Sterner, 12, 15 years.
Vernon J. Riske, 12, 12 years.
C. A. Flatt, 9, 5 years.
Stuart J. Dodge, 9, 3 years.
Robert G. Pohms, 9, 15 years.
Leroy C. Hilton, 11, 8½ years.
James E. Pearge, 12, 19 years.
Herrel O. Taylor, 11, 15 years.
Robert C. Weaver, 12, 16 years.
Ralph L. Skaag, 12, 14 years.
Robert N. Quik, 9, 5½ years.
William Patrick O'Brien, 12, 16 years.
R. F. Davis, 12, 16½ years.
B. Stamp, 9, 3½ years.
J. R. Coolidg, 11, 7½ years.
J. Sheltin, 12, 15 years.
John D. Conrad, 12, 13 years.
Robt. A. Knight, 11, 5 years.
John M. Coon, Jr., 9, 8 years.
Daryl J. George, 12, 13 years.
P. W. Kamtman, 12, 13 years.
Cara Sims, 12, 17 years.
Kermit Nourse, 12, 12 years.
George M. Bell, 13, 10 years.
James A. Johnston, 13, 12 years.
Wendell E. Hartley, 13, 12 years.
William F. Fitzgerald, 13, 10 years.
Harold F. Heinrich, 13, 12 years.
Roger D. Stoddard, 13, 10 years.
Robert Amelin, 13, 9 years.
William J. O'Connor, 13, 11 years.
Charles T. Henderson, 13, 9 years.
William Melech, 13, 14 years.
Guy P. Brawly, 13, 9 years.
Keith Sinclair, 13, 19 years.
James E. Gray, 13, 22 years.
Howard L. Hawkins, 12, 14 years.
Eugene Klein, 13, 19 years.
Daniel K. Martin, 11, 11 years.
Fred C. Short, 13, 10 years.
Edwin T. Newberry, 13, 15 years.
Donald R. Mullin, 13, 13 years.
L. K. Jones, 12, 10 years.
Philip Lowenstein, 12, 34 years.
R. S. Bradley, 12, 18 years.
Leon C. Grand, 12, 8 years.
Neil H. Harris, 12, 21 years.
Robert T. Paris, 12, 16 years.
Donald G. Czyllo, 12, 18 years.
Joseph Bugarlo, 12, 11 years.
Donald G. Czyllo, 12, 18 years.

RETIREMENT OF GEN. JOHN P. McCONNELL

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

Mr. ANDREWS of Alabama. Mr. Speaker, at this very hour a retirement ceremony is being held at Andrews Air Force Base on the occasion of the retirement from the Air Force of their Chief, General McConnell.

Members of our Subcommittee on Defense were invited out there, and it was with regret that we had to forgo the occasion. I had planned to go with the gentleman from Pennsylvania (Mr. FLOOD), and the gentleman from Florida (Mr. SIKES), but due to the importance of the bill on the floor at this time, which is being handled by Mr. FLOOD, it is impossible for us to be out there.

General McConnell has had a brilliant career in the military service of this country. I hope that in retirement he will find a lot of rest and happiness.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, I express my appreciation to my distinguished friend from Alabama for calling to the attention of the House the outstanding service of General McConnell. I associate myself with all the gentleman from Alabama has said in commendation of that really great officer. His has been one of the most distinguished records in Air Force annals. For him, retirement is richly earned, but the Nation will greatly miss his valuable services.

I, too, regret very much that it is not possible for us to be present to pay him tribute on this occasion.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I join with my friend the gentleman from Alabama, and with my friend, the gentleman from Florida. The three of us have been on the Defense Appropriations Subcommittee since it was established 20 years ago. We have seen General McConnell come up through the ranks. We admire him and respect him. It is only because of our present duties that we cannot be with him on this occasion today.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I, too, identify myself with the fine statements made by the gentleman from Alabama and the gentleman from Florida, and the gentleman from Pennsylvania. I, too, have served for years on the Appropriations Subcommittee for Defense. There I have had the privilege of knowing General McConnell. He had a long and distinguished career, is a fine man and citizen. May I say that I planned to attend the ceremonies also. We all regret very much that we cannot be there. To

General McConnell and his family we wish the very best in the years ahead.

A CHANGE IN THE FISCAL YEAR IN THE HOUSE OF REPRESENTATIVES

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

Mr. CONABLE. Mr. Speaker, I am introducing a bill today which would change the beginning date of the fiscal year to January 1. It is a change which will enhance the efficiency of the departments and agencies and allow the Congress time to act on appropriations bills before the fiscal year begins.

We are today in a fiscal year which is 1 month old, but our delay in funding programs for this year is a tacit recognition of the impracticality of such a schedule. Since the Federal budget has grown so large in the 1960's, it is taking Congress longer each year to review department requests for funds. As a result, appropriations for Federal programs are almost never available at the beginning of the fiscal year on July 1. Only six of the 13 regular appropriations bills have been approved by the House to date and only two have been acted on by the Senate. No appropriations bill has been signed into law and appropriations for such important programs as defense, public works, and transportation have not even emerged from committees. Some time later in the fall, when the fiscal year is nearly half over, the last of the appropriations bills will be enacted and the Government agencies will know how much money they will have for the next several months. In the interest of sound administration, they should have this for the full year.

If the timetable of congressional action were followed within the framework of a January-to-December fiscal year, these agencies would be able to make firm plans and commitments for the next fiscal year in advance of its beginning date. The need for these agencies to mark time on the basis of continuing resolutions would end and a new ability to respond more quickly and flexibly to needs as they arise would take its place. We criticize these agencies for not responding faster to needs, but often they are unable to proceed for lack of a firm budget. School programs which must proceed in September are particularly handicapped by this uncertainty.

A fiscal year which begins in January would require the Government to project its plans 2 years ahead rather than 18 months as now. If the present system worked as it was intended, this would be the disadvantage it seems, but the beginning date of July 1 is a fiction. The timespan under the present system frequently lacks only a month or so of being 2 years. The real advantage of timely appropriations outweighs this largely theoretical disadvantage of longer planning time.

Another consideration is that the tax year presently runs on a calendar year basis. It would be a help to have the fiscal year coincide with this other very important financial year.

Mr. Speaker, I hope this proposal will receive the serious consideration of the Congress.

REGULATION OF SEXUALLY PROVOCATIVE MAIL

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

Mr. ERLENBORN. Mr. Speaker, obscene mail is an increasing concern to my constituents, and I expect a concern to people throughout the United States. This concern is most assuredly justified when one considers the extensive flow through the U.S. mails of so-called advertising material which can only be described as hard-core pornography.

Many bills have been introduced to stop this abuse. They are suspect, however, on constitutional grounds or are impractical from an administrative point of view. My cosponsors and I have a legislative proposal which we believe meets both of these objections. The proposal is based on an approach recently suggested by Senator BIRCH BAYH of Indiana. The cosponsors are: Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ARENDS, Mr. CARTER, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. CORBETT, Mr. DERWINSKI, Mr. DONOHUE, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. HAMILTON, Mr. LUKENS, Mr. MCCLORY, Mr. MCCLURE, Mr. MCEWEN, Mr. MANN, Mr. MICHEL, Mr. MOSHER, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RONAN, and Mr. SCOTT.

Our bill would stop those who would invade the privacy of the home with smut mail; and it would help parents in protecting their children from exposure to pornography.

Briefly, it would prohibit the use of the U.S. mails to send sexually provocative materials, first, to any home unless the occupant specifically asked for such materials; and second, to minors in any State having laws prohibiting dissemination of obscene materials to minors. This means 36 States and the District of Columbia.

A section-by-section analysis of our proposal, the Sexually Provocative Mail Regulation Act of 1969, is as follows:

Section 2:

1. Finding by Congress that:

U.S. mails are being utilized to exploit sexual sensationalism;

Intrusion of sexually provocative materials into the American home constitutes an unwarranted invasion of the right of privacy;

Such intrusion lessens the ability of parents to protect their minor children from harmful materials.

2. Declaration by Congress that such use of the U.S. mails is contrary to public policy and the welfare of the American people.

Section 3 Amends Chapter 51 of title 39, U.S. Code, by adding a new section which:

1. Prohibits the depositing in the U.S. mails of any sexually provocative material pertaining to nudity, sexual conduct, sexual excitement or sadomasochistic abuse:

Unless the material is *addressed* to a *person* who has *specifically indicated* his desire to receive such material;

If such material is addressed to a minor in a State having laws prohibiting dissemination of such materials to minors.

2. Prescribes notification format to be used for determining if persons on the mailing lists of dealers in sexually provocative materials wish to receive such materials.

3. Allows only *non-illustrated* notifications to be sent *only in names of individual persons or organizations.*

4. Requires senders of sexually provocative materials to remove names of minors, and individuals not wishing to receive such materials from their mailing lists.

5. Authorizes the Postmaster General to issue appropriate regulations to carry out the provisions of the section.

6. Defines the terms "nudity," "sexual conduct," "sexual excitment," "sadomasochistic abuse," and "sexually provocative materials."

7. Provides for the mailing of publications which might fall within the above definitions if such material therein constitutes only an insignificant part of the whole publication (e.g., legitmate medical encyclopedias, textbooks, etc.).

Section 4 Amends Chapter 71, title 18, U.S. Code, by adding a new section which:

Provides for fines up to $50,000 or imprisonment of up to 5 years, or both, for violations.

The bill would place the administrative workload where it belongs, that is, on the purveyor of smut material rather than on the Post Office Department or the Department of Justice.

Most importantly, this bill would immediately and constitutionally stop the flow of unsolicited, hard-core smut advertising through the U.S. mails. It would serve to enforce the police powers of the States; and it would encourage the lagging States to enact appropriate laws for the protection of minors from sexually provocative materials.

Mr. Speaker, I am sure that all Members of Congress wish to help stem the tide of unwanted pornography which is flooding our homes. I urge them to support our proposal which is being introduced today.

ACTION AGAINST PORNOGRAPHY NEEDED NOW

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

Mr. MCCLORY. Mr. Speaker, I commend the gentleman from Illinois (Mr. ERLENBORN) on his statement and his initiative. I am in full support of the bill introduced by my good friend from Illinois, and cosponsored by myself and other Members.

There is little need to advise the Members of this body of the kinds of offensive materials that are daily being mailed, unsolicited, to the homes and offices of our constituents. I have received many letters complaining of this practice and I know that other Members have received similar complaints.

The question we must all face is: Will this House finally take action to halt the practice?

Mr. Speaker, in addition to cosponsoring this bill, I had the privilege earlier this year of cosponsoring legislation proposed by the President and introduced by the distinguished ranking minority mem-

ber of the Judiciary Committee (Mr. McCULLOCH). The bill introduced today by Mr. ERLENBORN takes a somewhat different approach than that of the administration.

One of the administration proposals allows any person who does not want to receive sexually oriented advertisements through the mail, to file a statement to that effect with the Postmaster General. After 30 days, the mailing of any such sexually oriented advertisement is illegal. The bill I cosponsor today, shifts the burden to the advertiser to obtain permission of the recipient before mailing the offensive material. Further, it prohibits altogether the mailing of offensive material to minors where the minor's State of residence has a law prohibiting such dissemination. Significantly, however, the Erlenborn bill does not prohibit the mailing of sexually oriented material to persons ordering it themselves.

In the long run, this may be the best way to fight the battle of pornography. By the enactment of this bill, we would protect our young people and at the same time rely on the mature judgment of our adult citizens to decide the issue of obscenity for themselves. Those adults who are interested, are not deterred, but the vast majority of Americans will no longer be faced with unordered smut.

Mr. Speaker, I consider both of these approaches to be worthy. Of course, we are all conscious of the first amendment, protecting freedom of speech, and none of us desires to violate its provisions. However, we are also conscious of the vast disruption created in our land by unwanted pornography. As always, it is up to the Congress to find a solution that deals with society's specific needs while at the same time upholding the spirit of the Constitution.

It is my hope that speedy and thorough committee action can be taken and that this measure may be passed and approved so that the overwhelmingly majority of our constituents can be protected.

DAY OF BREAD RESOLUTION

(Mrs. MAY asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. MAY. Mr. Speaker, I am pleased to introduce today with 17 cosponsors, a joint resolution designating October 28, 1969, as a Day of Bread, and the week within which it falls a Harvest Festival Week. The proposal also calls upon the President to issue annually a proclamation calling on the people of the United States to join with those of other nations to observe this Day of Bread and Harvest Festival Week with appropriate ceremonies and activities.

The purpose of these observances, Mr. Speaker, will be to give universal recognition to the role played by wheat and its products in the nourishment of mankind throughout human history. Since bread has long been symbolic of all foods, these observances will also permit us to pay tribute to their contribution in meeting the most fundamental of all human needs.

As a representative of one of the largest and most productive wheat-growing areas in the Nation—the Fourth Congressional District of Washington State—I am especially happy to have the opportunity to sponsor this proposal. I feel it is most important that the American people have a good understanding of just how much U.S. farmers have contributed to our standard of living and way of life in this country, and all over the world. If a Day of Bread were to serve no other purpose than this, it would be a most worthwhile and productive observance.

A number of other countries celebrate a Day of Bread and our efforts in the United States would be closely coordinated with them. By joining with them in these observances we can also make a positive contribution toward greater international communication and understanding.

Mr. Speaker, the American Bakers Association, the Millers' National Federation, and the National Association of Wheat Growers are to be highly commended for their active interest and enthusiastic support with regard to this proposal and a nationwide program of observance of a Day of Bread and a Harvest Festival Week which they have planned for 1969.

GEN. JOHN PAUL McCONNELL

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise today to add my voice to those who have spoken of the military career of Gen. John Paul McConnell, Air Force Chief of Staff. This renowned son of Arkansas was honored with retirement ceremonies today which I know would have been attended by many, many Members of the Congress—were it not for the important legislation before the House.

But as impressive as the Andrews Air Force Base ceremonies surely were—I find it difficult, if possible at all, to pay adequate tribute to General McConnell for the service he has rendered to his country.

He was born in Booneville, in my congressional district, February 7, 1908. By the time he received his congressional appointment to West Point, John Paul McConnell had also earned a bachelor of science degree from what is now Henderson State College at Arkadelphia. He was truly a brilliant student.

He demonstrated that same brilliance in the Military Academy, from which he graduated in 1932—as first captain of the Corps of Cadets.

Lieutenant McConnell chose the Air Corps for his career, won his wings in 1933—and from then through his present assignment he held positions of increasing responsibility and importance.

President Nixon said, in part:

I am happy to participate in honoring a man whose life has been dedicated to peace, dedicated to peace even when he has had to fight in war, and dedicated to peace as he has maintained the Air Force and their strength in time of peace.

General McConnell's response reflected his constant concern for all men in the uniform of the country:

It has been my privilege to serve with many hundreds of thousands of members of all services. I believe them to be the most competent, highly motivated people upon whom any nation has ever relied for the security of its fundamental institutions and its freedoms.

Mr. President, the Air Force is prepared and will continue to discharge any responsibility required of it by our Commander-in-Chief.

We in Arkansas are proud of this man and his distinguished record.

STUDENT ANTIVIOLENCE ACT

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

Mr. CRAMER. Mr. Speaker, I introduced H.R. 11802, the Student Antiviolence Act of 1969, on June 2, 1969, with 19 cosponsors. My remarks explaining the purposes of this legislation appear in the RECORD for that date at page 14419. I am today introducing a revision of the original Student Antiviolence Act to clarify certain phases of the previous bill, to make technical corrections, and to add a provision for injunctive relief, which I believe is essential if the bill is to be effective. Injunctions have proven to be effective violence deterrents, and if a local institution in unwilling to seek injunctive relief in the courts, then in instances where it appears the rights of other students are clearly being violated, the Attorney General should have the authority to seek injunctive relief. This is similar to the injunctive authority granted the Attorney General by the Congress in numerous other acts.

While this is largely a school vacation period, the problem is going to be with us again in full force very shortly after the new college semester year starts. It is, therefore, our duty to fully recognize the past proven seriousness of this situation and to meet it squarely head on now. There have been all kinds of piecemeal approaches—with varying amendments to appropriations bills, bill by bill, and section 504 of the aid to education bill, which merely has the effect of withholding funds from students who are prosecuted and found guilty of violent activities, but there has been no effort to meet the situation head on by affording protection and relief to all students whose rights are being violated, whenever a Federal function or Federal funds are involved. This basically is the same approach used in the 1968 Antiriot Act, except that instead of providing jurisdiction through the interstate commerce clause of the Constitution, this bill extends Federal jurisdiction on the basis of the Federal funds expended at educational institutions. The right to education is a right that must be protected.

This bill further strengthens the nonviolence act by amending it as it relates

to education in that the present law is limited in its jurisdiction to crimes of violence perpetrated by the party with intent to do so—"because"—the party aggrieved is participating in a Federal program. My bill removes that almost impossible burden of proof by providing that when "any person because or while he is or has been, or in order to intimidate such person or any other person or any class of persons from, participating in or enjoying the services, facilities, privileges, or advantages of any primary, secondary, or higher educational institution, public or private, or participating in or enjoying the benefits of any educational program or activity receiving Federal financial assistance," that person is in violation of the Student Antiviolence Act.

In that it appears that the House Judiciary Committee, to which H.R. 11802 was referred on June 2, and to which this revised bill will be referred, does not intend to take up the matter, and further in that the Education and Labor Subcommittee appears to have at least temporarily abandoned its efforts to find an answer to this problem, then it is my intention to take the matter up with the House Internal Security Committee which is presently holding hearings on SDS and student violence.

This is an amendment to an existing law which deals with the subject matter of nonviolence as it relates generally to Federal programs and federally funded activities. Certainly there can be no argument that the extension of this to the violent situation in our schools, recognizing the rights of all students to be educated without forceful interference of others, is the rational, reasonable and, I think, effective approach to meeting the problem. I therefore believe this legislation merits full consideration by the Congress and that it should be passed.

As a Member of the House who served on the Judiciary Committee when the first nonviolence bills were proposed, it seems to me that this is a natural addition, and an essential one, to the present statutes outlawing violent activities against a person who is attempting to participate in a federally subsidized or supported program.

Joining me in sponsoring this legislation today are Mr. WYMAN, Mr. CLEVELAND, Mr. ROTH, Mr. KING, Mr. DEVINE, Mr. SNYDER, Mr. SCOTT, Mr. WHITEHURST, Mr. MIZELL, Mr. HARSHA, Mr. EDWARDS of Alabama, Mr. COLLINS, Mr. BOB WILSON, Mr. DUNCAN, Mr. WATSON, and Mr. BURKE of Florida.

Following is the complete text of the revised Student Antiviolence Act:

H.R. 13261

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 and to provide for injunctive relief

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Antiviolence Act of 1969."

SEC. 2. (a) Section 245 of title 18 of the United States Code is amended by adding immediately following subsections (b)(1) the following new paragraph:

"(2) any person because or while he is or has been, or in order to intimidate such person or any other person or any class of persons from, participating in or enjoying the services, facilities, privileges or advantages of any primary, secondary, or higher educational institution, public or private, or participating in or enjoying the benefits of any educational program or activity receiving Federal financial assistance; or"

(d) Such section 245 is further amended by renumbering existing paragraphs (2) through (5), as (3) through (6) respectively, including any references thereto.

(d) Subsection (b) of such section 245 is further amended by inserting immediately after "or for life." the following: "In addition any person who violates subsection (b)(2) through the use or threatened use of any firearm or destructive device, as defined in section 921 of this title, shall be fined not more than $10,000, or imprisoned not less than one nor more than ten years, or both. This penalty shall run consecutively with any other penalty imposed as a result of violation of this section."

(e) Such section 245 is further amended by adding at the end thereof the following new subsection:

"(d) Whenever one or more persons are denied rights protected by subsection (b)(2) of this section, a complaint asserting the denial of such rights may be filed with the appropriate United States attorney. The Attorney General or the Deputy Attorney General shall prosecute in accordance with subsection (a)(1) of this section. The Attorney General or the Deputy Attorney General may proceed by his own motion without such a complaint whenever he determines that prosecution by the United States is in the public interest and necessary to secure substantial justice. In the event the Attorney General or the Deputy Attorney General determines that a violation or violations of subsection (b)(2) of this section has or have occurred and determines to proceed on his own motion, and that it is in the public interest and necessary to secure substantial justice to seek injunctive relief either in lieu of or in addition to prosecution, the Attorney General or the Deputy Attorney General is empowered to seek such relief. The Attorney General or the Deputy Attorney General is further empowered to seek injunctive relief in addition to prosecuting a complaint if the Attorney General or the Deputy Attorney General determines it is in the public interest and necessary to secure substantial justice."

BENNETT INTRODUCES CONFLICT-OF-INTEREST LAW IN COLLECTING FIELD

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

Mr. BENNETT. Mr. Speaker, I am introducing today a bill to prohibit former Federal employees who participated in a contract formulation from employment with anyone who has a direct interest in the contract for a period of 2 years.

This legislation is similar to a bill I first introduced in 1951, and which I believe is needed today more than ever.

The bill covers Federal officers and employees who participated personally and substantially during the last 2 years of employment in the granting, awarding, or administration of a contract, bid, or grant whose total value exceeds $10,000. If such an officer or employee goes to work in any capacity within 2 years after his employment with anyone who has a direct or substantial interest in the contract he was involved in, then he would be subject to a maximum fine of $10,000 and/or a maximum prison sentence of 2 years.

There are provisions on the books included in the conflict-of-interest law passed in 1962—Public Law 87-849—and in the criminal statutes prohibiting representation or selling by a former Federal official in a contract area where he previously had an interest. My bill would tighten the law, particularly in the defense contracting field.

I believe it is needed in the light of recent findings concerning the so-called military-industrial complex and the questions of overruns on contracts and the apparent lack of adequate fiscal controls in some areas of defense spending. We have had critical comment on former military and defense officials going to work for defense contractors after having worked on familiar contracts. A recent report showed that over 2,000 retired, high-ranking regular military officers—Army colonel, Navy captain, or over—are now employed by the 100 largest contractors. The total from this preliminary survey represents almost three times the number of retired military employed per company that existed 10 years ago.

In 1956, a report on the inquiry into aircraft production costs and profits stated:

The presence of retired military personnel on payrolls, fresh from the "opposite side of the desk" creates a doubtful atmosphere . . . companies whose business is so closely interwoven with the military establishment ought to lean over backward so that no suggestion of favoritism, influence, or "old school tie" could be read into their conduct.

On June 3, 1959, an amendment on a defense appropriations bill to bar funds to defense contractors hiring military general officers who had been on active duty within 5 years of the date of enactment was defeated by one vote. Only a promise of a House Armed Services Subcommittee hearing on this general problem killed the amendment. Hearings, reports, and legislation resulted from the work by the Subcommittee on Special Investigations. The bill coming from the investigations, which passed the House in 1960, was concerned primarily with those involved in sales operations. In 1962, the Federal conflict-of-interest law was passed and went into effect January 21, 1963.

While there has been substantial improvement in the conflict-of-interest law as it relates to postmilitary and defense employment, I believe stronger legislation is required.

The Association of the Bar of the City of New York, in its excellent 1960 report "Conflict of Interest and Federal Service," which helped create the 1962 conflict-of-interest law, said:

Interviews revealed a substantial body of opinion that government employees who an-

ticipate leaving their agency someday are put under an inevitable pressure to impress favorably private concerns with which they officially deal.

My bill would isolate this concern and insure proper negotiation and complete candor between contracting officers and outside companies.

There have been several cases reported recently involving former Defense Department officials who worked on contracts while they were in Government service and who now work for the companies holding those contracts.

Five Air Force officers who helped supervise a contract for missile components now are employed by the contractor of the missile program.

In a book published a decade ago, "U.S.A.—Second Class Power?" it was pointed out that many retired generals and admirals have been hired, who seem to have no qualifications for the jobs for which they are hired except that they have contacts with the Pentagon.

Although the vast majority of military personnel on active duty and retired have done and do a fine job for their country in every respect, the exceptional or unusual cases of abuses have cried out for the correction that is represented in my bill.

Mr. Speaker, I believe my legislation should be enacted promptly to relieve the possible evil and conflict-of-interest problems in Government contracting, especially with the Defense Department, which represents almost one-half of our national budget.

Government contracting and procurement officers can be consciously or unconsciously influenced in favor of a company with which there is a possibility of employment at a big salary. Retired personnel have special influence not available to the public generally with their former associates who are still in Government. And even though nothing unethical may actually transpire, there is an appearance of evil which destroys public confidence in the integrity of the Government.

The Congress should enact a clear-cut law to prohibit former Federal employees who participated in a contract from employment with anyone who has a direct interest in the contract. My bill would do this.

The bill follows:

H.R. 13260

A bill to prohibit former Federal employees who participated in a contract formulation from being employed by anyone who has a direct interest in the contract for a period of two years

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

SECTION 1. Subsection (a) of section 1 of Public Law 87-849 approved October 23, 1962 (76 Stat. 1123), pertaining to disqualification of former officers and employees in matters connected with former duties or official responsibilities, and disqualification of partners, is hereby amended by inserting after the word "responsibility" at the end of subparagraph (b) a new subparagraph (c) as follows:

"(c) Whoever, having been an officer or employee of the executive branch of the United States Government, or any independent agency of the United States, or of the District of Columbia, including a special Government employee, and who, having participated personally and substantially during the last two years of such employment as such officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in the granting, awarding, or administration of any contract, bid, grant, or procurement authorization whose total value exceeds $10,000, is employed in any capacity within two years after his employment has ceased by anyone other than the United States who has a direct and substantial interest in the contract, bid, grant, or procurement authorization in which he participated personally and substantially while so employed—".

SEC. 2. Subsection (a) of section 1 of Public Law 87-849 is hereby further amended by—

(a) striking, after the word "responsibility" at the end of the second subparagraph, the dash, and inserting in lieu thereof ", or";

(b) inserting, after the words "That nothing in subsection (a) or (b)" in the third subparagraph, the words "or (c)";

(c) striking the period after the word "employee" at the end of the third subparagraph, inserting in lieu thereof a semicolon, and inserting further the following additional proviso: "*Provided further,* That nothing in subsection (a) or (b) or (c) prevents a former officer or employee for becoming employed by an agency of any State or local government or any educational institution if the head of his former department or agency shall make a certification in writing, published in the Federal Register, that the national interest would be served by such employment, and that such former officer or employee may act as agent or attorney during such employment on any matter formerly within his official responsibility or in which he has personally and substantially participated if the certification shall so state."; and

(d) striking at the beginning of the fourth subparagraph the clause designation "(c)" and inserting in lieu thereof the clause designation "(d)".

ANNUAL DAY OF BREAD

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

Mr. SEBELIUS. Mr. Speaker, today, Congresswoman CATHERINE MAY of the State of Washington has introduced a joint resolution designating an "Annual Day of Bread" and a "Harvest Festival Week." I am most proud to be a cosponsor of this legislation.

I would like to point out that it is most fitting the Congresswoman has introduced this legislation. These observances will permit us to pay tribute to the many who contribute toward providing the most basic and fundamental food for human needs. Certainly all those connected with the wheat industry are well aware of the Honorable CATHERINE MAY's many and exceptional contributions to the world's most important food industry—the wheat industry.

Mr. Speaker, the introduction of this legislation is most appropriate today because it corresponds with a month-long event in my home State of Kansas. The month of July was designated "Kansas Wheat Month." The sponsor of the special observance is the Kansas Wheat Commission and the cooperating groups are the Kansas Association of Wheat Growers, the Kansas Bakers Association, the Kansas Wheat Improvement Association, the Kansas Restaurant Association, and the Kansas State Board of Agriculture.

Simply put, this joint resolution and Kansas Wheat Month have much in common because they come at a time when the harvest in our Nation's largest wheat producing State is being completed.

I think that within the concept of this resolution we can hopefully see the dawn of a new world of agriculture. Perhaps our Nation's greatest contribution to world peace is our ability and capacity to produce food and our willingness to share that knowledge and bounty with our neighbors and friends.

It becomes clear that considering the future race between world population and world food supply, we must make an all-out effort that calls for a new kind of agriculture—an international undertaking to combat hunger and modernize agriculture. This joint resolution calling for this most commendable annual observance might well mark the cornerstone of that effort.

Mr. Speaker, I commend the Congresswoman for her efforts in this regard and consider it a privilege and honor to cosponsor this joint resolution calling for an "Annual Day of Bread" and a "Harvest Festival."

VOLUNTARY CONTROLS OF TEXTILE PRODUCTS BY NATION'S CABINET

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

Mr. DENT. Mr. Speaker, I just copied a short article in the Daily News Record, a Fairchild publication, dealing with the textile industry.

It is headed "Voluntary Controls of Textile Products by Nation's Cabinet Under Discussion," datelined Tokyo.

The Japanese Government agreed to send a fact-finding commission of textile experts to the United States, possibly in September to study the conditions of the U.S. textile industry and to see if U.S. demands for controls on synthetic and woolen textiles, are justified.

Mr. Speaker, for many years I have warned you that what would happen would be that these foreign countries that have expanded their activities into this country in certain lines of endeavor, would soon come to believe that they have an inherent and indefinite right and period of time in which they can ship to the United States all of the goods that they can bundle up and put over our customs wall.

I visited with a committee to Japan on three occasions, looking into their industry. I was taken into the office of a steel company, and my committee were given helmets, coats, and gloves and then we were led into a small office, the office of the superintendent of the operation, and for 45 minutes we were told about the operation on the other side of the door, but we were never allowed to go into the factory to see the operation.

I went to the Sony plant with my committee and they fed us 7 UP to show how nice they felt about American relation-

ships. They washed our hands and brows repeatedly with hot towels, and told us about their great influence and great friendship with the United States. But we never got out of that office either. I think it is an insult to the American people that they tell us whether we are justified in protecting our Nation, our jobs, and our production facilities.

Mr. Speaker, I have tried for over a dozen years to alert the Congress to the dangers inherent in our outmoded trade policies.

Apparently Members have never stopped to think about the great volume of textiles that come over the so-called long term cotton agreement barrier. The truth is that the cotton contract has been cut below 50 percent and manmade fibers are being used. This lets billions of yards of textile products come in without any restrictions.

Shoes, steel, garments, gloves, mushrooms, tomatoes, radios, televisions, and hundreds of other items are entering our market from countries all over the world from factories, many built with our aid money and many owned and operated by American corporations.

We have bargained away hundreds of thousands of jobs, billions of dollars of taxes lost to local, State, and Federal treasuries. Glass and textiles have been the scapegoats in our trade mistakes for many years.

There are in our leadership in the Nation some who promote the policy of eliminating these industries.

They name these major, basic industries amongst those they say are dispensable.

Ask the textile worker, the glass worker if they think their right to a job in their chosen field of endeavor is properly an item to trade away in order that some other man's job can be secured from exports.

I have no right as a Member of Congress nor does any other Member the right to save one man's job by bartering another man's job away.

To sell subsidized cotton in world markets we save a cotton grower's job and welfare by destroying the jobs and welfare of the textile industry.

Mr. Speaker, time does not allow a more detailed denunciation of the brazen agreement, probably negotiated through our State Department or Trade Commission giving the Japanese the right to evaluate and determine the fate of our textile industry and our jobs.

PRECEDENTS AND TRADITIONS FOR DECORUM ON THE FLOOR OF THE HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 30 minutes.

Mr. TALCOTT. Mr. Speaker, the hour is late and we have been extraordinarily busy the last 3 days. The time for me to present this subject seems particularly appropriate. Several colleagues, a number of my constituents, and unions have urged me to speak out. Mr. Speaker, every person elected to the U.S. House of Representatives shares the highest honor and most precious privilege of any legislator in the recorded history of man. No matter how one contemplates his position in this body, he must experience a tremendous sense of awe and a deep sense of history. A new Member quickly acquires an unbounded respect for the traditions, precedents and rules of the House, as well as an appreciation of the enormity of his responsibility to his constituents.

EVERY MEMBER ELECTED

Each Member was elected in a free election by secret ballot. No one has ever achieved membership in this House by purchase, coup, or appointment.

This House is truly the most representative legislative body in the world. Each of us directly represents his respective constituents; there are no intervening agents, principals or forces. Each of us cherishes his independence, his individuality, his representative situation; yet, by the consensus of our votes, we are a national body—one of three coordinate, coequal branches of our Federal Government.

FOUR PARLIAMENTARY OBJECTIVES

Representatives in the 90th Congress endowed us with the most complex rules of procedures of any legislative body in the world. More importantly, our distinguished predecessors have given us a comprehensive set of rules that most nearly guarantees the four objectives of a representative parliament; namely, one, the expeditious disposition of legislation; two, the right of the majority, even a slim majority, to work its will; three, the concomitant right of the minority, even a small minority, to be heard; and, four, the right of the citizens to know. We have a solemn duty to this 91st Congress and to the future Congresses to safeguard and perpetuate these noble, but absolutely essential prerequisites.

RULES OF THE HOUSE ARE VENERABLE

Much of the greatness of our House of Representatives is embodied in its formal rules and its precedents. The origin of some of our rules can be traced to representative bodies of early civilizations. The first rules of the House were adaptations of the best parliamentary law of that day. The current rules have been continuously forged by skilled parliamentary lawyers and sophisticated practical legislators. Every improvement, every refinement has been "written in blood." The compelling need for every change was skillfully debated and thoroughly deliberated before acceptance by open vote. "Change for change's sake," or just to be different, was never an objective or a practice of this legislative body.

A particular rule may occasionally seem to delay or frustrate a particular legislative objective which at the time seems urgent to one member or a small group. But our venerable and finely honed procedural system was expertly designed, and passionately preserved, to expedite and perfect legislation for all citizens.

Time is a valuable possession of any person; but time is an especially precious asset of contemporary Congressmen. Our rules must safeguard our time.

Legislation enacted by the Congress of the United States may provide for the relief of a single person—not always a citizen of the United States. Most often, however, laws enacted by the Congress affect every person in the United States, probably in perpetuity. Moreover, because of the unique position of world leadership foisted upon our Nation, every act of the Congress probably affects every inhabitant of our universe. This is more than an awesome thought; it is a sobering actuality.

LEGISLATIVE WORK IS STRENUOUS AND ABRASIVE

The importance of the legislation, the enormity of the consequences of our deliberations, the pressures of politics, the demands of our constituents and the earnestness of our convictions quite naturally arouse passions and strain tempers. The competitiveness of the professional athlete, the adversariness of the political arena and the litigiousness of the trial lawyer are common ingredients of our floor debate and committee work. Few who have never served in the House can appreciate the strenuousness of our work, the onerous demands on our time, and the mental, physical, and emotional strains which are inherent in the discharge of our duties.

If Christ's admonition to "love thy enemy" has any efficacy in any frame of reference, the Congress ought to be a near perfect situation. "Love" may be a term too prissy for some to use comfortably; and "enemy" is certainly too venomous to describe a political adversary. But respect, understanding, and good will are appropriate synonyms of love. If we cannot truly love our adversaries, we must respect, and maintain a mutual good will among our colleagues.

We representative legislators cannot properly resolve the Nation's abrasive problems without occasionally exacerbating normal human tensions. But the House cannot continue to function effectively if Members permit personal animosity or vindictiveness to distort their perspectives or to disrupt their duties.

INDIVIDUALITY OF MEMBERS IS VALUED

Members of Congress are as different from each other as their districts are different from one another. This ingredient of individualism enhances the legislative product. Congress is also a unit, "a body" whose Members are all working, perhaps not in unison, but toward the same goal—perfect Federal legislation. We must literally live and work together much of the time. Our philosophical differences, our political disagreements, our divergent approaches to problem solving, our various backgrounds, abilities, experiences, and temperaments are all understood and valued by each other. But these differences, which we respect and want to preserve, require special rules of order and personal behavior to enable us to work and to live compatibly with each other and still accomplish our legislative objectives.

A MEANING OF "COLLEAGUE"

Full explanation, trenchant questions, responsive answers, vigorous argument, thorough deliberation are all necessary to perfect legislation. The sharpness of spontaneous debate, so essential to good

legislation, can cut to the quick, irritate, embarrass, even offend Members who are otherwise friends and mutual admirers.

We must foster incisive debate, yet preserve friendships. Debates on other issues, just as important, will follow closely. Later the same day, new advocates will be realined with different adversaries, but with a constancy of purpose and continuation of mutual respect. This is the essence of that special relationship which we call "colleague"—tough contestants while debating issues, but tenacious allies in maintaining friendships.

An important characteristic of a good legislator is that he wants the debate to achieve fully its intended purpose. He insists that the issues be understood and that all points of view be properly presented. He insists that all participants in a debate be fairly treated. The legislative product is more important than the process or the performance of the debators.

Orderly procedures, well understood and conscientiously followed, improve and expedite debate and preserve friendships.

MEMBER'S RESPONSIBILITY TO THE CONGRESS

In addition to our responsibilities to perfect legislation and to continue genuine respect and friendship among our colleagues, we have a large responsibility to our constituents, to all U.S. citizens, and to the Congress itself. In our offices and our districts we can generally conduct our business and deport ourselves as individualistically as we please. But on the floor of this great Hall we become an integral part of the House, part of its great history and its proud traditions. Here, we assume a larger role—we not only represent our districts; we represent our Nation. Even without photography, radio, or television we are observed by our constituents, other citizens of the United States—and of the world. Visitors from every place on earth from all walks of life watch us from the galleries. A steady stream of political scientists and historians, domestic and foreign students and officials, observe and study our sessions because they consider the House a great and model legislative body. All may not necessarily understand the formal rules of debate or the parliamentary situation, but they do form opinions about the personal appearances and the conduct of the persons on the floor. Moreover, they talk and share their observations with others. We, therefore, have a special obligation to the Congress to not only comply with the rules of order but to maintain proper decorum.

We not only have a legislator's vote; we have a responsibility to our predecessors to preserve the parliamentary function of representative government and a duty to our successors to perpetuate the traditions and precedents.

If we can, each of us should strive continuously to improve the product and the process of our deliberations in the Chambers of the House of Representatives.

DECORUM GROUNDED IN PRECEDENTS

The formal, written rules of the House pertaining to decorum are wisely limited. Itemized, codified lists of "do's" and "do not's" would be inappropriate, restrictive, and unresponsive to necessary modification. Precedent, custom, and tradition constitute a far better mode for prescribing behavior for a continuing body of continuously changing Members in changing times.

There were 71 new Members of the 90th and 26 new Members of the 91st Congress. Some have served in their State legislatures. Rules of decorum vary widely among State legislatures. Some State legislatures degrade themselves and demean their constituents by disdaining all rules of decorum. Some State legislatures benefit greatly from proud, faithful compliance with exemplary codes of behavior.

Many freshman Members have earnestly sought some single explicit statement of the proper decorum while on the floor of the House of Representatives. Obviously the best way to learn the procedural rules and the precedents and traditions of decorum is to attend the sessions regularly and observe the conduct of respected senior Members. However, this procedure is time consuming—and, regrettably, sometimes confusing.

ABRIDGED COMPILATION OF RULES AND PRECEDENTS RELATING TO DECORUM

Principally for the benefit of new Members, I have tried to research and assemble some official statements relating to decorum on the floor. These, of course, are not my suggestions—only a compilation of what I have found in the record. I have more than considerable trepidation in presenting this report. I had hoped that some other Member, especially one far more senior, knowledgeable, and decorous than I, would have performed this service.

MOST MEMBERS DEPORT THEMSELVES PROPERLY

Any observer will be favorably impressed by the apparence and conduct of most Members on the floor. Unfortunately, the few who deport themselves improperly attract the most attention—and their behavioral lapses are exaggerated, especially by the communications media.

CHILDREN AND VISITORS

Only Members of the Congress, the House and the other body, former Members and employees are permitted on the floor while the House is in session. Small children and grandchildren are permitted to sit with their parent Member. They should never usurp the seat of a Member.

On special occasions, such as joint sessions and state of the Union addresses, certain Ambassadors, the Cabinet, the Supreme Court, and the Joint Chiefs of Staff are especially invited by the Speaker as guests of the House.

"MR. SPEAKER" IS PROPER SALUTATION

When any Member desires to speak or deliver any matter to the House, he shall arise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor, or from the Clerk's desk. (Clause 1, Rule XIV)

That rule was adopted in 1880, but it was adapted from older rules which date back to 1789.

If the House has been resolved into the Committee of the Whole House on the State of the Union then, of course, any Member seeking the floor ought to address the presiding officer as "Mr. Chairman."

Any further embellishment of the salutation "Mr. Speaker" or "Mr. Chairman" is improper and a distinct breach of the rule.

On the political campaign trail, at a public banquet or a luncheon club, or at the dozens of various gatherings held throughout our land, it may be perfectly proper for the speaker to address his audience with "Mr. Chairman, ladies and gentlemen, colleagues, distinguished guests, fellow Americans, friends" and so on and on; but such salutations are out of place and against the rules of this legislative assembly.

A salutation which is sometimes heard in addition to "Mr. Speaker" is, "Ladies and gentlemen of the House," or if in the Committee of the Whole, "Mr. Chairman, and Members of the Committee." Both of these salutations are superfluous, clearly breaches of the rules of the House and should not occur.

The rule has been reiterated many times throughout the history of this House. The Speaker is the embodiment of the entire membership. The Speaker represents the House of Representatives in its organization; by addressing the Chair, a Member addresses the entire membership of the House.

Any salutation in addition to "Mr. Speaker" or "Mr. Chairman" was considered a slight upon the Chair. This should never be done intentionally; even if no slight upon the Chair is intended, it is, nevertheless, a clear infraction of the rules.

There appears to be no question about the rule. Throughout the history of the proceedings of the House, whenever a parliamentary inquiry was made concerning this rule, the answer has been without exception to the effect that the dignified method of procedure is to address the Speaker only when the House is in session and to address the Chairman only when the House is in the Committee of the Whole and thus the Member addresses the entire membership. The rule should be followed in the interest of dignity and decorum in the proceedings of the House.

CLOSE OF SPEECHES

To conclude a speech or an address with the words, "I thank you," is not only improper, but amateurish and superfluous, since a Member of the House speaks as a matter of right after he has been recognized by the Speaker.

USE OF MICROPHONES

Rule XIV not only draws our attention to the matter of addressing "Mr. Speaker" but also to the custom of speaking from the well of the House. Obviously, the rule antedated the installation of microphones. Common courtesy, or at least a consideration of one's listeners, indicates that any Member seeking to address the House should use the microphones properly so that other Members and the Speaker may hear him clearly.

REFERENCE TO ANOTHER MEMBER IN SECOND PERSON IS FORBIDDEN

Another infraction of proper procedure, which is increasing in practice, is

the casual reference to another Member in the second person—such as "you" or "your," the use of a given name "John" or "Bill", even "Mr. Jones" or "Mrs. Smith," or by an apparently affectionate term such as" Brother Johnson." These are plain infractions of well-established parliamentary principles and against dignified procedure. There are numerous rulings to this effect.

A Member should not address his colleague in the second person. It is not proper to refer to another Member except in the prescribed manner, namely: "the gentleman from—naming his State."

It is permissible to refer to another Member as "the gentleman," but it is a preferred practice to refer to him as "the gentleman from California" or the "gentleman from Alaska."

When referring to our colleagues of the fairer sex, it is proper to address her as "the gentlewoman from Washington," or whatever State she represents. It is neither more gracious nor gallant to say "the lady from —" or "the gentlelady from —."

Naturally, when it is necessary to distinguish between two Members from the same State it is proper to say, "the gentleman from California (Mr. SMITH)" or "the gentleman from Michigan (Mr. GERALD R. FORD)." We all have the obligation to make the RECORD correct.

WALKING WHILE A MEMBER IS SPEAKING

Another rule which is violated almost daily is rule XIV, clause 7, which provides as follows:

While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair.

It has become a distracting habit of some Members to walk in front of another Member while he is addressing the House from a lectern here in the well of the House. Such practices are in violation of the long-established rule of this body and are a contributing cause to much of the confusion and distraction manifested on this floor every day. I have often heard our visitors in the galleries comment unfavorably about this apparent rudeness to the speaker. To walk in front of a Member who is speaking, or to walk between the Member who is speaking and his audience, is objectionable and discourteous.

We often notice Members who are aware of their discourtesy because they try to pass behind the Member speaking from the lectern, but this too distracts the Member who is speaking and in fact disturbs and obstructs the view of the Speaker. Other Members often bend down or duck as they pass between the Member speaking and the Members seated in the House. All of these feigned obsequities to courtesy are distracting to the Speaker and the Member addressing the House and certainly confusing to our visitors in the galleries. The better and courteous practice would be to cross the House floor behind the seats or to avoid the floor entirely by using the doors on either side of the Speaker's chair. Any transit of the well while another Member is addressing the House from the well is discourteous and distracting and should be avoided.

It should be remembered that when the Speaker is putting a question or addressing the House most Members want to hear the Speaker and plain courtesy to the other Members, as well as compliance with rule XIV, clause, 7, requires that no Member leave or cross the Hall.

ALL SMOKING IN THE HALL IS FORBIDDEN

Another part of clause 7 of rule XIV, which is grossly violated by a few Members, reads as follows:

During the session of the House no Member—shall smoke upon the floor of the House; and the Sergeant at Arms and Doorkeeper are charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke upon the floor of the House at any time.

The rule, and purpose for the rule, is abundantly clear. There appears to be some question about what constitutes the "floor of the House." By precedent and definition, the space behind the rail is as much the floor of the House as the space in front of the Speaker's rostrum. Smoking behind the rail is smoking on the floor of the House and is equally an infraction of the rule as smoking while seated in one of the seats or standing in the well of the House. Smoking behind the rail is even more obnoxious to our visitors in the galleries.

Walking into the Chamber with a cigar or pipe held in the mouth, whether lighted or not, is an invitation for caustic criticism and disparaging remarks on the part of our constituents who visit our sessions and observe our conduct and our compliance with well-known rules of the House.

The prohibition against smoking dates from February 28, 1871. Prohibiting smoking at any time was added on January 10, 1896. When we think seriously about our rules of procedure and decorum, we can quickly and surely understand that technical compliance with the rules may not always be enough to satisfy our fellow Americans who are watching this legislative body in action.

When our constituents come to Washington, it is almost certain that they will visit the Capitol and a session of this House. Members who have served here any length of time have heard with chagrin and embarrassment the harsh criticism from visitors directed at, what appears to them, a lack of reverence, dignity, and respect for this historic Chamber. Information from doorkeepers and officials of the House indicate that hardly a day passes without some constituent complaint regarding our habits or conduct on the floor.

CARE OF SEATS AND FURNITURE

A practice as defenseless as it is objectionable is the habit of placing our shoes against or on top of the seat in front of us. This habit is a clear and distinct breach of the rules of decorum of this House or of any place where we may be a guest. It is most noticeable from the galleries and draws the sharpest criticism and adverse comment from those who visit our sessions.

We may sometimes look upon this great Hall very narrowly as a part of our "shop," but the public looks upon this great and historic edifice as their Hall and their furniture and they expect us to treat it as the furniture in a friend's living room or in the boss' office.

READING AND SIGNING MAIL IS BREACH OF ETIQUETTE

Reading newspapers or magazines on the floor when the House is in session may not violate any specific rule, but such a habit conveys to the public, and to the other Members of the House, an impression of disinterest and indifference to our legislative duties, a lack of attention to the matter under discussion on the floor, and a personal affront to our colleague addressing the House or the Committee.

The reading or signing of mail upon the floor while the House is in session is a similarly rude practice which offends Members who are participating in the debate and degrades the image of the Congress in the sight of our constituents and the public in the galleries.

The greatness of this body is inexorably eroded and degraded by violations of decorum, acts of discourtesy to each other and practices offensive to our constituents. These matters may seem small, even inconsequential, in themselves; but, cumulatively, they are destructive of the confidence and respect of the people in their Representatives and their House.

PRESERVATION OF ORDER AND DECORUM

The Speaker shall preserve order and decorum, and, in the case of any disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. The rules of the House provide the Speaker "shall preserve order and decorum"—rule 1, clause 2. The Speaker does and can set the tone of the decorum and the procedure of the House. We notice a great difference among the various Chairmen who have presided over the Committee of the Whole House on the State of the Union. Every Member could help to improve the procedure and decorum of the House and the Committee of the Whole if he would constitute himself as a committee of one to assist the Speaker and the Chairman in the discharge of their respective duties by insisting that the rules are respected and obeyed.

By reason of our membership here, each of us is endowed with tremendous power over the destiny of our Nation and the lives of its people. With that power goes a concomitant responsibility to discharge the trust reposed in us by the people. Every word we speak, every decision we render is weighted with the position we hold. Our conduct and decorum is carefully observed and evaluated.

I am certain that each of us would want every visitor to these galleries to observe in us a genuine respect for this House of Representatives and for them to take their leave, even after a brief view, with a greater respect for our conduct of the people's business, with a greater pride in American citizenship, with a greater love for our Republic, and with a greater determination to help preserve our free representative parliamentary system of government.

Our compliance with the rules of the House, our courtesy to each other, and

our decorous behavior cannot guarantee these objectives, but it can help. Our failure in these respects can hurt immeasurably.

PROPER DESIGNATION OF COMMITTEES

The proper way to designate any committee of the House is to say "the Committee on Rules," the "Committee on Appropriations." Committees should not be referred to as "the Rules Committee" or "the Appropriations Committee." If we want to maintain the dignity of the committees of the House, we ought not to refer to them in a slip-shod manner. If we do not designate our committees correctly, we cannot expect better treatment from the news media or the public.

Orderly, fair, decorous, and effective parliamentary procedures are required by many and various organizations throughout the land. The rules, procedures, and decorum of the House of Representatives are widely copied by these organizations. Our example here not only influences official and unofficial organizations and institutions in every State of our Nation, but our rules, parliamentary procedures and decorum are widely copied, purposefully or inadvertently, by free nations throughout the world.

STAND TO OBJECT

One must always stand to object to any unanimous consent request and, of course, address the Speaker before voicing the objection: "Mr. Speaker, I object."

INTERRUPTION OF MEMBER ADDRESSING THE HOUSE

Anyone who wishes to interrupt a Member who has the floor should always rise and first address the Chair—"Mr. Speaker, will the gentleman yield?" In this respect, we oftentimes lapse into bad practices and discourtesies. Sometimes we make a quick verbal thrust in the middle of a sentence before the Member having the floor has had a chance to finish his thought—we just say, "Will the gentleman yield?" Some have been even more discourteous by interrupting without receiving recognition by the Chair or permission from the Member having the floor. Only the Member having the floor can yield to another Member; neither the Speaker nor a Member who may be addressing the House by leave of the Member having the floor may yield the floor. Any interruption of another Member should always be done courteously and always first by addressing the Chair, "Mr. Speaker, will the gentleman yield?"

If a Member having the floor yields for an interruption, the remarks of the Member yielded to must appear in the RECORD, but if the Member having the floor declines to yield, he may strike from copy for the RECORD the remarks so interjected—section 2465 of Hind's.

AUDIBLE CONVERSATIONS SHOULD BE AVOIDED

Other practices have been prescribed by an interpretation of the rules or by precedent. These may be of interest to those who sincerely desire to preserve the traditions of the House and to enhance the image of our proceedings. It is not good manners to, and we should not, engage in prolonged or audible conversation when someone else has the floor.

ETIQUETTE OF DRESS

If one breach of etiquette is tolerated by one Member, why should any etiquette be observed by others? The attire of the Members while on the floor is most important to the impression we project and the attitude we assume toward our representative parliamentary function. Although at one time it was considered to be beneath the dignity of the place to appear in anything but quite formal attire, the House long ago abandoned any regimen of special dress. Nonetheless, and in spite of widely individualistic taste and experimentation in wearing apparel by Members while in their home districts or while off the floor, the wearing of hats or sport clothes on the floor of the House is still considered either contrary to the formal rules of the House or a violation of longstanding unwritten rules of decorum for Members. Dark business suits—not bright colors, plaids, or sport clothes—plain, light-colored shirts; and dark single-colored shoes are prescribed for both summer and winter. There are many ways that we can attract the attention of the news media or our constituents in the gallery other than by wearing gaudy or casual clothes or behaving in a raucous or peculiar manner. Attire that is acceptable for folk dancing, sailing, or the horseraces may not be suitable for a session of the House.

We properly require high standards of dress and decorum of our employees, including committee staffs and pages. We should require no higher standards of our employees than we demand of ourselves.

Our constituents and the gentlemen representing the mass media know that adequate facilities have been provided for us immediately off the floor for the purpose of eating, reading, smoking, signing mail, talking, and meeting with constituents or visitors. As a courtesy to our colleagues who are engaged in the debate or who are anxious to hear and understand, and to enhance rather than mar the image of the Congress in the eyes of the public and the media, we ought not to eat, chew, sleep, read newspapers or magazines, sign mail, or try to communicate with the galleries by shouting, facial gestures, or arm and hand semaphores while the House is in session.

Members may not remain near the Clerk's desk during a vote. This practice of herding is contrary to the rules—see volume VI, section 190, Cannon's Precedents—it is distracting to the tally clerks and delays the vote; it gives the appearance of disorderliness to the galleries.

MISCELLANEOUS RULES RELATING TO PERSONAL REFERENCES DURING DEBATE

In debate, one Member should not even mildly impute the motives or intentionally misrepresent another Member—volume V, sections 5132 to 5138, Hind's Precedents.

It is unparliamentary and censurable for one Member in debate to declare that another Member has knowingly stated that which is false—volume II, section 1305, Hind's Precedents.

Language tending to hold a Member up to contempt is not in order in debate—Cannon's, volume VIII, section 2527.

It is not in order to cast reflections on either the House or its membership or its decisions, whether present or past—volume V, sections 5132 to 5138, Hind's Precedents.

It is a breach of order to reflect upon or to refer invidiously to the decisions of present or former Speakers. Cannon's, volume VIII, section 2531.

THIS IS THE PEOPLE'S HOUSE

Here in the House of Representatives, the people speak and hear their voices spoken. This is their forum, established by their forefathers as well as ours. This is their House of Representatives as well as ours. This is their furniture, furnishings, and works of art as well as ours.

Our behavior and decorum represents them as truly as our legislation.

We not only have an obligation to maintain the great traditions of this House, but we have a contemporary responsibility to comply with the rules and to present an image of behavior and decorum commensurate with our positions.

In an era when each of us has cried out for "law and order" or "justice and order under law," we, too, must make a special effort to comply with the known rules, and to strive to set high standards of decorum as a guide to other legislators and as proof that we want to maintain the confidence of the American citizen in our system of representative self-government.

WE MUST STRIVE TO MEASURE UP TO THIS GREAT PLACE

For those who think my suggestions may be picayune, I recall that when Thomas Jefferson came to write his famous parliamentary manual, he prefaced that great work with a classic axiom by one of the noted parliamentarians of the British House of Commons of a preceding generation to the effect that "careful and scrupulous adherence to orthodox rules of procedure was requisite to the maintenance of parliamentary etiquette and was especially necessary to the protection of the minority and the efficiency of successful majorities." Although this statement reaches back several hundred years, it is still one of the fundamental principles underlying applied procedure in every legislative assembly in the world today.

Mr. Speaker, our Capital is distinguished in many ways. It is the center of our Federal Government. It is the heartbeat of the world. Washington, D.C., is a magnificent city with majestic proportions, with wide tree-lined boulevards, expansive parks, impressive statues and monuments, thrilling sights, and the home of numerous American institutions. Most of the historic and popular sites in Washington are natural places or manmade structures—the Washington Monument, the Lincoln Memorial, the Smithsonian Institution, the Library of Congress, Arlington National Cemetery. They are beautiful, historic, and symbolic.

The House of Representatives, together with the other body, is also historic and symbolic. But it is alive, dynamic—here there is action. Here the diverse people of the United States are brought together.

Here there is history and tradition; here there is foresight and progress. Here many of the great voices of our future may speak. Here is the essence of representative government; here is the soul of our national life; here is the tenor of our national spirit; here is the standard of our Nation's compliance with law and the obedience to authority. Here is the hope for our Nation's future. I trust that we may preserve the influence and the labor of those who preceded us. I trust that we can safeguard this institution for those who succeed us. It would be my hope that we could make this House a beacon for other legislative assemblies throughout our Nation and our world.

National character without reverence for place, law and authority is analogous to a fireside without proper consideration for our guests. If proper decorum is disregarded by us, we will deface our image and impoverish our position in the eyes and minds of those who observe us and those we represent. The very stability and acceptability of our legislative acts may be threatened or enhanced by our conduct and behavior here.

Only a few of us, certainly not I, are entirely blameless of breaking the rules of the House or violating the proprieties of decorum. In an unguarded or thoughtless moment, we all have broken the written and traditional codes of conduct for this House. The penalties we pay for violating the proprieties of this body may be greater than we presently imagine. Here, as well as in any society, the loss of respect, the loss of prestige, the loss of faith and confidence, the unfavorable impressions, the adverse criticisms can all contribute to a gradual deterioration of self-government by a free people.

Mr. Speaker, I have recited numerous specific rules pertaining to procedure on the floor of the House and various traditions and precedents pertaining to conduct and decorum, but actually all of these rules and precedents are unnecessary. To paraphrase Robert E. Lee, American citizens expect their representatives in the Congress to be gentlemen—this is the essence of all the rules, I suppose. A gentleman, by definition, is considerate of place, purpose and people. Nevertheless, I trust it has been helpful to reiterate some of the rules and traditions which are part of our heritage and part of the traditions of this great body.

Mr. Speaker, I reiterate that a number of Members from both sides of the invisible center aisle have importuned me to make this study and presentation. I have done it with trepidation and humility as I have the greatest pride in the venerable traditions of this great House, as well as the highest respect for the individual Members of this body. I had hoped that some other Member or Members, more serious, knowledgeable, and decorous than I, would perform this task. For their individual reasons, others declined but each insisted that I proceed. I hope my presentation is helpful to the Members, employees of the House, and our guests in the galleries. I cordially invite other Members to revise or extend my remarks today or at some future time on this subject.

THE DEVELOPING SENTIMENT FOR A RENEWED ESCALATION OF THE VIETNAM WAR

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 30 minutes.

Mr. TUNNEY. Mr. Speaker, all Americans realize that achieving peace in Vietnam will be an arduous task which will require patient and dispassionate as well as timely and decisive action. Unfortunately, there is fresh evidence of an emotional response to the problems achieving peace which may well undermine future peace efforts.

California Senator ALAN CRANSTON warned last week that a block of influential Republican Senators are encouraging the sentiment for a renewed escalation of the war. One of the most strident of these Senate advocates of returning to the disastrous policy of escalation is GEORGE MURPHY, who:

First, believes the United States can still win the war militarily;

Second, believes it was a mistake to stop the bombing of North Vietnam; and

Third, has advocated the adoption of a renewed military escalation of the war, if the Paris talks do not produce quick results.

This kind of emotional reaction to the difficult challenge of achieving peace is so obviously uninformed and out of touch with the feelings of Californians and indeed all Americans that it would be brushed aside if it had not come from a U.S. Senator, especially one whose views are shared by such other influential Republicans as STROM THURMOND and JOHN TOWER.

This is a group which has consistently opposed efforts to achieve peace in Vietnam and have felt that America's agony in the war requires our following the illusion of a military victory. Past efforts of escalation have led us further into the quagmire of Vietnam. Deescalation and political accommodation is our best hope of getting out of this tragic conflict. Those who advocate renewed escalation are asking that our present agony be compounded and our prospects for achieving peace be diminished.

Nothing could be more hollow as a threat to Hanoi than the threat of renewed bombing and escalation. They have absorbed at least as much bombardment as all our enemies in World War II and there is no indication that their will has been or can be broken by bombing.

What do we have to show for the bombing? There are about 600 brave American pilots in captivity in Hanoi. One of them is Lieutenant Alvarez of San Jose, Calif., who has been in captivity since August 1964. This is the longest that any American has ever been a prisoner of war in any war in our history.

We have also succeeded in strengthening the determination of the North Vietnamese to continue to resist.

Those who bow to their emotions in advocating a renewed military escalation of the war do a disservice to the country and offer a leadership that clearly will not be followed.

THE NATIONAL GAME

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 30 minutes.

Mr. FEIGHAN. Mr. Speaker, professional baseball this year is celebrating its centennial, which reached its pinnacle here in Washington when the American League all stars played the National League all stars at Kennedy Stadium, Wednesday afternoon, July 23—the night after a great centennial dinner celebration at which baseball and many of its friends honored the greatest players who ever played in the major leagues.

This centennial year serves to remind us that at the age of 100 years, our national pastime is a lusty, progressive, and growing sport which well deserves its recognition as first among all the great team sports which bring so much enjoyment to people all over the world.

In this centennial year the major leagues expanded their membership from 20 to 24 teams, thus capping an exciting decade of growth which has seen the major leagues grow from 16 teams in 10 northeastern cities to 24 teams serving 22 great communities from coast to coast—from Minnesota to Texas—and including that beautiful metropolis in our northern neighbor, Montreal, Canada.

Under the progressive leadership of a youthful new commissioner, Bowie Kuhn, the major leagues continue to streamline their operations. One of the interesting developments of this centennial year is the revolutionary division of each major league into two six-club divisions, which has added immensely to the zest and excitement of the pennant races. There are, in effect, four pennant races now instead of two. The divisional winners will meet in a three-game series at the end of the season to determine which one will represent its league in the World Series.

This new dimension in the major league races is adding new appeal to the already tremendous interest Americans have in baseball. Last year the major league drew more than 23 million fans, and they are well on their way to setting a new record this year.

But paid attendance figures for the major leagues, impressive though they may be, do not begin to tell the story of the intense interest with which Americans follow the game of baseball. Each year, more than 10 million more fans pay their way to watch the splendid baseball played in 153 cities in the United States, Mexico, and Canada by minor league teams.

But these figures pale into insignificance when we consider the vast audience which listens to baseball games on radio and watch it on television. The number of listeners and viewers to each game, multiplied by the number of games played, mounts into the billions. More than 400 million viewers, for in-

stance, watched the seven games of the exciting 1968 World Series, when the Detroit Tigers made such a spectacular comeback to beat the St. Louis Cardinals for the championship.

More than 80 million persons watched on their television screens the stirring action of the all-star game.

Despite this great and growing prosperity, the men who lead baseball are always alert to maintain the exquisite balance between offense and defense which is one of the great charms of baseball. When the pitchers threatened to turn hitting into a lost art last year, the rulemakers acted swiftly and wisely to bring the game back into balance. The height of pitching mounds was reduced from 15 inches to 10, and the strike zone was reduced substantially. The result has been dramatic. If 1968 was the year of the pitcher, 1969 may go down in history as the year of the slugger. Men like the mighty Frank Howard of our Washington Senators, the exciting young Reggie Jackson of Oakland, and powerful Willie McCovey of San Francisco are leading an assault which has stirred excitement and interest everywhere.

And when I say everywhere, I do not mean just everywhere in the United States or even in Canada. Interest in our major leagues is worldwide. The World Series, and the all-star game, are followed with breathless interest in Mexico, in the Caribbean countries, in South America, in Holland, Spain and Italy, and most especially in Japan.

Baseball is one of our Nation's great ambassadors to other lands. Our national game has become the national game of Japan, of Mexico, of Venezuela, and the Caribbean islands. In all of them, it is played professionally with great skill and before huge crowds.

It is played on an amateur basis, on a constantly increasing scale of skill and participation, in Holland, South Africa, Australia, Italy, Spain, Korea, and the Philippines. Even in Cuba, baseball retains its popularity with boys and young men, and the results of major league games are a matter of vital interest to all who can listen to the radio broadcasts from the United States.

The tremendous interest in major league baseball reflects the fact that baseball is a vital part of every American's childhood and adolescence. Rare indeed is the American boy who has not played baseball.

More boys and young men are playing amateur baseball today than at any time in history. It is estimated that more than 4 million youngsters will play baseball in organized programs this summer.

Thanks to the unselfish volunteer activity of three-quarters of a million adults who donate their time and skills to supervising and sponsoring amateur baseball, these programs provide a healthful and wholesome recreational activity throughout the long, hot summer months.

These programs provide supervised league play at every age level from 9 to 21, and make a significant contribution to the mental, physical and emotional welfare of our young people.

Baseball is everybody's game—the American pastime. It is a game so simple that a 10-year-old can play it acceptably; and yet so incredibly difficult that the greatest athletes have never completely mastered it. The extraordinary appeal of baseball and our national fascination with major league baseball is based simply on the game itself.

Unknowing people sometimes complain that "nothing happens" in a baseball game. Innings pass, teams change sides, yet no one scores or appears to come close to it. This, of course, is far from the truth. It is only the fantastic ease with which a big league team completes the plays that makes it appear, when a good pitcher is working, that it will never be scored on. Yet disaster, as every player and every knowing fan knows, waits on every pitch, and can descend with appalling violence and speed. A pitcher can be working beautifully after six perfect innings, and then find himself, in the space of 4 minutes, on his way to the showers. A scratch hit, a bit of bad luck, an adverse call on a close pitch and a hit ball which just eludes the fingers of a racing outfielder, and the pitcher is done; his team defeated.

Here in its purest form is the drama, the perfection of baseball. Action and tragedy, defeat and triumph, are suddenly enacted against a background of apparent safety and invulnerability.

The more you analyze this splendid game, the more wonderful it becomes. Nothing in baseball is left to chance; nothing is slipshod. Although baseball is played outdoors, in an area so large that the contestants are dwarfed, every movement in a game can be and is measured against a standard of absolute perfection. If a runner gets on base, it is because he has either clearly earned it by a hit, or else because somebody has made a mistake—an error or a walk. And this is written down; records are kept.

The exactitude of the game is responsible for its endless statistics; the skill of a player can be precisely measured in his batting average, his runs batted in, his earned-run average. This all-pervading neatness in what should be, by all appearances, a sprawling, disjointed game, extends everywhere on the playing field. Almost never is there a baseball play which cannot be seen and instantly understood by everyone in the park; almost never does the baseball fan have to ask, "What happened?"

In this centennial year, and in every year, baseball remains the sport of America.

Mr. HAYS. Mr. Speaker, professional baseball, first and still the greatest of all team sports, is celebrating its centennial this year—a celebration which reached its climax here in Washington on July 21 and 22, when baseball and its friends joined in a great centennial dinner to honor the greatest players ever on July 21, and the American and National Leagues' greatest players met in the annual all-star game at Robert F. Kennedy Stadium the evening of July 22.

I take pride in the fact that this great game had its origin in Ohio, where the first professional sports team, the 1869 Cincinnati Red Stockings, set a baseball record that never will be equaled by winning 65 games without a defeat.

Ever since that beginning, Ohio has played a large and significant role in baseball.

Cincinnati was a charter member of the National League when it was organized in 1876, and Cleveland was a charter member of the American League when it was formed in 1900.

Cincinnati has been a proud member of the National League. Four times our battling Reds have won the National League championship, and in 1919 and 1940 they went on to win the world's championship.

The Cleveland Indians have won the American League championship three times, and twice, in 1920 and 1948, went on to win the world series.

It is men who make baseball great, and the annals of baseball are studded with illustrious names from the great State of Ohio.

Cy Young, the greatest baseball pitcher of all time, was born and spent his life in Tuscarawas County, and he won 268 of his amazing lifetime total of 511 major league victories for the Cleveland Indians.

Eppa Rixey, one of the great southpaw pitchers of all time, and like Young a member of Baseball's Hall of Fame, gained his fame pitching for the Cincinnati Reds, as did the incomparable "Bucky" Walters, who pitched the Reds to championships in 1939 and 1940.

Bobby Feller, the Hall of Famer with the blistering fast ball and unhittable curve, spent his entire pitching career with the Cleveland Indians, and still is an honored citizen of our State.

Tris Speaker, that nonpareil of center fielders, and Napoleon Lajoie, the epitome of grace at second base, reached the pinnacle of their careers with Cleveland. So also, Eddie Roush, still able and willing to play baseball at the age of 76, spent his greatest years with the Cincinnati Reds.

It was in Cleveland too that that grand old man, Satchel Paige, got his first opportunity to pitch in the major leagues.

Ohio has contributed hundreds of players to major league teams elsewhere, including such great ones as Hall of Famers George Sisler, Roger Bresnahan, Ed Delahanty, Elmer Flick, and Buck Ewing.

One cannot help wonder how the history of our national game might have been changed had it not been for such sons of the Buckeye State as Ban Johnson, founder of the American League; Kenesaw M. Landis, first commissioner of baseball; Miller Huggins, one of the alltime great managers; and the game's most creative genius of all time, Branch Wesley Rickey. Each one of these native sons of Ohio is enshrined in the Baseball Hall of Fame at Cooperstown.

Throughout the years Ohio has been the home of many great minor league teams too, and at this moment the fine teams from Toledo and Columbus are battling for the pennant in the International League.

Ohio has always been famous for its amateur baseball programs. We are proud that the American Amateur Baseball Congress, first of the fine youth baseball programs, has its headquarters in Akron, Ohio. Ohio's high school baseball championship tournament is renowned throughout the land as the best of its kind.

Baseball has always been an important sport in the colleges of Ohio, and Ohio

State University, under the leadership of that grand old coach, Marty Karow, has gone to the college world series at Omaha four times, and won the college championship in 1966.

Baseball is an integral part of life in Ohio, and Ohio has made contributions to professional baseball probably greater than those of any other State in the Union.

Mr. BURKE of Massachusetts. Mr. Speaker, baseball is more than a game.

Major league baseball has provided wholesome recreation and happiness to hundreds of millions of Americans, but the major league clubs have also made substantial contributions to the welfare of the community throughout the years.

One of the most important of these contributions is the generous program of free admissions given to young people, senior citizens, servicemen, the physically handicapped, and various groups of public servants.

Last year the 20 major league clubs gave away 3,867,965 free admissions to their baseball games. By far the greatest number went to youngsters. The clubs entertained 2,320,000 children and teenagers and nonpaying guests. Underprivileged children from the inner cities made up a large percentage of these admissions, and the rest went to young people as a reward to their contribution to the community as safety patrols, workers in charity drives, junior firefighters, honor students, and membership in constructive groups such as the Boy Scouts and Girl Scouts.

In addition to giving away their tickets, most of the big league ball clubs each year play in an exhibition game for the benefit of youth programs in the community. The New York Yankees and the New York Mets meet each year in the Mayor's Cup game which raises more than $60,000 annually for youth welfare programs in the metropolis. The Chicago Cubs and White Sox meet each year in a game which has raised more than $400,000 for health and recreation programs since 1952. All the other clubs are involved in similar programs.

And in the off season, the major league ballplayers and club officers and employees give much of their time to working with young people, and to visiting hospitals and military installations.

Each year, at the end of the season, a group of major leaguers visits our boys in Vietnam, and another group tours military hospitals in other parts of the world.

In its centennial year, we salute baseball as a good citizen.

Mr. CLANCY. Mr. Speaker, professional team sports are so much a part of our life, not only in the United States, but throughout the world, that it is hard to realize that it all began only 100 years ago, with a little band of 10 men in Cincinnati, Ohio.

The Cincinnati Red Stockings, first professional baseball team, were the progenitors of all the hundreds of professional leagues in all sports today.

Baseball, a popular game in the United States from the days of the American Revolution, began to take organized form after Alexander Cartwright drew up the first nationally accepted set of rules for the New York Knickerbockers in 1845.

After the Civil War, amateur baseball teams sprang up everywhere in the country, and as the game grew in popularity, all the inevitable evils of amateurism began to create dissension. Complaints of proselytizing and undercover payments to amateurs were rife.

Aaron B. Champion, president of the Red Stockings, hit upon a solution—the formation of an honestly professional team. He hired Harry Wright as manager, and hired nine other players who proceeded to set a winning record which has never been equaled. Touring from coast to coast and taking on all comers, the Red Stockings won 65 games without defeat.

Would you like to know the names of that pioneer group? Here they are: Harry Wright, manager and center fielder; Asa Brainard, pitcher, and the only pitcher; Douglas Allison, catcher; Charles Gould, first baseman; Charles Sweasy, second baseman; Fred Waterman, third baseman; George Wright, shortstop; Andrew Leonard, left fielder; Calvin McVey, right fielder; and Richard Hurley, substitute.

Harry Wright, as manager, was paid $1,200 for the season, and his brother, Shortstop George, got $1,400. Other salaries ranged from $600 to $1,100, and the total payroll for the season was $9,400. The minimum salary for a player on a 25-man major league roster today is $10,000.

The Cincinnati immortals pioneered in fashion, too. Baseball players had traditionally worn cricket uniforms, with long white trousers, but George Allard, one of the Red Stockings directors, designed a new baseball uniform, not too unlike that which still is worn.

Despite their sensational record on the field, the first professional team did not make its backers rich. Gate receipts were $29,726.26, salaries and expenses came to $29,724.87, leaving a net profit of $1.39 for baseball's—and sport's—first professional team.

Nonetheless, Aaron Champion, president of the Red Stockings, said proudly at the end of the season:

I would rather be president of the Red Stockings than be President Ulysses Grant of the United States.

The success of of the Red Stockings spurred the formation of many professional teams, and 2 years later, in 1871, the first professional league, the nine-team National Association, was organized.

The Red Stockings continued their incredible victory march in 1870 until June 14, when they lost an 8 to 7 decision to the Atlantics of Brooklyn, N.Y., after winning 130 straight games. Truly a record never to be approached again.

Mr. UDALL. Mr. Speaker, as one who has gained some infamy in these halls for his dabblings in partisan baseball, I am happy to lend my insights and experienced voice to this tribute to professional baseball. I am particularly pleased to note, with all due humility, on this centennial occasion that professional baseball's most promising young stars come from my home State of Arizona.

It wasn't always that way. A year before the first professional baseball team was even organized, Harvard University was the goliath of baseball, champion of the world, and no one would dispute its claim. Well, at Harvard they are doing other things now, and the two Arizona universities are America's best.

The University of Arizona and Arizona State University have in recent years fielded some of the best college teams in memory. Under the tutelage of the late and beloved J. F. "Pop" McKale and now under Frank Sancet, University of Arizona teams have consistently been in the running for the national title. More often than not, their rivals came from Arizona State University under Coach Bobby Winkles.

Just last month the great ASU Sun Devils won the College World Series for the third time in the last 5 years, and four of its members have entered professional baseball. Tradition indicates they will make it to the majors in very short order, as have fellow alumni Sal Bando and Reggie Jackson who play for the Oakland A's and recently starred for the American League all-star team. The University of Arizona is represented here in Washington, I might add, by Dave Baldwin, who pitches for the Senators.

Mr. Speaker, Arizona is proud of its baseball champions, and we feel the major leagues are fortunate to have this mine of future gold.

Mr. PATMAN. Mr. Speaker, it is a pleasure to join with the gentleman from Arizona in congratulating the fine Arizona State University and the University of Arizona baseball teams. However, I would like to recognize another college team in the Southwest that is capable, I believe, of giving even these schools a serious challenge. The Panola College Ponies, young ballplayers of wonderful talent from Carthage, Tex., recently brought great honor to themselves, their school, and their fine "winningest" coach, Bill D. Griffin, by becoming the junior college champions of the United States in Grand Junction, Colo.

These aggressive players fought their way back from an almost disastrous semifinal setback to become the outstanding team in the Nation. We in Texas are justifiably proud of Panola's exceptional accomplishment since this honor was won over 443 other junior colleges that fielded teams this year.

It is indeed noteworthy that although only 167 junior colleges supported baseball teams in 1961, just 8 years later, we find that an additional 276 teams have joined this fine sport.

When I first took an active interest in baseball, together with the companions of my youth, back in Cass County, Tex., the game was not quite so orderly, the facilities could be described as skimpy, and it was not so much a spectator sport because every young fellow took his turn at being a player, and I would not be surprised if at times there were more than nine players on a side. But that was a good 60 years ago, give or take a few years, a period during which baseball be-

came a highly organized game, as exciting for the onlookers as it was then for the sandlot players in Texas.

And having recently traveled out to the R. F. K. Stadium here in Washington I am firmly convinced that baseball is experiencing a mighty resurgence of interest. Personally, I never expect to see a player who will mean as much to me as Babe Ruth or Ty Cobb, and that latecomer, Joe DiMaggio, but it is also apparent that today's youth are in equal measure, fans of Willie Mays and Denny McLain.

Mr. Speaker, I respect the sentiment expressed by my good friend from Arizona, I admire the fine teams from his great State, but here today I would like to salute the indomitable practitioners of this great American sport in deep east Texas, the victorious Ponies of Panola College.

Mr. AYRES. Mr. Speaker, as we join in a salute to professional baseball's centennial, I think we should not forget the tremendous contribution to American life that is being made by the organized amateur baseball programs in this country.

Major league baseball has brought joy and excitement to hundreds of millions of Americans, and has offered thousands of young men an opportunity to gain fame and economic security. But our youth baseball programs are one of the most effective tools in fighting juvenile delinquency and in teaching young Americans the old-fashioned virtues of discipline, teamwork, and adherence to a code of rules.

Organized youth baseball gives millions of boys and young men a continuing interest through the long summer months when other boys find that idleness breeds mischief.

Sandlot baseball, as we used to know it, is fast disappearing, as the vacant lots on which neighborhood groups used to play their informal games have been covered with brick and concrete.

But more boys are playing baseball today than ever before in history, thanks to the vision and dedication of the youth programs which offer organized team play leading to State and National championships to our young people.

Almost 4 million youngsters take part in these programs, and there would be more if money was available to provide playing fields and equipment.

Each of these programs is spearheaded by a small band of dedicated administrators, but they exist only because of the devotion and self-sacrifice of hundreds of thousands of volunteer workers who raise funds, supervise the leagues, coach and supervise the boys, and do the thousand things that must be done to keep a program viable.

Baseball is unique in having this army of volunteers to keep the sport alive and growing. All other sports are sponsored and directed almost 100 percent by professional coaches in the high schools and colleges. The schools sponsor and teach baseball too—in 13,500 high schools, 971 colleges, and 443 junior colleges. But because of the nature of the game and its summer season, the school and college baseball players come from what we still call the sandlots, and play most of their baseball in the summer youth programs.

I would call your attention especially to the following fine youth programs:

The American Legion, whose posts sponsor highly competitive teams for 16- to 18-year-olds. More than 52 percent of the United States boys playing in the major leagues today are graduates of American Legion Baseball;

The American Amateur Baseball Congress is oldest of the youth baseball programs. Headquartered in Akron, Ohio, the Congress sponsors baseball in the Connie Mack Leagues for 16- to 17-year-olds, and in Stan Musial Leagues for older boys and men;

Babe Ruth Baseball, headquartered in Trenton, N.J., which provides a splendid baseball program for boys in the 15- to 16-year-old age level;

Boys Baseball, Inc., with headquarters in Washington, Pa., whose Pony, Colt, and Bronco Leagues offer competition on an advancing scale for boys from 12 to 17.

Little League Baseball, located at Williamsport, Pa., in which almost 2 million boys will compete this summer. Almost every American boy with any athletic ambition will have an opportunity to play Little League baseball if the program continues its phenomenal growth of recent years.

There are other worthy youth programs which sponsor baseball on a regional and local level.

As we salute professional baseball's great centennial, let us pay tribute also to the youngsters and the devoted volunteers in the youth baseball programs of America.

Mr. KUYKENDALL. Mr. Speaker, any discussion concerning baseball's 100th anniversary would not be complete without at least some mention of the American Legion baseball program. This program is active in every State of the Union, and I am proud to say that American Legion Post No. 1 of Memphis is the national champion by virtue of its victory in the national tournament at Manchester, N.H., last September.

Under our driving little coach, Tony Gagliano, Memphis won 52 out of 57 games last summer, including 22 in tournament play.

And though the two top pitchers on that team are now playing professional baseball, Memphis plans to make a strong bid for a repeat championship this year. Don Castle, Memphis' No. 1 pitcher and hitter in 1968, was No. 1 draft choice of our Washington Senators, and Ross Grimsley, another outstanding pitcher, has signed with the Cincinnati Reds.

Winning the American Legion championship is not an easy task. Every American Legion post team is a picked group of the best players in its community, and there are more than 2,800 of them. To finish on top in that select group is an honor of which to be proud, and we in Tennessee are proud of our Memphis boys.

American Legion baseball stands at the top of the Nation's competitive youth baseball programs. More than 52 percent of native-born Americans in the major leagues today are alumni of the American Legion program.

Since 1928, the major leagues of professional baseball have made substantial contributions to the Legion tournament program. They presently make a $75,000 grant to the program.

The association between baseball and the American Legion is surely one of the happy relationships in American culture. The Legion is devoted to perpetuating the ideals of patriotism, devotion to duty, and a disciplined approach to manhood. And baseball, the national pastime of the United States, always tries to instill these virtues in its players.

Mr. TAFT. Mr. Speaker, I am pleased to join in congratulating professional baseball on its 100th anniversary. I am also pleased to advise the House that the post office will issue a commemorative stamp in honor of this anniversary. Postmaster General Blount has informed me that the 6-cent stamp will be issued toward the end of the 1969 baseball season in Cincinnati where the first professional team, the Red Stockings, was organized in 1869.

While Cincinnati was the home base for the Red Stockings, the team toured almost 12,000 miles from Massachusetts to California in their spectacular 1869 season and succeeded in popularizing the sport on a national scale. The impetus of this coast-to-coast tour resulted in the establishment 2 years later of the National Association of Professional Baseball. This first pro league was succeeded in 1876 by the National League, which continues successful operation to this day.

This stamp, therefore, is in recognition of the role organized baseball has played throughout this Nation in the past 100 years. Parenthetically, I might add that baseball in this period has also been successfully exported to other parts of the world such as Latin America and Japan. It continues to attract large numbers of fans across the country and we believe that it deserves this kind of national recognition.

A number of baseball officials including Commissioner Bowie Kuhn and Cincinnati Reds President Francis Dale have joined me in efforts to win postal approval for this stamp. A bill I introduced earlier in this session to authorize printing of a commemorative stamp was cosponsored by former major league pitcher and now Congressman WILMER "VINEGAR BEND" MIZELL. I am grateful that through all of our efforts the Post Office will issue this stamp in honor of our national pastime.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I am pleased to join with my distinguished colleague, MICHAEL FEIGHAN, in paying tribute to baseball. This centennial year of professional baseball serves to remind us that the game of baseball may truly be considered our "national pastime." It is a game whose popularity first developed during the first half of the 1800's. Interest in the game multiplied yearly, ultimately evolving into the establishment of the Cincinnati Red Stockings in 1869, America's first regular professional team. It is my pleasure to be able to enthusiastically join all Americans in the celebration of the 100th anniversary of this important moment in the history of the sport.

The game of baseball is actively enjoyed by large numbers of Americans. The youth of this country seem to gain an enthusiastic appreciation for the

sport which serves them throughout their lives. This enthusiasm is of a nature which allows one, when unable to actually participate in the game, to vicariously experience the many joys and sorrows connected with this great game. The many radio listeners and television viewers, as well as the thousands of fans who flock to the ballparks to support their favorite teams, all point toward this time-honored American baseball phenomenon.

In this country today Americans are forced daily to withstand the tension from the many existing national problems. It is an era where war and the threat of war is the order of the day. It is a time when urban problems and domestic strife place great pressure on every responsible American. It is thus my belief that there has never been a time as fitting as the present when the Nation should express its gratitude for having such a pleasurable national pastime. By attending one of the many games of baseball, an individual, if only for a few short hours, is often able to leave many of his troubling cares and worries at home. Viewing a game often allows one to be able to not only lose oneself in the excitement of the game, but to rid oneself of many of one's pent-up emotions. Few experiences are as totally carefree and enjoyable as to be able to root one's favorite team to victory. It is an enjoyment equally appreciated by all; it is an emotion that knows no social barriers.

The free expression of this type of emotional release has never been more clearly demonstrated than in regard to my hometown team, the Red Sox. Over the years, along with the thousands of other Red Sox fans, I have cheered and supported the team through its many trials and tribulations. At times, I must admit, it seemed that the Red Sox had more than their share of "bad breaks"; but my enthusiasm never waned. In 1967, after a long and particularly rigorous season, the Red Sox won the American League pennant. After an initial lull caused by the traumatic shock of actually winning the race, the fans broke out of their trance and went wild with elated joy. One could actually feel the emotional fervor and excitement. Names like "Reggie," "Yaz" and "Conig" were proudly on the lips of the many baseball enthusiasts in the Boston area. It was as if every Red Sox fan, through his tenacious and avid support for the team had personally helped the individual players earn the pennant.

This centennial year of baseball is of particular significance to me. One of my alltime favorite Red Sox baseball players, Ted Williams, has come to Washington, my second home, to aid the Washington Senators in their quest to win an American League pennant. I wish Ted all the luck in the world, and hope that he is truly successful in carrying his team to a second-place finish—behind the Red Sox, of course. Drawing from my observations of his managerial performance, he has already instilled much of the same kind of Boston enthusiasm and spirit which I have enjoyed over the years through the Red Sox.

I would also like to take this opportunity to sincerely congratulate Joseph E. Cronin upon his being recognized as the greatest living shortstop. Mr. Cronin is not only a fine baseball player, but is a great gentleman and a credit to the game of baseball. The award could not be given to a more deserving individual.

I should finally like to close by offering a salute to the game of baseball, and thank it for performing its continuing and important role of acting not only as a welcomed emotional outlet but as a source of pure enjoyment for all Americans.

GENERAL LEAVE TO EXTEND

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have 5 days in which to extend their remarks on the subject of my special order, which is the 100th anniversary of baseball.

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

There was no objection.

FEDERAL COAL MINE SAFETY REVIEW BOARD

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks, and include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, in a colloquy on July 22 between the gentleman from West Virginia (Mr. HECHLER) and me, the subject of the Federal Coal Mine Safety Board of Review came under some discussion. I pointed out at that time that my colleague's statements about the qualifications of one board member, Mr. Lewis Evans, were in error. However, when our discussion ended, Congressman HECHLER left the impression that Mr. Evans had been "consistently outvoted" as a member of the Board.

In order to check the correctness of the statement, I asked for a résumé of the Board's hearings activity. I bring that record to the attention of my colleagues and point out that the Board has only heard two cases since Mr. Evans has been a member of the Board. The first case was settled by the parties involved without the Board taking a vote. The second case is still pending. That, I believe, puts the matter of Mr. Evans' voting record in proper perspective.

At this point, Mr. Speaker, I want the RECORD to show the history of the Board's actions in cases from 1952 to the present:

CASES INVOLVING FORMAL BOARD HEARINGS, TYPE OF ORDERS, BOARD DISPOSITION

Name	Docket No.	Hearing dates	Type of order (Board disposition)
Morrisdale Coal Mining Co	53-01	Oct. 17, 1952	Gassy classification order (Bureau order upheld).
Dominion Coal Co	53-02	do	Imminent danger closing order (Bureau order annulled by Director of Bureau, after compliance by operator; appeal dismissed).
Moshannon Smithing Coal Co	53-03	Jan. 27-28, 1953, Feb. 6, 1953	Gassy classification order (Bureau order upheld).
Snow Hill Coal Corp	53-04	June 8, 1953, June 17, 1953	Elapsed-time closing order (Bureau order revised, to extend time for abatement, upon agreement of parties at hearing).
Rebecca Coal Co	54-01	Nov. 10-11, 1953, Nov. 23, 1953	Gassy classification order (Bureau order annulled).
Kleaner Coal Co	54-02	Oct. 1, 1953	Imminent danger closing order (Bureau order annulled after compliance by operator, and agreement of parties).
Princess Elkhorn Coal Co	55-01	Nov. 30, 1954, Dec. 1-3, 1954, Dec. 6-10, 1954, Jan. 5, 1955.	Gassy classification order (Bureau order annulled).
Three Fork Coal Co	55-02	Dec. 13, 1954, Jan. 17-20, 1955, Feb. 15, 1955	Elapsed-time closing order (Bureau order annulled).
Gauley Mountain Coal Co	55-03	Jan. 31, 1955	Eapsed-time closing order, gassy classification (Bureau order upheld).
Inland Steel Co	55-05	Nov. 28, 1955, Dec. 12, 1955, Jan. 10-14, 1956, Jan. 16-17, 1956, Feb. 17, 1956, July 9, 1956, Sept. 11, 1956.	Glassy classification order (Bureau order upheld in part, and annulled in part).
Harlan-Wallins Coal Corp	55-07	July 6-8, 1955	Gassy classification order (Bureau order upheld).
Crucible Steel Co	56-01	July 30, 1955, Aug. 29-Sept. 2, 1955, Sept. 28, 1955, Oct. 24, 1955, Nov. 2, 1955.	Elapsed-time closing order (Bureau order annulled).
Rosedale Coal Co	57-02	Jan.31-Feb.1,1957,Feb.4,1957,Feb. 21,1957	Gassy classification order (Bureau order upheld.)
St. Marys Sewer Pipe Co	58-01	Jan. 3, 1958	Do.
Straight Fork Coal Co	61-01	Jan. 6, 1961	Elapsed-time closing orders (case settled at hearing; operator complied with orders and appeal withdrawn).
Pittsburgh Plate Glass Co	61-02	Aug. 3, 1961, Aug. 28-30, 1961, Oct. 9, 1961	Gassy classification order (Bureau order annulled, but increase in number of inspections ordered).
Panther Coal Co	64-1	Apr. 14-17, 1964	Gassy classification order (Bureau order upheld).
R. & W. Coal Co	67-11	June 27-28, 1967	Do.
Johnson Coal Co	67-19	Aug. 8, 1967	Coal designation: anthracite or bituminous (appeal dismissed upon motion of Bureau, for lack of jurisdiction).
Midvale Coal Co	68-01	Oct. 10-12, 1967	Gassy classification order (Bureau order upheld).
S. & F. Coal Co	68-18	May 10, 1968	Gassy classification order (appeal withdrawn).
Ratliffe Coal Co	69-77	Mar. 1, 1969	Imminent danger closing order (Bureau order annulled after compliance by operator and agreement of parties).
Barnes & Tucker Coal Co	69-109	Apr. 22-23, 1969	Pending.

Note: Out of 22 litigated cases, the Bureau was fully upheld in 10; upheld in part in 1; and reversed in 5; and 6 cases were settled upon agreement of the parties after a hearing. Therefore, of cases fully litigated and decided, the Bureau was upheld in whole or in part in 69 percent, and reversed in 31 percent, of the cases. 5 of these cases were appealed to the U.S. courts of appeals (3 by operators and 2 by the Bureau), and the Board's decisions were affirmed in 4 cases, and in 1 case the appeal by the Bureau was dismissed as untimely filed. All decisions of the Board were unanimous, except in Princess Elkhorn (1955), in which the worker representative dissented and St. Marys Sewer Pipe (1958), in which the operator representative dissented; both majority decisions were affirmed unanimously by the courts of appeals. There were, of course, a number of other cases involving disputes, which were filed formally or informally, and which were resolved without a hearing. Also, there were a large number of State plan cases which were decided upon stipulation and without dispute of the parties.

This table should go a long way toward dispelling the notion that the Board is not carrying out its statutory function or that the Board is consistently deciding cases to the disadvantage of one group over another. There have been charges that the Board has a built-in bias in favor of the mine owners in that the Chairman of the Board is required to be a graduate mining engineer. The presumption is that such a person would normally come from the ranks of the coal operators as opposed to the miners.

This particular concern was recognized by the Congress when it created the Board and with particular reference to the Chairman, the United States Code provides:

> One person who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have had at least five years' experience as a practical mining engineer in the coal mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

The purpose of this section of the code is to make the Chairman of the Board the "public representative" and in my opinion, this is as close as one can come to having the best of two worlds; that is, a trained, experienced, technical expert to head the Board, yet one who is not beholding to either of the two groups—owners and miners—otherwise represented on the Board.

Mr. Speaker, in highly technical fields, such as coal mine safety, metal mine safety, and transportation safety, the legislatures have progressively sought to delegate the initial review of administrative orders to quasi-judicial boards rather than to the courts. Unlike the courts, these boards are equipped with the special competence to resolve technical conflicts, and can act with the speed, economy, and uncomplicated procedures particularly adapted to the problems involved.

The danger from the alternate course of sanctioning initial review by the courts was tragically demonstrated in the explosion which resulted in the deaths of five men at the O'Brien coal mine, Lovilia, Iowa, on March 30, 1953. That disaster, which was a direct consequence of a State court injunction prohibiting enforcement of the Federal act in the O'Brien mine, illustrates only too vividly the grave hazard of granting immediate jurisdiction over mine safety disputes to a court which lacks the technical experience and training, and the specialized procedures necessary to discharge this responsibility.

Apart from the foregoing, the tripartite review board, created within the framework of a coal mine safety program, provides benefits to each segment of the industry and to the Government inspection agency. The advantages to the mine operators are obvious: appeals can be rapidly and economically taken to an independent agency; the merits of the operator's claim receive technically competent consideration; the management experience is applied to the resolving of disputes; loss of production from unwarranted orders can be minimized; and the existence of the board itself helps to assure a fair and reasonable enforcement of the act.

While the advantages to the workers and to the inspectors may be less obvious, they are fully as real and vital to the respective interests of each group. For example, as to the mine workers, the review board can act quickly to prevent unnecessary mine closings, and the workers are protected thereby from substantial losses of personal income and employment, uncalled for by the requirements of mine safety. Moreover, labor representation on the board guarantees that the viewpoint and experience of the workers will be a major consideration at all times and will command the close attention of the Government and of the general public. Furthermore, the decisions of the review board are themselves a forceful means of specifying and compelling a more vigorous enforcement of particular requirements in the statute. As shown by the Federal experience, these decisions are equivalent to a court mandate to correct deficiencies in administration disclosed during the conduct of board hearings. Finally, the joint efforts of labor and management on a review board encourage the cooperation and the common purpose of the workers and operators on safety matters within the individual mines, without which no mine safety program, however well formulated, can possibly succeed.

As to the inspection agency, an independent review board can prove an extremely valuable ally to increase the freedom, stature, and effectiveness of a strong administration. For instance, since the board is readily available to consider appeals by the operators, the inspectors are completely free to probe the enforceable limits of each provision in the law, leaving to the board the responsibility for defining those limits and for the derivative effects of such actions. Also, as a matter of human nature, the mere right of a prompt and fair hearing of a dispute promotes a far greater willingness on the part of the operator to cooperate with the inspector, and to carry out his orders and recommendations. In this regard, since an operator is provided a simple method of taking an appeal, he is less likely to conform superficially with what he is convinced is an improper order and then to ignore the order after the inspector has left the mine. Consequently, a more intensive and persistent compliance with the laws is encouraged. Furthermore, the handling of disputes by a qualified review board often stimulates new ideas for resolving technical problems, and assists the inspection agency in obtaining the adoption and acceptance by the industry of changes in operating methods. Last, the direct participation of management and labor on a board within the very framework of the regulatory program strongly reinforces the inspection agency in its efforts to secure additional legislation and to maintain the independent status so essential to the effective performance of its statutory duties.

In conclusion, Mr. Speaker, experience under the Federal Coal Mine Safety Act has firmly established that an independent review board is of critical importance to the effective operation of any comprehensive mine safety program. The reasons outlined above show that the benefits derived from such a tripartite body are equally important to the operators, the workers, the Government inspectors, and the public at large.

LEGISLATION TO PROHIBIT SALE OF CARS POWERED BY INTERNAL COMBUSTION ENGINE

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 15 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13225, legislation to prohibit the manufacture and sale of cars powered by internal combustion engines after January 1, 1978.

My bill is similar to one passed by the California State Senate last week and currently pending in the State assembly. The California legislation would become effective in 1975.

It is generally recognized that the automobile represents the most important single source of air pollution in the United States. It currently is responsible for 60 percent of all air pollution in the country and over 95 percent of carbon monoxide in the air. In terms of the total quantity of pollutants, it produces more contaminants by weight than all other sources combined. In addition to carbon monoxide, it is the prime source of hydrocarbons and the chief source of lead in the atmosphere and produces nearly half of the total nitrogen oxides released.

Even aside from the health and safety hazards, which are so often dwelled upon, the dollar loss resulting from air pollution is staggering. It is estimated at $11 billion a year or $600 per family.

Despite these facts, the automotive industry has resisted all proposals designed to reduce air pollution resulting from internal combustion engines. It would not install pollution reduction equipment in its automobiles until required to do so by Federal law. It would not equip its auto with safety belts or other safety equipment until the Federal Government told it that it had to. And it would not even recall defective vehicles for adjustments until after public agitation got too great. The industry does not appear to have any concern for the public's health and safety.

It is impossible to produce a low-pollutant engine powered by gasoline because uniform burning is impossible. Attempting to reduce pollution by stricter emission can only partially reduce the level of pollution emission. The rigid emission limitations of the Public Health Service set to go into effect in 1970 will be more than offset by the greater number of cars on the road.

As the Public Health Service's projection of the level of automotive pollution suggests, the increasing number of cars

will begin to offset the decrease in pollution brought about by exhaust emission control devices after 1980.

POLLUTION LEVEL FROM AUTOMOBILES BASED ON 1970-71 PUBLIC HEALTH SERVICE STANDARDS

HYDROCARBONS

[In millions of tons per year]

	1968	1972	1975	1980	1990
Urban	7.0	6.0	5.0	4.5	7.0
Total emissions, nationwide	12.0	10.0	8.5	7.0	10.0

CARBON MONOXIDE

Urban	47.5	40.0	32.5	27.5	43.0
Total emissions, nationwide	68.0	55.0	45.0	37.5	58.0

OXIDES OF NITROGEN [1]

Urban	3.0	4.0	4.5	6.0	10.5
Total emissions, nationwide	6.5	8.5	9.5	12.0	19.5

[1] There are no current Public Health Service emission standards.

We must seek alternative methods of propulsion for our cars. The auto industry has the technical capacity. Indeed, if it wanted, it could market a low-cost, low-emission vehicle today. But as brought out by hearings held by the Senate Commerce Committee, none of the Big Three automakers are actively moving toward this goal because they are satisfied with the market status quo. Only American Motors, which is not satisfied with its share of the current market, is moving to explore alternative methods of propulsion.

Among the alternative propulsion systems that have received the most publicity is the steam engine. It produces less than 5 percent of the pollution of the internal combustion or gasoline engine. Turbine engines are another practical alternative. Electric engines would have to be recharged quite often and while they cut down on carbon monoxide pollution, they would cause sulfur dioxide pollution.

The legislation I am today introducing would prohibit the manufacture, sale, or transporting into commerce any new motor vehicle powered by an internal combustion engine manufactured after January 1, 1978, unless the vehicular engine produces a level of exhaust emission of not more than .5 grams per mile of reactive hydrocarbons, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen.

Since the automobile complex in Detroit, bolstered by the oil industry, refuses to take the initiative to insure a livable world in the year 2000 Congress must act now. The problem is not one of technology, but of will.

The text of the bill follows:

H.R. 13225

A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Clean Air Act is amended by renumbering section 212 as section 213 and by adding immediately after section 211 the following new section:

"INTERNAL COMBUSTION ENGINE BAN

"SEC. 212. (a) Notwithstanding any other provision of law, except as otherwise provided in subsection (c) of this section, it is hereby prohibited to manufacture for sale, to sell, or to offer for sale, or to introduce or deliver for introduction into commerce or to import into the United States for sale or resale, any new motor vehicle powered by one or more internal combustion engines and any new internal combustion engine manufactured for use in a motor vehicle if such vehicle or engine is manufactured after January 1, 1978.

"(b) Violations of this section shall be subject to injunction and the penalties provided in sections 204 and 205 of this Act in the same manner and to the same extent as is provided therein for violations of paragraphs (1), (2), and (3) of section 203(a) of this Act.

"(c) This section shall not apply to any new motor vehicle powered by one or more internal combustion engines or to any new internal combustion engine manufactured for use in a new motor vehicle which vehicle or engine produces a level of exhaust emissions of not more than .5 grams per mile of reactive hydrocarbons, 11 grams per mile of carbon monoxide, and .75 grams per mile of oxides of nitrogen."

CAMP LEJEUNE PROBLEM

The SPEAKER. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, earlier today the gentleman from Mississippi (Mr. COLMER), and the gentleman from New York (Mr. BIAGGI), described to this body the deplorable disciplinary conditions which exist at Camp LeJeune, N.C. The incident they referred to resulted in the most ghoulish death of one marine, serious facial disfiguration to another, and illustrates an explosive situation which must be recognized and severely dealt with by the command to prevent any such further terrorism.

I would like to state that these incidents are not the first, for last November 28, Pvt. Thomas L. Morrow III, a constituent from my district, an honor student from both Louisiana State University and Colorado State, was brutally assaulted and murdered by three marines while he was walking on the base at Camp LeJeune near his barracks.

One of the assassins was convicted of murder and sentenced to 15 years, one was acquitted, and charges against the third were dropped. The three assassins were colored; the victim was white. But it would be difficult to say that Pvt. Morrow, who had just arrived at Camp LeJeune, was a racist or had precipitated the incident since he had just left the Peace Corps prior to enlisting in the Marines.

I join with my colleagues in demanding a congressional investigation of the violent "packs" who have infiltrated into and roam about our military institutions terrorizing and victimizing our young men who are serving their country.

Especially I think that this body is entitled to know whether the problem is lack of competent leadership in the military or whether the leadership is being handcuffed from enforcing discipline because of officious intermeddling by "judicrats" of our Federal judiciary.

Mr. Speaker, I include several news clippings on this topic:

[From the Baton Rouge (La.) State-Times, Nov. 28, 1968]

THREE ARE HELD IN PROBE OF BATON ROUGE MARINE'S DEATH

CAMP LEJEUNE, N.C.—Three men, reported to be Marines, are being held in connection with the fatal beating of Pvt. Thomas L. Morrow III, 26, Baton Rouge, a spokesman at Camp LeJeune said yesterday.

Names of the three suspects were being withheld pending further investigation.

Morrow, son of Mr. and Mrs. Thomas Lindsey Morrow of 2024 Cloverdale and a graduate of Baton Rouge High School, was attacked on the base last Thursday night and died shortly after midnight Monday.

A base spokesman said Morrow suffered a fractured skull in the attack, which occurred in the Montford Point area of the base. Robbery was thought to have been the motive.

The young marine had been beaten and robbed on the base last Thursday night while he was walking back to his barracks. He was hospitalized at the U.S. Naval Hospital at Camp LeJeune.

Morrow was a student in the Marines' service support school training to work in the Corps' disbursement section, the information officer said.

The death is under investigation by the provost marshal at the camp. No affirmative results have been reported so far, the officer said.

Morrow's parents were at his bedside over the weekend.

They were returning to Baton Rouge this afternoon.

A graduate of Baton Rouge High School, Morrow, 26, received a bachelor's degree in wildlife and forestry from LSU in 1964. This June he received a master's degree in wildlife management from Colorado State University.

He graduated with honors from both universities and received numerous academic awards while he was a student.

He was with the Peace Corps briefly before joining the Marines. Morrow received his basic training in California and had been transferred to Camp LeJeune shortly before the fatal beating.

[From the Baton Rouge (La.) State-Times, Feb. 10, 1969]

LOCAL MARINE'S SLAYER IS METED 15-YEAR SENTENCE

JACKSONVILLE, N.C.—A Camp LeJeune Marine court martial board Friday convicted Pfc. Clarence E. Johnson, 20, of Kansas City, Mo., of murder and larceny in the slaying of another Marine from Louisiana.

Johnson was sentenced to 15 years at hard labor, dishonorable discharge, reduction in rank to enlisted man, and forfeiture of pay. The maximum penalty would have been life imprisonment.

He had been charged with murder and robbery in the death on the post of Pvt. T. L. Morrow, 26, of Baton Rouge, La.

Johnson's lawyer said he would ask the 10 members of the general court martial board to recommend clemency—a reduction of the sentence. Three-fourths of the board, or eight members, would have to assent. Johnson also can appeal through military channels.

Johnson and two other Marines were originally charged in the case. One of them, Pfc. Adam L. Vanlandingham, 18, of Baltimore, was acquitted of a murder charge last Friday. But he was convicted of larceny and sentenced to a bad conduct discharge and six months at hard labor.

Witnesses at the Vanlandingham trial testified that Morrow was knocked to the ground by another marine, kicked in the head, and robbed of $60.

The third original defendant, Pfc. Harold McDonald, whose address was unavailable, had been charged only with robbery. This charge was dropped Wednesday, the day Johnson's court martial opened.

[From the Wilmington (N.C.) Star News, July 26, 1969]

CAMP LEJEUNE CONFIRMS BLACK POWER PROBLEMS

(By Ted Fox)

CAMP LEJEUNE.—The joint informational services office confirmed Saturday reports published in New York that some Camp Lejeune Marines have armed themselves with chains, knives and clubs for "self protection" and also the black power salute was being publicly exchanged in service clubs, mess halls and other public places.

Capt. Larry LePage said that the base provost marshall is investigating each report and that some such incidents have been confirmed.

Capt. LePage said that reports of weapons being carried started shortly after a racial affray last Sunday when about 30 Black Marines are alleged to have attacked small groups of two or three White Marines or individuals.

Two of last week's victims are still in serious condition in the Naval Hospital at Portsmouth, Va., where they were taken with severe head injuries.

Investigations of the incidents that have occurred are given priority attention and those persons carrying weapons, including firearms, are being apprehended by the military police and base provost marshalls.

Those Marines giving the Black Power salute or otherwise trying to create racial tensions are being required to give an explanation to the commanding officers and could be charged under the Articles for the Government of the U.S. Navy.

LePage said in reply to a query from a Star-News Newspapers correspondent, "none of the base training session have been interrupted by agitators or that any of the thousands of reservists presently undergoing training had been involved in the racial conflict reported at the huge base during the past week.

Base authorities admitted that most of the militants identified so far have been Black. White militants reported to have accompanied the Black gang last week have not been located.

Investigators are also looking into the possibility of a connection with drug abuse on the part of the racial agitators.

LePage said that most of the reports of individuals arming themselves occurred after the Black-White battle last week near the Hadnot Point enlisted man's service club. He said many of those were apparently carrying chains and knives for fear of a reprisal for the attacks on the White Marines.

About 11 White Marines were injured in addition to those still hospitalized and one other who suffered several stab wounds in the back.

No firearms have been involved so far, according to LePage. He said that these are carefully controlled since Base regulations require that private weapons be registered and locked in the unit armory.

Married personnel may keep weapons in their quarters but still must register them with Base authorities.

[From the Wilmington (N.C.) Star News]

MARINE DIES OF INJURIES FROM BASE RACIAL RIOT

(By Ted Fox)

CAMP LEJEUNE—Capt. Larry LePage, joint information officer, said Sunday that Cpl. Edward Bankston, 20, of Picayune, Miss. died as a result of injuries he received in a racial attack a week ago.

He said the corporal was one of 14 Marines who had been attacked by a group of some 30 black Marines that resulted in Bankston's eventual death, skull injuries to James S. Young who continues in serious condition, and 13 others injured to varying degrees. One man is recovering from several stab wounds in the back.

LePage said the unit involved, 1st Battalion of the 6th Marines, had been celebrating their departure for duty in the Mediterranean. He said the unit has since departed and they do not anticipate further incidents.

An explanation was given for chains being carried by the men, reportedly being carried for defensive weapons after the racial attack. LePage said each man had been issued a short chain to be used to lock their weapons to the tubular frame of their bunks aboard ship.

He speculated they hadn't any place to put them and had to carry them.

Investigation continues into the causes of the attacks in which single white Marines or groups of not more than two or three were beaten. It was originally thought the attacks were precipitated by an incident at an enlisted man's dance during which a black Marine tried to cut in on a white sailor's partner.

This, however, is believed to have had no relationship to the subsequent attacks, which some authorities thought were organized. Nine of the participants have been identified and possible charges are now being investigated.

The death of Bankston puts the episode in a much more serious light according to local authorities.

UNFAIR BURDENS ON AMMUNITIONS DEALERS AND SPORTSMEN

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. HAGAN) is recognized for 10 minutes.

Mr. HAGAN. Mr. Speaker, because of the strong reaction not only in my congressional district, my State, but across this vast Nation to the idea of firearms and ammunition registration, I have introduced legislation to correct what I consider unfair burdens on small ammunitions dealers and sportsmen in this country.

The following editorial, "Why Not Prohibit Crime?" from the Stars and Stripes points up well the fact that the good and decent citizen will be the only ones to give up possession of souvenir or protective firearms if the proposal of the President's Commission on the Causes and Prevention of Crime went into effect.

The editorial follows:

WHY NOT PROHIBIT CRIME?

Why does not Congress pass a law making it a crime to commit a crime in America? Foolish question? Not much more foolish in our opinion than that proposed by the President's Commission on the Causes and Prevention of Crime. In a report released early this week, the commission, which was appointed by Ex-President Johnson, proposed to prohibit most citizens, except policemen, from possessing a pistol or revolver. It would compel them to turn in their guns, ancient or modern to the federal government.

Any veteran of World War I who toted home a German Luger or other prized weapon 50 years ago to abide by the proposed law would have to surrender his gun. In many cases, he would have to dig it up from the bottom of a trunk or barracks bag where it may have been stowed these many years. Of course, the World War II man of some 20 years later too would have to throw his prized trophies into the government's pile.

But does anyone with a grain of sense think the professional crook and law breaker would dutifully turn in his tools of the trade? Crime has gone only one way in recent years—up. A courageous home or store owner now and then has thwarted a burglar or would be murderer with a revolver or pistol kept for meeting such an emergency. On occasions, he has put a professional crook or killer out of business for good.

Now the President's Violence commission comes up with the proposal to take away the honest householder's gun; to deny the sportsman who likes to shoot at targets his pleasure; to take from the ex-serviceman the captured gun he prizes and which he gained in the service of his country. These types of citizens are honest men. Under compulsion to abide with the law, most of them would turn in their guns.

The result would be leaving the criminal as the only man in possession of a pistol or revolver. Laws against more serious crime mean nothing to him. Yet, the President's commission apparently reasons that in this little matter of turning in his pistols and revolvers, he would readily comply. Started with a foolish question, we end with this foolish thinking on the part of the Violence commission.

YES, HUGH SIDEY, THERE IS ANOTHER AMERICA, THANK GOODNESS:

(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, in the July 18 issue of Life magazine, Hugh Sidey, a writer who endeavors to keep tabs on the condition of the Presidency, wrote a piece which prompts this response from me.

(The Sidey article is reprinted at the end of these remarks.) Briefly, he leaps all over the President. The cause, apparently, is that the President has not solved all the woes of the Nation and the world in 6 months' time. He goes on to wonder why the popularity polls show the President enjoying the outright approval of more than 60 percent of the population. He wonders, somewhat grumpily, whether there are really two Americas. He writes:

Some observers are asking whether or not (sic) there really are two Americas; one, which dominates the national dialogue, is hyper-liberal, Eastern-oriented, righteously arrogant, intellectually ferocious—but is now totally out of touch with the other America which is crime-fearing, inflation-weary and sick of being preached to, family-oriented and suburban-based, and which is the same as Richard Nixon mentally, culturally and, now, emotionally.

On the matter of the President's performance to date I would like to point out that it is easy to run down hill; it is hard to pull up hill. We have been going down hill as a country at a great rate for the past several years. I think President Nixon is doing very well if he can, in his first 6 months, just slow the downhill run appreciably.

For a general answer to the Sidey article, and I think it requires an answer,

I say "Yes. Most certainly there are two Americas":

There is the majority of the country and there is a small, but highly audible, overly visible segment, which he describes reasonably well in the part of the article which I quoted earlier.

In addition to the tiny segment of this self-styled elite, which talks to itself mostly and listens little, America consists of:

First. Hard-working white persons, struggling to meet their obligations, pay their taxes, and raise their children under increasingly chaotic social and moral conditions, and with a shrinking supply of money in terms of real purchasing power;

Second. Hard-working black persons trying to do the same thing;

Third. Young persons in school and college to learn. They work hard—and, yes, some of them join the ROTC to become leaders of our citizen-oriented armed services and many others report for induction without desperately exploring alternatives or contemplating flight from the country.

These are young people with pride in their country. Indeed, many of them are this moment fighting for our Nation's commitment to freedom. They are idealistic and, therefore, deeply distressed, and rightly so, by much that they see on the contemporary landscape;

Fourth. Many poor persons, of every age, weary in their poverty and sick of the soft and easy promises of vote-seeking politicians who do not deliver when they do get into office;

Fifth. Large numbers of citizens of every description who understand well the power of the Lord and the force which the love of the Lord has exercised upon the development of this country. They are sick of having the spiritual side of life downgraded and discounted while material things are elevated.

A large segment of this America, which I like to consider the real America, is encompassed by the famous phrase "The Forgotten Man." Who is the Forgotten Man? I described him partially above. Last year, in a July report to my constituents, I defined him as "the guy in the middle, the hard-working taxpaying, law-abiding, God-fearing citizen. He is not rich enough to fight the ravages of inflation by investing in the stock market or real estate, nor to command the advice of lawyers and accountants to steer him through the tax loopholes. He is not poor enough to have a Federal program smother him with affection, nor does he seem to be young enough nor old enough."

It should not be a matter for wonder—much less a full page in Life magazine—that the real America should welcome the change in tone brought to the administration of affairs by our new President.

Naturally, Americans welcome into power a man who reflects their concerns, who understands the spiritual power which underlies and still inspires everything good done in this land.

This style, for some reason, is not to the liking of most of that little band of self-styled elite. Perhaps they do not like it, because they see an early end to their days of living off the fat of the land. Those days went on far too long. Mesmerized by words and visions of Utopia, which these elegant drones are so adept at conjuring up, a lulled population left them too long in power.

Almost too late we have discovered that their talk of peace meant costly war; their talk of progress in civil rights meant riots in the streets and the near collapse of education; their talk of prosperity for all has meant feverish inflation and in the midst of material riches, the greatest amount of poverty, relatively, that our country has ever seen.

Their talk of individual liberty meant soaring crime and floods of pornography. Their talk of strength has meant a weakened national defense in spite of record spending on defense.

Their talk of morals in public life has meant a terrible falling off in public morals flagrantly illustrated by shocking personal, unethical behavior by one high public official after another in all branches of Government.

Small wonder that the young are disillusioned, that many are led to attempt to tear down what they regard as the corrupt establishment.

The arrogant little band, which has dominated the thinking and the political power of America for 40 years has failed the country miserably.

Yet, they are ever ready to find fault, noisily, with the new President.

It ill behooves them to do so against the background of their own failure.

President Nixon and his administration are striving to make sense and order out of the wretched mess they inherited. Nixon must pull the country together, cool the economy without a recession, calm the troubled fears that have gripped so many, fulfill an honorable commitment in Vietnam without further damage to the United States but without ceding the field to the Communists, and, generally, lead the country into the moon age, so full of unknowns, and all for the good of free men everywhere.

While he is engaged in these tasks, it is pathetic and galling to see him sniped at by those whose bitterness can only be a reflection of their own frustration at realizing how badly they have failed in their days of power.

They are out now. The torch has passed into new hands. And in the reason lies the answer to the question posed by Hugh Sidey: Yes, there is another America. And thank goodness for that.

The article follows:

THE PRESIDENCY: A SUDDEN SHIFT IN THE CAPITAL MOOD

(By Hugh Sidey)

On the surface nothing seems changed. Richard Nixon bounced back to Washington last week with a coat of Florida tan and his best Chamber of Commerce smile. He buried himself in background material for his round-the-world trip, summoned his legislative leaders for breakfast tax talk, studied the sports pages with satisfaction because of the Senators' steady improvement. Then one morning he was standing on a brilliant red carpet under the North Portico toeing the tape marker ("Pres. Nixon") and waiting for Ethiopa's Haile Selassie to come up the driveway and break a new monarchial endurance record—the emperor has paid visits on four U.S. Presidents in his 53 years of power.

The novice Nixon was rounding out his first half-year, sideburns steady at about seven-eights of an inch, hair held to courtroom respectability, chin up (photographers watching, waiting), arms and hands unnaturally immobile at the sides, suit dark and blue (face still suffused with the light of triumph and the satisfaction of being President. *Hail to the Chief* was full and gripping. The tough little emperor came in bearded and smiling at nostril height. The tourists—Nixon's people—pressed against the far fence in awe. But it was not the same as it was a month ago, or even a week ago.

There is always change in the Presidency, of course, but sometimes as in a river there is a sudden plunge or turn and everything is profoundly altered. That happened to Richard Nixon's Presidency in a fortnight.

There are those very close to him who will argue that the hour actually came one hot morning last month in the Air Force Academy's Falcon Stadium when the Depression-ridden boy, the unsuccessful school athlete, the Communist-fearing senator, the vilified and exiled presidential candidate all rose up and asserted themselves in that ringing fusillade against military critics, doubters and waverers. But when the announcement of Vietnam troop withdrawal followed, incipient critics hunkered and hushed. Then came the case of Dr. John Knowles, and the unveiling by the dour Attorney General John Mitchell of a plan to broaden the Voting Rights Act which jeopardizes it more than helps it. Hard after that development came the announcement of new school desegregation guidelines which appear to relax the civil rights pressure that has been brought so painfully through 15 years.

The tone of many newspapers altered. Hostility replaced hope. The nation's leading cartoonist, Herblock, who flavors the morning coffee in the capital, left a huge dagger initialed R.M.N. in the back of HEW Secretary Robert Finch. Black leadership voices in Mississippi and New York rose in anger and fear. A liberal Republican lunching in the refined elegance of Washington's Jockey Club heard the Knowles news, called for a silver tray and burned his GOP registration card. A powerful and intelligent Republican senator leaned against his Georgetown doorway and said he was still waiting for the Presidency to force Nixon to grow bigger, as it had men like Truman and Kennedy. The Washington *Post's* letters column one morning was completely devoted to reader tirades against Nixon.

In small ways concern is acknowledged in the White House. Nixon's global tour is in part a diversionary tactic for the subsurface alienation. There is more talk among Nixon's men about how all this is only a creation of the press (a position, incidentally, taken by Lyndon Johnson as the nation gave him the bum's rush toward the exit). Suddenly, the Nixon family is cruising the river with poor children and explaining the Queen's Room to tourists. Disenthralled senators and congressmen have been invited down with increasing regularity for poached eggs in the morning or a Fresca (another L.B.J. habit) at night.

Yet with all of this there is about the White House a solid base of undamaged confidence. Aides dine with gusto on the delectable soft-shell crabs of the Sans Souci just a block from Nixon's office and point to the Gallup Poll showing 63% approval. Indeed, therein lies the heart of this fascinating drama.

Some observers are asking whether or not there really are two Americas: one, which dominates the national dialogue, is hyper-liberal, Eastern-oriented, righteously arrogant, intellectually ferocious—but is now totally out of touch with the other America, which is crime-fearing, inflation-weary and

sick of being preached to, family-oriented and suburban-based, and which is the same as Richard Nixon mentally, culturally and, now, emotionally.

Riots and crime and hippies and race and war have taken a toll in the mainstream of American life that still has not been calculated. It has been Nixon's avowed purpose to give these mainstreamers their voice, right or wrong, to show them that they are indeed the majority.

Not long ago Teddy Kennedy went to dinner to listen to one of the most respected Democratic seers of this city. What he heard was that if Richard Nixon plays his cards right and events are kind to him, the Republicans could capture this new political center and rule for the next decade. Kennedy came away no more enchanted with the White House occupant than before—but with a sober new view of political America.

NO FREEWAY TO PARADISE

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include a sermon.)

Mr. GROSS. Mr. Speaker, this week I received a copy of one of the finest sermons I have had the privilege of reading on the subject of welfare and the responsibility of individuals to help themselves.

It was delivered by Dr. Adam Baum, pastor, Central Baptist Church, Springfield, Ill., on June 29, 1969. In concluding the sermon, Dr. Baum offers this sound advice:

I wonder if the time should not come soon when preacher and politician alike all across our land will declare a moratorium on speeches and sermons about human rights, and shift the emphasis to the subject of human responsibility?

I commend the sermon to the attention of my colleagues:

NO FREEWAY TO PARADISE

It was nearly 40 years ago that Aldous Huxley, eminent novelist and skeptic, wrote an essay under the title, "Wanted, a New Pleasure." In this essay Mr. Huxley said, "If I were a millionaire I should endow a band of research workers to look for the ideal intoxicant. If we could sniff or swallow something that would abolish inferiority and atone us with our fellows in glowing exultation of affection and make life in all of its aspects seem not only worth living but divinely beautiful and significant, and if this heavenly world-transforming drug were of such kind that we could wake up the next morning with a clear head and undamaged constitution, then it seems to me that all of our problems would be solved and earth would be a paradise."

Whether we agree with Mr. Huxley's definition of paradise or his method of achieving it, one thing must be admitted: most people are in search of some kind of paradise—a world where life would be completely free of all that is unpleasant and painful and where life would be filled with undiminished joy and tranquility. It should be pointed out, however, that Mr. Huxley was willing to pay for his paradise. Said he, "If I had a million dollars I would endow . . ." There is evidence, however, that many of our present-day seekers for paradise are of the impression that all one has to do to obtain this glorious state of life is to demand it. Indeed, one of the conditions of the paradise of their choosing would be a freedom from all obligations. They want rewards without responsibilities, security without sacrifice.

One of the interesting and highly instructive words of our language is the familiar word "hitchhike." Its origin came about long before the era of air conditioned cars, and high speed freeways. It came into use in the days when travel on horseback was a common mode of transportation. When it happened that only one horse was available for two travelers, the plan was for one man to start out on horseback while the other began his journey on foot. When the first rider reached a certain point along the way he would then hitch the horse and proceed to hike on foot. When the second person caught up with the horse he would mount it and continue his journey. Once having passed his travel companion he again at a predetermined point dismounted the horse and hitched it to a post or a tree while he proceeded on foot. In this manner they would hitch and hike until their destination was finally reached. Hence the term "hitchhike." For us moderns, however, the term conveys a different meaning. To hitchhike means to ask for a free ride. It is to expect the advantages and benefits of travel without any of the cost. Someone else pays for the vehicle, the fuel, the tires, the taxes, the maintenance, and the insurance. The hitchhiker gets all the benefits while someone else assumes all the responsibilities. Should there be an accident along the way and the hitchhiker gets hurt it would not be altogether unlikely that he would sue the driver for the recovery of damages.

But hitchhikers are found not only along our highways but in many other areas of our social and economic structure. There is mounting evidence that we are giving encouragement to a social and economic system which suggests the story of a man who when applying for employment said, "I like the sound of the job but the last place I worked paid me more." The interviewer went on to ask, "But did you receive fringe benefits?" "Oh yes," said the applicant. "Did you have rest periods?" "Yes." "Life and health insurance?" "Yes." "Vacation with pay?" Again the answer was "Yes." The applicant went on to state that at his previous job he also received a substantial Christmas bonus. Somewhat puzzled the interviewer went on to ask, "Then why did you leave their employment?" The reluctant reply came, "The company went bankrupt."

Of no less concern is the rapidly growing group which brings to mind the case of the small boy who asked his father if he had any work that he could do around the house to replenish his finances. The father assured the boy that he could think of nothing for him to do at the moment. After a brief hesitation this modern child replied, "Then why don't you put me on relief?" There are now more than eight million people on the relief rolls of our nation. These receive some six billion dollars annually. But this is only a small part of the story. In addition to these eight million there are another twenty-five to thirty million who have been qualified by the government for financial assistance of one kind or another. This means that approximately one out of every six people is being subsidized by the government. The prediction is that it will not be long before these people will cost the American taxpayer about one hundred billion dollars annually.

Without question, as all of us know, there is a need, even a desperate need, for some of this program. There are families which remind one of the man who said to his boss: "I really would not have asked you for a raise if my kids hadn't found out that other children eat three meals a day." We would be guilty of the most deplorable sin if we failed to realize that even in our nation, wealthy as we are, there are those who are too old, too young, too sick, or to uneducated to earn an adequate living. Many of them are the forgotten members of the human family. These must be our collective responsibility. For it must have been people like these to whom Jesus was pointing when He said, "Inasmuch as ye have done it to the least of these ye have done it unto me." Yes, there are those who need our help. Indeed, there are some who should be receiving much more than we are now willing to give them.

But the deep mystery lies in the fact in a period of unprecedented prosperity the cost of our relief program is rising at a rate much faster than the growth of our population or the gain in our economy. During the past 20 years our population increased by some 40% while the number on relief rolls has gone up by 98%. Could it be that we are forgetting one of the most important lessons that history can teach us; namely, that the road to paradise is not a freeway. It is a long, hard, rough road and most of it is uphill. Professor S. M. Miller of Syracuse University saw our situation quite clearly when he wrote: "Welfare assistance in its present form tends to encourage dependence, withdrawal, indifference, and indolence." Or, to put it more positively, the best insurance against poverty is a steady job, a living wage, a willingness to work, and sound management of one's resources. But there is nothing new about this. From beginning to end the Bible gives strong emphasis to this principle as an effective rule of life.

It could well be that one of the critical needs of our day in our land is a return to a biblical philosophy of work. We must learn again that work is not intended as punishment, but as a preventative. One does not have to read far into the Bible to learn that it was in his paradise of idleness and abundance (all of which, incidently, was given to him without effort on his part) that mankind got into serious trouble. This is still true. Give a child or young person everything he wants without his having to earn it and see what happens to that human being.

It should be noted that according to the Bible when it comes to work God always sets a good example. Jesus said it like this: "My Father worketh and I work." God has placed us into a world in which gold must be mined, pictures must be painted, houses have to be built and maintained and crops have to be harvested. This is how human beings enter into a partnership with God and discover that work is not primarily what a person does to live but what he lives to do.

When the fires of Watts in Southern California had been put out and the riots brought to a temporary halt sociologists, economists, and politicians set themselves to the task of finding out the causes for this eruption and this senseless destruction. They were unanimous in their reporting that conditions were deplorable. Illiteracy was high and crime was rampant. They found that at least 60% of the people in the area were on relief. But at the same time it was learned that not many miles from the Watts community fruit crops were being lost in the fields because of a shortage of workers. Certainly there must be something tragically wrong with the system that permits that to happen.

It was about the time of the Watts uprising that someone made a study of another important minority group—the nation's 300,000 Chinese-Americans. It was learned that in spite of hardships and discrimination these people were becoming a model of self-respect and achievement in our national structure. In crime-ridden cities Chinese districts turned up as islands of peace and stability. As one Protestant pastor of the New York City Chinatown said, "This is the safest place in the city. They have a crime rate far below the nation's average." It is reported that New York City schoolteachers are competing for positions in schools where there is a large number of Chinese-American children enrolled. Few Chinese-Americans are getting welfare handouts. They simply do not want them. Instead they place a high value on a willingness to work often long hours and not infrequently for a pay far lower than it ought to be. Somehow they have learned that the road to paradise is not

a freeway, but is a long, rough, hard road most up hill. But back of this remarkable group of Americans is a story of adversity and prejudice that would shock those now complaining of the hardships endured by other minority groups.

On a recent trip through the state of Alabama we started earlier than necessary one morning so that we could turn off the freeway and visit the Tuskegee Institute. We arrived there about mid-morning and to our surprise found that the most prominent building on the campus was a beautiful modern chapel being made ready for dedication. We were told that the old chapel, a wooden structure, was destroyed by fire when struck by lightning a few years ago. For years alumni, trustees, and friends labored to raise funds and to make plans for a new religious center and chapel. Now they could see the fruits of their sacrificial efforts. We were profoundly impressed and deeply moved by what we heard and saw.

From the chapel we went to the George Washington Carver museum. We walked reverently and spoke softly as we reviewed the benefits that have come to mankind through the tireless labors of that great Negro scientist, George Washington Carver. Here was eloquent evidence of what one person can do when his energies are devoted to a noble task. On our way from the museum we paused before the statue of that magnificent man, Booker T. Washington, the founder of the Institute and for some three decades its distinguished president. I could not help but wonder how much strife and turmoil our nation would be spared if we could take seriously words of wisdom spoken by this great black American when he said to his own people and to the nation: "Our greatest danger is that we fail to keep in mind that we shall prosper in proportion as we learn to dignify and glorify common labor and to put brains and skills into common occupations of life. No race can prosper until it learns that there is as much dignity in tilling the field as there is in writing a poem. It is at the bottom of life that we must begin and not at the top. Nor should we permit our grievances to overshadow our opportunities." So spoke Booker T. Washington in Atlanta, Georgia, in 1895.

In conclusion, therefore, I wonder if the time should not come soon when preacher and politician alike all across our land will declare a moratorium on speeches and sermons about human rights, and shift the emphasis to the subject of human responsibilty?

INCOME TAX SURCHARGE

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

Mr. HARSHA. Mr. Speaker, yesterday I voted against the proposal to extend for 15 days the withholding of income tax surcharge deductions from workers' paychecks.

The Congress was advised by the Nixon administration officials that any surplus for fiscal 1969 would be a very thin amount, less than $1 billion, and we were further advised that unless the surtax was extended for an additional period of 1 year as proposed, there would be rampant inflation, a great deficit, and economic chaos in the country and international money market.

Most of us accepted those statements in good faith, and as recently as only a month ago, the Bureau of the Budget advised at least one body of this Congress that the surplus for fiscal 1969 would be less than $1 billion.

Now just within the period of a week the Treasury Department and the Bureau of the Budget suddenly announced that fiscal year 1969, which closed June 30, ended with a surplus of more than $3 billion, the biggest surplus since 1957 and three times what they estimated only 1 short month ago.

Let me say that I want to commend the administration for its effectiveness in holding down expenditures. This new surplus is in remarkable contrast to the $25.2 billion deficit suffered during the previous fiscal year. But I find myself highly critical of the administration's estimates for fiscal 1969 made in testimony before the Senate Finance Committee.

If only 1 short month ago the administration was off in its estimates by such a dramatic amount, there is every reason to believe that their estimates projected over a 12-month period for fiscal 1970 may prove even less accurate, and under the circumstances I could not in good conscience ask the American people to pay still more taxes based on fiscal estimates which in less than 1 month have proved so unreliable.

I find myself, like many of my colleagues, in the serious dilemma of being asked to support taxing procedures against which I have voted throughout my congressional tenure.

It was for that reason that I was one of the 105 Members of the House who yesterday voted against that which I found to be the unnecessary effort to extend the surtax withholding procedure for another 15 days.

MY OIL IMPORT QUOTA 'TIS OF THEE

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

Mr. PODELL. Mr. Speaker, an absolutely minimal cut in accumulated oil industry tax advantage is to be offered to Congress. Early indications from the oil industry show strenuous opposition. One of their rebuttals states that any tax reform of the industry will raise gasoline prices by as much as 3 cents per gallon. A bit of enlightenment is in order.

The consuming public is being victimized at the gasoline pump. Retail operators are constantly squeezed. Home heating oil prices are maintained at artificially high levels.

Last week, Senate testimony revealed that abolition of quotas on oil imports could reduce gasoline prices by 5 cents per gallon, and fuel oil for home heating by 3.9 cents per gallon. For an average auto owner purchasing 700 gallons annually, a yearly saving is envisioned of $35. For homeowners with oil heat, an annual saving might be possible of $58.50. Since quotas were instituted in the Eisenhower era, it is estimated that retail prices of petroleum products have risen between $40 and $50 billion to the public.

Incontrovertible proof exists, backing these contentions. Americans today pay twice the going world price for oil. A barrel of oil from Iran costs $2 delivered in Philadelphia-New Jersey. A similar barrel of east Texas sweet crude sells at the same place after tanker delivery for $3.75.

With higher priced crude, a refinery wholesales a gallon of gasoline for 12.8 cents, and a gallon of heating oil for 10.5 cents. With $2 crude, comparable prices would be 8 and 6.6 cents. The American buying public absorbs the entire cost difference directly, to the tune of $7.8 billion, according to several estimates. Lowest estimate of extra annual cost to the public is $4 billion.

It is officially contended by the Federal Trade Commission that many auto owners pay for higher octane gas needlessly. Others pay for "regular" gasoline, which is supposed to cause engine damage. This is entirely due to failure by the oil industry to post octane ratings of their respective products. Today an average consumer has no way of choosing his brand intelligently.

What do we receive instead? Credit cards sent unsolicited. Sumptuous retail locations. Fraudulent games of chance. Full price of all these "added attractions" is passed on to the public, often by unwilling retailers who are required by oil companies to do so in order to remain in business.

Further, credit cards are not only being sent without solicitation to uncounted consumers, but are being abused by oil companies in other ways. They follow up successful credit sales by selling other consumer items. Recently, oil companies have inserted propaganda in their billings containing dubious arguments defending the oil depletion allowance. Credit card holders therefore become unwilling subjects of special-interest lobbying efforts. This is particularly fascinating, especially when we are aware that costs of printing and mailing such material is tax deductible for the oil company—a subsidy consumers cannot avail themselves of.

Title this latest scenario "The Oil Industry Versus America's Consumers." Title it unfair and intolerable. When they speak, they assault truth. When silent, they are trundling away what is left of our Treasury.

At the very least, we should expose every questionable practice of this industry. No matter how they lobby, truth will be told and the public will at last find out what is transpiring. Any victory oil scores now will be as hollow as a jug. Eventually a clean sweep will be made of their privileges, leaving them as bare of preference as they are now devoid of public spirit and fairness. The best is yet to come.

SHADOW OVER OUR LAND

(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, a shadow looms and lengthens daily over all America. Title it abrogation of civil liberties. Its father is fear, and its mother is bigotry. Its children are hatred, estrangement, and terrible danger to any further hope for a pluralistic society. That shadow emanates from the Justice Department, which has, in the past 6 months,

changed from champion of the dispossessed to challenger of previous progress.

In the past several years our land has suffered severely from internal dissension which has more often than not taken the form of civil disobedience. Such activities have ranged the entire spectrum of dissent, alienating many Americans and frightening even more. Through our mass media we have been confronted with sights often strange and repellent. Because many dissenters deliberately depart from social norms of dress and behavior, they are of course difficult to accept with equanimity, much less understanding.

Accompanying this has been a growth of crime, use of drugs, and revelations of major activity by organized crime in our midst. Greater permissiveness in the fields of art and culture has resulted in excesses by both profiteers and pornographers. Everyone is familiar with these horrors. Yet taken together, these do not constitute cause for national overreaction and harsh repression. Yet, this seems to be the case today. Such overreaction not only erodes liberties, but also defeats its own ends. If a nation does not possess faith in its national vitality and that of its basic institutions, then repression will only accelerate the process of decay. This however, seems to be outside the political horizon and philosophical understanding of the administration and its chief law-enforcement officer, the Attorney General. As a direct result of his activities, a pall of fear now creeps like a darkening shadow across the face of our Nation, inhibiting behavior, endangering traditional liberties, and bringing into the open with shocking boldness the worst elements in national life. Our divisions are accentuated suspicions sharpened, and cracks appear in the fabric of our society that dissent could never have placed there.

We seem to have lost sight of the fact that dissent is an inalienable right. That almost all those who respectfully disagree are taking issue with acts and national policies which are repugnant to them—immoral, if you will.

Instead of calm in the face of disagreement, which is the mature reaction to be expected from national leaders, we have shrill condemnation and outright demagoguery. A steady stream of repressive utterances, negative legislative proposals, and punitive policies emanates from the Justice Department. Cumulatively, they are far worse than any other aspect of this new McCarthy era we have suddenly been plunged into.

Talk has been heard publicly of detention camps for dissenters. Punitive measures are proposed for student radicals, including stripping them of all Government aid. These are bare beginnings. What is actually taking place or in preparation, we can only conjecture over.

A bold, damning attempt has been made by the administration to roll back painfully won gains in the area of Negro voting rights. Corporations which discriminate in the most obvious fashion are awarded lush Government contracts. Generally, there has been deliberate, calculated catering to the most reactionary elements in American life as a purposeful policy of the administration.

Invasion of individual privacy by Government is attaining astronomical proportions. Wiretapping or fear of it is pervading the entire life of our Nation. Precedents are being set of public revelations of such eavesdropping which are fraught with frightening implications. No one is immune, and increasingly, millions of citizens are loath to utilize their telephones for truly private discussions of any type. All this is being done with full knowledge of the telephone company, which not only acquiesces but calmly covers for these spying activities when queried. On a nationwide basis such activities are spreading, prying into a multitude of personal situations under guise of protecting national security and domestic tranquillity. Let us be ever mindful that every dictatorship in history has used such excuses to deprive all its citizens of their guaranteed rights piecemeal.

A steady stream of legislative proposals are offered by the administration through the Justice Department which strike fear into the lives of law-abiding people by the millions as well as criminals. Rather than address Government full force at causes of criminality and antisocial behavior, the Attorney General is attacking, with loud public relations-minded battle cries and shouts of virtue, the effects alone.

The narcotics traffic is an abomination which should be stamped out through use of harsh penalties. Youth must be protected against those who would prey upon it. But that is only half a solution. It is all well and good to emerge with one of the harshest laws, complete with punitive measures and penalties. Yet what about causes? What of foreign countries producing, shipping, and looking the other way at this traffic? What about rehabilitation? How about adequate detention and treatment centers? Or education against the menace?

Not a word on these subjects. All this administration can offer is a spiked club raised in rage rather than a hand outstretched to heal. Instead of attacking problems at their roots in our deteriorating cities, they offer half-baked solutions slanted at taking advantage of or even exacerbating hatreds and emotions. With a grand shout of political indignation, they heave the baby out the window with the bathwater and shoot the sick person in order to cure him.

Following this comes a proposal for preventive detention of "dangerous" defendants in Federal criminal cases. Again constitutional rights are bypassed. Coupled with this is the Justice Department's outrageous assertion in Chicago last month that it possesses unfettered powers to eavesdrop in national security cases. No restraint can be placed upon their eavesdropping activities by either courts or legislature is the Attorney General's implied assertion. Is this not a threat to the innocent as well as the guilty? Who decides what is a threat to national security?

Now we are confronted by the concept of preventive detention advocated by the administration. This is simply pretrial imprisonment based on "pretrial trial," "probability" of guilt, and "dangerousness" of a person to the community. Rather than addressing itself to the real cause of this problem, which is our jammed judicial system, the administration proposes to cram our detention centers and jails with accused people. There is automatic presupposition of guilt, which is diametrically opposed to our traditional supposition of innocence.

However, the final assault upon the citadel of individual liberty emanates from the administration in form of a request to Congress to grant Federal narcotics agents authority to break into residences unannounced to seize drug evidence quickly.

They propose to seek legalization and nationwide establishment of a precedent fraught with disaster for individual privacy, liberty, and security of a citizen within the confines of his own home. If they succeed, a citizen can have his home broken into without any warning, indication of intent, or notification that his privacy is in jeopardy. In Hitler's Germany, at least there was a knock. And there is another element of danger to be considered.

A man has a right to resist any unauthorized entrance into his home or apartment. Suppose a totally innocent person seizes a pistol he happens to own and have handy, and kills several narcotics agents who enter the wrong domicile? Weapons aplenty are available in our society. Mistakes of this sort and others are made daily. Shall all Americans live in apprehension of a knock on the door? Or lack of one? Remember those old movies about Hitler's Germany and Stalin's Russia? Familiar?

Each of these measures, in the name of war on crime, assault the most basic constitutional rights of every citizen of our Nation. They are a direct menace to our Bill of Rights. The very linchpin of American criminal law is presumption of innocence until proven quilty. Those careful guarantees of our Bill of Rights were constructed to protect the innocent for very good reason. The fourth through eighth amendments of our Constitution take penetrating note of historical abuses of individual rights. Yet this administration disregards past lessons, instead toying with abrogation of individual liberties in the name of fighting crime. Woe unto any society which allows such steps to be taken in its name. The world's desolate places abound in the ruins of such civilizations.

Mr. Speaker, Alexis de Tocqueville warned of the "tyranny of the majority more than a century ago. He expressed fear that the severest test of American liberties and institutions would arrive when a majority used its massive weight to crush rights of a minority which caused it apprehension. Such is the case today.

Similar maladies have beset us in our history. There were the Alien and Sedition Acts. During the Civil War, President Lincoln abrogated civil rights on innumerable occasions, including suspension of habeus corpus. After World War I, Attorney General Palmer staged his notorious "raids." All are objectively

noted as unforgettable and disagraceful blots upon our national escutcheon. All were dangerous outbreaks of political pustules on the body politic. America survived each with scant glory and much sorrow. Not too long ago, the acrobatic gyrations of Senator McCarthy, of Wisconsin, scarred many Americans. Today, instead of guilt by association and innuendo, we have presumption of guilt and overwhelming repression by forces charged with protection of our liberties.

It has all been seen and done before by those who possessed too little faith in our dreams, ideals, institutions and national fiber. This time it is heightened by a worsening climate of fear and fruits of a science which cannot differentiate between a good and an evil master.

So it falls upon those among us who choose to stand up to these dark forces from the abyss of American life. We must and shall challenge them.

When we study past disasters, we wonder how such excesses could be tolerated. It was because those who should have spoken out maintained silence. Such reticence is inexcusable today. America is too powerful to lose its political senses—even momentarily. So it is that we must publicly oppose politics of oppression and repression—aimed solely at political grandstanding. We must halt onslaughts against the Bill of Rights.

In time, this will be a dreary nightmare confined to a line or two in history texts, and perhaps a specialized study or two. Today, however, it is an imminent peril. Let us face these forces with firmness and determination. In our hands we hold one weapon only—the Constitution, backed by America's faith in it.

WHAT THE FLAG MEANS TO ME

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

Mr. HANLEY. Mr. Speaker, recently, a young man in my congressional district was the recipient of the first prize in an essay contest. The title of that essay was "What the Flag Means to Me." The author of this essay is David James Coffey. The message he imparted in his essay was, in my judgment, eloquent. I would like to share with my colleagues David Coffey's opinion of what our Nation's symbol means to him:

WHAT THE FLAG MEANS TO ME

(By David Coffey)

To me, the flag of the United States means freedom. The country we live in is different from other countries because each and every American has the right to vote, the right to his own business, the right of free speech. These rights are what make our country different from others.

Liberty was not always here for us. The people of the United States fought hard for these freedoms. To me the flag is a beautiful symbol of equal justice and liberty for all Americans.

Our flag has represented us during war and during Olympic Games. It has represented us all during the history of our country as our nation has become a leader in world power. Love of the flag has made our country grow strong. Fighting men and boys have kept our flag waving high as a banner of liberty for all.

What made Francis Scott Key write the words which now make our National Anthem? It was the Stars and Stripes which were then as they are now, a symbol of freedom and bravery.

Every morning as we start school we pledge allegiance to the flag of the strongest and greatest country in the world. I am glad I am a citizen of this country. I am proud of my love for the flag.

HIGHWAY SAFETY: COMMENTARY NO. 11

(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, the following excerpt from the testimony of Dr. Robert Brenner, Acting Director of the National Safety Council, before the Subcommittee on Roads of the House Public Works Committee, brought to light a potentially effective way to perhaps deter traffic accidents in the future and certainly to advance safety research. During the dialog between Dr. Brenner and myself, the subject of the "little black box" for cars was brought up.

This device is similar to a flight recorder carried on all commercial airplanes. This recorder could provide valuable information concerning automobile accidents. Its presence in a car might cause the driver to exercise restraint and caution.

I wish to share this bit of dialog with my colleagues and other readers of the RECORD, who are concerned with the matter of highway safety:

Mr. CLEVELAND. Another question I would like to ask is: Why is it difficult to document one way or another, the role of excessive speed in highway accidents? I wonder if any studies have been done to show the correlations of changing speeds and accident rates? We discussed that a little earlier.

Have any studies been done to show whether there is correlation between traffic flow and the accident rate? By traffic flow I mean where the flow is smooth and constant as compared to where it is not.

For example, where lights are not properly staggered, or where the roads, side roads come in and people stop to shop, or something like that.

Dr. BRENNER. Answering your first question, sir; the reason why it has been extremely difficult to accurately document the role of excessive speed in highway accidents is the ability or the inability to know exactly or accurately what the speed of the vehicle was at the time of impact by such methods as looking at the skidmarks.

Skidmarks are one of our better means for determining speed at impact; but they are notoriously unreliable, depending upon the condition of the road surface, weather conditions, things of this sort.

There has been some work done to identify impact speed by the amount of crushing of the vehicle structure. This, too, is in its infancy as a usable technique.

We have investigated and are investigating the possibility of building into vehicles devices, such as flight recorders that will enable us to read the device following an impact and get an accurate measurement of how fast the motorist was traveling.

Mr. CLEVELAND. I would like to stop you there.

That sounds like a pretty interesting idea. I have not heard about it before. It is a little black box for the car.

Have there been any cost studies on that? How much this recording is going to cost to put in the car that would tell us the story of what happened to the car, before the accident? Is there any cost figure on that?

(Mr. Clark assumed the chair.)

Dr. BRENNER. No, sir. I very arbitrarily established that it would have to cost less than $10, and this has caused something of a problem.

Mr. CLEVELAND. What would this relate to—what would this recorder relate, that would be of significance?

Speed, obviously?

Dr. BRENNER. Speed, impact forces.

Mr. CLEVELAND. Time?

Dr. BRENNER. Well, there are devices of this sort now being used on trucks to monitor the speed, time histories of trucks. These have been used by fleets for many years. They are rather expensive.

But with regard to the specific measurement of the speed at impact, I believe we must come up with something for less than $10. That is an arbitrary figure.

Mr. CLEVELAND. Besides speed, which is one of the obvious ones, how about whether or not brakes are applied? Could that be cranked into this?

Dr. BRENNER. I think these ideas could be cranked into devices of this sort but every time you crank in something additional, the cost goes up. There is a question as to how much money can be spent on devices of this sort.

Mr. CLEVELAND. Is this one of your research projects?

Dr. BRENNER. Yes, sir; we have a program now at Indiana University in which we are examining the relationship of speed to crashes.

Mr. CLEVELAND. I am getting back to this recording question.

Dr. BRENNER. I am sorry. We have included this in our program plans. We were going to fund the start of a development activity of this nature this fiscal year. We were unable to do so. We hope to do so in fiscal year 1970; but we do have the basic program.

Mr. CLEVELAND. This particular item is one of the ones you had to defer for at least a year because of shortage of funds?

Dr. BRENNER. We had to allocate our funds where we felt the priorities were a bit higher.

Mr. CLEVELAND. How much is research on this?

What do you have slated for the cost of the research on this recording device?

Dr. BRENNER. I would have to submit that for the record, because I cannot tell exactly how much it will cost to bring a device of this sort into practice. It might be almost an off-the-shelf kind of item. It might take a lot of development, particularly because of the cost factor.

We could put a $200 or $300 instrument in without any difficulty today but, for our purposes, we must develop methods that are much cheaper.

There has been some research that attempted to establish the impact speed by looking at the filaments in the headlamps. There is comparatively little mass in these filaments and there is some indication that, by measuring the amount of bending in the filament you could do a pretty good job of estimating what the impact forces were. That works fine, unless the light is on, which makes the metal soft and it does not work.

We are working on the problem.

Mr. CLEVELAND. Was your thinking on this recording device coupled with aspect of law enforcement, for example, if somebody were stopped for speeding, they could take a look at this recording device and see who is right?

Dr. BRENNER. This is one possible application of a device of this nature. However, I want to emphasize that our first requirement with regard to devices of this sort is research, to assist impact forces.

Now, some corollary benefits, which might ultimately take place, would have to await the development of the product.

THE PROUDEST WEEK IN THE HISTORY OF THE UNITED STATES

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

Mr. HANLEY. Mr. Speaker, last week has to be one of the proudest in the history of the United States. Not only has America's space program accomplished almost the impossible in landing a man on the moon; more incredibly, it has brought him home safely. The splashdown in the South Pacific was the culmination of months, indeed years, of backbreaking effort on the part of thousands of people, not the least of whom were the three brave astronauts who made the journey.

The names of Neil Armstrong, "Buzz" Aldrin, and Mike Collins will not only be enshrined in history, they will be remembered fondly and warmly by every American, and every young man and woman who has a dream for the future.

This victory, Mr. Speaker, was not a victory for the United States alone, however. It was a solid accomplishment for man seeking to unlock many of the cosmic mysteries which have hung like a dangled carrot before his mind for thousands of years.

There is a great lesson to be learned from our successful moon shot, Mr. Speaker. If we can achieve this goal, then certainly it is within the power of mankind to achieve the goals of progress here on earth. With solid determination, we can eliminate poverty, we can eradicate discrimination, we can rebuild our cities, we can reclaim our polluted rivers and lakes and air, we can provide jobs and educational opportunities. It takes guts and vision to achieve these goals, Mr. Speaker. I think we have already demonstrated that we have a measure of both.

NATIONAL TIMBER SUPPLY

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

Mr. MCMILLAN. Mr. Speaker, I insert in the RECORD an editorial written by Mr. Harold J. Sugarman, publisher of the Building Supply News.

This item gives some information which I think the Members of the House should read in connection with the national timber supply bill recently introduced by me and approximately 40 other Members of Congress.

The editorial follows:

A CALL TO PROMPT ACTION

Only a few short weeks ago, the home building industry was bemoaning high lumber-plywood prices.

You don't hear much about that these days; because the market "took care" of those prices. Instead, it's tight money that holds us back. At least that is what everyone seems to be saying.

Yet, the temporary shortages of timber that caused lumber-plywood prices to escalate are but a foretaste of much more serious shortages likely in the future, unless action is started this year on a long-range timber supply program. Money, however, is always available at a price; and the home buyer is less concerned with the price of money than with the amounts of his down payment and monthly payments.

In any case, the money problem will solve itself in due course; but the timber supply problem requires prompt remedial action.

ROOT CAUSE OF PROBLEM

Because the Federal government owns by far the greatest timber stands in the Western States, stands which are actually deteriorating steadily because of inadequate harvesting, the cost of saw and peeler logs regulates lumber-plywood prices in periods of short supply. Uncle Sam in effect regulates log prices by limiting access to much of the supply of ripe timber.

A bill now in Congress, the National Forest Timber Supply Act (H.R. 12025), is languishing in the Agriculture Committees of both House and Senate, despite the fact that the bill has many prestigious sponsors. This bill will enable the Forestry Service to take the steps necessary to open up vast timber tracts that are now "dying on the vine."

Delay in enactment of this bill only hastens the day when we will experience a lumber shortage that "will curl your hair."

The plans for 26,000,000 new and rehabilitated dwelling units in the next decade, can be slashed in half if action is not started soon to get at the causes of recurrent timber shortages.

You should write at once to your Congressman and Senators to support this legislation. Also, write to the heads of the two Agriculture Committees, Senator Allen Ellender (La.) and Representative W. R. Poage (Texas).

LEAD POISONING AMONG CHILDREN

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

Mr. RYAN. Mr. Speaker, I am pleased to announce that today 18 of my colleagues have joined me in cosponsoring a legislative package consisting of three bills which I previously introduced to combat one of the major diseases among the children of our cities—lead poisoning.

The following Members of the House are cosponsoring the three bills: Mr. BRASCO, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUTTON, Mr. DADDARIO, Mr. EDWARDS of California, Mr. HALPERN, Mr. HORTON, Mr. HAWKINS, Mr. KOCH, Mr. MIKVA, Mr. MCCARTHY, Mr. MURPHY of New York, Mr. PODELL, Mr. PUCINSKI, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF.

This disease has been largely ignored in the past, and only recently the nature of lead poisoning and its effects has become known.

Young children eat anything they can get their hands on. In our urban centers, the thing that children living in dilapidated housing get their hands on easiest is bits of paint and plaster that have peeled or fallen from the walls and ceilings—and from this they get lead poisoning.

Many localities have recognized the danger of lead-based paints, and they have outlawed their use on the interior surfaces of housing. But lead-based paint that has been previously applied remains, and peels and falls off.

Children living in the substandard housing of city slums, therefore, are exposed daily to this deadly health hazard. It has been estimated that 9,000 to 18,000 New York City children have lead poisoning. Recent studies in Cleveland, Chicago, and Baltimore, show that 5 to 10 percent of the children tested had lead levels serious enough to qualify them as poisoned.

To make matters worse, lead poisoning cases are seldom reported. In New York, for example, cases were reported to the health department only after the disease had reached its most critical stages. When the poisoning gets this far, it results in permanent mental retardation, cerebral palsy, epilepsy, and death. In the last 10 years, 138 children died in Chicago of lead poisoning 128 children died in New York between 1954 and 1964. The early stages are very much like the flu or virus, and so are ignored by parents and doctors. Health officials and parents must be made aware of this health menace, or it will continue at a tragic rate.

In a recent article entitled "Lead Poisoning: A Diet of Death," which appeared in the New York Sunday News on June 22, Bert Shanas pointed out that the toll of children suffering from this insidious disease was astonishingly high. For example, last year in the city of New York alone, 863 children were reported to have lead poisoning. He also pointed out that this figure was really misleading because thousands of cases are not reported.

This last spring, three children in one family died of lead poisoning. The specter of this one fact alone to me is most ominous. For, if one child in a family is stricken, then other children will most likely be stricken.

Congress must take steps to halt this needless waste of humanity. It must again act to protect children from this hazardous condition, and spare their families the grief and suffering brought on by the untimely death of an otherwise healthy child.

The three bills being introduced today will help alleviate, and hopefully, terminate the problem of lead poisoning in our urban children.

The first bill establishes a fund in the Department of Health, Education, and Welfare from which the Secretary could make grants to local governments to develop programs to identify and treat individuals afflicted by lead poisoning.

The second measure is directed at the problem of slum housing itself, and the need to eliminate the causes of lead poisoning. It authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paints and to require that owners and landlords remove it from interior walls and surfaces.

The third bill, a potentially effective tool to combat the spread of this disease, would require that a local government submit to the Secretary of Housing and Urban Development, an effective plan for eliminating the causes of lead-based

paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also would require that these plans be enforced.

Mr. Speaker, the situation in our major cities today, particularly with respect to the lack of available funds to eliminate lead-based paint poisoning, requires Federal Government assistance in the effort to eliminate the causes of lead poisoning in children.

There is no excuse for our permitting this poisoning to continue. Lead poisoning is not a disease whose cause is questionable and cure nonexistent. We know its causes and its cure.

There must be a national commitment to assist local areas to find those children with lead poisoning and give them proper treatment. Even more necessary, we must attack the problem at its roots. We must eliminate the lead-based paints from inner city housing. The three bills we have cosponsored today are aimed at achieving these goals.

SELECTION PROCEDURES FOR RURAL CARRIERS

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

Mr. OLSEN. Mr. Speaker, today I am introducing a bill to offset the very serious problem which was created by the new selection procedures for rural carriers administratively effected by the Post Office Department in April of this year. Under these new selection procedures, approximately 25,000 dedicated, loyal substitute rural letter carriers are denied the opportunity of ever securing a rural carrier appointment. Needless to say, this is a crushing blow to the morale of this group.

It is little known, but the large group of substitute rural carriers are noncareer appointees. They hold no civil service status. They are paid only a daily rate for each day they are employed. Yet, I am sure we all know these substitute carriers stand constantly ready to report for duty on any occasion when the regular rural carrier is on leave, or because of any emergency reason he is unable to make his appointed rounds.

As you know, it is extremely rare indeed when any of the Nation's 31,000 rural routes are not given service due to the absence of the regular carrier. With these thoughts in mind, I have drafted a bill providing each qualified substitute rural carrier of record with at least 3 years of satisfactory service will be eligible to receive a career appointment upon satisfactory completion of a noncompetitive examination. Appointments in this category would be made to any rural route vacancy remaining unfilled after reassignment procedures and consideration of career employees at the local post office have been completed.

Mr. Speaker, I sincerely hope this legislation can be given immediate attention by the proper committee and that it will be sent to the floor of the House for action and a vote prior to our recess at the end of this session.

OHIO RIVER—LIFELINE TO MID-AMERICA

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

Mr. HECHLER of West Virginia. Mr. Speaker, the mighty Ohio River, often described in song and verse as "the beautiful Ohio," is undergoing a multimillion-dollar lock and dam modernization program by the U.S. Army Corps of Engineers to avert a 981-mile traffic jam. The important role this river played in the early history of our country, the vital part it is playing today and what the modernization program means is described in the following article from the summer 1969 issue of Water Spectrum, a new quarterly publication by the Corps of Engineers:

LIFELINE TO MID-AMERICA

(By John W. Lane, public information officer, Ohio River Division)

It has been a long time since anybody shipped a barrel of whiskey, a dozen hogs or even their Aunt Betsie on an Ohio River Packet boat. But the river is closer to Ohio basin people than ever before.

There was a time when everything that moved in this part of the country traveled by river boat. Furniture, machinery, livestock, farm produce, hoopskirts and buggy-whips, all were shipped on river boats before the railroads and modern highways.

Ohio Valley merchants and manufacturers shipped and received their goods by packet boat. Barrels of Kentucky whiskey came on the same vessels with hogs and pianos. A cousin visiting from Pittsburgh probably came by river boat rather than endure an arduous journey over rough and possibly dangerous roads. During its pre-Civil War heyday, the Nation's inland fleet annually carried more tonnage than that handled by all the vessels of the British Empire—and in a day when Britannia really ruled the waves.

This movement of people and miscellaneous freight on the river ended with the rapid growth of the railroads, starting during the latter years of the Civil War. Just too fast for the graceful but plodding steamboats, the railroads soon took over the passenger and freight trade.

The end of the packet was as dramatic as its beginning. Within four years of the establishment of rail service between Cincinnati and Pittsburgh, the Pittsburgh and Cincinnati Packet Line failed. This had been one of the most luxurious of the inland fleets with the fastest and most comfortable vessels. The line annually carried $35 million in freight and some 80,000 passengers, or about 50 percent of the freight and some 75 percent of the passengers traveling over this reach of the river.

The death of the packet boats marked the beginning of a far more efficient, if less colorful, system of river transportation. This was the movement of bulk materials in barges pushed by towboats. After a shaky start in the late 1800's, America's inland waterways shipping has grown into a major industry with about $2 billion invested in equipment and employing about 200,000.

Lost with the steamboat era was the personal touch with the river that everyone in the Ohio Valley had in their daily lives. With more than 8,000 steamboat arrivals recorded at Cincinnati in 1852—about one an hour—Cincinnatians must have felt very close to the Ohio.

Today the river is as important as ever in our lives—probably even more than it was in the last century. Each year tonnage moving on the river surpasses the previous year. In 1967 some 113.5 million tons of freight were shipped on the Ohio, considerably more than the amount which went through the Panama Canal that year.

The materials that are shipped by barge on the Ohio are, however, in a condition not readily usable by the average resident. None of the 49 million tons of coal that traveled on the river in 1967 found its way into anyone's home as coal. But the electricity generated by that coal helped run our homes, schools and factories.

The river carried 21 million tons of petroleum for our cars and industries. Another 14 million tons of stone, sand and gravel fed to the burgeoning highway construction and urban rebuilding throughout the country.

Most people probably haven't ordered a ton of bituminous coal in their lives. Many have never been on a towboat. But while the public landing isn't the social gathering place it was a hundred years ago, the river and the low cost transportation it provides has helped generate the tremendous development in the Ohio Valley. The river could be accurately described as the lifeline of the Ohio Valley.

We are often asked how the Army Corps of Engineers became involved in building dams on the Ohio. This all began early in our Nation's history when, after the Revolutionary War, early Congresses, because of a shortage of engineers in the country, called upon the Corps to perform surveys and act as engineering consultant. This grew over the years into the Corps' present mission in comprehensive water resource development which includes navigation, flood control, water supply, hydroelectric power, recreation, flow augmentation and fish and wildlife enhancement.

The Corps' first work on the Ohio was in 1824 when Congress authorized $75,000 for the removal of snags, a major cause of steamboat accidents. The navigation problem of the Ohio, however, was more than simply snags. Almost annually, the river would run so low that a man could wade across at several places. When this happened, river traffic sat on its hulls in the mud and waited for high water.

Congress, recognizing an obvious threat to the Nation's economy, directed the Corps of Engineers to canalize the river by means of a series of low-lift locks and dams. The first dam, Davis Island near Pittsburgh, was completed in 1885, and the entire system of 46 structures was dedicated in 1929.

Most of the dams were of the movable wicket type. It consists essentially of a line of slats, or wickets, resting on a concrete foundation which stretches across the river. The sections of thick timber slats are nearly four feet wide and in the neighborhood of ten feet long. In the raised position each slat has one end resting on the foundation and the other projecting above water, and is supported by a strut. The whole effect is of a picket fence set across the river, the pickets so close together that only a trickle of water passes between, and the fence leaning slightly downriver better to withstand the pressure.

The advantage of the wicket dam is that when the river rises and becomes navigable without the aid of dams, the wickets can be lowered. The struts are released and the wickets are folded down flat against the foundation. Instead of using the locks, river traffic just sails right on over the dam. Thus the only time a tow has to go through a lock is when without a lock the river would be impassable.

The dams, designed to hold navigable pools during periods of low flow, had single 600-foot by 110-foot locks. The system adequately handled the 20 to 30-million tons of freight that moved on the river annually in the 1920's and '30s.

After World War II, the diesel-powered towboat began appearing on the river, and with its greater horsepower and load capacity it soon shoved the steam towboats into obscurity. The diesels also shoved the system of 46 locks and dams into obsolescence.

With their added horsepower the new boats handled loads twice as long as the 600-foot locks, resulting in tows having to be broken and put through the locks in two sections. This double-locking, taking up to two hours, threatened to strangle further development in the Ohio Valley.

To avert a 981-mile traffic jam, the Corps of Engineers in the early 1950's began replacing the 46 old structures with 19 modern high-lift dams. The new dams feature a 1,200-foot-long lock chamber for larger tows, plus an auxiliary 600-foot lock for pleasure boats and smaller tows.

The new structures speed transportation on the river with faster locking and by creating longer open pools. Markland Locks and Dam, just downstream from Cincinnati, creates a 95-mile long pool and replaces five old low-lift structures. Currently, there are 33 navigation structures on the Ohio, 10 of which have modern lock facilities.

Brig. Gen. Willard Roper, Division Engineer of the Corps' Ohio River Division, says the river's heaviest traffic moves on the stretch below the confluence of the Ohio and Kentucky's Green River. This traffic has been engendered by the boom in the coal business along the Green and other tributaries.

"The Division's biggest immediate problem," General Roper says, "is the replacement of Lock & Dam 50 and Lock & Dam 51, the two movable dams scheduled to be replaced by the Smithland Lock & Dam. We hope to start contracting next May to begin construction sometime in fiscal 1970. But the new dam will not be ready before a serious bottle-neck has developed."

As a result of the unexpected traffic pressure in the lower Ohio, Smithland Lock & Dam will be constructed with two 1,200-foot locks instead of the one 1,200-foot and one 600-foot lock found in the other new dams.

Corps planners are considering putting two long locks in the Mound City Lock and Dam, also.

This farthest-downriver dam has had other problems, however. The main one was finding a suitable site for a fixed dam near the mouth of the Ohio.

The foundations of the old wicket dams are relatively light and can be supported on piling in almost any kind of river bottom, but the heavy new dams are a different matter.

Pending completion of design, and construction at Mound City, L&D 52 and 53 will have to carry the traffic. These are both wicket dams. As noted already, Dam 53 is on the bottom of the river a majority of the time. Dam 52 is up half the time and down half the time. In order to meet the traffic load a temporary 1,200-foot lock has been constructed at Dam 52 at a cost of about $10 million. This should pay for itself within seven years in delays avoided alone. It will be at least this long before Mound City can be open for use.

But in spite of construction delays and traffic jams, tonnage projections indicate the Ohio will play a vital role in the future economy of the basin.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER, for Thursday, July 31, 1969, on account of official business.

Mr. SAYLOR, for 3 days, August 4 to 6, 1969, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FEIGHAN, for 60 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. TUNNEY) to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 30 minutes, today.

Mr. FARBSTEIN, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. HAGAN, for 10 minutes, today.

Mr. SAYLOR (at the request of Mr. FISH), for 30 minutes, today, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous matter.

Mr. MICHEL prior to the Committee rising during the consideration of H.R. 13111 and to include extraneous matter.

Mr. RANDALL while in the Committee of the Whole on H.R. 13111 prior to vote on the Sikes-Smith amendment.

Mr. RYAN and to include extraneous matter during his remarks in the Committee of the Whole on the Smith-Sikes amendment.

Mr. RYAN prior to the adoption of the Kyl amendment while in Committee of the Whole on H.R. 13111 on Wednesday, July 30.

(The following Members (at the request of Mr. FISH) and to include extraneous matter:)

Mr. HASTINGS.
Mrs. HECKLER of Massachusetts.
Mr. HARSHA.
Mr. GROSS.
Mr. ROBISON.
Mr. BUTTON.
Mr. CONTE.
Mr. ANDERSON of Illinois.
Mr. BEALL of Maryland.
Mr. WYMAN in two instances.
Mr. HORTON in two instances.
Mr. DERWINSKI in two instances.
Mr. DENNEY.
Mr. BUSH.
Mr. COUGHLIN in two instances.
Mr. DON H. CLAUSEN.
Mr. CARTER.
Mr. SNYDER.
Mr. WHALEN.
Mr. FULTON of Pennsylvania in five instances.
Mr. PELLY in two instances.
Mr. HOSMER in two instances.
Mr. DELLENBACK.

(The following Members (at the request of Mr. TUNNEY) and to include extraneous matter:)

Mr. HAMILTON in 10 instances.
Mr. MATSUNAGA in two instances.
Mr. CHARLES H. WILSON.
Mr. ASHLEY.
Mr. OBEY in three instances.
Mr. GONZALEZ in two instances.
Mr. SLACK.
Mr. GALLAGHER.
Mr. MIKVA.
Mr. WOLFF.
Mr. RODINO in two instances.
Mr. JONES of Alabama in two instances.
Mr. DORN in two instances.
Mr. EDMONDSON in two instances.
Mr. RARICK in four instances.
Mr. O'HARA in two instances.
Mr. TUNNEY.
Mr. HELSTOSKI.
Mr. HANLEY in two instances.
Mr. SCHEUER in three instances.
Mr. YOUNG in two instances.
Mr. TIERNAN.
Mr. MARSH in two instances.
Mr. BIAGGI in two instances.
Mr. DULSKI in three instances.
Mr. ROGERS of Florida in five instances.
Mr. RIVERS in two instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2678. An act to amend section 203 of the Flood Control Act of 1962 to provide for optimum development at Tocks Island Dam and Reservoir; to the Committee on Public Works, and

S.J. Res. 140. Joint resolution to provide for the striking of medals in honor of American astronauts who have flown in outer space; to the Committee on Banking and Currency.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 38. An act to consent to the upper Niobara River Compact between the States of Wyoming and Nebraska; and

S. 1590. An act to amend the National Commission on Product Safety Act in order to extend the life of the Commission so that it may complete its assigned task.

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. 2785. An act to authorize the Secretary of the Interior to convey to the State of Tennessee certain lands within Great Smoky Mountains National Park and cer-

tain lands comprising the Gatlinburg Spur of the Foothills Parkway, and for other purposes;

H.R. 3379. An act for the relief of Sgt. 1C Patrick Marratto, U.S. Army (retired);

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes;

H.R. 6585. An act for the relief of Mr. and Mrs. A. F. Elgin; and

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

ADJOURNMENT

Mr. TUNNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Friday, August 1, 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:

1008. A letter from the Comptroller General of the United States, transmitting a report on selected automatic data processing activities, District of Columbia government; to the Committee on Government Operations.

1009. A letter from the Secretary of the Treasury, to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States; to the Committee on the Judiciary.

1010. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the export expansion facility program for the quarter ended June 30, 1969, pursuant to the provisions of Public Law 90–390; to the Committee on Banking and Currency.

1011. 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 in Wayne County, Mich., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

1012. A letter from the Acting Director, Bureau of Land Management, Department of the Interior, transmitting a report on negotiated sales contracts for disposal of materials during the period January 1 through July 31, 1969, pursuant to the provisions of Public Law 87–689 (76 Stat. 587); to the Committee on Interior and Insular Affairs.

1013. A letter from the Attorney General, transmitting a report on exemptions from the antitrust laws to assist in safeguarding the balance-of-payments position of the United States, for the 6 months ended June 30, 1969, pursuant to the provisions of section 3 of Public Law 89–175; to the Committee on the Judiciary.

1014. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to adjust the maximum salaries for full- and part-time U.S. magistrates; to the Committee on the Judiciary.

1015. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide that agency heads be paid on a biweekly basis; to the Committee on Post Office and Civil Service.

1016. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to provide for the adjustment, by the Administrator of Veterans' Affairs, of the legislative jurisdiction over lands belonging to the United States which are under his supervision and control; 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. TAYLOR: Committee on Interior and Insular Affairs. S. 912. An act to provide for the establishment of the Florissant Fossil Beds National Monument in the State of Colorado; with amendment (Rept. No. 91–411). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MESKILL: Committee on the Judiciary. H.R. 3629. A bill for the relief of Mrs. Sabina Riggi Farina (Rept. No. 91–408). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3955. A bill for the relief of Placido Viterbo (Rept. No. 91–409). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 9001. A bill for the relief of William Patrick Magee, without amendment (Rept. No. 91–410). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 13220. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 13221. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. BUSH:

H.R. 13222. A bill to afford protection to the public from offensive intrustion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DADDARIO:

H.R. 13223. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. GIAIMO:

H.R. 13224. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 13225. A bill to amend the Clean Air Act to ban the use of certain internal combustion engines in motor vehicles after January 1, 1978; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 13226. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 13227. A bill to provide additional Federal assistance in connection with the construction, alteration, and improvement of air carrier and general-purpose airports, airport terminals, and related facilities, to promote a coordinated national plan of integrated airport and airway systems, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NIX:

H.R. 13228. 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. RODINO (for himself and Mr. SANDMAN):

H.R. 13229. A bill to amend title 18 of the United States Code in order to provide that committing acts dangerous to persons on board trains shall be a criminal offense; to the Committee on the Judiciary.

By Mr. SCHADEBERG (for himself, Mrs. HANSEN of Washington, Mr. JONES of North Carolina, Mr. UTT, Mr. MATSUNAGA, Mr. WHITEHURST, Mr. CAHILL, Mr. POLLOCK, Mr. CHAPPELL, Mr. CASEY, Mr. ASHLEY, Mr. HOWARD, Mr. SANDMAN, Mr. TIERNAN, and Mr. VAN DEERLIN):

H.R. 13230. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. THOMPSON of Georgia:

H.R. 13231. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. STEIGER of Arizona, and Mr. RHODES):

H.R. 13232. A bill to designate certain lands in the Petrified Forest National Park in Arizona as "wildnerness"; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. ABBITT, Mr. ABERNETHY, Mr. ALEXANDER, Mr. ANDREWS of North Dakota, Mr. BLACKBURN, Mr. BROTZMAN, Mr. CAFFERY, Mr. CUNNINGHAM, Mr. FINDLEY, Mrs. GREEN of Oregon, Mr. GUDE, Mr. ICHORD, Mr. KING, Mr. MATHIAS, Mr. MELCHER, Mr. MONAGAN, Mr. MURPHY of New York, Mrs. REID of Illinois, Mr. STUCKEY, and Mr. WIDNALL):

H.R. 13233. 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. ANDREWS of Alabama:

H.R. 13234. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 13235. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. ANDREWS of Alabama:

H.R. 13236. A bill to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and

for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRADEMAS:

H.R. 13237. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CASEY:

H.R. 13238. A bill to provide that the half dollar shall bear the official symbol of the Apollo 11 flight; to the Committee on Banking and Currency.

By Mr. CONABLE:

H.R. 13239. A bill to establish the calendar year as the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. DIGGS (for himself, and Mr. BROYHILL of Virginia):

H.R. 13240. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. ERLENBORN (for himself, Mr. ANDERSON of Illinois, Mr. ANNUNZIO, Mr. ARENDS, Mr. CARTER, Mr. CHAMBERLAIN, Mr. COLLIER, Mr. CORBETT, Mr. DERWINSKI, Mr. DONOHUE, Mr. EDWARDS of Louisiana, Mr. FLOWERS, Mr. HAMILTON, Mr. LUKENS, Mr. McCLORY, Mr. McCLURE, Mr. McEWEN, Mr. MANN, Mr. MICHEL, Mr. MOSHER, Mr. PRICE of Illinois, Mr. PUCINSKI, Mr. RAILSBACK, Mr. RONAN, and Mr. SCOTT):

H.R. 13241. A bill to protect the privacy of the American home from the invasion by mail of sexually provocative material, to prohibit the use of the U.S. mails to disseminate material harmful to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 13242. 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. FULTON of Pennsylvania:

H.R. 13243. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guaranties in developing countries to encourage local participation in self-help community development projects; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H.R. 13244. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

My Mr. HICKS:

H.R. 13245. A bill to prohibit the mailing of certain obscene matter; to the Committee on Post Office and Civil Service.

By Mr. HORTON:

H.R. 13246. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON (for himself, Mr. GARMATZ, Mr. MOSHER, Mr. ROGERS of Florida; Mr. PELLY, Mr. ASHLEY, Mr. KEITH, Mr. DOWNING, Mr. SCHADEBERG, Mr. KARTH, Mr. DELLENBACK, Mr. HATHAWAY, Mr. POLLOCK, Mr. CLARK, Mr. RUPPE, Mr. ST. ONGE, Mr. GOODLING, Mr. JONES of North Carolina, Mr. BRAY, Mr. HANNA, Mr. LEGGETT, and Mr. FEIGHAN):

H.R. 13247. A bill to amend the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services, exploration, and utilization with respect to our marine and atmospheric environment; to the Committee on Merchant Marine and Fisheries.

By Mr. MacGREGOR:

H.R. 13248. A bill to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education; to the Committee on Education and Labor.

By Mr. MESKILL:

H.R. 13249. A bill to permit a Federal employee to transfer his enrollment from a Federal health benefits plan to another plan under certain additional circumstances; to the Committee on Post Office and Civil Service.

By Mr. MORSE:

H.R. 13250. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. OLSEN:

H.R. 13251. A bill to provide career status as rural carriers to certain qualified substitute rural letter carriers of record; to the Committee on Post Office and Civil Service.

By Mr. PATMAN (for himself and Mr. WIDNALL):

H.R. 13252. A bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 13253. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. RYAN (for himself, Mr. BRASCO, Mr. BURKE of Florida, Mr. BURTON of California, Mr. BUTTON, Mr. DADDARIO, Mr. EDWARDS of California, Mr. HALPERN, Mr. HAWKINS, Mr. HORTON, Mr. KOCH, Mr. McCARTHY, Mr. MIKVA, Mr. MURPHY of New York, Mr. PODELL, Mr. PUCINSKI, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. WOLFF):

H.R. 13254. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 13255. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

H.R. 13256. A bill to provide Federal financial assistance to help cities and communities of the United States develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 13257. A bill to amend section 310 of the Communications Act of 1934 to require the Federal Communications Commission to make additional findings and hold additional proceedings before approving the transfer of station licenses or construction permits, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 13258. A bill to authorize the Secretary of the Treasury to carry out a program of research and development relating to devices and techniques for the detection of illegal importation of dangerous drugs into the United States; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. ADAMS, Mr. ALEXANDER, Mr. ANNUNZIO, Mr. BRASCO, Mr. DADDARIO, Mr. FLOWERS, Mr. FRIEDEL, Mr. PRYOR of Arkansas, Mr. RUPPE, and Mr. TEAGUE of Texas):

H.R. 13259. A bill to amend title 39, United States Code, to provide for the return to the sender of pandering advertisements mailed to and refused by an addressee, at a charge to the sender of all mail handling and administrative costs to the United States; to the Committee on Post Office and Civil Service.

By Mr. BENNETT:

H.R. 13260. A bill to prohibit former Federal employees who participated in a contract formulation from being employed by anyone who has a direct interest in the contract for a period of 2 years; to the Committee on the Judiciary.

By Mr. CRAMER (for himself, Mr. WYMAN, Mr. CLEVELAND, Mr. ROTH, Mr. KING, Mr. DEVINE, Mr. WHITEHURST, Mr. MIZELL, Mr. HARSHA, Mr. EDWARDS of Alabama, Mr. COLLINS, Mr. BOB WILSON, Mr. DUNCAN, Mr. WATSON, Mr. SNYDER, Mr. SCOTT, and Mr. BURKE of Florida):

H.R. 13261. 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 and to provide for injunctive relief; to the Committee on the Judiciary.

By Mr. BOLAND:

H.J. Res. 853. Joint resolution to authorize and direct the Franklin Delano Roosevelt Commission to raise funds for the construction of a memorial; to the Committee on House Administration.

By Mr. BROTZMAN (for himself, Mr. CLEVELAND, Mr. WHALEN, Mr. McCULLOCH, Mr. FLYNT, Mr. KLEPPE, Mr. POWELL, Mr. RIEGLE, Mr. HUNT, Mr. RONAN, Mr. WINN, Mr. BUCHANAN, Mr. DON H. CLAUSEN, Mr. GRAY, Mr. BURKE of Florida, Mr. McDADE, Mr. HALPERN, and Mr. FISH):

H.J. Res. 854. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mrs. MAY (for herself, Mr. ANDERSON of Illinois, Mr. BERRY, Mr. DENNEY, Mr. HANSEN of Idaho, Mr. HORTON, Mr. KLEPPE, Mr. McCLURE, Mr. McKNEALLY, Mr. MARTIN, Mr. PELLY, Mr. POLLOCK, Mr. REIFEL, Mr. SEBELIUS, Mr. SHRIVER, Mr. UTT, Mr. WINN, and Mr. ZWACH):

H.J. Res. 855. Joint resolution providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week" in the United States; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 856. Joint resolution to provide for the designation of third week in May of each year as "Municipal Clerk's Week"; to the Committee on the Judiciary.

By Mr. LANDGREBE (for himself and Mr. DENNIS):

H.J. Res. 857. Joint resolution providing for the establishment of the Astronauts Memorial Commission to construct and erect with funds a memorial in the John F. Kennedy Space Center, Florida, or the immediate vicinity, to honor and commemorate the men who serve as astronauts in the U.S. space program; to the Committee on House Administration.

By Mr. MELCHER (for himself, Mr. HICKS, and Mr. OLSEN):

H.J. Res. 858. Joint resolution requesting the President of the United States to issue a

proclamation calling for a "Day of Bread" and "Harvest Festival"; to the Committee on the Judiciary.

By Mr. BOGGS:

H. Con. Res. 311. Concurrent resolution expressing the sense of the Congress with respect to the future exploration of space frontiers jointy by the United States and other technologically advanced nations of the world; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 312. Concurrent resolution to invite members of the Supreme Soviet to visit the United States; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Con. Res 313. Concurrent resolution to encourage displaying the flag of the United States; to the Committee on the Judiciary.

By Mr. BIAGGI:

H. Res. 506. Resolution creating a select committee to conduct an investigation and study of all aspects of crime and disorder on U.S. military installations; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 507. Resolution amending rule XXXV of the Rules of the House of Representatives to increase fees of witnesses before the House or its committees; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 508. Resolution providing funds for the Select Committee on the House Restaurant; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 13262. A bill for the relief of Vasilios Stavropoulos; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 13263. A bill for the relief of John R. Groves; to the Committee on the Judiciary.

H.R. 13264. A bill for the relief of Leda Kemmet; to the Committee on the Judiciary.

H.R. 13265. A bill to confer U.S. citizenship posthumously upon Lance Cpl. Frank J. Krec; to the Committee on the Judiciary.

H.R. 13266. A bill to provide for the free entry of one electron spin resonance spectrometer for the use of the University of Rochester, N.Y.; to the Committee on Ways and Means.

By Mr. MIZE:

H.R. 13267. A bill to direct the Secretary of the Interior to convey certain lands in Geary County, Kans., to Margaret G. More; to the Committee on Interior and Insular Affairs.

By Mr. BIAGGI:

H.R. 13268. A bill for the relief of Agostino D'Ascoli; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

199. The SPEAKER presented a petition of the Board of Supervisors, Los Angeles County, Calif., relative to the Interstate Taxation Act, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

GOOD SENSE ON THE CAMPUS

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, July 31, 1969

Mr. FANNIN. Mr. President, we have had a plethora of advice from the left informing us that unless there is a great deal of change toward accommodating student dissidents there will be disorder and chaos. News reports of campus violence and recorded instances of administrative backbone turning to quivering jelly in the face of unthinking, nonnegotiable demands coupled with the threat of violence as well as actual violence, has led many members of the academic community to think that "the sky is falling."

Nowhere has controversy swirled with greater rage than in those locations where "defense research" was being conducted. The first silly outbreak of this kind of action occurred on campuses where Dow Chemical recruiters were working. Because this company makes, among many other products, a part of the weaponry called napalm, it has become a convenient target for campus radicals, spurred on by professional reactionaries and revolutionists.

These "third world" people cry on their beads and in the beards about burning babies with napalm and conveniently ignore the deliberate rocket attacks the Vietcong mount, aimed strictly at the civilian population. In instance after instance, brutalities, atrocities, and arms caches designed for civilian mayhem have been discovered and documented—but these bearded bleeding hearts look the other way. South Vietnamese civilians apparently do not feel pain, are not subject to atrocities, have no place in the third world dreams of these "great unwashed."

When I recently ran across a cogent and clearly stated document detailing the activities of these antiwar protesters it was like a breath of springtime. I wish to share it with the Senate and ask unanimous consent that an address by Charles A. Anderson, president of Stanford Research Institute, Menlo Park, Calif., given on June 6, 1969, before the Commonwealth Club of California meeting in San Francisco, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEFENSE RESEARCH AND THE ACADEMIC COMMUNITY

(By Charles A. Anderson)

(NOTE.—SRI is a nonprofit organization, performing contract research for industry, government, and foundations in the United States and abroad. Its fields of interest are in the physical and life sciences, economics, management sciences, system sciences and engineering.)

Here and there throughout the country, news stories have cropped up in recent months, stories that are very similar and, to some people, rather disturbing. To a few others, they are good news. But, like most news items, they disappear the next day or the next week and there really hasn't been any real impact on the general public.

I am talking about the news story not long ago that Massachusetts Institute of Technology would not for the time being accept any more classified research programs in two of its affiliated laboratories. More recently, a faculty-student committee urged a cutback in military research at MIT.

There was a story some time ago that the Institute for Defense Analysis had ended its ties with a number of major universities that had sponsored it.

American University has ended all classified research for the government.

Here at home the faculty Senate of Stanford University voted not to engage in classified research after the sit-in by dissident students at the Applied Electronics Laboratory on campus.

And, of course, Stanford Research Institute has had its share of attention lately, most of it unwanted. It has been decided by the Trustees of Stanford University that the formal ties between Stanford University and SRI will be determined. Meanwhile, various campus groups, led mainly by the radical Students for a Democratic Society, have been demanding that SRI stop certain kinds of national security research.

If all these separate actions had happened on the same day, or if we saw them all as part of a national problem, we might look at them more soberly. Indeed, many of our citizens might be alarmed.

Put all these isolated incidents together and think about what's happening in America. We have a small but very active population of dissidents who have told us openly that they disagree with the national goals of the majority. They tell us openly they will destroy us by destroying our institutions and our ability to defend ourselves and our country, and that they will use violence and bloodshed when necessary. Recently, I was told that personally by a young SDS leader who was shaking his fist under my nose at the time. And then these revolutionaries go out and do exactly what they said they would do. They have succeeded on campus after campus and they are doing serious harm to America's research for national security. They get away with it, usually. I think it's high time for people of this country to be alarmed at this situation.

I should make it clear that I mean no special criticism of the Stanford University administration or faculty. We have had some 23 years of pleasant and mutually beneficial relationships with the University and we look forward to many more years. The academic community, however, has a difficult problem in dealing with violence and law-breaking on the campus.

I can understand the argument that classified research should not be carried out by a university. The university must keep in mind its purpose to make its knowledge known to the general public—in particular, to its students. SRI, on the other hand, was formed as an independent contract research organization that could work on projects resulting in classified and proprietary information for both government and industry.

College faculties over the years have demanded for themselves a great deal of authority in the government of the campus but they have never before been faced with conditions such as they face today. In their efforts to protect the campus tradition of academic freedom and freedom of dissent—and harrassed as they are by the inevitable minority of faculty members who belong to the radical fringe—they find it very difficult