United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, August 5, 1969*

The House met at 12 o'clock noon.

Rev. W. R. Lesser, D.D., pastor, First Congregational Christian Church, Bradenton, Fla., offered the following prayer:

Eternal God, source of life and light, we invoke Thy blessing this day upon this House of Representatives. Let Thy presence be a conscious reality in each heart, motivating all human efforts to effect good government by honest considerations and sincere commitments.

Grant, O God, that individual differences and opinions may be appreciated, but keep truth forever foremost in the spoken word and concerted action, so that what needs to be said or done, does not get tied down with trivialities, nor swayed by the superficial. Direct this House to decisions which help and heal our Nation and the world. Give courage to this body to bravely do and to boldly dare great things in program and purpose, that Thy will be done.

In Christ's blessed name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On July 19, 1969:

H.R. 3689. An act to cede to the State of Montana concurrent jurisdiction with the United States over the real property comprising the Veterans' Administration Center, Fort Harrison, Mont.

On July 22, 1969:

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 1948. An act to confer U.S. citizenship posthumously upon Pfc. Joseph Anthony Snitko;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Milionzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4153. An act to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard;

H.R. 7215. An act to provide for the striking of medals in commemoration of the 50th anniversary of the U.S. diplomatic courier service;

H.R. 10060. An act for the relief of Lance Cpl. Peter M. Nee (2465662); and

H.R. 11400. An act making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

On August 2, 1969:

H.R. 13079. An act to continue for a temporary period the existing interest equalization tax.

On August 4, 1969:

H.R. 3379. An act for the relief of Sfc. Patrick Marratto, U.S. Army (retired); and

H.R. 6585. An act for the relief of Mr. and Mrs. A. F. Elgin.

PERMISSION FOR SUBCOMMITTEE ON INDIAN AFFAIRS, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

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

There was no objection.

POLLUTION OF LAKE ERIE AND THE OTHER GREAT LAKES

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

Mr. VANIK. Mr. Speaker, it is reported today that an abandoned oil well in Lake Erie, 30 miles north of Port Clinton, Ohio, began leaking yesterday, spewing slicks up to 3,000 feet in Lake Erie, according to the Coast Guard.

This wretched, polluted lake cannot afford another drop of pollution.

Our Government should seek an immediate confrontation with Canadian authorities to end the pollution of the water supplies of millions of people. Oil drilling in Lake Erie, in the Great Lakes, and in any of our fresh waters must be stopped—abandoned wells must be controlled and sealed.

Lake Erie pleads to be saved.

Mr. Speaker, I hope the Congress and the administration will respond.

PER ANNUM GROSS RATES OF PAY OF CERTAIN POSITIONS UNDER THE HOUSE OF REPRESENTATIVES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–415) on the resolution (H. Res. 502) and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That (a) effective August 1, 1969, the per annum gross rates of pay of those positions under the House of Representatives listed below shall be as follows:

(1) Postmaster, $31,500;

(2) Floor Assistant to Minority, $27,732.60;

(3) Pair Clerk to the Majority; $26,000; and

(4) Pair Clerk to the Minority, $25,000.

(b) The position of Pair Clerk to the Majority is hereby exempted from the provisions of the House Employees Position Classification Act (2 U.S.C. 291 and following).

(c) Until otherwise provided by law, there shall be paid out of the contingent fund of the House such sums as may be necessary to carry out this authorization.

The SPEAKER. The gentleman from Ohio is recognized.

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

Mr. HAYS. I yield to the gentleman from Michigan. Does the gentleman desire to ask a question?

Mr. GERALD R. FORD. I should like to ask a question or two.

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

Mr. GERALD R. FORD. First, less than 5 minutes ago I was told by a Member on our side that this resolution was going to be presented today. I had hoped that sometime today or tomorrow one or more other options or possibilities might have been discussed. In fact, I was in the process of talking to several Members on our side who are on the committee about this matter and I understand all the ramifications of it, as the gentleman from Ohio knows. I understand some of the inequities of the past and some of the problems of the present.

In my opinion, there may be a better solution or one or more other solutions that might be preferable. I only want the gentleman to know that I would like to have an opportunity to talk with him about it today and see if there is not another solution that might be worked out.

Mr. HAYS. Is the gentleman asking me to withdraw the resolution at the moment?

Mr. GERALD R. FORD. I am suggesting that it might be more helpful if we could consult with the desire to try to find an answer, perhaps different from this one.

Mr. HAYS. May I say this to the gentleman. Whether he thinks I would do this or not, I would be amenable in trying to settle this matter in an amicable fashion, and without seeming to pass the buck to anybody, because I can take whatever heat there is myself as chairman of the subcommittee. The pressure to go ahead and do something about this came from the minority side as much as anywhere else. We have a considerable number of these positions which, I believe I can say, the subcommittee and the committee almost unanimously feel have gotten out of hand and out of line, and it was felt that if we did not start somewhere, the inequities would go on and on and on and nothing would ever be done about it. We feel, frankly, that the pair clerk on our side is getting considerably less money than the pair clerk on the minority side, and he has been here much longer. He does the same or perhaps a little more work because he has more Members to work with. The longer we delay this, the longer the inequity, as far as he is concerned, is prolonged.

That is why I would like to go ahead with this, and if the gentleman has something he desires to work out for the pair clerk for the minority in another resolution—and there will be more coming along—I would be very glad to sit down with him and work it out in any way we can.

Mr. GERALD R. FORD. Mr. Speaker, I know the gentleman has been trying to find an answer so that inequity would not exist, but would it be possible for the gentleman to withdraw the resolution? I will be glad to meet with him right now and with others this afternoon to see if by any chance there is another solution that overall would be more acceptable?

Mr. HAYS. I would be inclined to do this for the gentleman, but with the understanding that if nothing is worked out by this time tomorrow, I will bring this resolution up, if the Speaker will recognize me, and put it to a vote.

Mr. GERALD R. FORD. If there is no means of reaching a compromise in the next 24 hours, I for one would not raise any question about the resolution coming up tomorrow. In 24 hours either we will find another answer or we will not. If we do not, then I will have no objection.

Mr. HAYS. Mr. Speaker, under the circumstances, I withdraw my request at this time.

The SPEAKER. The resolution is referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. MADDEN. 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 Indiana?

There was no objection.

THE 1968 REPORT ON INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the 1968 report on the operations of the International Coffee Agreement.

This treaty, in force since 1963, is vital to the economic well-being of many friendly developing countries in Latin America and Africa. It has provided them stable and predictable earnings from their principal export crop and thus has encouraged their economic development. The United States consumer in turn has benefited from stable prices considerably below the peaks reached before the Agreement entered into force. I hope to see the Agreement continued and strengthened. I reaffirm our support of the Coffee Diversification Fund, designed to encourage a shift of resources away from the production of surplus and unneeded coffee. Discussions with the Coffee Fund on the terms and conditions of a United States loan to the Fund are expected to begin fairly soon.

The report reviews the operations of the International Coffee Agreement in 1968. On April 30, 1969 agreement was reached with the Brazilian Government regarding Brazilian soluble coffee exports. This has obviated any immediate need for United States' action.

RICHARD NIXON.

THE WHITE HOUSE, *August 5, 1969.*

PRIVATE CALENDAR

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

JOHN VINCENT AMIRAULT

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

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

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

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, referring the bill (H.R. 1691) for the relief of Jesus J. Rodriguez, to the chief commissioner of the Court of Claims.

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

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

There was no objection.

MRS. BEATRICE JAFFE

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

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

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

There was no objection.

AMALIA P. MONTERO

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

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

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

There was no objection.

MARTIN H. LOEFFLER

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

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

H.R. 3165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That, Martin H. Loeffler, who was lawfully admitted to the United States for permanent residence on August 21, 1963, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

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

VISITACION ENRIQUEZ MAYPA

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

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

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

There was no objection.

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

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

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

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A. Kaye.

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

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

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

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

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

There was no objection.

DR. EMIL BRUNO

The Clerk called the bill (H.R. 4105) for the relief of Dr. Emil Bruno.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4105) be recommitted to the Committee on the Judiciary.

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

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

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

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

There was no objection.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

The Clerk called the bill (H.R. 1783) to incorporate the Paralyzed Veterans of America.

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

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

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

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

There was no objection.

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

ROMEO DE LA TORRE SANANO AND HIS SISTER, JULIETA DE LA TORRE SANANO

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 1632) for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An Act for the relief of Romeo de la Torre Sanano and his sister, Julieta de la Torre Sanano."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ADELA KACZMARSKI

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2336) for the relief of Adela Kaczmarski, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "Durda" and insert "Kaczmarski".

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 140]

Aspinall	Gubser	Pepper
Baring	Halpern	Pike
Brasco	Howard	Powell
Carey	Hull	Reid, N.Y.
Celler	Ichord	Rostenkowski
Clay	Karth	Saylor
Cunningham	Kirwan	Scheuer
Daddario	Lipscomb	Taft
Edwards, Calif.	McMillan	Teague, Tex.
Fascell	Mailliard	Wright
Flowers	Mikva	

The SPEAKER pro tempore (Mr. NATCHER). On this rollcall 400 Members have answered to their names, a quorum.

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

MILITARY CONSTRUCTION AUTHORIZATION, 1970

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 500 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 500

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 500 provides an open rule with 3 hours of general debate for the consideration of H.R. 13018 to authorize certain construction at military installations, and for other purposes.

H.R. 13018 provides military construction authorization and related authority in support of the military departments for fiscal year 1970 in the amount of $1,547,215,000, as follows:

For the Army	$246,358,000
For the Navy, including Marines	264,474,000
For the Air Force	261,445,000
For defense agencies	40,220,000
For housing	691,418,000
For Reserve components	43,200,000

The total amount authorized is $346,124,000 less than that requested by the Department of Defense. Reductions were made by the Armed Services Committee in areas where the committee felt projects could be delayed. No funds were requested, and none are authorized in the bill, for construction in Southeast Asia in fiscal 1970.

Included in the funds authorized for the Army is $12.7 million for the construction of research and development facilities at the Kwajalein Island test site in the Pacific for the Safeguard system.

The authorization for all military housing in the amount of $691,418,000 will provide for the construction of 4,800 new family units, as well as improvements to existing housing, rental guaranty payments and planning. No new funds are authorized in title VI of the bill—homeowners assistance—because appropriations for this program to date are sufficient to carry it through June 30, 1970.

Title VII, section 708, will amend title 18, section 1507, United States Code, to make it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property appurtenant thereto if by his actions that person intends to interfere with, obstruct, or impede the administration of military or defense affairs. The penalty is a fine not to exceed $5,000, imprisonment not to exceed 1 year, or both.

Section 709 of title VII authorizes sums not to exceed $750,000 to cover costs of Federal sponsorship of an International Aeronautical Exposition in the United States.

Mr. Speaker, I urge the adoption of House Resolution 500 in order that H.R. 13018 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my distinguished colleague, the gentleman from Texas (Mr. YOUNG), has stated H.R. 13018 would

authorize funds during fiscal year 1970 for military construction projects throughout the world.

Upon the adoption of House Resolution 500, H.R. 13018 will be presented under an open rule with 3 hours of general debate.

The total amount authorized by the bill is $1,547,215,000, some $346,124,000 below the April budget request. Reductions were made in areas where the committee believed that worthwhile projects could be delayed for a year in their construction dates.

Army authorizations contained in the bill total $246,358,000. The total for the Navy—including the Marines—is $264,574,000, and the total for the Air Force is $261,445,000.

Authorizations for Reserve and Guard units total $43,200,000 and for all service military housing, the authorizations are $691,418,000.

There is also funding for the ABM in the bill—it totals $12,700,000 and is to be used for research and development facilities located at the Kwajalein Island test site.

No funds are contained in the bill for Southeast Asia construction. The present authorized construction program is 81 percent completed and is expected to be completed by mid-1971.

The total for military housing for all services, $691,418,000, will be used in the construction of approximately 4,800 units of which 1,200 will be for Army personnel; 1,950 for the Navy; and 1,650 for the Air Force.

Ninety-one percent of the units will be for enlisted men and more than 77 percent of the units built will be of three or four bedrooms, the type which are most difficult to find on the market at prices within the reach of military families.

Other military housing programs assisted under this authorization include that to improve existing housing facilities, the rental guarantee program and the installment purchase program, both used at overseas military bases, and the homeowners assistance program which assists military homeowners stationed at a base which is to be closed by reducing or eliminating the loss they suffer on the resale of their homes.

The bill also adds a new section which will effectively prohibit picketing and demonstrations at the Pentagon or on any federally owned property adjacent thereto.

This language is amended into title 18, section 1507, United States Code, which prohibits the intimidation of courts, judges, and juries. The section has been upheld as a restriction on free speech which is necessary to insure the fair administration of justice.

The Department of Defense in January submitted authorization requests totaling approximately $2,500,000,000. The April request was revised downward to $1,893,339,000. The committee reduced this figure to $1,547,215,000.

Mr. Speaker, I firmly believe the appropriations authorized by this bill are the minimum necessarily consistent with national security demands.

For the Safeguard system, the Department of Defense requested only $12.7 million of new authorizations for fiscal year 1970, all of which is for installation of research, development and test facilities at the Kwajalein Island test site in the Pacific.

These facilities would be required even if the ABM were only approved at a research and development level rather than deployment.

The proposals for bachelor housing presented this year show a decided improvement over similar proposals for 1969, both in cost and approach.

The new unit cost limitations for barracks and bachelor officers' quarters have been set at $2,750 and $10,000 per man respectively, as opposed to $2,500 and $9,200 approved by Congress last year. The increase reflects rising costs in labor and materials as well as other general cost increases.

No new installations will be initiated with fiscal year 1970 construction.

The amendment to the United States Code will make it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property adjacent thereto if by his actions that person intends to interfere with, obstruct or impede the administration of military and defense affairs.

This addition does not attempt to restrain actions by citizens to peacefully assemble and express their views. This is the right of all citizens, guaranteed by the first amendment. However, there are some individuals who would exceed these guarantees and who would attempt to interfere with the conduct of our military affairs.

Mr. Speaker, H.R. 13018 is essentially the least that can be done and still maintain our military program at the highest level.

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

Mr. QUILLEN. I am glad to yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman.

I merely want to note that this is an unusual if not unique occasion in the affairs of the House, in that we here have a wide-open rule, no points of order waived, no gag rule imposed; a rule by which the House can work its will upon this bill.

On behalf of the gentleman from Missouri—I know he would want me to do so—and on my own behalf, I compliment the committee.

Mr. QUILLEN. I thank the gentleman.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

Mr. YOUNG. Mr. Speaker, I have no requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13018) to authorize certain construction at military installations, and for other purposes.

The SPEAKER pro tempore (Mr. NATCHER). The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair designates the gentleman from Oklahoma, Mr. STEED, to preside as Chairman of the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 13018, and requests the gentleman from California, Mr. SISK, to kindly take the chair pending the arrival of the gentleman from Oklahoma.

There was no objection.

IN COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13018, with Mr. SISK (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN pro tempore. Under the rule, the gentleman from South Carolina (Mr. RIVERS) will be recognized for 1½ hours, and the gentleman from Indiana (Mr. BRAY) will be recognized for 1½ hours.

The Chair recognizes the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I appear before you and our honored colleagues to outline the committee's recommendation for the fiscal year 1970 military construction authorization bill, H.R. 13018.

I am pleased to report to you that for the first time in several years we come to you with an authorization bill in which no funds are requested for construction in Southeast Asia.

Last year, when I stood before you to present the fiscal year 1969 military construction authorization bill in the amount of $1.8 billion, I stated that it was one of the smallest requests in recent years and, yet the bill now before you today is $271.2 million less than the bill before you last year when I made that statement.

By way of explanation, the bill as submitted by the Department of Defense in January totaled $2.5 billion. After an in-depth review by the new Secretary of Defense, a revised request was submitted in April which totaled $1.9 billion for new authorization, or a reduction of approximately $600 million. Our committee's review further reduced the request by $346 million.

Included in the $1.9 billion revised request from the Department was $694.5 million for all housing expenditures of the Department proposed for fiscal year 1970. This sum includes authorization for construction of 4,800 new family housing units at an estimated cost of $130,733,000, including improvements to existing quarters, minor construction, rental guaranty payments and planning.

Therefore, the bill, exclusive of housing requests and deficiency authorizations, represents a total of $1.2 billion for construction.

Mr. Chairman, unfortunately the Armed Services Committee faces a fact of life in the presentation of this bill. And I will tell you what it is.

There is a crowd in this country—an organized crowd—that is determined to castigate our military, impugn its motives, question its dedication, erode its effectiveness, slander its personnel, and stigmatize those who wear the uniform of this country. In short, they are out to destroy the military.

They conveniently forget the sacrifices that American youth have made in Vietnam. They sneer at the 37,000 who have died, and the more than 100,000 who will be crippled and maimed for the rest of their lives.

But this is the fact of life and we recognize it—and the American people had better recognize it. The American people are being brainwashed by columns and columns of propaganda aimed at destroying the military.

Recognizing all of this, we felt we had no choice but to defer certain military construction projects which, we know, are necessary, but which we felt could be delayed for 1 year without seriously affecting our national security.

I am the first to admit that we may have gone a little too far in some areas.

In view of the relatively reduced size of the fiscal year 1970 program, our committee faced an especially difficult task in effecting further substantial reductions. However, every member of the Armed Services Committee was determined that the final committee recommendation be made on the basis of governmental austerity and reflect only those projects that the committee was fully convinced were essential to our military needs. We consider that the projects we have deferred, in most instances, are valid requirements and should be given careful consideration in future years' programs. For that reason, we use the word deferral rather than cut.

After thorough hearings by the special subcommittee and the full committee and a review of almost 1,040 separate projects requested at 389 individual installations and bases, we were successful in effecting reductions which total $346,124,000.

The committee bill which we are now bringing before you totals $1,547,215,000 for new authorization. Additionally, the committee provided for deficiency authorization for projects previously authorized by Congress, but which, because of spiraling labor, material, and financing costs—and in some cases just plain bad estimating—additional authorization is needed so that contracts can be awarded for these projects.

The total reductions effected by the committee represent some 18 percent of the total amount requested. However, within the 18-percent reduction, the Department's entire request for the Active Forces portion of the program was subjected to an especially searching scrutiny and this segment was reduced about 30 percent.

Practically all the construction authorized by this bill will occur at existing bases and installations throughout the world, there being only one new classified authorization for the Navy proposed in this bill.

By testimony and prepared statement this committee was told that the fiscal year 1970 military construction authorization bill contained only $12.7 million for the Safeguard system and that all of the authorization was for construction of research and development facilities at Kwajalein.

We have now ascertained that there is $2.5 million in the Air Force portion of the bill for floor space in Norad headquarters at Colorado Springs, Colo., which would be utilized as a part of the operational system for a tie in with Safeguard. In other words, the space will in all likelihood not be required if the Safeguard system is not deployed.

I have had the hearings searched and at no time was it indicated to us that money was in the Air Force portion of the bill specifically for Safeguard. We were aware that the facilities at Norad would be involved with Safeguard in a small way but it was not indicated to us that any of the additional space requested was only for Safeguard work. The $2.5 million is for an extra 13,000 square feet of floor space—nothing else.

Nevertheless, at the appropriate time I shall offer an amendment to strike all of this $2.5 million from the bill. And I once again assure the House that all of the money in this bill for Safeguard is solely for the construction of R. & D. facilities.

I directed letters to the Secretary of the Air Force and to the Assistant Secretary of Defense for Installations and Logistics to indicate to them my very great distress at the failure of their people to be completely clear and candid with the committee concerning this matter. This kind of carelessness in explaining programs is very unfortunate because it reflects adversely on the credibility of the entire Department. The committee has received their letters of apology.

This is the first time anything like this has happened since this committee was formed and it better be the last time.

I do not wish to belabor the point, but I feel that the Armed Services Committee, which has spent many hours on this bill, has refuted, once and for all, the baseless charge that it blindly approves everything the generals and admirals ask for. I believe that I mentioned earlier that the total reductions effected by the committee comprised some 18 percent of the total request. Actually, that percentage is to some extent misleadingly low when you examine the character and distribution of the cuts imposed by the committee.

I mentioned that the request was made up of two major segments, the family housing portion which totaled some $694.4 million, and the projects for the Active Forces, which totaled approximately $1.2 billion. Because this committee feels strongly that the inadequacy of military family housing is a primary factor in the loss of many of our most skilled and scarce military specialists, we have fought each year for a sustained program to provide decent homes for our military families. The replacement losses and retraining of these specialists is a costly and critical factor in our military budget. In view of this, the committee could not in good conscience make more than a token reduction of $3 million in the family housing program. Thus, of the total reduction effected by the committee some 99 percent was levied against the Active Forces portion of the program, which was reduced nearly 30 percent of the total request for such facilities.

Turning now from the reductions, a number of new provisions were added by the committee in titlte VII, general provisions.

Section 707 was added by the committee for the purpose of extending for a period of 5 years the present restriction on the use of Bolling-Anacostia military complex. You will remember the attempts to butcher up this fine complex and use it for everything from an industrial park to a public housing project. Our committee believes this valuable military complex should be retained for the use of the military because land in this area is certainly very vital to our military operations.

Section 708, commonly referred to as the antidemonstration provision, is designed to amend title 18, section 1507, United States Code, so that it will read:

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice or the conduct of military and defense affairs, or with the intent of influencing any judge, juror, witness, or court officer, or military or civilian employees of the Defense Department, in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or in the Pentagon building or on Federally owned property appurtenant thereto, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned not more than one year, or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt. Nothing in this section shall interfere with or prevent the exercise of all other available, civil and criminal remedies.

Under the present title 18 of the United States Code, section 1507, it is unlawful for anyone to picket or parade in or near a courthouse or a residence of judge or juror if by this picketing or parading that person intends to interfere with, obstruct, or impede the administration of justice or to influence a judge or juror in the discharge of his duty. The penalty is a fine not to exceed $5,000, imprisonment not to exceed 1 year, or both.

Section 708 would amend title 18 of the United States Code, section 1507, by also making it unlawful for anyone to picket or parade in the Pentagon Building or on federally owned property appurtenant thereto if by his actions that person intends to interfere with, obstruct, or impede the administration of military and defense affairs. The same penalties would apply.

This addition to section 1507 does not attempt to restrain actions by citizens to peacefully assemble and express their views. This is the right of all citizens, guaranteed by the first amendment. However, there are some individuals who would exceed these guarantees, and who would attempt to interfere with the conduct of our military affairs.

Section 709 was added by the committee to encourage worldwide interest in U.S. developments and accomplishments

in military and related aviation and equipment by authorizing Federal sponsorship of an International Aeronautical Exposition in the United States.

A 1966 market survey conducted by the U.S. Department of Commerce revealed that the United States dominates sales in the aerospace field with 80 percent of total sales representing goods produced in the United States or through licensees. The market survey also revealed that the U.S. share of the market is being attacked aggressively by several European countries.

An international exposition in the United States would allow the presentation to the world, under our own terms and conditions, of a clear and comprehensive picture of U.S. aerospace products and capabilities, both military and civil, and would enhance the U.S. position of leadership in this vital and dynamic field.

This section authorizes the appropriation of sums not to exceed $750,000. However, the revenue-producing aspects of an exposition should reduce actual expenditures by the Government to a very minimal sum. The revenue-producing elements would be automobile parking, admission fees, programs, food and drink concessions, rentals of display space, and so forth.

That is the bill. I believe it is a sound one, meeting not only the needs of the services, but it is responsive also to the American taxpayer in these inflationary times.

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

Mr. RIVERS. Of course, I am glad to yield to my colleague, the gentleman from Florida.

Mr. SIKES. Mr. Chairman, I am reluctant to interrupt the distinguished chairman of the great Committee on Armed Services, but I would like to return to the matter of housing for a moment, because I listened with much appreciation to his expression of interest in family housing.

The gentleman and I, and our respective committees, know full well the very serious nature of this shortage of housing for dependents of military personnel. The gentleman has in his bill an important new approach to the housing problem with reference to overseas construction. It is an effort to get away from and to implement the rental guaranteed housing which has not worked as well as we had hoped it would. It has been extremely slow in getting off the ground. The bill continues the rental guaranteed housing concept but there is also a new approach which the committee has authorized for Japan and the Philippines. It is hoped—and of course we do not know because it is a new program—it is hoped it will open new avenues to obtain needed family housing which will expedite construction of units for military dependents overseas.

I commend the gentleman and his committee for this action.

My point in taking the floor at this moment is to ask the gentleman if he recognizes the potential which is offered by this approach through the commodities exchange program and the possibilities therein of reducing the gold flow problem by making use of surplus agricultural products, which this country usually has in abundance.

Mr. RIVERS. The gentleman has asked me, and I want all my colleagues to understand this, in this new approach we are trying in certain areas of the world to provide housing for our military. The gentleman talks about the Philippines. As you know, the Philippines is one place where we have had tons and tons of trouble. Military people have been harassed and badly mistreated in the Philippines.

At the Clark Air Force Base, if you had to go outside and get housing, you would be taking your life in your hands.

So this section encourages private enterprise to develop "demountable" housing, may I tell my colleague, the gentleman from Florida (Mr. SIKES), that can be tried initially in the Philippines or Japan. We have approved that. Private enterprise will run all the risks.

I think this thing will work. Private enterprise will handle all the logistics, and build the whole business.

Mr. SIKES. That is correct.

Mr. RIVERS. They are prefab houses.

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

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

Mr. SIKES. The distinguished gentleman will recall that I asked specifically about encouraging the commodity exchange program in connection with this housing program as a way of helping the gold flow problem and reducing the use of U.S. dollars.

Mr. RIVERS. Now we have another area. We have surplus commodities. We have balance of payments. We have a great many areas that we could go into in the future consideration of this project. Surplus commodities can very well be used, because many countries need our surplus commodities. They will give us the capacity to buy local currency based upon the credit that results from the shipment of surplus commodities. Does that answer the question of the gentleman from Florida?

Mr. SIKES. That is correct. I thank the gentleman.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

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

Mr. EVANS of Colorado. Mr. Chairman, I noticed in the report that Colorado Springs has a special problem with regard to domestic leasing for Army personnel assigned on ARADCOM duty. They had a great deal of difficulty in securing not only adequate housing, but rents are so high that they exceed the allowances permitted for cost-of-living increases. I would ask the gentleman if this question came before the committee, and if the gentleman is satisfied with the consideration given to that problem, and that the provisions in the bill will enable the Defense Department to handle this problem?

Mr. RIVERS. Before I got into my statement, I told the gentleman that we may not have done enough in this bill. We may have gone too far. But in all of our cuts, we cut housing only, I think, by 1 percent of what was requested. That was the least cut of all. We approved 4,800 units nationwide, which hardly touches the surface, but we cut housing only 1 percent. Ninety-nine percent of the entire housing request was approved. This is an area where we have had trouble all the time.

Mr. EVANS of Colorado. Mr. Chairman, if the gentleman will yield further, would it be the hope of the distinguished chairman that when we take up further consideration of compensation for military that this particular item will be given especial attention by the committee?

Mr. RIVERS. It is given special attention all the time. We certainly will consider it at the appropriate time.

Mr. EVANS of Colorado. I appreciate the gentleman's yielding.

Mr. RIVERS. We have provided restrictions based upon the use of the Bolling complex. Someone wanted to build public housing at Bolling in Anacostia and we do not think it ought to be done. This was a number of years ago in another administration. We know that we need the land at Bolling-Anacostia for the military. The subject arose 5 years ago. We could get no cooperation from the then Secretary of Defense, Mr. McNamara, other than a request to build one small building over there to be named for Forrestal, a small Pentagon building.

There is a crying need for housing for the military all over America, particularly in the Washington area. We do not have enough at McNair. We dc not have enough at the engineering base at Belvoir, south of Alexandria. We do not have enough at Andrews. We do not have enough at Bolling.

We do not think we should go there and build low-cost public housing and mix it up with the military. This has never been done in America so far as I know. It would create problems of many kinds. This just will not work.

Let us hear what we have around Washington. As I say, we have need for this land. This is what we have around Washington. The Pentagon has people working for the Government, housed in the Washington metropolitan area in more than 109 separate buildings. Of those 109, 72 are rental buildings. They are paying approximately $10.7 million a year in rental. That is not hay.

Some say we do not need Bolling-Anacostia, but they just plain do not know the facts. Even after completion of the presently proposed DOD building at Bolling-Anacostia, the one to which I referred, which has not yet been completed, there will still be a deficiency of more than 15,000 office spaces required by the Department of Defense. Do we need this? I should say we do.

REQUIREMENT FOR 15,000 OFFICE SPACES

This means an additional 3 million square feet of office space, among other things, which are required. I am not counting the need we have for housing. If we are going to build housing, then put the boys in it who are fighting for America and who are bleeding and dying for us all over the world. That is

the kind of housing we want. We need it, and we need it now, and we need it very much. It is as simple as that.

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

Mr. RIVERS. Of course, I will yield to the distinguished gentleman from Wisconsin, who is so knowledgeable on housing.

Mr. REUSS. Mr. Chairman, I thank the distinguished chairman of the committee for yielding. I would appreciate the gentleman addressing himself to this question. The Bolling-Anacostia area has lain fallow now for almost 5 years. It consists of 920 acres. The District of Columbia and the National Capital Planning Commission have a proposal in mind to take less than half of that, only 416 acres, and there erect a new town consisting of high-income housing, moderate-income housing, and low-income housing, to try at least partially to relieve the very tragic and acute housing shortage in the District of Columbia.

That proposal would still leave the greater part of the land, or more than 500 acres for the Pentagon. The Pentagon itself covers 34 acres. We could build 10 Pentagons and still have plenty of room left for any extra military housing which is needed.

In the light of that, I would ask the good chairman if the Armed Services Committee could not go along with the impulse of the District of Columbia to try to find some housing close in for the hundreds of thousands of people who so desperately need it. This would be done subject to Pentagon approval. They have the complete right of disposal of every acre of the 920 acres. But if this House does the bidding of the Armed Services Committee, we will be tying up this land for a total of 10 years, for 6½ more years, until the mid-1970's.

I ask the chairman if the people as well as the Pentagon should not be given some consideration here, and if it is not perfectly possible to satisfy every conceivable military need for offices and for installations and for housing—all of which I support—and still help relieve the desperate housing shortage of the District of Columbia for white people, for black people, and for whoever lives in the District.

Mr. RIVERS. Well, of course, the white people and the black people compose the military, too.

Mr. REUSS. That is right; and I am interested in their welfare.

Mr. RIVERS. We need more housing for the military across the board, like we do in every other place.

Now let me get to the question. We are tickled to death to help find places to build housing for the poor people.

Mr. REUSS. And the middle-class people, too.

Mr. RIVERS. I do not care who they are. I will just have to answer the gentleman in my way.

Approximately 3,000 acres of land in the District of Columbia presently are under the control of the Urban Redevelopment Agency. When land is under their control they have the power of condemnation.

These areas are as follows: Southwest urban renewal, 545 acres; and Shaw, north of M Street between North Capitol and 15th Street, approximately 1,500 acres.

Downtown progress, which extends from 15th to North Capitol between Pennsylvania Avenue north to M Street, 600 acres.

Fort Lincoln—formerly National Training School—340 acres. This area is bounded by Eastern and South Dakota Avenues and the District Line. At the present time, this could be developed were it not for a power struggle between developers. The plans call for development of units for a population of 25,000, but only one-fifth of this total population will be for low-cost housing units.

H Street, NE., which was severely affected by the riots of 2 years ago, 200 acres, some of which is commercial.

Northeast area No. 1, north of Union Station, 100 acres.

Northwest area No. 1, west of North Capitol, 90 acres. Of this, only a small amount is being developed for low-cost housing.

Columbia Plaza, 8.2 acres, none of which was developed for low-cost housing.

Fourteenth Street riot area and Seventh Street riot area—plans have not been developed on either of the above two projects.

If the land of the Redevelopment Land Agency would be utilized for housing projects at the rate of three houses per acre, 10,000 units of housing could be built.

Mr. Chairman, the Bolling-Anacostia area they are asking for comprises only slightly over 400 acres. This would give them 1,200 additional homes that could be built if we use the same figure of three houses per acre. But they already have enough land to build 10,000 houses. Is there no way to satisfy their appetite?

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

Mr. RIVERS. In just about a second. I have not finished explaining this.

The land of the Redevelopment Agency could be utilized for housing projects. Listen to this: If all the land that is under the jurisdiction of this Land Redevelopment Agency were utilized at three houses per acre they could build over 10,000 units today.

I am not talking about high rises or low rises or whatever you might want to talk about, but I am merely talking about three to the acre. Why, Mr. REUSS, this group to whom you refer has plenty of land on which to build. That is a fact. All they have to do is utilize it.

Now, you want to go out here and take Bolling-Anacostia for that purpose; that is ridiculous. As I said before, if they built three units to the acre and we gave them all of the land you refer to, they could build only 1,200 units. They already have enough land to build over 10,000 units in the District. So why go out here and take this land that the military has?

Now, I gave you my explanation, which I tried to make as short and concise as I could. This land at Bolling-Anacostia is owned by 210 million Americans. It is not owned by the District of Columbia. It is no different than other military bases, such as the Presidio in San Francisco or the Navy yard in Charleston or at Beaufort, S.C., or Lejeune or Fort Devens, Mass., or Fort Myer, Va., or Fort Dix, N.J. These are all owned by the Federal Government and by all the people of these United States. I say that if you build houses on the property you should build them for the military. I also believe that you cannot put civilian houses on military bases. It just does not work out. How in the name of goodness will you keep the children from wandering all over the base on a military base? It just would not work, and that is all there is to it.

Now have I adequately explained it to the gentleman?

Mr. REUSS. The gentleman from South Carolina addressed himself to my question. I have just a short further question, if he would be gracious enough to yield briefly.

Mr. RIVERS. Why, of course.

Mr. REUSS. The gentleman has said that the District of Columbia has available to it, not including the Bolling-Anacostia area, land on which it could build some 10,000 homes. I do not dispute that. However, I say that the desperate need of the District of Columbia as set forth in their government booklet "Housing Prices in the District of Columbia" a couple of weeks ago is for habitation for 100,000 families and not for 10,000. The 23,000 people who could be served by using part, less than half, of Bolling-Anacostia desperately need housing.

Now let me go to the next point.

Mr. RIVERS. Let me answer the gentleman first.

Mr. REUSS. Let me go to the other point, if I may.

Mr. RIVERS. Let me get you straight before you get to that.

Mr. REUSS. Yes.

Mr. RIVERS. We have requested, for some time, that the Pentagon give us a master plan. They have yet to come up with it. Do you know why? The White House would not let them under the previous administration. I do not know what they will do under this administration, but I will say if they bring us the master plan, that will show how they could use all of this land and more, too, unless you want them to continue to occupy the 100-odd individual buildings in the District of Columbia to which I have referred. We have more need for this place than anything you have ever heard of. Has it ever occurred to you, if you look at the Pentagon, that you have all of this car parking space there? You have a parking area there for all of the people who use that place. Now, if you build all of this housing over there, where where would you park the cars?

Mr. REUSS. We can build many, many Pentagons, with all of the parking of the present Pentagon, in the Bolling-Anacostia area and still have a large amount left over for housing and for civilians.

However, let me address myself to one other point that the gentleman made and on which I think he is on extremely solid ground.

The gentleman from South Carolina said that in the Southwest urban renewal area, which has been redeveloped over the last 10 years, some 25,000 very poor families, mostly black, were dispossessed.

He is exactly right. It was a shame and a disgrace for the Nation's Capital that this was allowed to be done. I would hope that the Congress could make some amends for the grievous mistake which it made in days gone by by seeing to it that in the Bolling-Anacostia area there will be provided adequate living spaces for the thousands of poor people who need and will occupy them.

Mr. RIVERS. I will say to the gentleman, you go ahead and use the land they already have and when you have used that, come back and I will talk business with you. But until you use the land you now have, we are going to continue to use this land for the military. You do not object to that, do you?

Mr. REUSS. Mr. Chairman, if the gentleman will yield further, yes, I object to it. The military has been told to come back with a plan under which they propose to use this land. But they have not come forth with such a plan for the 900 acres. However grandiose or however extravagant, they have not as yet come up with a plan for its proper use.

Mr. RIVERS. I will say to the distinguished gentleman from Wisconsin that I am not certain that I fully understand all of those highfalutin words. But when we are told by the military that the military needs this property, I do understand that, and I will not acquiesce in its disposal as surplus property. If I have anything to do with it, I will continue to retain the land for military purposes—since the need for it is very evident. I am sorry that the gentleman from Wisconsin does not appreciate what we have done in our committee. I like the gentleman personally but it is my opinion that the gentleman is on the wrong track. However, though we disagree, I am not angry at the gentleman in any way.

Mr. ANDREWS of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. Of course I yield to the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. I have some questions which I would like to ask the distinguished chairman of the committee with reference to page 18 of the bill concerning the Omega Navigation Station.

The location given for this station is at Middle River, Minn., although a press report sometime ago indicated a possibility of locating this station near La-Moure, N. Dak.

As the gentleman from South Carolina knows, I have been in contact with him and the Navy for some time now, and we have found that at the time the testimony was received on this item the only site the Navy had completed a detailed study on was the Middle River, Minn., site, and under the procedures of the committee, therefore, this was the only site that could be listed in the bill. Is this essentially the case, Mr. Chairman?

Mr. RIVERS. This is essentially the case. The only project that was brought to the attention of the committee when our hearings began on June 19 was the one in Minnesota.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield further, as the gentleman knows, a proposal was made for an alternate site in North Dakota and at the instigation of the committee and myself, the Navy is now studying both sites in detail. This investigation began in late June and the results should be available in time for consideration by the other body.

If this study shows that the North Dakota site would be more advantageous to the Government, would the gentleman accept this alternate site in conference with the other body?

Mr. RIVERS. As I say, we do not institute these locations. If the Navy decides on another site which would be more advantageous we will take into consideration that recommendation.

Mr. ANDREWS of North Dakota. Mr. Chairman, if the gentleman will yield further, if our study is completed at that time and if it indicates it is more advantageous, would the gentleman take that into consideration during the course of the conference?

Mr. RIVERS. If they said they had found a better site, we would be likely to accept it if there were not other compelling reasons not to accept it.

Mr. ANDREWS of North Dakota. I thank the distinguished chairman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. As the chairman knows, there are a number of people acquainted with the OBH requirements in the general metropolitan areas of Washington, D.C., and that for quite some time there has been under consideration the possible use of one or the other of the Anacostia-Bolling airstrips for general aviation purposes, including the safety of aviation because of the congestion which exists in the entire metropolitan area.

Is there any restriction contained in this legislation insofar as the committee itself is concerned that would prohibit those of us who believe it would be an excellent usage of this area during the interim until the military comes forth with some recommendation for a master plan?

Mr. RIVERS. I do not believe there is any restriction based on the amendment we put in there some time ago. I understand that it has some time to run, but in that connection I would like to say this, and listen to me.

I heard an editorial on one of the TV-radio stations that RIVERS was blocking Anacostia for his own reasons. Well, of course I do not want to see Anacostia taken from the control of the military.

The editorial said that we decided that we ought to have a VIP runway. This is just a plain, out-and-out lie. I do not know what else to call it. Possibly the reason for this is that the head of the FAA came to me one time—and he had a very peculiar way of presenting himself; that is why we had a certain nickname we gave him to which he was so fully entitled—and among other things he said to me, he said, "Will the Chairman help prevent bad accidents over at the National Airport?" I said, 'Well, if I can stop it—" and I have come out against accidents publicly—"now, if I can stop them I will stop them. What is the problem?"

He said, "I want to get permission to use Anacostia's runway as an emergency when necessary to cut out some of the congestion over at the National Airport." I said, "Well, I have no objection to it. Go see Mr. Blandford, my chief counsel, and draw it up. And if that will help prevent emergencies, then I have no objection to it."

There is a funny thing about that, a lot of people were for this until some people got busy.

Now, I did not object to them using Anacostia for an emergency base to land planes. And this is one of the things you could not use it for if it were used for housing.

How could you use it for an emergency landing strip if you have got low-cost housing with children running all over the place? That is ridiculous. And as the gentleman from Iowa (Mr. GROSS) would say, it is so ridiculous it is ridiculous. We cannot mix all these things up there on a military installation when we have got thousands of acres of land in the District of Columbia to satisfy the whim of somebody.

Mr. DON H. CLAUSEN. But as far as the chairman is concerned, he sees no objection to it?

Mr. RIVERS. I have no objection to it.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. RIVERS. Now, Mr. Chairman, if I may finish, without taking too much more time—and I hope I have not talked myself out of time—we have another section of the bill that we refer to as the antidemonstration section. We have taken a section of the code in title XVIII, and we have read that section. It was sent over here by the Supreme Court a number of years ago to protect jurors, judges, witnesses, and court officers from intimidation by mobs or demonstrators saying all sorts of things, and causing all kinds of confusion.

Now, this thing has been declared constitutional because the State of Louisiana copied the section of the code verbatim—verbatim—and it came back to the Supreme Court in the case of Cox against the State of Louisiana, and the decision was reversed, but not on this ground. It was reversed on the ground, if my memory serves me correctly, on the ground of entrapment.

The Court held it constitutional. It was not opposing freedom of speech.

Now, here is what we have done to it—here is what we have done to it:

We have added to this section, the military and defense affairs—the military and civilian employees of the Department of Defense in the Pentagon.

Here is the way the thing reads and that is all we have done.

This language reads as follows:

Whoever, with the intent of interfering with, obstructing, or impeding the adminis-

tration of justice *or the conduct of military and defense affairs,* or with the intent of influencing any judge, juror, witness, or court officer, *or military or civilian employees of the Defense Department*—

Here is what we added, and the language continues:

in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, *or in the Pentagon building or on Federally owned property*—

Here is what we added, and reading further:

or with such intent uses any sound-truck—

And that is in the act. We did not put that in—

or similar device or resorts to any other demonstration in or near any such building or residence—

That is in the act—

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

This is in the act I am reading:

Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

All that is in the act. Now we added this:

Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.

That is all we did to it.

We reasoned this way. Here was the Supreme Court that was worried about judges and jurors and court officers being intimidated by people with sound trucks and all sorts of noises—and we agree with them. We further believed that if these people are necessary for the retention of law and order in this country and the orderly processes of the law and the retention of this Republic and the preservation of this Republic, then the Pentagon, the nerve center of your military where the highest secrets and all the strategy and all the decoding and everything comes in, also deserves such protection.

I have in mind the riots that went on over there under Secretary McNamara where people went into the building and perpetrated all sorts of things. That should not be condoned.

Mr. McNamara finally got rid of them. I am glad he did. I do not know how he got rid of them under the present law, but he did. This prevents that.

Mind you, it is the intent that they have to prove. The intent is a question for a jury. This does not prevent or prohibit the exercise of the freedom of speech as guaranteed under the first amendment.

But when they go in there and put up signs saying "McNamara is a bum" and "Lyndon Johnson is a so-and-so" and with signs "So-and-so is this" and "So-and-so is that," we are facing a problem.

This amendment is for the purpose of stopping disgraceful action under the guise of freedom of speech.

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

Mr. RIVERS. I yield to my distinguished colleague.

Mr. PIKE. Is it not true that the language of this amendment goes far beyond the question of disruption and it goes to the question of "influencing"? Of course, the people over there are trying to influence and I do not happen to agree with what they are doing—but the language of this amendment which we have added to this bill goes far beyond obstructing or disrupting. It goes into the question of influencing the military. Do not Members of Congress when they go over there make a point about a base being removed from their congressional district and wave their arms—do they not demonstrate to influence thinking?

Mr. RIVERS. The answer is an unequivocal "No."

If the gentleman will sit down, I will explain what we put in the bill. Here is what we put in the bill. The Members of the House can judge and see if my distinguished and capable friend on the committee is correct.

Here are the words we put in the bill and which are in the amendment: "or the conduct of military defense affairs." Does that scare anybody? "Or in the Pentagon Building or on federally owned property appurtenant thereto." We put that in. We put this in:

Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.

Does that scare anybody to death?

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

Mr. RIVERS. Of course I will yield as soon as I explain the amendment. Let me read you the language as it was before we amended it. Here is the way the provision read before we touched it.

Whoever with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such a judge, juror, witness or court officer, or with such intent uses any sound truck or similar device, or resorts to any other demonstration in or near any such building or residence, shall be fined not more than $5,000 or imprisoned for not more than one year or both. Nothing in this section shall interfere with or prevent the exercise by any court of the United States that has power to punish for contempt.

That is the way the language reads now. This language has come back from the Supreme Court and it has been ruled to be constitutional. The Court has said that it does not infringe on one's right of freedom of speech. All we did was to place the language in the bill. We say, "If you cannot intimidate a judge or a juror, why permit one to go out and tear up the places in America where our secrets are stored, where our defense knowledge is kept, strategy drawn, the nerve centers, the lifeblood of the defense of America?"

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

Mr. RIVERS. I yield to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, that sounds so familiar.

Mr. RIVERS. Go ahead. If you think it sounds familiar now, you have not seen anything. Go ahead, Mr. PIKE.

Mr. PIKE. Mr. Chairman, I am delighted that——

Mr. RIVERS. I will give the gentleman time, but he has reminded me of the taxicab story. A lady was riding in a cab passing the Archives Building, and she saw on the building the words "What is past is prologue." She said, "What does that mean?" The cab driver said, "That means you ain't seen nothing yet."

Mr. PIKE. Thank you very much, Mr. Chairman.

Does the language of the amendment as it now exists say, "with the intent of influencing any judge, juror, witness, or court officer or military or civilian employees of the Defense Department?"

Mr. RIVERS. Certainly.

Mr. PIKE. That was my whole question. We are not merely going after disruption or obstruction. We are going after "influencing in any manner." Is that not the fact of this language?

Mr. RIVERS. I have read the language now contained in the statute. I did not put the interpretation on that statute. The Supreme Court did. We added an amendment that added the military to the list, which includes judges, jurors, and witnesses.

Mr. PIKE. So we cannot now influence the military.

Mr. RIVERS. You cannot influence a juror.

Mr. PIKE. So we now may not only be prohibited from obstruction; we may now not influence the military people in any manner.

Mr. RIVERS. By intimidating, by demonstrating, by threatening, by sound trucks, and by all of these things that the statute contains.

Mr. PIKE. Pickets or parades or resort to any other demonstration?

Mr. RIVERS. That is in the act now.

Mr. PIKE. But the military people are not in the act?

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

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

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

Mr. LANGEN. Mr. Chairman, I thank the most distinguished chairman for yielding.

Mr. Chairman, I take this brief moment only to express my gratitude to the chairman of the Committee on Armed Services and all the members of the committee for the very courteous attention they directed to me when I appeared before them a short time ago. Obviously I am pleased by the action taken by the committee relative to the OMEGA project at Middle River, Minn.

Mr. Chairman, at this time I would like to express an appreciation I feel for the work the Subcommittee on Military Construction of the Committee on Armed Services. The members of these groups have made a great effort to draft the legislation we are considering today. I thank them also for the consideration they accorded me when I had occasion to meet with them concerning one of the items in this bill.

I rise this afternoon in an attempt to clarify a point that has attracted the at-

tention of many people in Minnesota. It concerns the OMEGA navigation system which is designed to aid worldwide navigational systems by establishing a method for determining the exact position of any ship or plane through the use of one inexpensive radio receiver. The bases for the system are to be eight transmitters around the world. One of these eight transmitters is designed to be located near Middle River, Minn.

The Middle River site for the North American transmitter has been determined after much investigation and the compilation of many reports. The Minnesota location was established as the location of the North American base because of its usefulness to both the North Atlantic and North Pacific Oceans. I should like, Mr. Chairman, to outline some of the more pertinent facts concerning the Middle River, Minn., site.

I begin by calling your attention to a letter to me from the Department of the Navy dated April 23, 1968. The letter came from Navy Capt. M. X. Polk in response to a letter from me inquiring as to the status of the OMEGA station. Captain Polk was identified as the project manager, OMEGA navigation system, Project PM–9. I quote from the letter:

In July, 1965, a sitting study recommended a location near Middle River, Minnesota for this station. Last fall the Navy retained consulting engineers to make an investigation of the site, including soil borings and test wells.

There has not been a decision by the Defense Department to implement the full OMEGA System. If this decision is made, it is unlikely that the Minnesota OMEGA project would be presented to the Congress for funding before Fiscal Year 1971, with earliest construction in late 1970. At such time as the project might be approved, the local telephone company will be consulted regarding service.

According to the letter, at this point in the development of the North American OMEGA Station, the question as to whether to proceed with the project did not involve the location of the transmitter. A study committee had reached a conclusion and the project manager saw no need to question that aspect of the study report.

Even prior to that letter, a newspaper article in the Grand Forks, N. Dak., Herald under date of October 1, 1967, identified the world's tallest tower to be built at Middle River, Minn. It further stated that the U.S. Navy Engineering Command had made available $50,000 for the site investigation as the first phase of an estimated "$5 million navigation aid complex." The firm of K. B. MacKicham & Associates of Grand Forks was identified as the contractor for the study and had, according to the article, started work that week.

The report of the MacKicham study of the site was issued just before Christmas in 1967. Its findings were satisfactory almost without exception. From the physical characteristics of the land to the considerations of transportation and utility service, Middle River was found acceptable to the research team. I wish to quote from their report under the heading "Summary and Conclusion":

It is the opinion of the consultant that the site is a suitable one for the proposed Omega Navigation Station. The typography, terrain, extent of cover and growth, foundation conditions, water supply, access roads and utilities, together with ease of property acquisition all are suited to the purpose intended. No unusual engineering, construction, or maintenance problems are anticipated at this site.

Let me quote from another section of the report on page 15:

Although the site is adequately served by transportation facilities and utilities, the location in a rural area is sufficiently removed from densely populated areas to be desirable for a Military Facility.

The report includes in-depth analysis of all germane factors and includes drawings, plots, and photographs. I might point out that at this point, there is no comprehensive information concerning any other site to compare with the MacKichan report on the Middle River site.

So, from that date, throughout 1968 and until the spring of 1969, the local people in the Middle River area had good cause to assume that the Middle River site had been officially selected. Throughout the month of May 1969, inquiries were still being made with regard to land option, electrical requirements, land clearing needs, and so forth. Then, to the surprise of everyone, on May 28 there appeared articles in several North Dakota newspapers, identifying that the site had been moved to La Moure County. N. Dak. Obviously, the matter was called to the attention of my office and at this time we began making an inquiry into the matter with the Navy Department. Such inquiry has revealed the following facts:

First, the change in site had apparently been made without consultation, conference or any other communication with the people concerned and interested in the location of the site at Middle River, Minn. This includes the local people, a congressional office, committees of this Congress, as well as, to my knowledge, any other person or interest. In fact, there were still left with the local people at Middle River indications that their site was still slated for the construction of the OMEGA station. This is very emphatically substantiated by a letter from the Department of the Navy, addressed to the Roseau Electric Cooperative, Inc., and to the attention of Mr. M. A. Haslerud, with reference to the OMEGA station in Minnesota. The letter is dated the 3d of June 1969, which is after the previously referred-to newspaper articles were printed. The letter is in reply to an inquiry directed to the Navy Department in April of 1969, when the Roseau Electric Cooperative had inquired about the proposed OMEGA power requirements.

The power requirements are listed in the letter, which is concluded by the following sentence:

There are no existing operating stations with either technical or non-technical loads equal to those planned for Minnesota.

It is signed by Robert L. Winsor, project manager.

It becomes pertinent that up to this time, it had not been known to the interested power supplier what the power requirement would be. Quite obviously, this information was requested in order that they might respond with appropriate rates for which they could supply power for the station.

During this time, I had requested to meet with appropriate officials of the Navy Department in my office for purposes of further exploring the background of the new decision. I was informed that the final decision had not been agreed to by the Defense Department, and so it seemed appropriate that I should arrange for a meeting with officials from the Navy Department and interested people in the Middle River area of Minnesota. Such meeting was arranged for the 24th of June 1969, at a convenient place for the interested parties; namely, Grand Forks, N. Dak.

In the meantime, my office further checked the current status of the project, to find that the Middle River site was identified in the budget request of the Appropriations Committee under date of January 29, 1969, with a proposed authorization and appropriation of $5,810,000.

It was further shown that in the authorization request of this committee, on page 8 of the "Summary of Construction Authority Requested of the Congress in Fiscal Year 1970," a line item identified the OMEGA Navigation Station, Middle River, Minn., again at a cost of $5,810,000.

We also noted that a bill introduced and referred to the Armed Services Committee under date of June 16, 1969, included on page 19 of that bill, lines 13 and 14, an item identifying the OMEGA Navigation Station, Middle River, Minn.: Operational facilities and real estate, $5,810,000.

Surely these are sufficient items, even though there are more, to establish positively the fact that all interested people have been led to believe that the Middle River site had been officially selected.

The more immediate revelations then follow, by further meetings in my office and the meeting at Grand Forks, N. Dak. In attendance at that meeting in Grand Forks were the following people:

U.S. Navy representatives: Comdr. John Dick Peddie, Pentagon, Washington, D.C., and Capt. George Shepard, project supervisor, Great Lakes, Chicago, Ill.

Consulting engineer of Roseau Electric Cooperative: Rudy Kuchar.

Wikstrom Telephone Co., Karlstad, Minn.: George Wikstrom, Sr., and George Wikstrom, Jr.

Engineer: C. J. Hastad.

Roseau Electric Cooperative: Clarence Lian, director; Delmar Hagen, director; and M. A. Haslerud, manager.

Others: Andrew L. Freeman, manager, Minnkota Power Cooperative, and Lowell Pogatchnik, president, First National Bank, Middle River, Minn.

A copy of the minutes of that meeting is available.

The agenda for that meeting identified that subjects to be discussed included land costs, power costs, and land clearing costs, to which I shall refer in just a moment. First, it should be known, however, that on this past June 25 the Military Construction Subcommittee of the

House Armed Services Committee was notified that a change in site was being recommended, and on June 26, the Appropriations Committee, on which I serve, was notified by telephone of the change, obviously each in complete disregard to the facts as discussed and revealed at the meeting in Grand Forks, N. Dak., for this meeting did reveal some very pertinent economic considerations in behalf of the Middle River OMEGA site; namely, that there would be no cost to the Government for the land involved, there would be no cost to the Government for clearing 910 acres of land, and that power rates were offered at most desirable figures, with a calculated cost as low as $0.01008 per kilowatt hour.

Let me further clarify these offers.

Land: There would be no cost to the Government for land at Middle River, Minn., if the OMEGA navigation site were located there. The only private land involved, approximately 40 acres, will be provided free of cost by the owners, Dile and Odell Strandberg. The remaining land involved in this site belongs to the State of Minnesota. In a letter to Mr. M. A. Haslerud, manager of the Roseau Electric Cooperative, Inc., dated June 19, 1969, Scott Benton, special assistant to the Governor of Minnesota, stated:

> The State of Minnesota is in a position to provide this parcel of land on an exchange basis and without need of cash.

He added:

> We are very hopeful that this facility can be located near Middle River.

Clearing: There would be no cost to the Government for the clearing of land at the OMEGA navigation site if it were located at Middle River, Minn. Comdr. John Dick-Peddie, U.S. Navy, from the Pentagon, said that 910 acres of land would have to be cleared for the site. Mr. Lowell Pogatchnik, president of the First National Bank of Middle River, as representative for the local citizens, guaranteed that the 910 acres of land would be cleared at no cost to the Government if the Middle River site were chosen.

Power: The Roseau Electric Cooperative, Inc., requested in April 1969 information on the OMEGA power requirements. Answer was not received from Robert L. Winsor, the OMEGA project manager in Great Lakes, Ill., until the receipt of his letter dated June 3, 1969, which is 13 days after the first news articles announcing the LaMoure, N. Dak., site as the site finally selected. However, on the basis of the information then furnished, the Roseau Electric Cooperative, Inc., was able to calculate the cost per kilowatt hour at $0.01008, showing a savings of $21,504 over the cooperative's regular large power rate. This savings was accomplished chiefly by the application of the standard Minnkota defense energy discount of 2 mills per kilowatt hour. This reduced rate could not be applied until the proposed OMEGA power requirements were received, which, as I have stated before, was almost 2 weeks after the appearance of a news article announcing the selection of the LaMoure, N. Dak., site. Mr. Winsor stated in his letter:

> There are no existing operating stations with either technical or non-technical loads equal to those planned for Minnesota.

Conclusion: There is a little more that a community could be called upon to do to attract this installation. They offered to supply the land free of charge. They offered to clear this land free of charge. They offered to supply power at reduced rates. Had they known all the facts as they became available, these savings to the Government would have become apparent long ago.

Therefore, it seems very clearly evident to me that the Middle River site would satisfy all of the requirements for the most proficient and efficient location and construction of this navigation station. This site had been determined to be the most satisfactory by extensive surveys and evaluations leading up to its selection. During discussions of the subject, it was revealed that there were some very distinct advantages; namely, a minimum of sleet problems, and excellent soil and water conditions for grounding purposes. When all of these facts are carefully reviewed and evaluated, it becomes unquestionably evident that the Middle River site meets all of the needs and desirable characteristics for the location of this navigation station and therefore, there is no adequate justification for a change of site at this late date. The best interests of the Defense Department, and the Congress, can be served by the continuation and final construction of this station at Middle River, Minn. The committee has made a wise decision.

Mr. RIVERS. Mr. Chairman, we were very glad to have the gentleman from Minnesota appear before our committee and give us the information he did. This was the best information on this subject we had before our committee, and we are glad to have him. He was, as usual, hospitable and courteous, and he made a great impression on all of us.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield to me for an observation?

Mr. RIVERS. Certainly I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I thank the chairman of the committee for yielding and commend the committee and staff for its work on the bill. I would like also to commend the chairman on this antidemonstration amendment. Some time ago, Mr. Chairman, when we had the large antiwar demonstrations, I was one of three Members of this Congress who went over to the Pentagon and saw that demonstration. The gentlemen were Mr. SCHERLE, of Iowa, Mr. HUNT, of New Jersey, and myself. I do not believe I will ever forget this disgraceful scene that was taking place on the Pentagon grounds.

Mr. RIVERS. Mr. Chairman, I thank the gentleman from Mississippi.

I want to say in amplifying this, that the intent must be proved under the statute. This is not ex post facto legislation. We cannot go back over that and stop the demonstration process that has gone on. Everybody knows that. This is normal in criminal law.

Mr. MONTGOMERY. Mr. Chairman, at the Pentagon I saw people there spit and kick American soldiers. It was disgraceful. I hope the gentleman's amendment will stop this. Will the amendment stop that?

Mr. RIVERS. I hope it will. That was the intent of our committee in proposing this amendment.

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

Mr. RIVERS. I yield to the very dedicated and distinguished gentleman from New York (Mr. KOCH).

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

Mr. Chairman, would the gentleman from South Carolina tell me why we do not protect the President from such picketing and such influencing? Why is it the gentleman's bill does not extend the same protection to the President, who is the Commander in Chief of the Armed Forces of this country, that the gentleman wants to give to the Pentagon?

Mr RIVERS. We do protect the President.

Mr. KOCH. Where is that? I do not see it in this bill.

Mr. RIVERS We may get to that. Under the Constitution, article I, section 8, it says the Congress "shall provide for the military and make rules for the Government thereof." We are handling the military now.

I would suggest the gentleman contact the dean of the New York State delegation (Mr. CELLER), and this is under his jurisdiction.

Mr. KOCH. Mr. Chairman, we are talking about the military, and I believe the President of the United States as the Commander in Chief is chief of the military. I suggest that the gentleman's bill is deficient in that it does not go as far as it should go if he really wants to accomplish this goal.

Mr. RIVERS. Mr. Chairman, I would say that the gentleman from New York misunderstood. I suggest he get in touch with the dean of the New York State delegation (Mr. CELLER), and he will straighten out the gentleman.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. The gentleman has consumed 1 hour.

The Chair recognizes the gentleman from Illinois (Mr. ARENDS).

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

Mr. Chairman, it has been my privilege to serve on the Committee on Armed Services since it was first established by the Legislative Reorganization Act of 1946. During this 22-year period it has been our good fortune to have had four extremely able chairmen, including the distinguished gentleman from South Carolina (Mr. RIVERS), who has just addressed us.

Two were Republicans and two were Democrats. I take considerable pride in saying whatever the political composition of our committee, no one of our chairmen, Republican or Democrat, has permitted political considerations to enter into the decisions of our committee. And no one of our chairmen has been more diligent in this respect and more

responsive to the constitutional responsibility of the Congress to provide for our national defense than has the distinguished gentleman from South Carolina (Mr. RIVERS).

The objective of our committee has been twofold: one, to insure that we have an adequate, well-balanced national defense designed to keep the peace and be fully prepared for any emergency threatening our country's safety, whenever, wherever, and however that emergency may arise; and, second, to insure that we get a dollar's worth of defense for each dollar expended.

The military construction authorization bill now before us was carefully prepared by our committee in keeping with this objective. As the ranking member of the Military Construction Subcommittee that prepared this bill, I can assure you that each and every item in it was painstakingly scrutinized. We have carefully evaluated each and every proposal of each of the respective services. We have embodied in this bill all that is essential and only that which is essential. We have sought to authorize all that is necessary and only that which is necessary, no more and no less.

The total authorization provided in this bill is $1,547,215,000. This is $346,124,000 less than the Department of Defense requested. I hasten to emphasize as the chairman of our committee has pointed out in his detailed explanation of what we propose, that this $346 million odd is not so much a reduction as it is a deferral.

The Department's proposed construction program pertained to 389 major bases and contained 1,033 separate items. We explored every aspect of each and every one of the individual projects. Most of them are meritorious. Most of them are needed. But our criteria was not what is meritorious or what is needed, but what is essential at this time.

There are a number of projects not embodied in this bill for which a need was clearly established. We did not disapprove them. We simply withheld authorization for this fiscal year.

As our committee chairman explained, we deferred the request for the active forces by approximately 30 percent, with an overall deferral of 18 percent.

In light of what took place on the floor of the House yesterday in connection with the Department of Health, Education, and Welfare appropriation bill I am constrained to say that our Armed Services Committee seeks to do its part for winning this war against inflation. I think the country should be reminded what our chairman pointed out a few weeks ago:

> While the defense budget has increased by 75 percent since Fiscal Year 1959, Federal expenditures for health and welfare have increased 210 percent and expenditures for education and manpower training have increased by 630 percent.

The question is not what we would like to have or even what may be needed. The question is what is essential. And what can be more essential than insuring our country's security. What can be more essential than insuring our country's economic stability? And what is more necessary to accomplish this than by reducing Government expenditures by at least deferring items that can be deferred. Our committee has met that challenge and responsibility in preparing this bill.

Insofar as this particular bill is concerned, the original submission was in the amount of $2.5 billion. The Nixon administration reduced this by $600 million. Our committee reduced it further by $346,124,000. This amounts to almost a $1 billion reduction.

This is a substantial amount, and particularly when you consider that there has been a great increase in construction costs. In this bill we were obliged to authorize increases in the construction costs on certain housing on which there is a statutory cost limitation. The Department of Defense explained that in fiscal year 1968 the construction costs for the family housing units increased 5.6 percent and again about the same amount in fiscal year 1969. All indications are that it will increase at about the same rate in fiscal year 1970.

And, I might add, our committee has always taken a more than ordinary interest in health and welfare of our servicemen and their families. For fiscal year 1970, the Department of Defense requested 4,800 new family housing units. Ninety-one percent of the units will be for enlisted men and junior officers, and we authorized all 4,800.

This is what I mean when I say that the criteria used by our committee was to authorize that which was essential, as distinguished from that which one might like to have or what may be needed. In the instance of the recommended five commissaries—three for the Air Force and one each for the Army and the Navy—all five were deferred. All five have merit and all five are needed. But our committee did not feel that they were essential in view of the pressing need to bring about a reduction in Government spending to combat inflation.

Our chairman, the gentleman from South Carolina (Mr. RIVERS) has so thoroughly and adequately explained what is embodied in the bill that I do not deem it necessary for me to do other than make these general observations with respect to the construction projects.

I do wish, however, to make a brief comment on section 708 of title VII, known as the antidemonstration provision, and then I shall conclude.

No one can fail to recognize the fundamental importance of the first amendment to our Constitution, guaranteeing the people freedom of speech, of press, and right to peaceably assemble and to petition their Government. Our committee is no less zealous in preserving the integrity of this provision of our Constitution than our courts have been.

I shall leave it to the lawyers to argue all the legal niceties and subtleties, making distinctions that I sometimes think are distinctions without a difference. The fact is that freedom is not and cannot be an absolute right. If, as I have many times said to the people I represent, everyone were free to do everything no one would be free to do anything. Freedom is not license. Freedom is ordered liberty under law.

The Court itself wrote the restrictions in existing law, section 1507 of title 18 of the United States Code, against interfering with, obstructing or impeding the administration of justice by pickets, parades or demonstrations in or near a building used by a judge, juror, witness or court officer. In two Supreme Court decisions—Cox against Louisiana and Adderly against Florida—the Court upheld State statutes where a demonstration near a courthouse and a demonstration near a jail were held to be illegal. In both cases the State statute was patterned after the Federal statute. As a matter of fact, the Louisiana statute was taken verbatim from the United States Code.

All that our committee proposes to do is to add the "conduct of military and defense affairs" as a specific area, along with the "administration of justice" as now provided by law, where demonstrations with intent to interfere with or obstruct are prohibited. Along with the courthouse, we have included the Pentagon. We do not say "at or near" the Pentagon. We say "in" the Pentagon. We do not say "at or near" federally owned property. We say "on" federally owned property.

My point is, Mr. Chairman, the language adopted by our committee is very precise, very specific and very limited in scope. While I am not a lawyer, I do not see how any court could possibly hold that the Congress does not have the constitutional authority to prohibit actions intended to interfere with our national security when those actions are in or on Federal property being used to conduct our national defense affairs.

Mr. Chairman, I am proud of the work our committee has done on this bill. It should have the unanimous support of the House.

I might simply add, in reference to a statement made by the chairman of the committee, the gentleman from South Carolina (Mr. RIVERS), relative to the approximately $2.5 million in this bill with regard to the ABM, that while he said he would offer an amendment to delete this item from the bill and at the same time was saying that, of course, he was in favor of the ABM, I trust that the House this afternoon would in no way even think of deleting the item of $2.5 million from this bill.

I trust that we will have the strength here this afternoon to leave this bill as it is and we ask for your full cooperation toward that end.

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

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

Mr. RIVERS. The reason I am introducing the amendment is the fact that the committee was not told about the item and I felt constrained to offer the amendment.

Mr. ARENDS. I understand the gentleman's position exactly, but I want to make very clear my own position.

The CHAIRMAN. Does the gentleman from Illinois wish to yield any further time at this time?

Mr. ARENDS. Not at this time, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. LEGGETT), a member of the committee.

Mr. LEGGETT. I thank the Chairman very much.

I would like to say that I think, on the whole, this military construction bill is very well thought out. It synthesizes the requests of the departments as I understand it on the order of $2.8 billion. A lot of cuts were made in-house in the Department of Defense and requests were presented to our committee on the order of $1.9 billion and this was cut down to about $1.5 billion—a committee reduction of $350 million.

We all have taken cuts in our respective districts, and I do not intend to offer any amendments to restore any items cut from my district. I think there was one item, however, that was cut by this committee that I would like to talk about in the RECORD. So at this point in the RECORD I would like to insert a letter from the Navy Department pointing up the critical importance of the sum of $3,840,000 for the combat data systems school which is located in my district.

I would hope that at the proper time the other body would review this item and if they determine that the Department's representations are correct, include the item in the Senate version of the bill. This is a letter from the Navy Department with an enclosure, dated July 30.

The letter referred to follows:

MEMORANDUM FOR HON. ROBERT L. LEGGETT

DEPARTMENT OF THE NAVY,
BUREAU OF NAVAL PERSONNEL,
Washington, D.C.

Subject:
Fiscal year 1970 Military construction program, H.R. 12171.

Pursuant to our telephone conversation of this date, enclosed herein is the reclama paper we are submitting to the Senate Armed Services Committee requesting reinstatement of the Mare Island, Vallejo line item deleted by the House Armed Services Committee.

The item contained in H.R. 12171 is:

Naval Schools Command, Mare Island, California.

Combat Data System School (1st Increment), $3,840,000.

This urgently required line item will provide the only capability to train maintenance technicians to support the modern afloat tactical systems being introduced to the Fleet. These tactical systems include but are not limited to, command and control (Advanced Naval Tactical Data System), intelligence processing, communications, electronic warfare, weapons designation and missile systems. Ship types of all classes are included: carriers, missile frigates, Fleet Flagships, Amphibious Command Ships, etc. All of these systems are highly automated and when installed in one hull, are integrated into a total weapons system. When used in a defensive situation they carry the tactical problem through from target acquisition to identification, weapon assignment and the kill. Although computerized, these systems are tactical, and should not be compared or confused with computers in applications ashore such as management information, logistic or accounting data processing.

Without maintenance training to support these new tactical systems, the increased operational capability which these systems are designed to provide will not be realized: the Fleets' tactical and in some cases, strategic capabilities will be markedly impaired.

Your assistance in persuading the Senate Armed Services Committee to reinstate this deleted line item will be greatly appreciated.

Very respectfully,

G. Z. ANDERS,
Assistant Director, Installation Planning Division.

DEPARTMENT OF THE NAVY FISCAL YEAR 1970 MILITARY CONSTRUCTION AUTHORIZATION PROGRAM

JULY 30, 1969.

Command: Chief of Naval Personnel.
Installation: Naval Schools Command, Mare Island, Calif.
Line Item: Combat Data Systems School (1st increment).

Status:	*Amount*
Initial Navy Request (Scope (SF), 71,940)	$3,840,000
Approved by the House (Scope (SF), 0)	0
Final authorization recommended (Scope (SF), 71,940)	$3,840,000

Justification:

This highly technical facility, the Combat Data Systems Maintenance Training Facility is urgently required in the FY70 MCON Program. Introduction of ships from new programs such as DX, DXGN, LHA, LCC and CVA(N) and ship modernizations will increase the numbers of ships with computerized systems from about 30 in FY69 to an excess of 200 in FY75. The major impact will occur so that technical maintenance training to support these modern computerized weapons, electronic warfare, command and control, communications and intelligence processing systems must be established and on-going in FY72. This planned facility represents the only capability to support the introduction of these systems in terms of maintenance training; no other facilities exist or are planned. The installation of these systems as planned will take advantage of the commonality of major components between systems and thereby effect a saving of $11M in training hardware. In order to commence maintenance training in mid-FY72, building construction must commence in mid-FY70 to be completed late in FY71. Numerous irreversible decisions for maintenance training on these modern systems have been based on the realization of this facility in the FY70 Program. If this project is not authorized, the following will result: (a) modern computerized systems cannot be supported in maintenance training coincident with Fleet introduction; (b) the improved operational capabilities afforded by these modern systems will not be realized; (c) overall Fleet readiness to respond in anti-missile, anti-air, anti-submarine and electronic warfare environments will be impaired rather than enhanced by the new systems.

Reinstatement of this line item in the amount of $3,840,000 is urgently requested.

Mr. RIVERS. Mr. Chairman, I yield 10 minutes to the very distinguished gentleman from Washington (Mr. HICKS).

Mr. HICKS. Mr. Chairman, the deletion of one item from the military construction authorization bill for fiscal year 1970 endangers the nationwide public shipyard modernization program, upon which much of the Navy's capability to perform its part of the national defense is based for the next decade—particularly, the nuclear fleet.

And it could endanger the lives and safety of workers in Puget Sound Naval Shipyard at Bremerton, Wash.

The public shipyard modernization program is based on a Kaiser engineers' study, commissioned by the Department of the Navy, completed last year, and accepted by both the Navy and the Department of Defense as the blueprint for enabling the navy yards to meet their obligation to the country.

The item deleted by the House Committee on Armed Services, in its zeal to reduce defense expenditures, is a woodworking shop programed for Puget Sound Naval Shipyard. It called for the expenditure of $4 million in the fiscal year 1970 budget.

The present woodworking shop occupies a series of interconnected brick structures built during the 1890's and early 1900's. Over the years several earthquakes have, as the Navy expresses it, "reduced the structural strength of the buildings to the point where accepted safety factors no longer exist."

Engineers at the shipyard, with whom I have talked, say the condition of this old and dilapidated complex of buildings is critical because of the damage of earthquakes, the most recent of which was in April 1965.

The engineers characterize the damage as progressive, and say the progress is rapid. The 1965 earthquake cracked walls and floors, shattered brick, and broke windows. The masonry in the buildings presently is absorbing three times normal stress and the steel in the structures is absorbing eight times normal stress.

Another earthquake, they say, may well crumble at least part of the buildings and could demolish the entire complex. Such an event could prove disastrous to workmen, whose numbers vary widely depending on the amount of work being performed at any given time in the complex. Since the area involved is a major earthquake zone, further quakes are inevitable.

THE OVERALL PROGRAM

Basing its proposals on the Kaiser report and upon its own studies and vast experience, the Navy has a program which will modernize the entire public shipyard complex over a 10-year period. Capital expenditures at Puget Sound under this program total $63.5 million over those 10 years.

The modernization program is on a definite schedule, with each project at each shipyard interlocking within the shipyard and also in the broader network of the entire public shipyard complex.

Now, there are a number of people, some of them in this Chamber today, who believe in all sincerity that the Navy could do as well depending solely on private shipyards and doing away with naval shipyards. I disagree most emphatically with that, Mr. Chairman, but it is not necessary to argue that issue today. I mention it only to illuminate the point that we do have navy yards, the Navy and our sea defense do depend very heavily on them—and if we are to depend so much on them, we must bring them to a modern standard.

This is particularly true in the light of the growing Soviet threat at sea. The Subcommittee on Seapower of the Armed Services Committee earlier this year completed a study of our Navy as it compares with the Soviet Navy. The results, as Chairman RIVERS so aptly put it, are

appalling. They can be digested in a few minutes by any Member, through the subcommittee's report.

THE KAISER REPORT

When Kaiser engineers reported to the Department of the Navy last year, it had this to say about our public shipyards:

Obsolescence of the entire Naval Shipyard complex looms as a very real threat to the fulfillment of its fleet logistic support program. Existing facilities lack much required modern equipment and the space to use it. Yet, new concepts of fleet maintenance and depot support must be implemented to meet demands for increased fleet readiness. The early upgrading of Naval Shipyard capability to meet the needs of the fleet is essential to our national defense.

The time schedule of proposed appropriations and expenditures are formulated on the basis of the following principal considerations:

The U.S. Naval Shipyard complex represents a significant national investment and constitutes one of the largest industrial complexes in the U.S. However, its present production and facility systems are such that both present-day production efficiency and the industrial expansion potential of the shipyard complex are inhibited.

The expansion potential of any industrial complex is of vital importance to assure its viability under a changing economy.

A specified sector of the Fleet is assigned for support at each of the individual Naval Shipyards. Therefore, the continuity and scope of productive operations cannot be compromised at any yard.

Major elements of the proposed modernization program that encompass support facilities are justified by the correction of serious fire, personnel, property and health hazards. The safety of fleet operating units is a requirement for which compromise is unacceptable.

Certain deficiencies were found to be common (to all Navy Yards). These include:

Over-age and obsolescent facilities and equipment.

Inadequate capacity to meet projected workload.

Lack of capability to meet specific workload requirements.

Inability to meet evolutionary requirements imposed by the State-of-the-Art.

PUGET SOUND NAVAL SHIPYARD

Puget Sound Naval Shipyard was found to have a range of capabilities exceeding that of any other naval or private shipyard in the country. Puget Sound's role includes the West Coast's new construction of surface ships, the overhaul of all types of ships including nuclear submarines and nuclear surface ships . . . The shipyard is additionally an integral part of the complete Polaris support complex (Pacific).

The largest drydock in the world is located at Puget Sound; it is the only facility on the West Coast capable of accommodating Forrestal and Enterprise class carriers on a completely adequate basis.

However, major deficiencies exist within the shipyard in the production equipment area; in the utility system; in some industrial shops; and in the engineering and management facilities.

The shipyard commander at Puget Sound Naval Shipyard stated the need for the woodworking shop to be included in this year's budget in a letter to me dated July 22, 1969, wherein he stated as follows:

I deeply appreciate your telephone call of yesterday and the concern implied in advising me of the deletion of the 1970 MCON project P-414, Woodworking Shop, by the House Armed Services Committee. The seriousness of the action on the future of the Puget Sound Naval Shipyard is extreme. In accordance with your request I am setting down herein the strongest justification I can muster with the hope that you will be able to have the project reinstated.

The relocation of the Woodworking Shop is the key requirement for all of the other facilities' projects. The present site of the Woodworking Shop is prime industrial area and is required for the site of an electronics weapons precision facility MCON P-415 and for the currently planned project, P-155, nuclear repair complex, which is under review, and scheduled for submittal in the fiscal year 1972 MCON program. This latter project will replace a larger project having the same title but which has been deferred. Although the nuclear repair shop MCON P-056 which is authorized and partially funded occupies part of the current Woodworking Shop, it does not in any way affect the scoping of other MCON projects and is also independent of any other projects.

The release of space presently occupied by Building 66 (present Woodworking Shop) is the single most important preliminary move necessary for the implementation of the total shore facility's program of the Shipyard. We should not be required to accept any delay since new facilities for a changing mission are seriously lagging and will impair our capability for requirements already forecast (particularly for a basic repair and nuclear vice new construction and conversion workload) for the Shipyard.

This letter is signed by Rear Adm. W. F. Petrovic.

Mr. Chairman, this item must be reinstated, if not by this House then by the other body.

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

Mr. HICKS. Mr. Chairman, I am delighted to yield to the chairman of the Committee on Armed Services.

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

Mr. Chairman, I would just like to say to the gentleman from Washington, as indeed I previously did to the gentleman from North Dakota, and as I have stated in my remarks, that it is possible that we may have gone too far. I do not know whether we have or not.

This may be the case insofar as the shipyard to which the gentleman from Washington has been referring. This yard is the only yard on the west coast that can hold a carrier, for instance, and if it can be proven that we made a mistake here, of course we will reconsider such an item. I am sure the gentleman knows this.

Mr. HICKS. Mr. Chairman, I thank the chairman for his comments.

I had intended to offer an amendment to restore this item but I have reconsidered. Rather it seems to me that we should all get behind the bill as reported by the committee, let the other body consider the bill as it comes from the House and determine if further items should be added, and then let the conference committee determine whether such item or items are needed.

I am much encouraged by what the chairman had to say.

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

Mr. HICKS. I yield to the gentleman from Washington (Mr. PELLY).

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

Mr. Chairman, I rise in support of restoring $4 million deleted by the Committee on Armed Services to relocate an earthquake-damaged woodworking shop at Puget Sound Naval Shipyard at Bremerton, Wash.

Mr. Chairman, for several years the First Congressional District of Washington included the area in which the Puget Sound Naval Shipyard is located. During those years I became familiar with this shipyard and since then, on occasion, I have made it my business to visit it and keep in close touch with its workload and its continuing record for meeting time schedules and its costs as against estimates. The record of Puget Sound Naval Shipyard for efficiency and quality since I first came to Congress has been second to none.

Mr. Chairman, as to the relocating of the woodworking shop, the reason this is urgent is that its present location is required for an electronic weapons precision facility and for the presently planned nuclear repair complex scheduled for fiscal 1972. The release of the present woodworking shop, as a result, has the very highest priority in order to make way for new facilities which are programed to take care of the future nuclear workload capability. In addition, the buildings are unsafe because of the earthquake damage.

Mr. Chairman, I am hopeful that the Senate will restore this $4 million. It is a small sum, but on its inclusion in the bill depends a most important future nuclear submarine support mission of the navy yard. Surely the Soviet naval challenge to America points up that this $4 million should be restored to the bill. So I say to the distinguished chairman, the gentleman from South Carolina, when the bill goes to conference with the Senate, if a provision is made by the Senate for replacing the woodworking shop at Puget Sound Naval Shipyard, I urge you and the House conferees to accept it.

Mr. HICKS. Mr. Chairman, again I thank the chairman of the full committee for yielding me this time.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Louisiana (Mr. LONG) such time as he may require.

Mr. LONG of Louisiana. Mr. Chairman, I rise in support of the bill, H.R. 13018, and urge the committee unanimously to support this bill.

I want to take this opportunity to compliment the distinguished chairman on the leadership which he has exhibited in bringing this bill up and presenting it to you on the floor of the House.

Mr. Chairman, let me urge the House to give favorable consideration to the military construction bill for fiscal 1970 for several reasons, not the least of which is the attention it gives to two extremely important military installations in my own district.

I have addressed the House previously with reference to the condition of physical facilities at Fort Polk, an Army post for nearly 30 years but only permanent since last October. The 1970 military construction bill undertakes to remedy some of the more serious inadequacies

at this infantry training center, and I trust that subsequent years will see further improvements in its physical plant.

The bill authorizes substantial family housing for the first time since the fort was opened in 1941. It authorizes a dental clinic and a post chapel and other improvements of a permanent nature, all of which gives the civilian sector in the area its first clear indication of the Army's firm commitment to Fort Polk.

The 1970 military construction bill also authorizes a modest continuation of construction for England Air Force Base at Alexandria, La., a Tactical Air Command facility and one of the cleanest and best kept military installations in the Nation. The construction authorization will enable the base to maintain the efficiency and effectiveness for which it is well known.

Overall, the military construction bill is a prudent and thoughtful authorization of construction needs of the military services for fiscal year 1970. It is indeed a responsible reflection of both military needs and the current fiscal situation. It fully deserves our support.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr. FISHER), a member of the committee.

Mr. FISHER. Mr. Chairman, the pending bill received very careful consideration by both the subcommittee and the full committee. As reported it advances the essential sinews of our national defense, and I am sure it will have the support of the membership of this body.

The committee decided to defer more than 70 different items which had been recommended by the Department of Defense. Most of these deferments relate to highly essential projects, and I am sure will be approved in due course. There were some deferrals about which I entertain considerable reservation, but the committee decided to postpone all authorizations that are not classified as urgent—those projects which can wait a few months without adversely affecting our defense posture and the mission involved.

For example, I am concerned about the deferral as related to Kelly Air Force Base, Lackland Air Force Base, and Brooke Army Medical Center. These are among the most important military projects in the country.

With respect to Kelly Air Force Base, there is a substantial deferral which was approved after the Air Force informed the committee that there will be a delay of several months in the C–5 aircraft program, to be supported at Kelly, and therefore a postponement will not interfere with the primary need upon which much of the authorization was originally requested.

At Lackland Air Force Base, one of the projects deferred was a data processing plant. The committee determined that one category of projects which could be deferred was data processing not associated with material or inventory control and this particular project fell into that category. Similar deferrals apply to a number of other installations. It is at Lackland that all airmen receive their basic training, and I am sure the committee recognizes the need for everything that was requested. It is a matter of timing.

I mentioned deferment applied to Brooke Army Medical Center in San Antonio. In many respects this base is one of the world's great medical centers. Thousands of wounded servicemen from Vietnam are given special treatment there. The research done there has worked wonders.

Since this bill was reported I have become increasingly concerned about the wisdom of the deferral at Brooke. After all, this is not an ordinary project. It is the workshop for new techniques in saving lives, and its achievements contribute very directly to the benefit of mankind everywhere—military and civilian. Therefore, if there is a pressing need for the construction which was deferred, the matter should be reexamined.

I understand my colleague, the gentleman from Texas (Mr. GONZALEZ), in whose district the project is located, plans to offer an amendment to have the item restored. He will, of course, explain in detail why the restoration is considered urgent, and I am sure this Committee will give sympathetic consideration to the request.

Mr. Chairman, as I said at the beginning, this bill has been very thoroughly considered. There were many weeks of intensive hearings, and I am sure it is a bill which we can all support with confidence and reassurance.

Mr. RIVERS. Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. RANDALL) such time as he may require.

Mr. RANDALL. Mr. Chairman, I rise in support of this military construction bill.

All of us know of some items that we would prefer to have included. There are many worthwhile items that have been omitted. Yet overall military construction has been reduced and that reflects the mood of the country, at this time of fiscal uncertainty.

With all its reductions and omissions this bill is one we can all support.

Mr. Chairman, this annual authorization bill comes to us for the first time in many years without a single item for Southeast Asia. The history of this construction bill is both interesting and at the same time quite revealing of a determination to reduce military authorizations. It should be recalled that this same bill submitted from the Department of Defense, by the outgoing Secretary, Mr. Clifford, early in January, totaled $2.5 billion. After the advent of the new administration, there was an in-depth review by the new Secretary of Defense who submitted a revised request in April for $600 million less or a total of $1.9 billion. H.R. 13018, which we are considering today, represents a further reduction of nearly $350 million for a total authorization of $1,547,000,000.

It is interesting to note that the committee reviewed over 1,000 separate projects requested at nearly 400 individual installations and bases. This construction bill is much, much lower than for fiscal year 1966 at $3.1 billion, or fiscal year 1968 when $2.4 billion was authorized, and is $78 million less than the fiscal 1969 authorization.

The fact this military construction bill is a reduction from prior years proves that there is an awareness of the need for every possible reduction in military expenditures in this year of great pressures generated by growing frustration over Vietnam and the fiscal problems posed by continuing trend of inflation.

There should be no conclusion that there is not a lot of construction which sorely needs to be undertaken. There is an untold volume of replacement and modernization of the many overaged structures on nearly every military base. This year, the view was taken that this badly needed construction work should be viewed not as a reduction or a refusal but simply as a deferment.

When there is so much loose and meaningless talk about the military-industrial complex, it should be emphasized that the Armed Services Committee has cut back in reductions almost 20 percent of the total request from the Department of Defense. At first that seemed an almost impossible task because of the gross inadequacy of family housing on our military bases, which has been quite rightfully assigned as the principal cause of the loss of so many of our well-trained yet limited number of military specialists. There are those who say, what difference does it make if a particular specialist leaves the service? The answer is that when this is multiplied over and over and repeated all across the country, the cost to retrain these specialists and make up these replacement losses becomes a large and imposing item in our overall military budget.

Mr. Chairman, as one member on the committee who has three separate military installations in his district, all three of which sorely need new construction, I am pleased to be able to report that at page 28 of H.R. 13018, line 23, there is a line item for the Richards-Gebaur Air Force Base in our congressional district which is for maintenance facilities in the total sum of only $78,000. I submit that there are not enough decimal places to compute what part of 1 percent $78,000 happens to be, of the total authorization of $1,547,000,000. As far as this one member of the committee is concerned, there certainly has been no special consideration accorded.

For several years I have been interested in the problems of our overseas dependents' schools. Perhaps the reason for that interest is that I have always supported every education bill for the benefit of our young people here in America. I am firmly convinced that we owe no less toward the education of those dependent children who go to live where their fathers are stationed overseas.

On three or four separate occasions I have visited the places in Western Europe where most of our troops are stationed. One of the worst treatments for our dependent children was in France, but that is no longer a problem because of the French relocation. There has been some improvement in Italy, but much of this has been due to dependent schools organized separately and outside the Department of Defense and for which tuition is paid by the Department of De-

fense. The situation in the Naples area which is impacted with U.S. naval personnel has improved over the years with new construction which has paid off in large dividends.

The real problem is in Western Germany. I have seen within the last few years structures that house our dependent schools, that we would not permit to exist in America. Some of our dependent children at the elementary level are being taught in basement facilities and in buildings which were never designed for school purposes and which have been very poorly converted in an effort to use as schools. It is for this reason that I deplored the deletion of the Army high school at Hanau and, also the addition to the elementary school at Mainz.

It is encouraging and quite pleasing to those who are interested in the education of our dependent children to note that the committee did approve the authorization of the addition to a new junior high school at Frankfurt, Germany. Other noteworthy additions which should contribute to the quality of education are the large elementary school at Clark Air Force Base in the Philippines, and the large new dependents school in Iceland. There will be those who are disappointed at the deletion of the item of $1½ million for the new elementary school on Okinawa, but I must say in all fairness that with conditions as they are at the present time, it was a wise decision to withhold expenditures on a new dependent school until such time as the future of Okinawa has been more clearly determined.

Mr. Chairman, simply as a matter of information I thought our colleagues might wish to know that in the educational appropriation bill which was passed last week, there were some funds to carry out programs for our overseas dependent schools. I call attention to grants for supplementary educational centers for which at least 3 percent of the total is earmarked for the Secretary of Defense as assistance for children and teachers in the overseas dependents schools of the Department of Defense. Under another title of the Elementary and Secondary Education Act of 1965, title IV, 3 percent of the funds appropriated for this title are earmarked for use of the Secretary of Defense for overseas dependent schools for the education of handicapped children.

Mr. Chairman, I strongly support the committee provision in section 707 which would extend through the end of 1975 or for 5 additional years the restriction against the use of the Bolling-Anacostia military complex for a public housing project. Even if for any unforeseen reason this land might not be needed for military operations, it is inconceivable that the area should not be preserved as an emergency landing strip or for that matter, against the time when National Airport could not handle expanded loads of air traffic. Why is it this particular piece of real estate seems always to be under attack by the National Capital Planning Commission? There is no real reason, and the House should commend the committee for continuing this restriction.

I support section 708 or the antidemonstration provision which amends title 18, United States Code. I recognize this section may be controversial, but who can forget the things that have happened at the Pentagon within the last year or two? Not a single member of the committee would attempt to foreclose the right of anyone to peacefully assemble and express their views, which is guaranteed under the first amendment. As all of us so clearly remember, the march on the Pentagon in the fall of 1967 was neither peaceful nor even an assembly. It was more like a mob, screaming obscenities and pushing up to the point of confrontation with the soldiers that were guarding the doors to the Pentagon. This is the kind of thing we are trying to legislate against.

One of the last general provisions in the bill has to do with the encouragement of interest which would lead to the Federal sponsorship of an air show in the United States. All of us have in one way or another envied the Paris Air Show and the air shows in England. While some of the Members of the Committee have imposed self-restraint against attendance at the Paris Air Show during the regime of De Gaulle, there is no reason why the United States could not have its own air show or exposition or some other appropriate title, perhaps as early as 1971 or 1972.

Overall, H.R. 13018, the military construction bill, is a good bill. True, it does not fully meet all the needs of the different services but as we have emphasized before, those requests that have been denied at this time should be regarded as deferments. Certainly the many reductions in expenditures should be quite satisfactory to those who have been concerned about military expenditures in our present fiscal dilemma and conditions of inflation.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I take this time to ask several questions and I would like to ask them of the chairman of the committee, if I may.

First of all, it seems to me that the military construction program involves more than the building of military facilities. It involves men and women who are in the armed services and men and women who have children. They are human beings, citizens of our Nation just like those of us in civilian life.

I am informed that the deficiencies in barracks requirement amount to—for the Navy alone—to about 193,000 deficiencies. Am I right in this?

Mr. RIVERS. I do not know—does the gentleman mean in the United States?

Mr. TALCOTT. Yes.

Mr. RIVERS. I do not know how much it is. But I would venture the assertion that it is a very large figure. It is a very large deficiency.

Mr. TALCOTT. This is my information. I am not certain of the accuracy of it, of course, but it appears to me to be correct. There are 193,000 spaces needed to bring the living accommodations for single men and women up to standard—to provide them with standard facilities.

Mr. RIVERS. I would not doubt that. It is a very large figure.

Mr. TALCOTT. This is for the Navy alone.

Mr. RIVERS. We are way behind. As I said in my statement, we could have been using three times that much over a long period of time.

Mr. TALCOTT. If my figures are correct, for the Navy alone, there is a deficiency of 193,000 spaces. The Navy Department requested only 18,239 in their request to the committee. This is less than one-tenth of what they really need—not one-third—but one-tenth.

Then, of course, the committee allowed only 11,087 spaces, according to the way I read it, which is only about 36 percent or 39 percent of what they requested. So the deficiency is enormous.

I was just wondering, are we ever going to be able to provide adequate living accommodations for our military personnel, particularly in the Navy, if we do not do more than we are doing now.

Mr. RIVERS. I agree with the gentleman. I agree with him 100 percent.

We approach this kind of thing by this guideline. Can you possibly continue these conditions for one more year in view of the status of our economy and the threat of inflation and the kind of vilification of the military and the effort to try to ruin the effectiveness and the dignity and the image of the military?

Mr. TALCOTT. One of the problems we have, I think, is that if we compare military facilities and military bases within our respective districts, with any other kind of Government installation or facility—compare it with any NASA installation, or compare it with any post office buildings, or the HEW facility, I think you will find the military facility is in a devastating condition and the condition of repair and maintenance is far below these other installations. That worries me.

Mr. RIVERS. It worries me too. But how many people get up on the floor day in and day out and defend the military?

Mr. TALCOTT. I am not particularly defending the military. I am merely suggesting that we have military personnel who are required to serve in the armed services, and we are not providing them with the housing accommodations to which they or any other American citizen is entitled.

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

Mr. TALCOTT. Yes; I yield to the gentleman from California.

Mr. BOB WILSON. The question of space is very important, and I can speak on the subject from personal experience, because a substantial number of barrack spaces affecting people in my congressional district were removed or deferred from the bill. There are a number of military installations in my district. Frankly, I had to concur with the judgment that deferred these spaces because there is only so much money to be spent. In most instances there are barrack spaces that are not the best, but at least they can do for another year.

In some instances some of our men are living in quonset huts, which certainly are not the best of living accommodations.

The original bill that was introduced has been reduced by about $1 billion. The Defense Department reduced it and our committee reduced it. We have to elimi-

nate all the frills that we can in an attempt to get the cost of Government down. I concurred with the reductions that have been made, even though they hurt me in my district.

Mr. PODELL. Mr. Chairman, the military construction authorization bill for fiscal year 1970 contains two provisions which I feel are both distasteful and unwise. One concerns further funds for ABM-related matters. The other touches upon an antipicketing segment which would abrogate civil liberties of American citizens. Neither reflects credit upon our Nation. Neither will appreciably add to the basic defense posture of our country. Therefore, I oppose both.

There is an authorization for $12.7 million of the $15.9 million requested for construction of Safeguard research and development facilities. These would be located at the Kwajalein Island test center in the Pacific.

After careful consideration of the multitude of arguments both pro and con ABM, I believe it to be an unnecessary military boondoggle indefensible from any and all points of view. Its technology is faulty. Its need is questionable, to say the least. Its monetary requirements will drain our economy for years to come for the sole benefit of a few defense contractors. If anything, it will take away from rather than add to our total defense posture. Authorizing any funds for ABM is an exercise in national futility, which will add further to the tragic reversal of national priorities already reaching deplorable proportions. I am unalterably opposed to such an authorization.

The second unnecessary provision of this measure is an antipicketing segment which is purely unnecessary on its face. It seeks to amend the United States Code dealing with impeding intent to influence administration of justice by picketing or demonstrating near quarters or residence of a judge, juror, witness, or court officer. It would add administration of military affairs to the provision and all Pentagon employees, military and civilian, to those covered by its jurisdiction. It aims at prohibition of such demonstrations at or near the Pentagon if the activities interfered with conduct of Pentagon business.

Here again we observe a calculated effort to erode right of citizens to protest national policies. Since when do we restrict Americans from expressing dissent on the grounds of national facilities in this manner? If the gentlemen across the Potomac are that fearful of dissenters, perhaps they ought to look under their beds every night too. Locking out dissent cannot be accomplished by passing a punitive measure making such a natural focus for disagreement off bounds on such superficial basis. As a result of these factors, I shall oppose this provision as well.

Mr. REUSS. Mr. Chairman, I wish to make clear that my vote for the military construction authorization bill, H.R. 13018, should not be construed as a vote in favor of deployment of the Safeguard anti-ballistic-missile system. I oppose deployment of Safeguard at this time.

The committee has assured us in its report that only $12.7 million is included in the bill for Safeguard, and that this is solely for research and development facilities at the Kwajalein missile test site in the Pacific. As the committee points out:

> These facilities at Kwajalein would be required even if the ABM were only approved at a research and development level rather than deployment.

Since I favored continued research and development on the ABM, I have no objection to the $12.7 million authorization contained in this bill.

Mr. CLAY. Mr. Chairman, I rise in opposition to H.R. 13018, the military construction authorization, fiscal year 1970. To support any military authorization or appropriation requested of the Congress at this time, is to lend support and an indirect endorsement of our military activities in Vietnam. This legislation will, undoubtedly be approved, just as in the past there were few among this body prepared or inclined to do battle with the military.

We have, apparently, developed a fourth branch of Government. In addition to the legislative, judicial, and executive branches, there is now a military branch. Submitting a request to the legislative body of the Nation and referral to the Executive for action has been an activity which comes and goes without the close attention and scrutiny offered requests and recommendations of other branches of the Government. Members of this body have demonstrated confidence in matching wits with poverty experts, with hunger experts, with housing, pollution, and education experts—but there seems some deep fear on our part and on the part of the general public to question military recommendations or requests.

There is some evidence to support the hope that the military era and aura are fading. This is coming about as it should—from the people who are speaking out. Our citizens are concerned and disturbed by the influence this military complex has exerted over the Nation. We are in the midst of a war we wish ended and we protest the dying of American soldiers.

I have joined the people in uttering these protests. I know of no other way to verify my opposition and to stand clearly on my conscience and upon my responsibilities to the people, other than to render clear-cut opposition to additional military expenditures at this time.

Every time the cost estimates made by the military departments for additional facilities have undergone serious examination, large reductions are found to be in order. The Department of Defense—even after revising this request—cannot justify the expenditure we are asked to authorize. The appropriation request submitted by the Armed Services Committee is still inflated.

We are talking about an authorization of $1.5 billion here today. In way of comparison, consider the strategy, the controversy, the heated debate, the blood, sweat, and tears which were required last week to secure a mere $900 million addition to recommended education appropriations. Even then, we have hardly earned praise when this amount still falls so short of the obvious need.

In this legislation before us today, there is an authorization of $12.7 million to construct research and development facilities for the ABM. Once this installation is built, it will serve as an argument for further research and, finally, the deployment of this system. The benign sounding title of this legislation evokes from us such conscientious, patriotic, and naive endorsements for military construction, it becomes an instrument through which national policy—of a strategic and controversial nature—is molded. While all eyes are focused on the upcoming Senate vote, the House will be contributing to affirmative action on the ABM.

I address my final comment to a section of this legislation which departs even further from the subject of military construction. It would amend the United States Code dealing with demonstrations designed to influence the proper administration of justice to include the administration of military affairs. It would make illegal all demonstrations, parades, or picketing on the grounds of the Pentagon or on federally owned property appurtenant thereto.

The unconstitutional nature of this proposed section is clear. Last week I would not have seriously questioned the wisdom of the Congress in evaluating and then striking sections known to be inconsistent with the law. But I learned—in the debate and consideration of the sections of the HEW appropriation bill known as the "Whitten amendment"—that legislation need not conform to the law and the Constitution in order to find acceptance in this body. Consequently, I rise not only to oppose this authorization, but to support the members of the committee who in their wisdom and conscience are offering an amendment to strike the demonstration provision of this bill.

Mr. TUNNEY. Mr. Chairman, the military construction authorization bill which is being considered today provides $1.5 billion for military construction.

There are many provisions of this legislation vital to our national security and which must be enacted. In particular, I point out that the bill provides $4,210,000 for the construction of a new headquarters building to house the Strategic Air Command's 15th Air Force Headquarters at March Air Force Base, Calif. It is important to make effective use of the resources provided to the Air Force. This new facility will house management and administrative personnel who will have the use of efficient and advanced management techniques required to achieve maximum productivity.

This building will consist of a 130,900-square-foot numbered Air Force headquarters building to replace the 30 separate wooden frame World War II buildings which require excessive maintenance to keep them in a marginal condition and two other buildings which are planned for other base usage.

March Air Force Base is the headquarters of the 15th Air Force of the Strategic Air Command. It is one of the three numbered Air Forces under the Strategic Air Command. It also accommodates two squadrons each of B–52 and KC–135 aircraft. Other major missions consist of a heavy bombardment wing: A reserve

force military airlift squadron, and an air rescue and recovery squadron.

I am pleased that the committee has authorized the funds to construct this vital defense facility which is necessary for the continued maintenance of minimum national security demands.

Mr. SCHEUER. Mr. Chairman, I rise today to oppose H.R. 13018 which authorizes $1.5 billion for military construction. Of that sum, $855.8 million represents authority for the construction of new operational equipment to support Active and Reserve Forces; $691.4 million in to be applied to military family housing construction.

Perhaps $1.5 billion is not a great sum when compared to our 1970 defense expenditures which will total more than $77 billion. Perhaps one should not complain about an authorization only about one-half of our authorization the other day for our 1970 education budget. Certainly, one should be permitted a certain sigh of relief over a $1.5 billion total authorization when we are reassured by the committee report that this represents careful paring of the Defense Department's original request for $3.7 billion.

Mr. Chairman, last week we fought to restore less than $900 million to the HEW appropriation so we can begin to provide quality education for all of our children. A short time ago, we had to resort to extraordinary procedures to provide school lunches for our needy children. Withal, we have yet to begin to fund adequately the legislative promise for decent housing for every American. Indeed, all too many of the pressing problems of our cities go unresolved because funds are allocated elsewhere.

Do we need 52 permanent Army installations in the United States?

Must the bachelor officer quarters at Fort Knox be altered this year?

Is the force level we are maintaining at home now necessary to our national security?

If it could safely be reduced, could not some of the added facilities authorized in this bill be cut?

For example, how many of the Navy's authorized projects for 1970 could not be cut, stretched out, or deferred to provide funds to reduce welfare and crime in our cities by improving educational and job opportunities?

What is the justification for the unspecified support required for Base Headquarters Command Mission at Andrews Air Force Base, and how many other unsubstantiated items are there in this bill that cannot be deferred to urgent national needs?

Mr. Chairman, once again I am not satisfied that this great deliberative body has done its homework by measuring the need for additions to military installations at home—unconnected with the Vietnam war—against the exigencies of our cities. We must strike a better balance between the guns and butter scale, realizing that we have not unlimited resources for both. For too many Americans, the choice we have made in the past has meant deprivation and lost opportunity for a life of independence. The first step toward achieving this life is allocating our resources properly. In this light, H.R. 13018 is not a constructive step, and I must oppose it.

Mr. BINGHAM. Mr. Chairman, as bills for military spending go, the legislation before us is relatively modest. Most of the items provided for are unexceptional and worthy of support.

However, with the defeat of Chairman RIVERS' amendment to delete the funds identified as being needed for Safeguard ABM, and with the defeat of Congressman LEGGETT'S amendment to delete the antipicketing section, I am constrained to vote "no" on the bill as a whole.

The ABM matter will be thoroughly debated and a decision made at the time the main military procurement bill comes before us, and it was understood that the issue would not be presented in the present bill. The vote with regard to the Rivers amendment is certainly not determinative of the ABM question. Nevertheless, the defeat of that amendment contributes to my decision to vote negatively.

The so-called antipicketing provision which was retained in the bill is not aimed at violence, but at peaceful picketing or parading or even use of a soundtruck near the Pentagon and as such is an intolerable limitation on basic constitutional rights of free speech and free assembly.

Mr. GALLAGHER. Mr. Chairman, I rise in support of the recommended authorization of $1,134,000 for construction at the Military Ocean Terminal, Bayonne, N.J.

The Bayonne MOT now employs over 1,500 people; each year, nearly 300 measurement tons pass through the terminal. Indeed, the Bayonne MOT has become one the most vital, and essential military intallations on the eastern seaboard.

The recommended authorization under H.R. 13018 recognizes certain real needs at the MOT. The sum of $485,000 is requested for the installation of outside lighting facilities; the on-going work at the terminal, which does not cease at night, makes such lighting a prerequisite to safe and efficient operations at the base. In addition, a sum of $649,000 is recommended to provide increased steam capacity at the MOT. Given the number of employees at the terminal and the tremendous amount of work they must perform, this is indeed, by comparison, a small amount of money.

Mr. Chairman, this Government has never made a better investment than the money appropriated for the Bayonne MOT. If we received such rich returns from all of our expenditures, our economic picture would shine much brighter today. In return for the dollars expended at the MOT, we have received services of even higher value.

I would also take this opportunity to offer my commendation to the civilian and military employes of the Bayonne MOT. There are no finer or more dedicated group of people at any Government center in this Nation.

I ask my colleagues to join with me in supporting the MOT authorization.

Mr. KOCH. Mr. Chairman, I intend to cast my vote against this bill for two reasons. First, it contains moneys for the deployment of the ABM and I have stated several times that I will not cast my vote for any appropriation which includes moneys either for the further prosecution of the war in Vietnam or the deployment of the ABM. If the funds had been merely for research and development I would not have opposed that provision, but they are specifically for deployment. It would serve no purpose for me to cite the reasons why I have joined with those here in the House and in the Senate in opposition to the deployment of the ABM.

Second, without restating the reasons which I have given today for my opposition to section 708, I oppose this bill because this House saw fit not to strike that provision.

Mr. COHELAN. Mr. Chairman, we are today considering the military construction authorization bill for fiscal year 1970.

In the past, I have expressed my opposition to the large sums we devoted in the military construction bill to the financing of needless overseas housing, to the construction of a gigantic NATO infrastructure, and to overly large numbers of stateside dwelling units. Again today I would like to express my concern and reservations about the large sums devoted in this bill for these purposes. But my major purpose in taking the floor at this point is to make it clear that the vote on this bill today will in no way commit the House to a position on the construction and deployment of the Safeguard ABM system.

As the Members of this body know, I have for nearly 2 years, since the fall of 1967, been outspoken in my opposition to the deployment of an American ABM system.

I am today, after more than 2 years of diligent study of the questions involved, more convinced than ever that it would be dangerous and wasteful to proceed with the deployment of the Safeguard ABM.

As I understand it the only funds contained in this bill which in any way bear on the ABM question are contained in 2 separate sections. One section would provide an additional $12.7 million for the construction of ABM testing facilities at the Kwajalein Atoll in the Pacific. The other item is $2.5 million for construction of command and control systems, primarily communications, for the stateside ABM proposal. It is my understanding that the Defense Department has committed itself to not requesting the House to appropriate this $2.5 million which is related to the ultimate deployment of the ABM until some time after the Congress has expressed its will on the question of whether the Safeguard ABM should be built.

Moreover, it is clear, as the committee states in its report, that the $12.7 million for the Pacific testing site is in no way connected with the deployment of the Safeguard system. Rather, it is required for research and development which will be necessary whether or not we deploy the Safeguard ABM.

Mr. Chairman, the administration has not put forward a convincing case to show that the Safeguard ABM will work under the actual conditions of a nuclear

attack. Civilian experts of unquestionable repute have expressed their view that the radars, the communications links, and indeed all of the electronic components are quite vulnerable to a properly structured attack. These experts have also pointed out that the short range of our Sprint terminal defense missiles makes them particularly ill suited to defend the widely dispersed Minuteman silos.

Charts and graphs available to Members of Congress indicate that with a rather small increase in the number of missiles they deploy, the Soviets can assure themselves that they can penetrate and nullify our ABM defenses.

And at the same time we have all of these doubts about whether the Safeguard ABM will work, we know that it will cost billions and billions of dollars. Dollars which could well be spent to meet the problems of our people in the cities, of pollution, of education, of transportation, and the like.

We know, too, that if we persist in building an ABM system we will force the Soviets to take countermeasures and in our turn we will be forced to respond to the Soviet countermeasures. On and on in a never-ending, very costly and dangerous spiral will go the arms race.

Mr. Chairman, I am vehemently opposed to the deployment of the Safeguard ABM system.

I am pleased, however, to note at this point that the House will not today be deciding the issue of whether the Safeguard ABM should be deployed. Instead, we will all be able to await with great interest the action of the other body tomorrow on this question of life or death.

Mr. VAN DEERLIN. Mr. Chairman, I am delighted the Armed Services Committee has seen fit to authorize $1,335,000, the full amount sought by the Navy, for smoke abatement equipment at the Navy Firefighters' School in National City, Calif. This wise action by the committee will be hailed by National City residents, who have been plagued for years by uncontrolled fumes from the firefighting installation.

Now that funding of this project apparently is on the way, Government will at last be able to fulfill a longstanding commitment to the civilian population surrounding the Fleet Training Center, where the firefighters' school is located. More than 3 years ago, the town was assured by senior Navy officers that the smog problem emanating from the base would soon be overcome. Then doubts over whether the equipment would actually work forced a delay which tried the patience but also strengthened the will of most of the directly affected residents.

It was not until last spring that everything finally began to fall into place for this project; similar gear was successfully tested at the Navy's Treasure Island base in San Francisco—solid evidence that removed any lingering doubts about the National City proposal.

In authorizing this project, we are clearly concerned with far more than the bricks and mortar usually associated with construction work. What we are concerned about primarily here is people, their health and their happiness, considerations that would make this particular undertaking a bargain at twice the price placed on it by the Navy.

Mr. REID of New York. Mr. Chairman, I oppose H.R. 13018, the military construction authorization bill for fiscal year 1970.

First of all, I believe that we must cut funds from the military-industrial complex, if indeed we ever wish to meet our drastic needs here at home.

Second, I strongly believe that we should not be voting for any funds for the ABM at this time, on the eve of strategic arms limitation talks with the Soviets. The authorization in this bill for the installation of an ABM communications system in Colorado could easily make more difficult talks with the Soviets, and would be inconsistent with article VI of the Nuclear Non-Proliferation Treaty, which indicates our desire to pursue negotiations "in good faith."

Finally, I oppose section 708 of the bill, which constitutes a broad and absolute ban on demonstrations either in the Pentagon or on surrounding federally owned properties. In my judgment, this is a blatant infringement on individual rights of free speech and assembly, contrary to the first amendment.

The CHAIRMAN. Does the gentleman from Indiana desire to yield any further time?

Mr. BRAY. Mr. Chairman, I have no further requests for time. I yield back the remainder of my time.

Mr. RIVERS. Mr. Chairman, I have no further requests for time. I yield back the remainder of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

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

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, hospital facilities, and utilities, $4,316,000.

Carlisle Barracks, Pennsylvania: Community facilities, $145,000.

Fort Dix, New Jersey: Community facilities and utilities, $1,539,000.

Fort Eustis, Virginia: Training facilities, $1,825,000.

Fort Hancock, New Jersey: Utilities, $625,000.

A. P. Hill Military Reservation, Virginia: Maintenance facilities, $364,000.

Fort Knox, Kentucky: Troop housing and utilities, $1,176,000.

Fort Lee, Virginia: Community facilities, $284,000.

Fort George G. Meade, Maryland: Operational facilities, administrative facilities, community facilities, and utilities, $5,573,000.

Fort Monroe, Virginia: Utilities, $534,000.

Fort Story, Virginia: Training facilities, $430,000.

Fort Wadsworth, New York: Utilities, $545,000.

(Third Army)

Fort Benning, Georgia: Utilities, $2,391,000.

Fort Bragg, North Carolina: Training facilities, and maintenance facilities, $3,760,000.

Fort Campbell, Kentucky: Maintenance facilities, and community facilities, $1,176,000.

Fort Gordon, Georgia: Training facilities, maintenance facilities, and troop housing, $10,286,000.

Fort Jackson, South Carolina: Troop housing, and utilities, $12,372,000.

Fort Rucker, Alabama: Training facilities, supply facilities, and troop housing, $4,680,000.

(Fourth Army)

Fort Bliss, Texas: Training facilities, community facilities, and utilities, $2,741,000.

Fort Hood, Texas: Troop housing, and community facilities, $15,370,000.

Fort Sam Houston, Texas: Utilities, $378,000.

Fort Polk, Louisiana: Training facilities, medical facilities, troop housing, and community facilities, $3,067,000.

Fort Sill, Oklahoma: Maintenance facilities, and utilities, $738,000.

(Fifth Army)

Fort Carson, Colorado: Maintenance facilities, $6,865,000.

Fort Benjamin Harrison, Indiana: Administrative facilities, and utilities, $4,120,000.

Fort Leavenworth, Kansas: Medical facilities and troop housing, $502,000.

Fort Riley, Kansas: Utilities, $934,000.

Fort Sheridan, Illinois: Operational facilities, and administrative facilities, $3,388,000.

(Sixth Army)

Presidio of Monterey, California: Troop housing, $2,125,000.

Presidio of San Francisco, California: Operational facilities, community facilities, and utilities, $1,411,000.

(Military District of Washington)

Fort McNair, District of Columbia: Training facilities, $929,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,178,000.

Badger Army Ammunition Plant, Wisconsin: Utilities, $203,000.

Charleston Army Depot, South Carolina: Utilities, $143,000.

Detroit Arsenal, Michigan: Operational facilities, and research, development, and test facilities, $4,070,000.

Dugway Proving Ground, Utah: Operational facilities, and research, development and test facilities, $420,000.

Granite City Army Depot, Illinois: Utilities, $237,000.

Holston Army Ammunition Plant, Tennessee: Utilities, $344,000.

Iowa Army Ammunition Plant, Iowa: Utilities, $503,000.

Joliet Army Ammunition Plant, Illinois: Utilities, $4,643,000.

Letterkenny Army Depot, Pennsylvania: Maintenance facilities, and utilities, $1,408,000.

Michigan Army Missile Plant, Michigan: Utilities, $354,000.

Fort Monmouth, New Jersey: Research, development and test facilities, and community facilities, $1,778,000.

New Cumberland Army Depot, Pennsylvania: Supply facilities, $560,000.

Picatinny Arsenal, New Jersey: Utilities, $989,000.

Radford Arsenal, Virginia: Administrative facilities, $1,641,000.

Red River Army Depot, Texas: Operational facilities, and utilities, $1,396,000.

Rock Island Arsenal, Illinois: Operational facilities, $425,000.

Savanna Army Depot, Illinois: Utilities, $274,000.

Sunflower Army Ammuition Plant, Kansas: Utilities, $251,000.

Tobyhanna Army Depot, Pennsylvania: Operational facilities, $26,000.

Volunteer Army Ammunition Plant, Tennessee: Utilities, $268,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, $3,218,000.

Fort Wingate Army Depot, New Mexico: Utilities, $217,000.

Yuma Proving Ground, Arizona: Research development, and test facilities, and utilities, $734,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

United States Various Locations: Operational facilities, $27,000.

UNITED STATES ARMY SECURITY AGENCY

Vint Hill Farms, Virginia: Utilities $136,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Troop housing, and community facilities, $3,740,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Training facilities, $607,000

ARMY MEDICAL DEPARTMENT

Fitzsimons Army Hospital, Colorado: Production facilities, $776,000.

CORPS OF ENGINEERS

Army Map Service, Maryland: Operational facilities, $134,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey: Utilities, $1,134,000.

Military Ocean Terminal, Kings Bay, Georgia: Utilities, $177,000.

Sunny Point Army Terminal, North Carolina: Operational facilities and utilities, $1,871,000.

UNITED STATES ARMY, ALASKA

Fort Greely, Alaska: Utilities, $743,000.

Fort J. M. Wainwright, Alaska: Training facilities and community facilities, $1,142,000.

UNITED STATES ARMY, HAWAII

Schofield Barracks, Hawaii: Community facilities, $1,524,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Korea, Various: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, and utilities, $23,678,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, Various: Operational facilities, medical facilities, troop housing, and utilities, $1,899,000.

UNITED STATES SAFEGUARD COMMAND

Kwajalein Missile Range: Operational facilities, maintenance facilities, research, development and test facilities, supply facilities, and troop housing, $15,973,000.

UNTED STATES ARMY SECURITY AGENCY

Various Locations: Operational facilities, $2,951,000.

UNITED STATES ARMY, EUROPE

Germany, Various: Maintenance facilities, supply facilities, hospital facilities, administrative facilities, troop housing, community facilities, and utilities, $19,823,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $50,000,000: *Provided*, That within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committee on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Taiwan, Formosa: Operational facilities, $154,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 103. (a) Public Law 89–188, as amended, is amended, under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fourth Army)" with respect to "Fort Sam Houston, Texas", strike out "$1,300,000" and insert in place thereof "$1,510,000".

(2) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (First Army)", with respect to "United States Military Academy, West Point, New York", strike out "$20,635,000" and insert in place thereof "$24,034,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$260,925,000" and "$317,786,000" and inserting "$264,534,000" and "$321,395,000", respectively.

SEC. 104. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Dix, New Jersey", strike out "$2,585,000" and insert in place thereof "$3,471,000".

(2) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Lee, Virginia", strike out "$1,646,000" and insert in place thereof "$1,727,000".

(3) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort George G. Meade, Maryland", strike out "$4,510,000" and insert in place thereof "$5,198,000".

(4) Under the subheading "UNITED STATES CONTINENTAL ARMY COMMAND (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "$1,680,000" and insert in place thereof "$1,935,000".

(5) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Rock Island Arsenal, Illinois", strike out "$320,000" and insert in place thereof "$492,000".

(6) Under the subheading "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "Detroit Defense Area, Michigan" strike out "$130,000" and insert in place thereof "$201,000".

(7) Under the subheading "CORPS OF ENGINEERS" with respect to "Army Map Service, Maryland", strike out "$156,000" and insert in place thereof "$201,000".

(8) Under the subheading "MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE" with respect to "Sunny Point Army Terminal, North Carolina", strike out "$70,000" and insert in place thereof "$138,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$282,359,000" and "$385,752,000" and inserting in place thereof "$284,625,000" and "$388,018,000", respectively.

SEC. 105. (a) Public Law 90–408 is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading "CONTINENTAL UNITED STATES (First Army)" with respect to "Fort Knox, Kentucky" strike out "$727,000" and insert in place thereof "$888,000".

(2) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "New Cumberland Army Depot, Pennsylvania", strike out "$638,000" and insert in place thereof "$811,000".

(b) Public Law 90–408 is amended in section 101 under the heading "OUTSIDE THE UNITED STATES" and subheading "UNITED STATES ARMY SECURITY AGENCY" with respect to "Various Locations", by striking out "$5,386,000" and inserting in place thereof "$6,928,000".

(c) Public Law 90–408 is amended by striking out in clause (1) of section 802 "$363,471,000", "$85,610,000" and $449,081,000" and inserting in place thereof "$363,805,000" "$87,152,000" and "$450,957,000", respectively.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Shipyard, Boston, Massachusetts: utilities, $7,905,000.

Naval Station, Newport Rhode Island: Troop housing $685,000.

Naval War College, Newport, Rhode Island: Training facilities, $2,113,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Utilities, $303,000.

Naval Air Station, New York, New York: Utilities, $228,000.

Naval Hospital, Saint Albans, New York: Utilities, $214,000.

FOURTH NAVAL DISTRICT

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, $215,000.

Naval Shipyard, Philadelphia, Pennsylvania: Maintenance facilities, $10,828,000.

Naval Air Engineering Center, Philadelphia, Pennsylvania: Utilities, $222,000.

Naval Damage Control Training Center, Philadelphia, Pennsylvania: Utilities, $1,210,000.

Naval Air Station, Willow Grove, Pennsylvania: Utilities, $47,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Station, District of Columbia: Utilities, $229,000.

Naval Academy, Annapolis, Maryland: Training facilities, and utilities, $13,209,000.

National Naval Medical Center, Bethesda,

Maryland: Hospital and medical facilities, $3,591,000.

Naval Ship Research and Development Center, Carderock, Maryland: Utilities at Annapolis Division, $186,000.

FIFTH NAVAL DISTRICT

Naval Air Rework Facility, Cherry Point, North Carolina: Maintenance facilities, $2,308,000.

Naval Shipyard, Norfolk, Virginia: Utilities, $2,319,000.

Naval Station, Norfolk, Virginia: Troop housing and community facilities, $4,848,000.

Naval Air Rework Facility, Norfolk, Virginia: Maintenance facilities, $8,049,000.

Naval Supply Center, Norfolk, Virginia: Supply facilities, and utilities, $207,000.

Naval Communication Station, Norfolk, Virginia: Operational facilities, $1,400,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, $1,686,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Operational facilities, and troop housing, $1,135,000.

Naval Air Station, Jacksonville, Florida: Utilities, $2,060,000.

Naval Station, Mayport, Florida: Operational and training facilities, $251,000.

Naval Station, Key West, Florida: Troop housing, $2,130,000.

Naval Training Center, Orlando, Florida: Training facilities, and utilities, $2,601,000.

Navy Mine Defense Laboratory, Panama City, Florida: Operational facilities, and community facilities, $857,000.

Naval Air Station, Pensacola, Florida: Operational facilities, $1,321,000.

Navy Public Works Center, Pensacola, Florida: Utilities, $923,000.

Naval Air Station, Saufley Field, Florida: Operational facilities and real estate, $349,000.

Naval Air Station, Whiting Field, Florida: Training facilities, $808,000.

Naval Supply Corps School, Athens, Georgia: Training facilities, $2,920,000.

Naval Air Station, Glynco, Georgia: Utilities, $252,000.

Naval Air Station, Meridian, Mississippi: Supply facilities, $277,000.

Naval Shipyard, Charleston, South Carolina: Maintenance facilities, supply facilities, and utilities, $5,732,000.

Naval Supply Center, Charleston, South Carolina: Supply facilities, $1,271,000.

Naval Weapons Station, Charleston, South Carolina: Supply facilities, $510,000.

Naval Air Station, Memphis, Tennessee: Troop housing, $5,233,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana: Operational facilities, $544,000.

Naval Air Station, Chase Field, Texas: Operational and training facilities, $1,978,000.

Naval Air Station, Corpus Christi, Texas: Utilities, $496,000.

Naval Air Station, Kingsville, Texas: Troop housing $1,195,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Utilities, $1,060,000.

Naval Avionics Facility, Indianapolis, Indiana: Research, development and test facilities, $157,000.

OMEGA Navigation Station, Middle River, Minnesota: Operational facilities, and real estate, $5,810,000.

ELEVENTH NAVAL DISTRICT

Naval Shipyard, Long Beach, California: Utilities, $1,793,000.

Naval Station, Long Beach, California: Utilities, $511,000.

Navy Fuel Depot, San Pedro, California: Utilities, $90,000.

Pacific Missile Range, Point Mugu, California: Maintenance facilities, and troop housing, $554,000.

Naval Construction Battalion Center, Port Hueneme, California: Troop housing, and utilities, $2,254,000.

Naval Hospital, Camp Pendleton, California: Hospital and medical facilities, $19,805,000.

Naval Air Station, North Island, California: Maintenance facilities, troop housing, and utilities, $7,770,000.

Fleet Training Center, San Diego, California: Utilities, $1,335,000.

Naval Undersea Warfare Center, San Diego, California: Research, development and test facilities, $7,125,000.

TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California: Troop housing, $5,051,000.

Naval Air Station, Alameda, California: Maintenance facilities, and utilities and ground improvements, $6,094,000.

Naval Hospital, Oakland, California: Utilities, $74,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Site and at Mare Island Site, $12,494,000.

Naval Auxiliary Air Station, Fallon, Nevada: Troop housing, $3,463,000.

THIRTEENTH NAVAL DISTRICT

Naval Shipyard, Bremerton, Washington: Operational facilities, and utilities, $3,467,000.

Naval Air Station, Whidbey Island, Washington: Operational and training facilities, troop housing, and utilities, $5,101,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, $3,557,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, $6,519,000.

Naval Facility, Barbers Point, Oahu, Hawaii: Operational facilities, $2,467,000.

SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska: Troop housing and community facilities, $7,306,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, $825,000.

Various Naval Communication Stations: Utilities, $2,030,000.

MARINE CORPS FACILITIES

Marine Barracks, District of Columbia: Real estate, $651,000.

Marine Corps Development and Education Command, Quantico, Virginia: Troop housing, and utilities, $1,711,000.

Marine Corps Auxiliary Landing Field, Bogue, North Carolina: Supply facilities, $132,000.

Marine Corps Base, Camp Lejeune, North Carolina: Community facilities, and utilities, $2,698,000.

Marine Corps Air Station, New River, North Carolina: Operational facilities, $256,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Troop housing, $5,943,000.

Marine Corps Air Station, Yuma, Arizona: Operational facilities, troop housing, and utilities, $6,418,000.

Marine Corps Supply Depot, Barstow, California: Ground improvements, $64,000.

Marine Corps Air Station, El Toro, California: Maintenance facilities, $596,000.

Marine Corps Base, Camp Pendleton, California: Community facilities, $2,536,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Utilities, $460,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Naval Facility, Ramey Air Force Base, Puerto Rico: Operational facilities, $65,000.

Naval Station, Roosevelt Roads, Puerto Rico: Troop housing, $3,995,000.

Naval Communications Station, San Juan, Puerto Rico: Operational facilities, $87,000.

ATLANTIC OCEAN AREA

Naval Facility, Eleuthera, Bahama Islands: Community facilities, and utilities, $283,000.

Naval Station, Keflavik, Iceland: Community facilities, $2,834,000.

EUROPEAN AREA

OMEGA Navigation Station, Bratland, Norway: Operational facilities, $2,954,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands: Troop housing, $1,422,000.

Naval Facility, Guam, Mariana Islands: Operational facilities, $4.419,000.

Naval Hospital, Guam, Mariana Islands: Hospital and medical facilities, $1,354,000.

Navy Public Works Center, Guam, Mariana Islands: Utilities, and real estate, $9,396,000.

Naval Hospital, Yokosuka, Japan: Hospital and medical facilities, $746,000.

Naval Air Station, Cubi Point, Republic of the Philippines: Operational facilities, maintenance facilities, and supply facilities, $1,062,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines: Utilities, $1,770,000.

Naval Station, Sangley Point, Republic of the Philippines: Supply facilities, $120,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, $235,000.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $10,810,000.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 204. (a) Public Law 89–188, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "NAVAL WEAPONS FACILITIES (Field Support Station)" with respect to Naval Air Facility, El Centro, California, by striking out "$400,000" and inserting in place thereof "$650,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (2) of section 602 "$238,909,000" and "$324,899,000" and inserting respectively in place thereof "$159,000" and "$325,149,000".

SEC. 205. (a) Public Law 89–568, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and

subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to the Naval Air Station, Oceana, Virginia, by striking out "$1,466,000" and inserting in place thereof "$1,861,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$118,769,000" and "$142,932,000" and inserting respectively in place thereof "$119,164,000" and "$143,327,000".

SEC. 206. (a) Public Law 90–110, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to the Naval Amphibious Base, Little Creek, Virginia, and the Fleet Training Center, Norfolk, Virginia, strike out "$6,220,000" and "$65,000", respectively, and insert in place thereof "$6,456,000" and "$97,000", respectively.

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Station, Charleston, South Carolina, strike out "$4,048,000" and insert in place thereof "$6,058,000".

(3) Under the subheading "NINTH NAVAL DISTRICT" with respect to the Naval Training Center, Great Lakes, Illinois, strike out "$6,869,000" and insert in place thereof "$8,760,000".

(4) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Marine Corps Air Stations, Yuma, Arizona, and El Toro, California, strike out "$2,133,000" and "$4,918,000", respectively, and insert in place thereof "$2,179,000", and "$5,410,000", respectively.

(5) Under the subheading "THIRTEENTH NAVAL DISTRICT" with respect to the Naval Supply Depot, Seattle, Washington, and the Naval Air Station, Whidbey Island, Washington, strike out "$252,000" and "$2,626,000", respectively, and insert in place thereof "$645,000" and "$3,122,000".

(6) Under the subheading "FOURTEENTH NAVAL DISTRICT" with respect to the Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii, and the Naval Ammunition Depot, Oahu, Hawaii, strike out "$7,636,000", "$2,554,000", and "$1,170,000", respectively, and insert in place thereof "$8,121,000", "$3,268,000", and "$1,619,000", respectively.

(7) Under the subheading "MARINE CORPS GROUND FORCES FACILITIES" with respect to the Marine Corps Base, Camp Lejeune, North Carolina, strike out "$12,507,000" and insert in place thereof "$12,754,000".

(b) Public Law 90–110, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "TENTH NAVAL DISTRICT" with respect to the Naval Hospital, Roosevelt Roads, Puerto Rico, by striking out "$6,283,000" and inserting in place thereof "$8,181,000".

(c) Public Law 90–110, as amended, is amended in clause (2) of section 802 by striking out "$415,108,000", "$39,515,000", and "$461,407,000" and inserting respectively in place thereof, "$422,599,000", "$41,413,000", and "$470,796,000".

SEC. 207. (a) Public Law 90–408 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "SIXTH NAVAL DISTRICT" with respect to the Naval Hospital, Charleston, South Carolina, strike out "$13,356,000" and insert in place thereof "$15,687,000".

(2) Under the subheading "ELEVENTH NAVAL DISTRICT" with respect to the Naval Air Station, Imperial Beach, California, strike out "$5,674,000", and insert in place thereof "$8,517,000".

(b) Public Law 90–408 is amended in clause (2) of section 802 by striking out "$229,726,000" and "$236,591,000" and inserting respectively in place thereof "$234,900,000" and "$241,765,000".

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Utilities, $357,000.

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Maintenance facilities, and community facilities, $225,000.

Hamilton Air Force Base, San Rafael, California: Hospital facilities, troop housing, and real estate, $4,647,000.

Key West Naval Air Station, Key West, Florida: Operational facilities, $79,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, $303,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, $20,800,000.

Otis Air Force Base, Falmouth, Massachusetts: Operational facilities, $157,000.

Perrin Air Force Base, Sherman, Texas: Maintenance facilities, administrative facilities, and troop housing, $258,000.

Peterson Field, Colorado Springs, Colorado: Administrative facilities and troop housing, $1,992,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Maintenance facilities, $78,000.

Stewart Air Force Base, Newburgh, New York: Operational facilities and supply facilities, $419,000.

Suffolk County Air Force Base, Westhampton Beach, New York: Utilities, $1,050,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, maintenance facilities, and troop housing, $1,377,000.

Volk Field, Camp Douglas, Wisconsin: Operational facilities, $208,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research, development, and test facilities, $315,000.

Hill Air Force Base, Ogden, Utah: Maintenance facilities and administrative facilities, $525,000.

Kelly Air Force Base, San Antonio, Texas: Operational facilities, maintenance facilities, supply facilities, administrative facilities, community facilities, and utilities, $5,347,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, troop housing, and utilities, $7,536,000.

Newark Air Force Station, Newark, Ohio: Administrative facilities, $835,000.

Robins Air Force Base, Macon, Georgia: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, $2,086,000.

Tinker Air Force Base, Oklahoma City, Oklahoma; Operational facilities, maintenance facilities, administrative facilities, and utilities, $2,575,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development, and test facilities, hospital facilities, administrative facilities, and utilities, $4,825,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, $1,440,000.

Brooks Air Force Base, San Antonio, Texas: Research, development, and test facilities, $933,000.

Edwards Air Force Base, Muroc, California: Operational and training facilities, $394,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, troop housing, and utilities, $5,897,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, maintenance facilities, research, development, and test facilities, supply facilities, and community facilities, $2,741,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Research, development, and test facilities, community facilities, and utilities, $1,234,000.

Los Angeles Air Force Station, Los Angeles, California: Operational facilities, research development, and test facilities, and administrative facilities, $1,039,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, community facilities, and utilities, $1,108,000.

Eastern Test Range, Cocoa, Florida: Operational facilities, $43,000.

Western Test Range, Lompoc, California: Research, development, and test facilities, $2,105,000.

Satellite Tracking Facilities: Operational facilities and utilities, $2,771,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities and maintenance facilities, $635,000.

Craig Air Force Base, Selma, Alabama: Training facilities and troop housing, $443,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, and troop housing and community facilities, $2,144,000.

Lackland Air Force Base, San Antonio, Texas: Training facilities, troop housing, and utilities, $4,625,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, $378,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, and troop housing, $1,718,000.

Lowry Air Force Base, Denver, Colorado: Training facilities, maintenance facilities, supply facilities, and troop housing, $5,864,000.

Mather Air Force Base, Sacramento, California: Operational facilities, and troop housing, $2,223,000.

Moody Air Force Base, Valdosta, Georgia: Operational facilities, and community facilities, $703,000.

Randolph Air Force Base, San Antonio, Texas: Troop housing, $1,151,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, maintenance facilities, and community facilities, $902,000.

Sheppard Air Force Base, Wichita Falls, Texas: Maintenance facilities, and troop housing and community facilities, $4,012,000.

Webb Air Force Base, Big Spring, Texas: Operational facilities, $435,000.

Williams Air Force Base, Chandler, Arizona: Hospital facilities, troop housing, and real estate, $4,326,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Utilities, $578,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities, maintenance facilities, troop housing and community facilities, and utilities, $6,969,000.

Various locations: Operational facilities, maintenance facilities, supply facilities, community facilities, and utilities, $6,370,000.

HEADQUARTERS AIR FORCE RESERVE

Ellington Air Force Base, Houston, Texas: Operational facilities and real estate, $957,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, $813,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, maintenance facilities, and troop housing, $5,358,000.

Charleston Air Force Base, Charleston, South Carolina: Operational facilities, troop housing, and utilities, $3,192,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, maintenance facilities, supply facilities, utilities and real estate, $7,519,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, and troop housing, $1,699,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities, supply facilities, community facilities, and utilities, $1,664,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $3,134,000.

Scott Air Force Base, Belleville, Illinois: Troop housing, $329,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, hospital facilities, administrative facilities, and utilities, $11,865,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Maintenance facilities, community facilities, and utilities, $480,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Operational facilities, $312,000.

Beale Air Force Base, Marysville, California: Maintenance facilities, $126,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities and maintenance facilities, $236,000.

Castle Air Force Base, Merced, California: Troop housing, $597,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Training facilities, maintenance facilities, troop housing, and utilities, $2,038,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities, community facilities, and utilities, $1,074,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Community facilities, $587,000.

Fairchild Air Force Base, Spokane, Washington: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $5,236,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, $178,000.

Grissom Air Force Base, Peru, Indiana: Maintenance facilities and utilities, $231,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Maintenance facilities, $342,000.

Little Rock Air Force Base, Little Rock, Arkansas: Maintenance facilities, $186,000.

Loring Air Force Base, Limestone, Maine: Maintenance facilities, and utilities, $255,000.

Malmstrom Air Force Base, Great Falls, Montana: Operational facilities and utilities, $284,000.

March Air Force Base, Riverside, California; Administrative facilities, $4,210,000.

Minot Air Force Base, Minot, North Dakota: Maintenance facilities, $265,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, community facilities, and utilities, $2,908,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities and maintenance facilities, $263,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities: $174,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, $394,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Troop housing and utilities, $994,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Maintenance facilities, $156,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Maintenance facilities, $415,000.

Blytheville Air Force Base, Blytheville, Arkansas: Training facilities, maintenance facilities, hospital facilities, and troop housing $3,177,000.

Cannon Air Force Base, Clovis, New Mexico: Maintenance facilities and community facilities, $939,000.

England Air Force Base, Alexandria, Louisiana: Operational and training facilities, supply facilities, and troop housing, $1,372,000.

Forbes Air Force Base, Topeka, Kansas: Maintenance facilities, administrative facilities, troop housing, and utilities, $1,608,000.

George Air Force Base, Victorville, California: Operational facilities, supply facilities, administrative facilities, community facilities, and utilities, $1,284,000.

Homestead Air Force Base, Homestead, Florida: Troop housing, $198,000.

Langley Air Force Base, Hampton, Virginia: Operational facilities and administrative facilities, $560,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, $882,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, maintenance facilities, and utilities, $642,000.

McConnell Air Force Base, Wichita, Kansas: Troop housing, $231,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, $1,476,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational facilities, maintenance facilities, and troop housing, $3,547,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $2,097,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Maintenance facilities, $137,000.

Shaw Air Force Base, Sumter, South Carolina: Operational facilities, administrative facilities, and troop housing, $1,707,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, administrative facilities, and utilities, $551,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations: Maintenance facilities, troop housing and community facilities, and utilities, $1,521,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas: Troop housing, $957,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various Locations: Maintenance facilities, $407,000.

AIR FORCE SYSTEMS COMMAND

Western Test Range: Research, development, and test facilities, $2,292,000.

Satellite Tracking Facilities: Operational facilities and utilities, $637,000.

PACIFIC AIR FORCES

Various Locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $8,339,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam: Operational facilities, maintenance facilities, supply facilities, and community facilities, $1,265,000.

UNITED STATES AIR FORCES IN EUROPE

Germany: Operational facilities and supply facilities, $5,186,000.

United Kingdom: Operational facilities, maintenance facilities, supply facilities, and troop housing, $7,640,000.

Various Locations: Operational facilities, maintenance facilities, and utilities, $678,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Howard Air Force Base, Canal Zone: Operational facilities, maintenance facilities, and troop housing, $3,802,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations: Operational facilities, community facilities, and utilities, $794,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $29,873,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interest of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1970, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Chanute Air Force Base, Rantoul, Illinois, strike out "$2,523,000" and insert in place thereof "$3,507,000".

(2) Under the subheading "PACIFIC AIR FORCE" with respect to Hickam Air Force Base, Honolulu, Hawaii, strike out "$2,566,000" and insert in place thereof "$3,034,000".

(3) Under the subheading "STRATEGIC AIR COMMAND" with respect to Wurtsmith Air Force Base, Oscoda, Michigan, strike out "$1,053,000" and insert in place thereof "$1,628,000".

(4) Under the subheading "TACTICAL AIR COMMAND" with respect to Langley Air Force Base, Hampton, Virginia, strike out "$2,243,000" and insert in place thereof "$2,744,000".

(b) Public Law 90–110, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" in section 301 as follows:

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Goose Air Base, Canada, strike out "$90,000" and insert in place thereof "$136,000".

(c) Public Law 90–110, as amended, is amended by striking out in clause (3) of section 802 "$312,050,000", "$26,904,000", and "$398,376,000" and inserting in place thereof "$314,578,000", "$26,950,000", and "$400,950,000", respectively.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent

or temporary public works, including site preparation, appurtenances, utilities and equipment, for defense agencies for the following projects:

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Utilities, $420,000.

Manzano Base, New Mexico: Utilities, $36,000.

DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio: Supply facilities, $300,000.

Defense Depot, Mechanicsburg, Pennsylvania: Supply facilities, $318,000.

Defense Depot, Memphis, Tennessee: Supply facilities, $827,000.

Defense Depot, Ogden, Utah: Supply facilities and utilities, $477,000.

Defense General Supply Center, Richmond, Virginia: Utilities, $173,000.

Defense Industrial Plant Equipment Facility, Atchison, Kansas: Utilities, $39,000.

Defense Personnel Support Center, Philadelphia, Pennsyvania: Supply facilities, $603,000.

Defense Depot, Tracy, California: Utilities, $882,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Troop housing facilities and utilities, $4,678,000.

Vint Hill Farms Station, Virginia: Supply facilities, $1,000,000.

Classified Location: Operational facilities, $3,564,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, $1,903,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $25,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

SEC. 403. (a) Public Law 90–408 is amended in section 401 under the heading "INSIDE THE UNITED STATES" and subheading "NATIONAL SECURITY AGENCY" with respect to Fort Meade, Maryland, by striking out "$2,121,000" and inserting in place thereof "$2,609,000."

(b) Public Law 90–408 is amended in clause (4) of section 802 by striking out "$81,696,000" and inserting in place thereof "$82,184,000."

TITLE V

MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Family Housing units—

(a) The Department of the Army, twelve hundred units, $25,660,000;

Fort Huachuca, Arizona, one hundred units.

Fort Benning, Georgia, three hundred and forty units.

Fort Leavenworth, Kansas, one hundred and fifty units.

Fort Polk, Louisiana, two hundred and sixty units.

Fort Meade, Maryland, two hundred and fifty units.

Vint Hill Farms Station, Virginia, one hundred units.

(b) The Department of the Navy, one thousand nine hundred and fifty units, $48,092,000:

Naval Station, Adak, Alaska, one hundred units.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Marine Corps Base, Camp Pendleton, California, one hundred and two units.

Naval Air Station, Lemoore, California, one hundred and ninety units.

Naval Station, Key West, Florida, two hundred units.

Naval Air Test Center, Patuxent River, Maryland, two hundred units.

Naval Air Station, Quonset Point, Rhode Island, two hundred units.

Armed Forces Staff College, Norfolk, Virgina, forty-eight units.

Naval Complex, Bremerton, Washington, two hundred units.

Naval Facility, Pacific Beach, Washington, ten units.

Naval Station, Guam, two hundred units.

Naval Station, Keflavik, Iceland, one hundred units.

Naval Station, Subic Bay, Republic of the Philippines, three hundred units.

Naval Communication Station, San Miguel, Republic of the Philippines, one hundred units.

(c) The Department of the Air Force, one thousand six hundred and fifty units, $34,580,000:

Davis-Monthan Air Force Base, Arizona, three hundred units.

Luke Air Force Base, Arizona, one hundred and fifty units.

Blytheville Air Force Base, Arkansas, two hundred units.

Eglin Air Force Base, Florida, three hundred units.

McConnell Air Force Base, Kansas, one hundred units.

Nellis Air Force Base, Nevada, three hundred units.

Bergstrom Air Force Base, Texas, one hundred units.

Clark Air Base, Republic of the Philippines, two hundred units.

SEC. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $21,500 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Except as provided in section 504 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 504. Nothing contained in this Act and nothing contained in section 603 of Public Law 90–408 (82 Stat. 367, 388) shall be deemed to affect the cost limitations provided in subsection 602(d) of Public Law 90–408 (82 Stat. 367, 388) with respect to construction of family housing units at George Air Force Base, California.

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $2,101,000.

(b) for the Department of the Navy, $4,500,000.

(c) for the Department of the Air Force, $4,500,000.

(d) for the Defense Agencies, $439,000.

SEC. 506. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, thirty family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 502 of this Act: *Provided*, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of $60,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 507. Section 515 of Public Law 84–161 (69 Stat. 324, 352) as amended, is amended by striking out "1969 and 1970" in the first sentence and inserting in lieu thereof "1970 and 1971" and by inserting in the last sentence following the word "Kansas," the words "the Naval Supply Corps School, Athens, Georgia, and for personnel assigned to Army Air Defense Command Headquarters, Colorado Springs, Colorado,".

SEC. 508. Section 507 of Public Law 88-174 (77 Stat. 307, 326) as amended, is amended by striking out "1969 and 1970" and inserting in lieu thereof "1970 and 1971".

SEC. 509. Notwithstanding any other provision of law, the Secretary of Defense, or his designee, is authorized to contract for the construction of not to exceed two thousand family housing units on lands in Japan under United States control in support of military activities and forces in Japan, and not to exceed four thousand family housing units on lands in the Republic of the Philippines under United States control in support of military activities and forces in the Republic of the Philippines, and for such purpose to enter into installment payment construction contracts which shall in no event provide for payment over a period longer than fifteen years nor require payments exceeding an average of $185 per unit per month: *Provided*, That all such family housing units shall be subject to the maximum floor area limitations imposed by sections 4774, 7574,

and 9774 of title 10, United States Code, and to the average and maximum unit cost limitations imposed by subsection 502(c) of this Act.

SEC. 510. The Secretary of Defense, or his designee, is authorized to relocate four hundred and forty-four family housing units to military installations where there are housing shortages, from installations as follows: two hundred relocatable units from Kincheloe Air Force Base, Michigan, eighteen relocatable units from Sundance Air Force Station, Wyoming; and two hundred and twenty-six United States manufactured units from a classified overseas location: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

SEC. 511. (a) Section 7574 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

"(f) The maximum limitations prescribed by subsections (a), (d), and (e) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

(b) Sections 4774 and 9774 of title 10, United States Code, are amended by adding the following new subsection at the end of each:

"(h) The maximum limitations prescribed by subsections (a), (f), and (g) may be increased up to 15 per centum if the Secretary of Defense, or his designee, determines that such increase is in the best interest of the Government to permit award of a turnkey construction contract for family housing to the contractor offering the most satisfactory proposal."

SEC. 512. The third clause of section 501 (b) of Public Law 87–554 (76 Stat. 223, 237) as added by section 606 of Public Law 90–110 (81 Stat. 279, 304), is amended to read as follows: "and (3) notwithstanding any other provision of law, for the purpose of debt service, proceeds of the handling and the disposal of family housing of the Department of Defense, including related land and improvements, whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485(b)), to remain available until expended."

SEC. 513. Notwithstanding any other provision of law limiting the term of a contract, the Secretary of Defense, or his designee, may enter into contracts for periods of not more than 5 years for supplies and services required for the maintenance and operation of family housing for which funds would otherwise be available only within the fiscal year for which appropriated.

SEC. 514. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $10,000 limitation prescribed in section 610(a) of Public Law 90–110 as amended (81 Stat. 279, 305), as follows:

Redstone Arsenal, Alabama, one unit, $11,000.

United States Military Academy, West Point, New York, thirty-nine units, $513,200.

Naval Station, Adak, Alaska, twenty units, $232,000.

Marine Corps Barracks, Washington, District of Columbia, four units, $108,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, one unit, $14,100.

SEC. 515. Subsection 601(b) of Public Law 90–408 (82 Stat. 367, 387) is amended by striking out "$15,725,000" and inserting in lieu thereof "$17,000,000."

SEC. 516. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $127,733,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums, authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $563,685,000.

TITLE VI

HOMEOWNERS ASSISTANCE

SEC. 601. Section 701 of Public Law 90–110 (81 Stat. 279, 306) is amended by changing the semicolon to a period after "$27,000,000" and deleting all language thereafter.

SEC. 602. Section 1013 of Public Law 89–754 (80 Stat. 1255, 1290) is amended as follows:

(a) In the third sentence of subsection 1013(c) after the word "installation" delete the phrase "and prior to the one hundred and twentieth day after the enactment of this Act,".

(b) At the end of subsection 1013(d) delete the period, substitute a colon therefor, and add the following: *"Provided further*, That no properties in foreign countries shall be acquired under this section,."

TITLE VII

GENERAL PROVISIONS

SEC. 701. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 702. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed—

(1) for title I: Inside the United States, $131,880,000; outside the United States, $114,478,000; or a total of $246,358,000.

(2) for title II: Inside the United States, $223,022,000; outside the United States, $30,742,000; section 202, $10,810,000; or a total of $264,574,000.

(3) for title III: Inside the United States, $200,532,000; outside the United States, $31,040,000; section 302, $29,873,000; or a total of $261,445,000.

(4) for title IV: A total of $40,220,000.

(5) for title V: Military family housing, $691,418,000.

SEC. 703. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. If, in order to proceed with any project authorized in said titles, the Secretary of Defense, or his designee, determines that any of the amounts named therein must be increased by more than the applicable percentage stated above, the Secretary concerned may proceed with such project so long as the price does not exceed a total of 15 per centum above the amount authorized by Congress: *And further provided*, That he shall notify the President of the Senate and the Speaker of the House of Representatives prior to award of contract in implementation thereof. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 704. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, as its construction agent providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 705. (a) As of October 1, 1970, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90–408 (82 Stat. 367), and all such authorizations contained in Acts approved before July 22, 1968, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in these Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1970, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 805(a) of the Act of July 21, 1968 (82 Stat. 367, 390), authorizations for the following items which shall remain in effect until October 1, 1971:

(a) utilities in the amount of $1,800,000 at Fort Richardson, Alaska, that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(b) operational facilities and utilities in the amount of $846,000 for the United States Army Air Defense Command in CONUS, Various Locations that is contained in title I, section 101 of the Act of October 21, 1967 (81 Stat. 281).

(c) maintenance facilities in the amount of $528,000 for Naval Shipyard, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 285).

(d) supply facilities in the amount of $110,000 for Naval Supply Center, Norfolk, Virginia, that is contained in title II, section 201, under the heading "FIFTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 286).

(e) maintenance facilities in the amounts of $260,000 and $585,000 for Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, and Naval Ammunition Depot, Oahu, Hawaii, respectively that are contained in title II, section 201, under the heading "FOURTEENTH NAVAL DISTRICT" of the Act of October 21, 1967 (81 Stat. 287).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) notwithstanding the repeal provision of section 805(b) of the Act of July 21, 1968 (82 Stat. 367, 391), authorizations for two hundred family housing units at George Air Force Base, California, and for two hundred and fifty family housing units at Mountain Home Air Force Base, Idaho, that are contained in the Act of July 21, 1968 (82 Stat. 367, 387); and

(3) authorizations to accomplish alterations, additions, expansions or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 706. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $36 per square foot for cold storage warehousing;

(2) $9 per square foot for regular warehousing;

(3) $2,750 per man for permanent barracks;

(4) $10,000 per man for bachelor officer quarters;

unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 707. Section 607(b) of Public Law 89-188, as amended, is amended by deleting the words "December 31, 1970" wherever they appear and inserting in lieu thereof "December 31, 1975".

SEC. 708. Title 18, section 1507, United States Code, is amended as follows: After the words "administration of Justice" appearing in line 2 insert "or the conduct of military and defense affairs,"; after the words "court officer" appearing in line 3 insert "or military or civilian employees of the Defense Department,"; after the words "court officer" appearing in line 6 insert "or in the Pentagon building or on federally owned property appurtenant thereto,"; at the end of the last sentence insert "Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.".

SEC. 709. The President is authorized to establish and conduct an International Aeronautical Exposition (hereafter in this Act referred to as the "exposition"), with appropriate emphasis on military aviation, at a location of his choice within the United States. The exposition shall be held at such time, but not later than 1971, as the President may deem appropriate.

For the purpose of conducting the exposition, the President is authorized—

(1) to appoint and fix the compensation of such officers and employees as he may deem appropriate, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

(2) to obtain temporary or intermittent services as authorized by section 3109(b) of title 5, United States Code, at rates not to exceed $100 per diem in the case of any individual;

(3) to charge and collect admission, exhibition, and other fees;

(4) to accept donations of money, property, or personal services;

(5) to request the head of any department or agency to detail personnel to assist in the conduct of the exposition, and the head of each such department or agency is authorized to detail personnel for such purpose, with or without reimbursement;

(6) to acquire (by purchase, lease, or otherwise), construct, maintain, and improve real and personal property and interests therein;

(7) to enter and perform, with any person or body politic, contracts, leases, cooperative agreements, or other transactions on such terms as he may deem appropriate, without regard to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(8) to establish and prescribe the functions of such advisory committees as he may deem appropriate; and

(9) subject to such supervision and review as he may prescribe, to delegate to the Secretary of Defense, the Secretary of Commerce, or to such other person he may select any of his authority under this Act.

No officer or employee appointed to a position under this Act shall receive compensation at a rate in excess of the maximum rate payable under the General Schedule of chapter 53 of title 5, United States Code, as amended, nor shall any such officer or employee receive compensation at a rate in excess of the rate payable under the General Schedule to an officer or employee in a position of the same level of difficulty and responsibility.

Individuals appointed under this Act to positions in recognized trades or crafts, or in unskilled, semiskilled, or skilled manual labor occupations, shall receive compensation in accordance with prevailing wage board rates at the location selected by the President.

Any property acquired under this Act and remaining upon the termination of the exposition shall become the property of the Department of Defense or such other Federal department or agency as the President may direct.

The net revenues derived from the exposition, after payment of the expenses of the exposition, shall be deposited in the Treasury of the Unted States as miscellaneous receipts.

To the extent that appropriations made to any Government department or agency are available for such purpose, such department or agency is authorized to participate in the exposition, as an exhibitor or otherwise.

There are authorized to be appropriated such sums, not to exceed $750,000, as may be necessary to carry out the provisions of this Act. Sums appropriated under this section shall remain available until expended.

SEC. 710. Titles I, II, III, IV, V, VI, and VII of this Act may be cited as the "Military Construction Authorization Act, 1970."

TITLE VIII

RESERVE FORCES FACILITIES

SEC. 801. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For Department of the Army:

(a) Army National Guard of the United States, $13,200,000.

(b) Army Reserve, $6,000,000.

(2) For Department of the Navy: Naval and Marine Corps Reserves, $8,500,000.

(3) For Department of the Air Force:

(a) Air National Guard of the United States, $11,500,000;

(b) Air Force Reserve, $4,000,000.

SEC. 802. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 803. The Secretary of Defense, or his designee, is authorized to convey to the city of Grand Prairie, Texas, under such terms as he deems appropriate, the one hundred and ten acres, more or less, together with the improvements thereon, in the city of Grand Prairie, Texas, which is presently licensed to the State of Texas, for the use of the Army National Guard, subject to the condition that said city provide alternate facilities for the Army National Guard in accordance with Department of Defense criteria, title to which alternate facilities shall vest in the State of Texas: *Provided*, That such alternate facilities be constructed without additional cost to the Federal Government: *And provided further*, That should the fair market value of the said one hundred and ten acres be in excess of the actual cost of design and construction of such alternate facilities to said city, exclusive of any contribution made by the State of Texas, the city shall pay to the

Federal Government an amount equal to such excess.

SEC. 804. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1970."

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

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

There was no objection.

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

The CHAIRMAN. The Chair will count.

Eighty-one Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 141]

Baring	Fulton, Tenn.	Mailliard
Belcher	Griffiths	Nix
Boland	Gubser	Ottinger
Brasco	Hagan	Patman
Carey	Halpern	Powell
Celler	Hanna	Quie
Clark	Hansen, Wash.	Reifel
Culver	Holifield	Rosenthal
Cunningham	Horton	Rostenkowski
Daddario	Hull	Saylor
Diggs	Jarman	Scheuer
Edwards, Calif.	Joelson	Taft
Fascell	Kirwan	Teague, Tex.
Flowers	Kuykendall	Wright
Fraser	Lipscomb	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, 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. 13018, and finding itself without a quorum, he had directed the roll to be called, when 387 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

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

Mr. Chairman, during the last Congress, the House passed a bill which would authorize an International Air Show to be held in the United States. That is a matter of importance, many of us think, because of the tremendous progress that has been made in aviation and in aerospace in this country. That bill did not receive the approval of the other body, and the matter died.

I am pleased to note that in the bill now before the House the committee has included authorizing language for an International Aeronautical Exposition to be held in the United States not later than 1971. I think this is an important proviso and I am delighted to see that it is in the bill. American aviation and aerospace deserve this opportunity to show what it has done and can do.

I am certain the world leaders in this field want to see firsthand the exciting progress our country has made in space—a desire which is shared by our own people. An airshow would make all of this possible and it would enable all of us to obtain a better picture of progress by other nations of the world in these fields.

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

Mr. SIKES. I am glad to yield to the distinguished chairman of the committee.

Mr. RIVERS. In my enthusiasm to explain other sections of the bill, I inadvertently neglected to explain the section of the bill which would authorize an International Aeronautical Exposition. Among other things, I guess I would have to assign my haste to complete debate. As the gentleman from Florida explained, the bill passed the House last year. By unanimous vote, our committee reported out authorizing legislation for such an international exposition to compete with similar expositions in Great Britain and France, in order to show our inventories in our space industry and related industries to the world. So this year we made the establishment and the conduct of an International Aeronautical Exposition a part of this bill.

All the provision would do would be to permit the President to set up the machinery to conduct an International Aeronautical Exposition. No place is named in the bill at which it would have to be held. It could be held anywhere in the United States. The exposition would show to the world what this country produces. Some time ago I attended the Paris Air Show. Each one of the exhibiting contractors or manufacturers in the aerospace industry, missiles, or whatever it was, had to put up over $150,000, and there were hundreds of them at the exposition in France. Why should not America, with the great strain on its gold and balance-of-trade problems, have its own show and let the rest of the world come here and see what our industry can furnish by way of military and civilian aeronautical equipment? Most of them are civilian.

I would refer to the giant transport that Lockheed is building. What about the 747? The 747 is made in Bremerton, Wash. It flew into Paris with three automatic pilots made by the Litton Co., and it stole the show. Why cannot we do that in America? Why should we not exhibit in this country the great inventories coming off our lines, and all the attendant auxiliary equipment that goes along with the handling of aircraft?

That is the reason we have included the provision in the bill. I think we should find a way to establish such an exposition here, rather than our going over there every 2 or 3 years. That is why we have included that language. That is the reason. I forgot to explain it to the committee, and I thank the chairman for calling it to my attention.

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

Mr. SIKES. I yield to the distinguished gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I wanted to ask a question. I am very much in favor of establishing an International Aeronautical Exposition, as mentioned on page 63 of the bill. I have addressed the House previously on this subject. I know that we ought to be taking this action, but as the chairman said, this would be a matter that would be turned over to the military, if I understood him.

I would like the gentleman to comment on that further in that respect and as to what committee—and I must say I am concerned as a member of the Interstate and Foreign Commerce Committee. We—our committee—would want to coordinate on this matter. I assume this air show would not just be a military show, but would be an aviation show, and for that reason, I think it ought to be coordinated with or through the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. PICKLE, and by unanimous consent, Mr. SIKES was allowed to proceed for 3 additional minutes.)

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

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

Mr. RIVERS. Mr. Chairman, this proposal we have will not be solely a military event. It will not be a military thing at all. The President sets up this committee. I was talking about things which our military has assisted in making possible, such as the building of the B–52, which led into the 707, and the 135, and our other military creations, which went then to a civilian manifest. This will not be a military show.

Mr. SIKES. Mr. Chairman, before I yield further, let me call attention to the greatest single potential which I think this language offers: the exciting possibility that the air show can be held in Florida—something which I recommend very strongly.

AMENDMENT OFFERED BY MR. LEGGETT

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

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: On page 63, strike lines 1 through 11 inclusive and renumber the succeeding sections in title VII accordingly.

Mr. LEGGETT. Mr. Chairman, I think we have before us a very good bill. It was submitted, as I indicated earlier, in the magnitude of approximately $1.9 billion. Those Members of the House who favor economy in military affairs certainly must appreciate the fine work of this committee in striking $350 million from the bill. So the bill as now before us is at about $1.5 billion. Of that amount, I think $500 or $600 million is for the rather benign subject of housing for our military, which we very sorely need.

Mr. Chairman, I am going to vote for the bill whether or not my amendment is adopted. I voted for the bill in committee. I have obviously got a provincial interest in that I have considerable military establishments in my own congressional district that benefit rather handsomely from the consideration of the committee, and I want to thank the committee for that, very much.

This amendment, however, was added to this bill in the last few minutes that the bill was heard in our full committee. Those who want the amendment explained—I refer those people to page 52, to the additional views in the report, and Members can there pretty well see what this amendment does.

We are seeking to strike section 708 on page 63 of the committee bill.

Members might wonder why the Armed Services Committee, a great committee interested in military affairs, is involving itself with title 18 of the United States Code respecting criminal penalties, and particularly amending a section designed to protect our judicial process, judges, and juries, and the fair decision which is also guaranteed in our Constitution.

For the life of me I cannot understand that. It has never been satisfactorily explained to me. When a subject like this is taken up by a committee, totally extraneous to the usual expertise of that committee, it should be that a point of order should lie as to the amendment. Unfortunately, when a committee introduces a clean bill, all doubts are resolved in favor of the committee, so at this point a point of order will not lie as to this amendment.

Neither will a point of order lie with respect to the unconstitutionality of the amendment. So we must then attack the matter by means of striking the section.

I would like to say this. My amendment is exclusively on the basis that the attempting committee amendment—in this section 708 is unconstitutional. I do not like to see massive demonstrations near the Pentagon or near the White House, but I would say this.

I would say this: the way to solve that problem, if the President is insecure, is to appropriate Lafayette Park, to close off Pennsylvania Avenue, to do what General de Gaulle has done over in Paris, install policemen every 15 or 20 yards. I do not really think this is such a bad solution.

But the district court of the District of Columbia has said that Secretary Hickel cannot promulgate a regulation which says, as they tried to do here a few months ago, we cannot have pickets in numbers more than 500 parading in front of the White House. Currently walking and driving in front of the White House is a public activity. One cannot give the authority to a police officer to say, "You public can go in, but you public have to stay out."

This is more or less what they tried to do in that particular case. The District of Columbia said that was unconstitutional.

There are lots of ways one can protect the President. There are lots of ways one can protect the Secretary of Defense.

I say, if the Pentagon is in danger—and sometimes I think it might be—they can construct a fence around it. They can require that people have badges to go into the Pentagon, like they do at the shipyards in the chairman's district and in my district. They can do all kinds of things in a legal way to protect security, but they have to do it in a constitutional way.

The CHAIRMAN. The time of the gentleman from California has expired.

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

Mr. LEGGETT. I believe there is a threat to national security when any member of the public can drive up to the main gate of the Pentagon, can go in the front door, can climb the escalator or the stairs to the second floor, and can walk into the anteroom of the Secretary of Defense with a satchel in his pocket or in his hand.

But we cannot solve that particular problem through the use of a statute such as we are here trying to consider.

I should like to get to the phraseology of section 708. To begin with, for those who have our additional views, down about midway in the second paragraph on page 52 there is a misstatement of what the committee has attempted to do. The italicized portion should read: "in the Pentagon Building or on Federally owned property appurtenant thereto."

What the committee has done is to take a statute, title 18, section 1507, United States Code, and make changes. This reads:

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice—

And then they have added—

or the conduct of military and defense affairs—

And the language continues—

or with the intent of influencing any judge, juror, witness, or court officer—

This has all been declared to be constitutional. They add—

or military or civilian employees of the Defense Department—

Of course, that immediately expands the section from referring to 12 jurors, one judge, and perhaps a half dozen court personnel to 100,000 employees of the Pentagon who are making a million decisions a day over there.

It further says—

in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer—

And there is added—

or in the Pentagon building or on Federally owned property appurtenant thereto—

Which includes the parkway, Shirley Highway, the drugstore inside the Pentagon, the haberdashery inside the Pentagon, and all these areas where the public naturally traverses. They are all included in this amendment that we make in our committee.

I yield to the chairman of the committee.

Mr. RIVERS. The gentleman is so far off base I will not interrupt him.

Mr. LEGGETT. Very good. I would welcome any specific debate. I have yet to see a brief and I have yet to see one law or a decision cited by anybody in this House, or the Library of Congress, or the Department of Defense, that would substantiate the legality of this proposed amendment.

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

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

Mr. BURTON of California. Mr. Chairman, I would like to commend my colleague from California for raising this very important issue. This provision fails to meet the test of constitutionality, as clearly spelled out in the additional views in the committee report. In addition to running afoul of the first amendment the lack of specificity as to time, place, duration, and manner violates the due process clause. I believe this amendment is, therefore, unconstitutional. I regret, if this amendment stays in, that I will not be able to support this legislation, although I had hoped that I would be able to, particularly if the chairman's motion to delete the Safeguard funds is successful.

Mr. LEGGETT. I thank the gentleman from California for his remarks.

I still think that this is a good bill. However, I believe that this section should be removed. You can see the sense in enacting a law saying that a judge and a jury who are operating in a framework where they are making decisions under the rules of evidence, where you exclude outside, extrinsic, prejudicial testimony and newspaper accounts, and so forth, you can see the sense of such a law. You can see that this is good law. Cox against the State of Louisiana is the Supreme Court case which substantiates the insulation of judge and jury, because under the Constitution a judge and a jury are a part of a fair trial and the Constitution guarantees a fair trial. However, there is no reason to extend this very, very extensive protection to every single person employed by the Pentagon. The district court said that you cannot do that. In a more limited sense——

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

(Mr. LEGGETT asked and was given permission to proceed for 2 additional minutes.)

Mr. LEGGETT. The Supreme Court said that you cannot limit picketing to protect the President in a narrower bill. Therefore, certainly you cannot do it with this broader gaged meat ax approach.

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

Mr. LEGGETT. I yield to the chairman of the committee.

Mr. RIVERS. The Court did not say any such thing in the picketing down here at the White House. The district court did not, anyway. It did not say any such thing. And there is about as much comparison as there is between a lightning bug and a billy goat.

Mr. LEGGETT. Mr. Chairman, I will not yield any more. I have just 1 minute.

However, I understand the gentleman from South Carolina's position. I believe that the rule of Marbary against Madison, decided in something like 1805 or 1810, would cover this. I know a lot of people have questioned the wisdom of that decision, but it is still law in the United States today. It says that the Supreme Court has the power to declare Federal laws by this great, august body, enacted under article I, section 8, unconstitutional if they are in fact contrary to other provisions in that great document. That is still the law today. I do not think it is good business for this House, where we are all here under a solemn obligation to support the Constitution, to say to the contrary, particularly when a bill comes up like this bringing up the issue of

whether picketing is free speech. There are some Members of the House who do not believe it is free speech. They do not agree with the Supreme Court decisions. Let me say that it is free speech and it has been free speech for 30 years and we just have to accept that. If it is done in areas where the public goes, then they are entitled to the freedom which is guaranteed under the first amendment to the Constitution. There are ways in which you can attack the problem that the Pentagon has, but Stanley Resor, the Secretary of the Army, says that he does not need this amendment and does not feel that it is insecure, and he asked that the amendment not be enacted, he did not need it.

I include pages 52 to 55 of the committee report at this point in the RECORD:

ADDITIONAL VIEWS

We support the Military Construction Bill of 1969 including the overall reductions made by the Committee. We do not believe that the amendment offered to Title 18, a Criminal Justice Title, is good legislation or is properly included in this Construction Bill. The section objected to is an amendment to Title 18, Section 1507 USC which would make blanket restrictions on any demonstration in or near the Pentagon or Federal highways appurtenant thereto. This amendment is ill-advised as a matter of policy and unconstitutional as a matter of law.

The section as amended reads as follows:

"Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice *or the conduct of military and defense affairs,* or with the intent of influencing any judge, juror, witness, or court officer, or *military or civilian employee of the Defense Department,* in the discharge of his duty, pickets or parades in or near a building or residence occupied or used by such judge, juror, witness, or court officer, *or in the Pentagon building or on Federally owned property,* or with such intent uses any soundtruck or similar device or resorts to any other demonstration in or near any such building or residence shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"Nothing in this section shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt. *Nothing in this section shall interfere with or prevent the exercise of all other, available, civil and criminal remedies.*"

The intent of the drafters is clear. They intend to extend the Constitutional restrictions designed to protect judicial officers and jurors from influence and intimidation in resolving a courtroom legal dispute to employees of an administrative branch of Government as they attempt to address themselves to the multi-million facets of our defense system. Title 18, Section 1507, as it now stands, severely limits the right of demonstration with the intent to influence the judicial branch of Government. This section has been upheld by the courts as a restriction on free speech necessary to insure the fair administration of justice and as a protection to the defendant during trial.

In the case of *Cox v. Louisiana,* 379 US 536 (1965), the Supreme Court upheld a statute which prohibited groups from attempting to influence judges by demonstrating near a courthouse. More recently in *Adderly v. Florida,* 385 US 39 (1966), the Court upheld trespass convictions of demonstrators who gathered on the driveway and grounds of a jailhouse to protest the earlier arrest and confinement of some fellow-demonstrator. The decision was predicated on the ground that a demonstration near a jail, like one near a courthouse, may threaten the integrity of the judicial process.

These cases clearly indicate that the State and Federal statutes designed to restrict the extraneous expression of public sentiment near the courthouse are valid and such expressions of sentiment cannot be tolerated. This total restriction is limited to the protection of judicial officers and jurors however when the whole purpose of a trial with restrictive evidentiary rules would be confounded by extraneous demonstrations. The expedient device of bringing the military and civilian employees of the Department of Defense under the wing of this restrictive protection will not stand the test of Constitutionality.

The very recent case of *Gregory* v. *City of Chicago,* decided by the Supreme Court on March 10, 1969, contains an excellent exposition of the Constitutional boundaries and balances that must be struck between public order and freedom of speech. Since this is the latest pronouncement of the subject, it is a good guide for our deliberations. While the decision refers to a municipal ordinance, it is applicable by analogy to a Federal statute.

On Page 5, Justice Black concurring stated:

"It is because of this truth, and a desire both to promote order and to safeguard First Amendment freedoms, that this Court has repeatedly warned States and governmental units that they cannot regulate conduct connected with these freedoms through use of sweeping, dragnet statutes that may, because of vagueness, jeopardize these freedoms. In those cases, however, we have been careful to point out that the Constitution does not bar enactment of laws regulating conduct, even though connected with speech, press, assembly, and petition, if such laws specifically bar only the conduct deemed obnoxious and are carefully and narrowly aimed at that forbidden conduct. The dilemma revealed by this record is a crying example of a need for some such narrowly drawn law."

In the *Cox* case, cited above, the court went into the question of conduct and set down the rule that a demonstration may be regulated on a basis of reasonable restrictions as to time, place, duration and manner. 379 US 536 at 558. These are factual distinctions that must be made on the spot of the demonstration or at least set out in some detail in the applicable statute.

Justice Black went on to state:

"The disorderly conduct ordinance under which these petitioners were charged and convicted is not, however, a narrowly drawn law, particularly designed to regulate certain kinds of conduct such as marching or picketing or demonstrating along the streets or highways. Nor does it regulate the times or places or manner of carrying on such activities. To the contrary, it might better be described as a *meat ax ordinance,* gathering in one comprehensive definition of an offense a number of words which have a multiplicity of meanings, some of which would cover activity specifically protected by the First Amendment. The average person charged with its violation is necessarily left uncertain as to what conduct and attitudes of mind would be enough to convict under it. Who, for example, could possibly foresee what kind of noise or protected speech would be held to be 'improper'? That, of course, would depend on sensibilities, nerves, tensions, and on countless other things."

We are here too dealing with a meat ax bill. Justice Black's words are quite applicable to the proposed amendment before us which in broad fashion outlaws any picket, parade or demonstration in the Pentagon building or on Federally owned property appurtenant thereto which is intended to influence civilian or military employees. This amendment categorically lays out modes of expression without specific reference and directions as to the time duration or manner of the *conduct* of such picketing, parade or demonstration. *Cox* and *Gregory,* as well as older cases such as *Thornhill v. Alabama,* 310 US 88 (1940) and *Edwards v. South Carolina,* 372 US 229 (1963), clearly mandate that a statute or ordinance must be specific in its directions as to the prohibited act. The key word is *conduct,* and nowhere does the proposed amendment define the prohibited conduct. As the *Gregory* decision says "the average person charged with its violation is necessarily left uncertain as to what conduct and attitudes of mind would be enough to convict under it."

A second problem is the inclusion of property appurtenant to the Pentagon within the area of restriction. The highways adjacent to the Pentagon are Federally owned and, therefore, within the boundaries of the statute. Therefore, a citizen traveling on the highway with a bumper sticker reading "ABM is an Edsel" might possibly be in violation of such a law. Undoubtedly the drafters of this amendment do not contemplate prosecution of the passing motorist, but the fact that the wording of the statute would indicate such a possibility further indicates the unconstitutionally vague nature of the restrictions.

In the Gregory case the City of Chicago argued that the ordinance under attack had been sufficiently narrowed by an interpretation of the Illinois Supreme Court as to confer the necessary validity.

The Supreme Court said, however:

"The City of Chicago, recognizing the serious First Amendment problems raised by the disorderly conduct ordinance as it is written, argues that these convictions should nevertheless be affirmed in light of the narrowing construction placed on the ordinance by the Illinois Supreme Court in this case. That court held that the ordinance, 'does not authorize the police to stop a peaceful demonstration merely because a hostile crowd may not agree with the views of the demonstrators. It is only where there is an imminent threat of violence, the police have made all reasonable efforts to protect the demonstrators, the police have requested that the demonstration be stopped and explained the request, if there be time, and there is a refusal of the police request, that an arrest for an otherwise lawful demonstration may be made.'

"This interpretation of the ordinance is, of course, binding on this Court, and the construction of the Illinois Supreme Court is as authoritative as if this limitation were written into the ordinance itself. But this cannot be the end of our problem. The infringement on First Amendment rights will not be cured if the narrowing construction is so unforeseeable that men of common intelligence could not have realized the law's limited scope at the only relevant time, when their acts were committed, cf. *Lansetta* v. *New Jersey,* 306 U.S. 451, 456–457 (1939), or if the law remains excessively sweeping even as narrowed."

Thus, the statute itself must be clear on its face to the average person contemplating such actions.

The amendment before us, we submit, is not clear on its face to the average citizen.

All of this is not to say that we either condone violent demonstrations such as the one which took place at the Pentagon a few years ago, nor do we feel that regulation is totally unnecessary. If regulations are deemed necessary to control demonstrations they must be closely drafted within the parameters set out by the courts.

The acceptable limits within which the Government may restrict demonstrations are not crystal clear. As Justice Black stated in *Gregory* v. *Chicago,* "It is not our duty and indeed not within our power to set out and define with precision just what statutes can be lawfully enacted to deal with situations like the one confronted here by police and protesters . . ."

We do, however, have general guidelines. First, the restrictive statute must *meet the*

test of specificity as to time, place, duration and manner.

The amendment before us does not contain this specificity. It is a blanket denial of the right of assembly on public property and contra to the line of cases cited in these views. Second, the restrictions must meet the requirements as stated by the Federal District Court for the District of Columbia in *Hickel* v. *A Quaker Action Group*, USDC–DC September term 1968 CA 688–69. In this case, the group challenged regulations set by the Department of the Interior to control demonstrations near the White House and in Lafayette Park. The regulations limited the number of demonstrators in front of the White House to 100 and the number in the park to 500. Note that in this instance demonstrators were permitted, but within definite limitations as to number and place—a qualification of more specificity than the one before us. Yet, the court struck down the regulation because "No Governmental restriction on such conduct (demonstrations, pickets and parades) is permitted unless the restriction satisfies *each* of three requirements, that the restriction 'furthers an important or substantial Governmental interest,' that the 'Governmental interest is unrelated to the suppression of free expression' and that the restriction is 'no greater than is essential to the furtherance of that interest'."

Of course, the rationale behind these decisions is clear—free speech and First Amendment liberties cannot be abrogated unless the exercise thereof would present a clear and present danger to the United States. (See Thorhill Supra.)

We submit that the restrictions imposed in the instant amendment do not meet these requirements. It cannot be argued that total insulation of 100,000 military and civilian employees of the Department of Defense from dissenting views on the grounds of the Pentagon is in furtherance of an important or substantial Governmental interest.

Even if we view the "Governmental interest" as the security of the Pentagon grounds, we must look at the *Hickel* case wherein the court struck down regulations pertaining to demonstrations at the White House—which is certainly as much concerned with physical security as is the Pentagon. We say if they want and need more security on the Pentagon grounds, they should install a fence with guards, not enact unconstitutional limitations.

It cannot be argued that the blanket restriction on all action is no greater than is essential to the furtherance of the legitimate Governmental interest. The term "no greater" necessarily implies permissible behavior up to but not beyond a specified limit. The amendment before us prohibits all such behavior.

In conclusion, we feel that this amendment, if enacted, will be clearly beyond the permissible range of Constitutionally allowable restrictions as it does not meet nor even approach the guidelines set down by the courts.

OTIS G. PIKE,
LUCIEN N. NEDZI,
ROBERT L. LEGGETT,
CHARLES W. WHALEN, Jr.

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

Mr. Chairman, I rise in support of the military construction bill and in opposition to the amendment which has been proposed by my colleague, the gentleman from California (Mr. LEGGETT).

Mr. Chairman, we live in unusual times. Upon occasion I feel that we are losing our sense of perspective, particularly in regard to our purpose in legislating. I believe that the mission of our courts is to preserve the law in this land and to protect those who wish to do right. However, lately, I have not been sure this objective was kept in mind.

Likewise, I feel that in this country people who have important missions, people who have serious tasks to perform, difficult tasks, upon which rest the security of our Nation, should be permitted to perform those tasks in an atmosphere free of fear and violence.

Mr. Chairman, our committee has endeavored to deal with a serious problem, one that is more than academic. It has been made very urgent by incidents that have occurred. It is our desire to do something about this danger and to do it in a sensible, calm, and objective manner, in a constitutional way. The section that we propose in this bill is, in my opinion, constitutional.

The Supreme Court in Cox against Louisiana held that this language was precise, narrowly drawn, and directed against specific behavior. Thus, it met the constitutional test and was valid on its face. The opponents of this section are in error. They attack section 708 by saying that it is unconstitutional and in support of their position they cite cases which hold that language which is too broad, which imposes a prior restraint upon individual expression cannot stand the test of the first amendment. I want to call to the attention of this body the fact that section 708 does not change in any way the substantive language of 18 U.S.C. 1507.

Mr. Justice Clark indicated in his opinion in Cox against Louisiana that members of the Supreme Court had written this picketing statute. This statute was drafted in 1950 in response to the demonstrations that attended the Communist trials, and I am certain that many of you will recall the events which transpired at that time. Thus, in 1950 the Court chose the words which are in the present picketing statute. They chose these precise words because they, as the final authority on the meaning of the Constitution, determined that this language, the present language, met the constitutional tests imposed by the first amendment. I must reiterate, we have not changed this language nor has the Supreme Court changed its view of the validity of this language. All that section 708 does is to extend this picketing provision to the area occupied by the Pentagon building and federally owned property appurtenant thereto.

The opponents of this bill have charged that the language would prevent peaceful transit over Federal highways near the Pentagon. This is not correct. No statute could prevent peaceful conduct or peaceful expression. Expression and conduct can be constitutionally prohibited only when they cease to be peacefully in furtherance of the legitimate right to communicate views, and begin to threaten the administration of justice or the conduct of military affairs or to intimidate those attempting to perform their duties in these areas. This picketing provision, as amended by section 708, would proscribe activity only when the intent of a picket, parade, or other demonstration is to exceed the legitimate interests of citizens, and to interfere with the conduct of military business or to impede military employees from discharging their duties.

It is clear that this demonstration provision is constitutionally valid; that our amendment to this provision does not affect its constitutionality; that this section now, and as amended by section 708, serves the two most important interests of society, the administration of justice and the preservation of our national security.

Were either of these interests to be compromised, our Nation would be imperiled.

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

Mr. Chairman, I believe that the three key words of section 708 are "intent of influencing." Title XVIII, section 1507, as presently written, makes it illegal for an individual to intend to influence judges, jurors, witnesses, and other court officials. I think that all of us here today would agree with this principle. We all concur, I am sure, with the concept that there should be no undue influence used in the deciding of our court cases.

What does section 708 do in this bill? It incorporates in a statute dealing with the judiciary reference to a Department of the executive branch. So section 1507, as proposed, would deal with both the judiciary and with the executive branches of the Government. So what it does now is to say in effect that it shall be illegal to attempt or to intend to influence Department of Defense personnel.

I object specifically to this section on two grounds. First, I think that it sets a dangerous precedent. It opens the door to inclusion of other Departments of the executive branch of the Government—the Department of Labor, the Department of Health, Education, and Welfare, and so forth. Also it certainly opens the door for the inclusion of the President, himself, as well as the Members of Congress.

Second, and more important, is the fact that intent to influence is certainly the essence of democracy itself. Every day there are individuals attempting to influence someone in the various departments of the Government. We seek to influence the President himself, and I am certain that all of us as Members of this House daily receive literally hundreds of letters attempting to influence us in the manner in which we vote.

This is why I say that attempting to influence is the very essence of democracy. Certainly petitioning, through picketing, expresses the desire to influence. Otherwise there would be no purpose in picketing.

This bill, therefore, as it is presently written, would preclude picketing, and thus take away the right to petition, which is the right of every American citizen. Obviously this violates the first amendment. Thus, in my opinion section 708 is unconstitutional. I therefore urge the support of the amendment offered by the gentleman from California (Mr. LEGGETT) to eliminate section 708.

(Mr. POFF asked and was given per-

mission to extend his remarks at this point in the RECORD.)

Mr. POFF. Mr. Chairman, in proposing to prohibit picketing of the Pentagon or on the grounds of the Pentagon, we are seeking to protect the Government's vital defense activities from unwarranted interference. The proposal reaches specific conduct and does not interfere with constitutional rights of free speech.

First, the statute is not vague. It would forbid picketing or parading in the Pentagon building or on adjoining Federal property. Further, the conduct would be prohibited only if it is with intent to obstruct or impede "the conduct of military and defense affairs" or to influence "military or civilian employees of the Defense Department." This intent test is specific and, unlike more general "breach of the peace" or "disorderly conduct" type statutes, which the Supreme Court has in the past voided for vagueness, this proposal gives clear notice of the prohibited conduct. In *Adderley* v. *Florida*, 385 U.S. 39, 42 (1967), Mr. Justice Black, writing for a majority of the Supreme Court, stated that a test of specific intent saves a statute from "being so broad and all-embracing as to jeopardize speech, press, assembly, and petition." The requirement of intent, the opinion stated, "narrows the scope of the offense. There is no lack of notice in this law, nothing to entrap or fool the unwary."

Second, the Government is under no lawful obligation to maintain the site of the Pentagon as a place for holding public demonstrations intended to adversely affect its work. Employees at the Pentagon are not charged with the making of political policy. Picketing on the grounds of the Pentagon, with the proscribed intent, on the site where already determined Government policies are carried out, does not constitute political debate; it only constitutes an interference with governmental operations. We may properly protect military personnel, as we protect judicial personnel, in the performance of their work.

So, again quoting the Adderley opinion, the Supreme Court has "vigorously and forthrightly rejected" any argument which assumes "that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. The U.S. Constitution does not forbid a State to control the use of its own property for its own lawful nondiscriminatory purpose." The Supreme Court, in *Cox* v. *Louisiana*, 379 U.S. 536, 554–5 (1965), has also stated the "clear principle" that:

> The rights of free speech and assembly, while fundamental in our democratic society, still do not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. The constitutional guarantee of liberty implies the existence of an organized society maintaining public order, without which liberty itself would be lost in the excesses of anarchy. . . . We emphatically reject the notion that the First and Fourteenth Amendments afford the same kind of freedom to those who would communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech.

Nor are these clearly enunciated principles of constitutional freedom within an orderly society limited alone to protection of judicial areas from unwarranted picketing, which was the issue in Cox. The Adderley case upheld convictions for picketing a jail. Recently, in *Amalgamated Food Employees Union Local 590* v. *Logan Valley Plaza, Inc.*, 391 U.S. 308, 315 (1968), upholding the right of union members to picket a business in a public shopping center, the Supreme Court, in an opinion by Mr. Justice Marshall, noted that location of the picketing was the vital issue. He said:

> Streets, sidewalks, parks, and other similar public places are so historically associated with the exercise of First Amendment rights that access to them for the purpose of exercising such rights cannot constitutionally be denied broadly and absolutely . . . [But] we do not hold that respondents, and at their behest the state, are without power to make reasonable regulations governing the exercise of First Amendment rights on their property. Certainly their rights to make such regulations are at the very least co-extensive with the powers possessed by states and municipalities, and recognized in many opinions of this court, to control the use of public property. Thus where property is not ordinarily open to the public, this court has held that access to it for the purpose of exercising First Amendment rights may be dented altogether. . . . Even where municipal or state property is open to the public generally, the exercise of First Amendment rights may be regulated so as to prevent interference with the use to which the property is ordinarily put by the state.

Mr. Justice Black, dissenting in that case even on the right to picket in privately owned areas open to the public, noted, most aptly, that—

> Picketing that is patrolling, is not free speech and not protected as such. (391 US. at p. 333.)

The Supreme Court, then, has continuously reiterated that the right of persons to use the public streets, plazas, and parks to picket or parade in an expression of their views merits some degree of constitutional protection, but this is different when applied to other property sites on which work is conducted. The area around courthouses may be kept free from demonstrations. So may the area around jails. No one questions the need to limit access to Atomic Energy Commission sites (42 U.S.C. 2278a) and to sites of fortifications, harbor defenses, or defensive sea areas (18 U.S.C. 2152). The nerve center of our defensive activities, the Pentagon, may as well properly be kept free from any necessity to host demonstrations which are intended to impede the ability to perform its work.

Mr. NEDZI. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I want to first of all commend the gentleman from Ohio for a very clear and concise statement of what the issue in regard to this amendment really is, and what the proposal of the Committee on Armed Services is, which is for the House to vote for a provision which almost certainly is unconstitutional.

I am just requesting at this time that my colleagues not yield to political or emotional temptation. I concede that I share an almost emotional reaction, in fact, it is an emotional reaction, against disorder and against some of these forms of protest which border on the obscene, and the exhibitionist. Certainly we all prefer moderation, order, and tranquillity in our personal relationships and in society.

Therefore, it is a temptation to slap at disrupters of the public peace.

It is also probably politically popular in these troubled times to choose what seems to be the toughest option.

This amendment may satisfy our emotional instincts. It may satisfy public opinion in our districts, but it does not satisfy constitutional requirements, and it will be almost inevitably struck down when tested.

I think it is significant that this amendment was introduced in the Committee on Armed Services without advance notice. There were no extended discussions on the subject. There were no hearings and there were none of the customary reports requested from the appropriate agencies. While all of us recognize that this is not unprecedented, I think it is revealing.

This amendment would place the Department of Defense in the same category as the courts in limiting the right of demonstration. That is really the nub of the problem.

The language of the amendment, as has been stated, does not meet the test of specificity as to time, place, duration, and manner. It would go beyond the acceptable limits within which the Government may restrict demonstrations.

While a specific limited denial of the right of assembly on certain public property can be justified legally, this kind of blanket denial is certainly unlawful. In fact, the provision is so broad that patriotic assemblies of veterans like the DAR, the Blue Star Mothers, and the Gold Star Mothers or anyone else seeking to express support for our Government would be subject to possible prosecution for influencing the military or civilian employees of the Department of Defense.

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

Mr. NEDZI. I yield to the gentleman.

Mr. RIVERS. The gentleman knows this amendment is copied verbatim from a statute that the Supreme Court ruled on and wrote.

Mr. NEDZI. I understand that.

Mr. RIVERS. Just wait a second. It says "with the intent to disrupt."

Mr. NEDZI. No, it does not say that.

Mr. RIVERS. I guess I can read the law. I have the law right here.

Mr. NEDZI. Mr. Chairman, that is not all of the language. It also says "with intent to influence" and that is the point.

Mr. RIVERS. Or to threaten or to intimidate.

Mr. NEDZI. It says "with the intent to influence."

Mr. RIVERS. If the gentleman will yield further, it says "pickets or parades

in or near any such building or residence occupied or used by such judge, juror, witness or with such intent uses any sound truck or similar device or resorts to any other demonstration in or near such building or residence shall be fined not more than $5,000."

It is the intent, as the gentleman knows.

Mr. NEDZI. It is the restraint on the intent to influence the civilian and military personnel of the Pentagon in the discharge of their duty that makes this section objectionable.

Mr. RIVERS. With the intent to interrupt or interfere with the intent to do that.

I will not take any more time on this subject.

Mr. NEDZI. The fact of the matter is that the language of the law says "with the intent to influence civilian and military personnel in the discharge of their duties."

That is the basic issue that is involved here. That being the case, this kind of blanket denial certainly is contrary to the thrust of judicial opinions and invites I believe and assures a ruling of unconstitutionality.

In our statement of July 24, with my colleague, the gentleman from California (Mr. LEGGETT), the gentleman from Ohio (Mr. WHALEN), and the gentleman from New York (Mr. PIKE), I said that if we need more security on the Pentagon grounds, we could erect security fences, but this problem should not be handled by enacting unconstitutional amendments.

Mr. Chairman, I know that we are asking our colleagues today to do the politically unpopular thing, but we are asking you to do the constitutional thing and not have it done for you by members of the bar and by the bench.

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

I would suggest to the Members who are confused about the real meaning of this language that they look at it. It is on the bottom of page 46 of the report. The very last line on page 46 states—"or", not "and", but "or with the intent of influencing." That is all the intent that is required—the intent to influence. Those who find it difficult to distinguish between influencing the judicial process, as in Cox against Louisiana, and influencing the executive operation of our Government I think just plain are not "with it" as far as the constitutionality of the issue is concerned.

I am opposed to this language in the bill for another reason. Certainly there are things which we have got to protect our military from. But nobody really asked the military whether they wanted to be protected by this sort of legislation, from this sort of influence. I expect you would get some different answers.

For example, if an aggressive, nasty man walked into the Pentagon wearing a button saying "Stop the war," I expect they would like to be protected from that sort of influence. On the other hand, if a voluptuous, beautiful blond walked in there wearing a button which said, "Make love, not war," that would present what the Pentagon would call "an option." They might not like to be protected from that sort of influence. There are so many things.

I frankly do not worry about the man driving down the highway with a bumper sticker reading, "ABM is an Edsel." I think technically he would be in violation of this criminal statute, and anybody who espouses such heresy perhaps ought to go to jail for a year. I am not particularly worried about those people.

I am not worried about the "Women's Strike for Peace." These people are protected and preserved by something which I have never really understood called "flower power." They will get their message across. If their picket signs are taken away from them, they will print the message on their dresses—and I do not believe they are going to take the dresses away from them. But I am not worried about those people.

I am concerned about the poor American Legionnaire who would not resort to such trickery, who wears his Legion hat as he walks into the Pentagon and all he has on his suit is a button reading "Support our boys in Vietnam." And he is committing a crime under this statute. He is attempting to influence the military or the civilian employees of the Pentagon in a manner in which I am sure they would like to be influenced. But he is committing a crime.

I am concerned about the poor Congressman who goes over there and pounds on the desk and waves his arms because, in the furtherance of his constitutional responsibility to raise and support arms, he is outraged because they are taking a base away from his district. He is attempting to influence the military and he is demonstrating. He is committing a crime.

To quote a great American, "This section is so ridiculous, it is ridiculous."

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

Mr. Chairman, so far as I am concerned, the bill proposed by the committee is constitutional, and I oppose the amendment to strike it which is presently pending. The language in the bill, I believe, is constitutional. There is little question about it.

Mr. Chairman, there have been many red herrings dragged across the path of the debate, first, to try to divert the attention from what the facts are, and, second, as to what the committee, amendment itself, does, and third, as to what the acts are that are restricted.

Ordinarily I would not take the floor of the House on a matter coming out of another committee and claim to be an authority. However, on this matter I feel qualified, because I was the author of the bill, that passed the House this year, to try to do something about camp-ins and disruptions such as Resurrection City and what have you on the Government-owned property of the District of Columbia. We had under consideration then the question as to whether or not we should try to limit such demonstrations at the Pentagon. We did not do so in our committee because we felt that was within the jurisdiction of another committee—the very committee that brings the bill before the House today.

I was the cosponsor of the bill last year that is now law, and practically everyone in the House voted for it. That provided for almost the same kinds of proscriptions as they relate to the Capitol Hill itself—right out here in front of the Capitol. We do not have those things occurring here on Capitol Hill that are proscribed by this amendment at the Pentagon. We cannot have those things here at the Capitol in the legislative branch of the Government, that phase of the Government where it is conceded there is a right to petition and such a right is a constitutional right.

The executive branch of the Government has the ministerial function, while we have the legislative function. If people have the right of petition, they should clearly have that right as it relates to the legislative branch of the Government; yet we enacted legislation which proscribes almost the same things by giving the Speaker the authority to limit the activities on Capitol Hill to prevent demonstrations and picketing on Capitol Hill.

Those activities include—and this is what is being amended—the use of sound trucks, and that is what is being proscribed or prohibited—or the use of similar devices and demonstrations in or near the Capitol. That is what is being proscribed, and the Speaker of the House in exercising his judgment and in proscribing the use of sound trucks and the use of picketing and signs on Capitol Hill is exercising that authority here, so why not restrict such activities at the Pentagon.

Now can we expect to have a different standard of conduct as it relates to the Pentagon itself? We know what happened at the Pentagon a few years ago. We know how there were people camped in, and we know how they interferred with the Pentagon, which is the nerve center of defense in the United States of America. That nerve center is the Pentagon itself. If we cannot protect that, how can we protect any Government function?

Yes, they dragged in the question of picketing in front of the White House. That is public sidewalk property. There is no comparison. The Pentagon is Government owned and occupied working property. They are talking about the streets and sidewalks in front of the White House, and we are not talking there about Government-owned property. Government-owned property includes the Pentagon itself and appurtenant property. The courts do not permit these pickets to go into the White House or the grounds. No one would suggest these pickets or demonstrators go into the Pentagon itself. That is what is proscribed here—within the building or grounds of the Pentagon itself.

So those arguments I do not think carry any weight. Interfering with the proper and necessary function of the Government is prohibited. In this instance we are talking about the Pentagon, which is the nerve center of the defense system of the United States of America.

There is no question about the constitutionality of this. The case that influences me most was a decision in a

Florida case where a jail was picketed, *Adderley* v. *Florida*, 385 U.S. 39, 42 (1967), in which Mr. Justice Black, writing for a majority of the Supreme Court, stated that a test of specific intent saves a statute from "being so broad and all-embracing as to jeopardize speech, press, assembly, and petition." It also says, "There is no lack of notice in this law." That is the same as the case with existing law, which this amendment attempts to amend.

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

I have been considering introducing an amendment to H.R. 13018, the military construction authorization bill for fiscal year 1970. This amendment would require that no funds be used for any construction connected with chemical and biological warfare.

The amendment, if I had decided to offer it, would have read:

On page 66, insert immediately after line 11 the following:

SEC. 710. No funds which are authorized to be appropriated under this Act may be used to acquire, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, to be used for research and development, testing, operations, maintenance, or other activities with respect to chemical and biological warfare.

This amendment, if offered, would eliminate authorization for projects such as the one for Dugway Proving Grounds, Dugway, Utah, that would provide a sampler processing building. This building would be used for loading, unloading, decontaminating, and servicing 1,400 heated biological sampler containers used in the installations field test program. The building would also be used to service 6,390 special chemical and biological sampling devices considered essential in the conduct of chemical and biological field trials by Dugway.

The amendment would also eliminate authorization for an animal isolation facility at Edgewood Arsenal, Md., that would be used for the proper quarantine, conditioning and care of animals required for research and development of chemical warfare material. The Dugway and Edgewood projects total over $4 million.

Although I personally question whether either of these facilities are needed, I am not offering an amendment that would delete authorization for facilities connected with chemical and biological warfare at this time. I do not do so because I do not wish to prejudge the results of the executive branch review of chemical and biological warfare practices and policies that is now underway. I believe it is the obligation of those holding positions of public trust to honor such a study by not arriving at conclusions before all aspects have been considered, an obligation that I believe that Secretary Laird violated in his conference with the summer interns. I also do not wish to prejudge the results of congressional consideration of the policy once it has been proposed by the executive branch. It would be unwise to delete the authorization at this time, if executive and congressional policies adopted this year require these facilities.

I serve notice at this time, however, that I will offer amendments deleting funds for certain aspects of our chemical and biological warfare programs when the military appropriations bill comes before the House for action. Many of our chemical and biological warfare activities are dependent on the results of the executive branch review now underway. It is not logical to fund construction and certain research and development and operational activities while this review is underway and until Congress has considered the results of the review. Certain funds should therefore be deleted from the appropriation bill and I will offer amendments to this effect.

Should the executive branch review and subsequent congressional consideration of the results call for appropriations, I would expect the executive branch to request a budget supplement for that purpose. This is the normal way to handle budgetary items for which planning is in the process of change.

The executive branch review, ordered by President Nixon on June 17, 1969, is the first comprehensive consideration of our chemical and biological warfare practices and policies in at least a decade. Recent events have indicated the need for this review. There is some indication that neither President Nixon or Secretary Rogers knew that nerve gas was stored by our Armed Forces on Okinawa. There are further indications that top West German political leaders did not know that the United States stored nerve gas in their country. Even within our own country, there apparently are no written policy guidelines governing the use of tear gas by our military in Vietnam. In my opinion, secrecy has been used to keep even members of the executive branch in the dark concerning our chemical and biological warfare policies and practices.

Executive branch department contributions to the chemical and biological warfare review are now due at the National Security Council in September. The NSC will then proceed to consider the various positions advocated by the different departments and arrive at a policy recommendation.

Before President Nixon approves the National Security Council recommendations, I would hope that he will also ask for the advice of knowledgeable civilians on this policy. Scientists and educators, lay leaders and editors, sources of respected advice should be consulted before a national policy in these fields of warfare is adopted. I would think, for example, that there would be a wide range of difference between those military experts who advocate the use of incapacitating biological warfare agents and newspaper editors familiar with the work of the United Nations in refuting Chinese claims that we used biological warfare in Korea.

I also believe that Congress should thoroughly debate the conclusions reached by the executive branch concerning chemical and biological warfare policy and practices. Only in this way can we discharge our responsibilities to the Nation and our constituents. Although Secretary Laird claimed in his recent interview with summer interns that Congress has expressed itself on this subject, the committee that reviewed chemical and biological warfare and issued a report never brought the subject to the floor of the House. The report was a committee print—no more—and did not represent the views of the House. A thorough debate is needed in which all Members can express their views. The ratification of the Geneva Protocol banning first use of chemical and biological warfare would provide one vehicle for this purpose.

Mr. Chairman, I conclude by stating that I will not offer my amendment to the authorization bill but rather plan to offer several amendments to the appropriation bill.

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

Mr. McCARTHY. I am delighted to yield to the distinguished chairman of the committee.

Mr. RIVERS. Would it be the opinion of the gentleman that we should deny America the knowhow to counteract the threat of our enemies in the areas of chemical and biological warfare, knowing that America is committed never to be the first one to use these horrible and frightful elements of destruction? Would the gentleman want America to have nothing, with Russia having everything? I am sure not.

Mr. McCARTHY. I am sure if the chairman has listened to my statement he would know my point was I did not think there should be new starts in this brief period while our Government—the Pentagon, the White House, the National Security Council—are reviewing our policy. I do not want to prejudge what the results of that will be.

Mr. RIVERS. Of course not.

Mr. McCARTHY. I am sure the gentleman does not, either.

Mr. RIVERS. Of course I do not.

As to anything that is not classified, we try to have open hearings.

In talking about listening to the gentleman, I listen to you every time I can on my TV set. The gentleman makes a fine appearance.

Mr. McCARTHY. I thank the distinguished chairman. I should like to speak to him in person. I requested to come before his committee this week.

I might add one point, Mr. Chairman. The distinguished and generous chairman of the committee said we are committed not to use these horrible weapons first. We are committed, but we have not, along with 64 other nations, ratified the treaty that binds us not to use them first.

We did say at the United Nations that we would not use them first, but we have not ratified the Geneva protocol, which solemnly binds the signatory nations not to use germ and gas warfare first.

Mr. RIVERS. Will the gentleman yield?

Mr. McCARTHY. I am delighted to yield to the chairman of the committee.

Mr. RIVERS. We will not side with our potential enemy. They have nothing to

lose. Certainly we will not use these weapons first. I am sure the gentleman will agree with that.

Mr. McCARTHY. If that is the chairman's attitude, I am sure he would not object if the other body, after 44 years, would ratify this document.

Mr. RIVERS. They can do with it whatever they like. That is their prerogative.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I take this time for the purpose of advising the House that a point of order will be raised against those who are addressing themselves to other than the amendment which is presently before the House.

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

Mr. Chairman, I tried to get recognition a few minutes ago to interrogate the gentleman from Florida because I thought that the gentleman from Florida (Mr. CRAMER), who I know has served many years as a distinguished member of the Committee on the Judiciary and who has made a very intense study of this field of constitutional law, was making a very important contribution to the record.

If I may have the attention of the gentleman from Florida, I think you put your finger on a very important point. I am quite concerned as to how the minority has tried to oversimplify, really, a very complicated body of constitutional law, particularly in their report where they say:

> Of course, the rationale behind these decisions is clear—free speech and First Amendment liberties cannot be abrogated unless the exercise thereof would present a clear and present danger to the United States.

I think the members of the minority have taken the language, the so-called clear and present danger test of Justice Holmes in the Schenck case out of context, because the Schenck case was dealing with a statute expressed in nonspeech or nonpress terms where you were trying to sustain a conviction for a violation of the statute by the use of speech.

Does the gentleman from Florida believe that in the case of the Pentagon, which is concerned with the security of the Nation, that you have the same considerations of the need for protection as you have in the case of the courts? Do you feel that the Pentagon grounds are a place where you can prohibit parades and picketing altogether for the specific purposes mentioned as in the case of the courts. Certainly we need to devise some means of effectively prohibiting the gathering of the howling mobs which occurred in 1967.

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

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

Mr. CRAMER. Mr. Chairman, I will say to the gentleman that there is no doubt in my mind that even as contained in the additional views of those who are opposing the committee language and proposing the amendment the answer to the gentleman would be that even they have set out a number of cases, including those on page 55 where clearly the Government can proscribe or prevent activities which interfere with the carrying on of essential Government functions and the clear and present danger test discussed do not govern acts proscribed in the committee language. They also specifically refer to a case that has three basic tests which requires this amendment to "further an important or substantial Government interest." Certainly the defense of this country conforms to that. And further, "The governmental interest must be unrelated to the suppression of free expression." The defense activities conform to that. Further, the case cited states, "The restriction is no greater than is essential to the furtherance of that interest."

And, I think, the language in the present statute which is being amended conforms to that. So, even using the test that they have set out in the Hickel case and some of the cases which they have cited indicates this committee language fully conforms to the test and there is no doubt in my own mind but what in this instance and in other cases, including the Florida case of Adderley against Florida which held that people could not picket or demonstrate outside a jail, that this committee language is constitutional.

Mr. ICHORD. For the purpose of clarifying the record would not the gentleman from Florida also state that in the proposed language before us we have a specific intent criteria.

Mr. CRAMER. Yes.

Mr. ICHORD. This is a statute which will require specific intent, that is the intent of interfering with, obstructing or impeding the administration of justice, or with the intent—and I do agree with the gentleman from New York—of influencing military and civilian employees of the Department of Defense in the decisions that they make concerning the national defense.

Mr. CRAMER. That is right.

Mr. ICHORD. But the application of the statute is restricted to the Pentagon grounds and those grounds appurtenant thereto.

The gentleman does feel that this is a proper delineation of the constitutional limits of freedom of speech and assembly?

Mr. CRAMER. The gentleman from Missouri put his finger on one of the principal elements and that is the requirement that the party involved has to have the intent to interfere with or assist in the interference with such duties, and that it occur in or on Government-owned property, appurtenant to the Pentagon. This is the same as the obstruction of justice statute, section 1507 that this amends. Certainly, there are restrictions on freedom of speech and one of them is shouting "fire" in a crowded theater and overt acts of picketing and demonstrating can be limited in instances where they interfere with needed defense activities at the Pentagon.

Mr. RIVERS. Mr. Chairman, I wonder if we cannot arrive at some kind of agreement as to time on this particular amendment. I wonder if we could not finish this in 15 minutes? I think we have had enough debate on this amendment.

The CHAIRMAN. And all amendments thereto?

Mr. RIVERS. Yes.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto conclude in 15 minutes with the last 2 minutes reserved to the committee.

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

Mr. RYAN. Mr. Chairman, I object.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes with the last 3 minutes reserved to the committee.

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

The motion was agreed to.

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

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

Mr. RYAN. Mr. Chairman, I make a point of order against the motion in that it reserves time to the committee, which is out of order.

The CHAIRMAN. The point of order comes too late.

PARLIAMENTARY INQUIRY

Mr. KING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KING. As I understand the rules, a Member may only address himself to an amendment once. He may not speak on it the second time; is that correct?

The CHAIRMAN. A Member can rise in opposition to a pro forma amendment and seek time.

Mr. KING. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KING. The gentleman from California (Mr. LEGGETT) and the gentleman from Michigan (Mr. NEDZI) have already addressed the House on this amendment.

The CHAIRMAN. The Chair will state to the gentleman that they can be recognized again on a pro forma amendment while the same amendment is pending.

Under the limitation of time each Member who was standing at the time the motion was agreed to will be recognized for 1 minute, with the last 3 minutes reserved to the committee.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

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

The additional views by several of the members of the committee are critical of the wording of the section as are the proponents of the amendment. Certainly, if we can improve on this wording and still retain its substance, we should. But I would hope that we will have no more gatherings at the Pentagon similar to the one we had last year.

This is our national defense headquarters and our military and civilian employees of the Defense Department

should be permitted to conduct the affairs of that Department without obstruction by any militant or unruly group of people.

Among other things, opponents of this section argue that if it is adopted, highways adjacent to the Pentagon would be within the boundary of the statute. They indicate on page 54 of the report that to ride down the highway with a sticker on your car reading "ABM is an Edsel" would be a violation of the law. This does not appear to be a reasonable interpretation of the section.

It seems to me the main point that the Supreme Court has tried to make in their decisions and that our colleagues have discussed is that expression, standing by itself, unaccompanied by threatening conduct or illegal activity, is every citizen's right and is completely protected by the Constitution. This protection is preserved by section 1507, as it now exists and as it would be amended by section 708 of the bill. Illegality is restricted to occasions when an individual or group demonstrates in the area used by the Pentagon with the intent to interfere with the conduct of military and defense affairs or employees of the Defense Department in the discharge of their duties. There must be some form of demonstration. This picketing or parading must take place at the Pentagon building or on nearby Federal land used for Pentagon business, such as the parking lots, and this demonstration must be intended to interfere with the management of our military affairs. An individual traveling on the highway with a bumper sticker on his car reading "ABM is an Edsel" or "End the War in Vietnam" or "Boycott Grapes" or anything he wants to say, would be perfectly within his rights. I see no illegality under section 1507, now or after the enactment of this measure. First, driving down the highway does not constitute picketing or parading; second, it does not involve activity in the Pentagon or on federally owned property appurtenant thereto; third, it does not indicate intent to interfere with the conduct of military or defense affairs.

There may, at times, be a close question as to whether a person is violating this section, but that is true of every law we have on the books and courts decide whether the accused is in violation or not. But, with rare exception, people know the difference between demonstrating at the Pentagon in an attempt to influence or harass Government employees and merely passing by with a sticker on the back of a car—there is a wide difference.

Mr. Chairman, I urge that this section be retained in the bill.

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

Mr. RYAN. Mr. Chairman, in the first place, I would like to commend the authors of the additional views, not only for their well-reasoned statement as set forth in the committee report, but for the arguments they have made this afternoon.

The language of section 708 has been prompted by recent demonstrations which have occurred on Pentagon property against the war in Vietnam by Quaker and other groups. Whatever the Members of the House may think of the propriety—or even the legality—of these demonstrations, the imposition of a total prohibition on any demonstrations at the Pentagon or on the federally owned land surrounding it would be counterproductive. To the extent that the activities of those participating in demonstrations may be punished by law, ample criminal and civil remedies are already available to Pentagon officials.

The purpose of section 708 of this bill is clear. It is, as the excellent additional views of Messrs. PIKE, NEDZI, LEGGETT, and WHALEN in the committee report on H.R. 13108 point out, "to extend the constitutional restrictions designed to protect judicial officers and jurors from influence and intimidation in resolving a courtroom legal dispute to employees of an administrative branch of the Government as they attempt to address themselves to the multimillion facets of our defense system." No justification for such an extension is given by the committee with the exception of its rather perfunctory statement that—

> There are some individuals who would exceed these First Amendment guarantees and who would attempt to interfere with the conduct of our military affairs. (Committee Report on H.R. 13108, p. 47.)

As several U.S. Supreme Court decisions have pointed out, guarantees of free speech have little meaning if they are construed to exclude such forms of expression as peaceful protest and assembly—*Food Employees* v. *Logan Plaza*, 391 U.S. 308 (1968); *Edwards* v. *South Carolina*, 372 U.S. 279 (1963), and *Brown* v. *Louisiana*, 383 U.S. 131, 141–42 (1966), in which the Supreme Court explicitly held that—

> First Amendment rights are not confined to verbal expression. They embrace appropriate types of action which certainly include the right in a peaceful and orderly manner to protest by silent and reproachful presence, in a place where the protestant has every right to be.

Extending the ban on demonstrations designed to influence the processes of justice to the everyday affairs of an executive branch of the Government, then, will not stand the test of constitutionality.

But even beyond the issue of constitutionality is the dangerous drift toward isolating the Federal Government from the political expressions of U.S. citizens. Only a few weeks ago, the House, despite my opposition, passed a bill which would prohibit the use of Federal Government property in the District of Columbia by groups such as the Poor People's Campaign which seek to bring their grievances to the attention of Congress and the American public. House Resolution 247, which will be before the House sometime later in this session, is intended to prevent a future Resurrection City by denying the Secretary of the Interior the discretion to grant permits in nondesignated areas of the national park system for camping or overnight occupancy or the erection of temporary shelter.

Section 708 of H.R. 13018 represents an attempt to isolate the Federal Government from expressions of political opposition or protest. The proposed ban on demonstrations at the Pentagon and on the federally owned property adjacent to it is nothing less than an attempt to intimidate those individuals and groups who seek to express their opposition to the war in Vietnam and policies of the Pentagon. Such intimidation is not only contrary to the first amendment guarantees of the Constitution; it is also unwise policy. For as evidence of opposition to the policies of the Federal Government mounts, it is doubly important to provide every opportunity for those who dissent to express their views and to inform Congress of their position.

As Justice Charles Evans Hughes said in his opinion in *DeJonge* v. *Oregon*, 299 U.S. 353, 364–65 (1937):

> The greater the importance of safe-guarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the Constitutional rights of free speech, free press, and free assembly in order to maintain the opportunity for free political discussion, to the end that Government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government.

The security that derives from freedom of expression and assembly is far more vital to our Nation than the security from dissenting opinion which is sought in section 708 of this bill. I urge the House to approve the amendment to strike this unwise and unconstitutional section from H.R. 13018.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. KOCH. Mr. Chairman, first, I want to thank the distinguished chairman of the Armed Services Committee for the courtesies and the good humor that he always extends to those who are in disagreement with him. I rise to support the amendment to strike from this bill section 708 which section would make illegal the actions of anyone who having the intent to influence any military or civilian employee of the Defense Department, peacefully pickets or demonstrates on Pentagon property or on federally owned property adjacent thereto.

In my short 7 months here in Congress, I have seen this Congress preoccupied with legislation intended to limit or suppress dissent. I am speaking of lawful dissent and I would like to list some of those actions which this Congress has taken in that direction. Not very long ago the Quakers were barred by a rule of this Congress from speaking the names of the American war dead in Vietnam on the steps of the Capitol; within the past few weeks this Congress saw fit to bar lawful picketing within 500 feet of any church in the District of Columbia 2 hours before or 2 hours after any service or ceremony. This Congress barred the use of any Federal lands in the District of Columbia for camping purposes so as to prevent the even remote possibility of another Resurrection City;

and just a few days ago again with a heavy hand this Congress sought to chill lawful dissent on the college campuses of this country.

Today, alas, we are again involved in this preoccupation with repression. No one in this Congress including those like myself who oppose this section would condone lawlessness or violence of any kind. If there were an absence of statutory authority needed to protect the Pentagon from violence, all of us would join, I am sure, in providing the required legislation. But there exist in every State of the Union and the District of Columbia disorderly conduct statutes and for graver offenses, misdemeanor and felony, statutes which provide the necessary legal authority to apprehend and punish lawbreakers.

What we are doing here today is saying that what has heretofore constituted lawful activity and lawful dissent because it occurs on the premises of the Pentagon shall henceforth be illegal. Many have risen in this Chamber today and have stated their opinion that such prohibition is unconstitutional. I agree with them. But even if this action were constitutional, it ought to be voted down so as not to establish a dangerous precedent. Today we bar lawful dissent from the Pentagon. How long will it take before dissent is barred from the land?

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, under the guise of freedom to dissent, between 25,000 and 30,000 demonstrators brought shame and dishonor to our Nation in Washington, D.C., last week.

A mass migration of beatniks, hippies, black nationalists, professional agitators, and naive students attempted to close down the Pentagon, the nerve center of the military defense of this Nation.

They came here from all parts of the country, by car, by bus, by train, and by plane. A legitimate question: "Who paid for their transportation?"

The right to dissent is guaranteed by our Constitution. It is fundamental to maintain liberty and freedom. However, coupled with this "right" of dissent is a corresponding "responsibility." Storming the Pentagon, the theme of that infamous Saturday in October 1967, cannot be considered "responsible."

Last Sunday night I went to the Pentagon to see the protest activities "firsthand." What I found was a mixture of misguided humanity. This conclusion was not drawn solely by their physical appearance.

The night was cold and bonfires were burning on the steps and grounds of the fortified building. Not only were these fires used for warmth but for the burning of draft cards and dollar bills. There were numerous protesters seated and sprawled on the steps of the Pentagon. Circling this group were U.S. soldiers and Federal marshals. Floating up from this gruesome sea of humanity was the scent of drugs.

Within this motley group was a large portable loudspeaker. The protestors would take turns speaking—their remarks were unbelievable. The so-called "free speech" was salted with vulgarity directed toward the troops. Anti-American phrases advocating violent revolution were common. Filthy signs were displayed while others exercised their "dissent" by painting obsecene remarks and figures on the walls of the Pentagon.

The restraint shown by the military and the Federal marshals to the taunts and the face-to-face confrontation with the demonstrators was remarkable. The troops swallowed humiliation and never once lost their composure.

As I mingled amongst the dissenters I have never seen such a group of confused, selfish and malicious young people. They were a real dedicated bunch of draftdodgers. How do I know this—they told us so.

After leaving this disgusting scene I talked to bushy-haired Jerry Rubin, a codirector for the march and Peking-oriented leader of the Progressive Labor Party. Rubin, who has been active in violent protest demonstrations throughout the country, told me that a "revolution has begun and no power can stop it."

I witnessed the military warn the protestors that the agreed time for the march to end had arrived. The protestors, who had previously agreed to the terms of the march, refused to leave. It was necessary to carry them bodily from the steps to awaiting police vans to be arrested. The only casualty was a guitar.

The entire group represented a real waste of humanity—young derelicts with no purpose or direction—a ship without a rudder.

While we as a free people, and as a government, will continue to jealously guard and protect the right of every American to dissent—the fact remains that these misled young followers have provided incriminating propaganda to Communist countries. Their demonstrations are not patriotic, nor do they provide the morale needed in Vietnam. Instead, it is aiding and abetting the enemy. Make no mistake how the Communists will interpret this demonstration. They see it as a weakening of America's attitude toward the war.

It behooves us as citizens of our country to act immediately to correct a condition that may very well give "seed" to our own destruction as a free country.

The financial cost of handling this pro-Vietcong rally held last week was estimated at over $1 million. This does not include the value of the large amount of planning and staff time by the Government that went into preparing for the 2-day demonstration, nor does it include the cost, estimated at $350,000, of the military man-days of the Federal troops that defended the Pentagon.

The cost of this demonstration to our Nation's security is indeterminable.

Mr. Chairman, from a personal standpoint as an eyewitness, I heartily support this amendment and hope that this House will give unanimous approval.

In the past, this House has shown sufficient concern and provided legislation that prohibits resurrection cities on the Mall; certainly the Pentagon is far more important.

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

Mr. LEGGETT. Mr. Chairman, I think the point of discussion here is that when a judge and jury make a decision, if you influence them you interfere with them, and you interfere with the judicial process, but when the Pentagon makes a decision you do not obstruct any defense activity when you try to motivate them in one direction or another.

I think this is what we have to keep in mind.

Mr. Chairman, I said, when I offered the amendment, that to this point I had not seen one single case to substantiate what the committee amendment would propose to do, and that is still the fact.

While the gentleman from Florida has said that we can go ahead and make laws protecting this Congress, if you will read the RECORD on page 17371 you will see that the District of Columbia district court has said that this Congress can wipe out noisy, violent, armed or disorderly activities, but certainly no picketing activity intended to influence this Congress.

This current committee amendment in section 708 in the bill is unconstitutional, and I think the amendment that I have offered should be agreed to.

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

Mr. NEDZI. Mr. Chairman, the gentleman from California is absolutely correct.

No one here on the side of the minority denies that the Congress can prohibit obstructions to the orderly conduct of the duties of Federal employees.

But the point is that none of the laws cited by the great legal expert from Florida address themselves to conduct which influences—and this is the basic point and the reason for our objection to this particular amendment. It is patently unconstitutional.

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

Mr. BENNETT. Mr. Chairman, my understanding is that the only amendment to this provision is an amendment to strike it out. Nobody has tried to improve it.

As I read this provision in the bill it does not seem to me to be a very extreme provision when we look at what happened around the Pentagon in that event that came off there. Most people do not want to say what happened at the Pentagon, because it was so repulsive. It has not been in the press to any great extent. There has been some mention made of it in the CONGRESSIONAL RECORD. Anybody who would approve of that kind of behavior and who thinks that is the kind of thing our country should have should think again.

The provision in the bill before us says "whoever with intent to interfere with, obstruct, or impede the conduct of military and defense affairs." That is the first part of this.

When reference is made in this bill to

"influencing," you should go on and read the rest of that sentence because it says this is only prohibited if they "picket or parade" in or near the Pentagon.

So here is a prohibition against acts to impede the security of our country. It is a very valid thing in my opinion to have this provision that the committee has brought forth.

Mr. Chairman, it is significant to me that nobody has offered an amendment to improve this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, there has been considerable discussion here today on the legality of this amendment.

I wonder if my colleagues ever consider in retrospect what the American people today are asking for? They all represent the American populace. We do not recognize ourselves as something superlative. We come here to do a job and we know the American public is sick and tired of demonstrators, dissident students, and those who invaded the Pentagon the latter part of October 1967. I am one of the three Congressmen who took the time to go over dressed in old clothes to see what they were doing.

If some of the bleeding hearts who now resemble the babbling of inbred parrots had gone over there to examine the actual motives of the demonstrators and what they were doing, I am quite sure today they would have a different tune to sing today.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I would point out with reference to the question of constitutionality on this particular measure that if it is constitutional for witnesses, jurors, and judges, then certainly it is constitutional in this application to our military.

I also would point out that the words "influence by parade or picketing" are capable of definition and have been defined by the courts. So there is no danger of expanding into an unconstitutional area.

A parallel precedent for what we are asking today is already seen here with reference to our Capitol Grounds, your grounds, under the legislative branch, where we prevent picketing or parading at the Capitol.

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

Mr. DORN. Mr. Chairman, I rise to support the language as written into this bill by our beloved and able chairman, the gentleman from South Carolina (Mr. RIVERS) and I rise to oppose the amendment. Similar statutes to that of Mr. RIVERS, protecting our courts, juries, and judges from intimidation by mobs, have been upheld by the Supreme Court. Even with that provision of law, our courts could not operate without local law and order supported by the Armed Forces of the United States. To deny our military establishments the same legal protection as already granted to courts and juries would indeed be absurd. Without this protection, our military bases would become the target of every subversive, saboteur, and anarchist. With little cost to them our Fascist and Communist enemies could undermine and render ineffective our vital nerve center here in our homeland. It is the opposite of freedom of speech and assembly to permit mobs to destroy and intimidate those entrusted with protecting and preserving all of our freedoms. Those in uniform to protect our freedom must in turn on Government property be protected in their duty to plan and prepare to preserve our freedom. It would be unthinkable to adopt this amendment which would encourage and give the green light to those subversives and gangsters who would again attack the Pentagon and every military base in the United States. We must protect our stupendous investment in liberty and freedom. I highly commend the chairman, Mr. RIVERS, and the overwhelming majority of his great committee who reported this bill to the House. I urge the Committee to reject this amendment and pass the bill as written by a stupendous majority.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS) to close debate.

Mr. RIVERS. Mr. Chairman, the language of this amendment is constitutional because the Supreme Court wrote it—so that ends the story. The Supreme Court has said it is constitutional. Let us take Mr. PIKE's voluptuous lady wearing a button. Suppose she were to walk into the Pentagon and come out. This language which has been interpreted by the courts provides that there must be intent to influence or threaten the safety of a Defense official, as well as a judge, juror, witness, or officer of the courts.

Consider the Legionnaire. My heart bleeds for the Legionnaire just like the gentleman's does. Do you think any district attorney in his right mind would read into the action of a Legionnaire walking into the Pentagon—or this voluptuous creature to which the gentleman has referred—an intent to disrupt the military? Why, that is ridiculous. It is utterly ridiculous. This is a question of intent, and that goes to the jury. It is a matter of intent to disrupt and intimidate the nerve center of your military.

Why have not some of these people who object to this language but say they deplore demonstrations gone to the committee which in their judgment was the proper committee and obtained the proper legislation? It is almost 2 years since we had these dirty, filthy demonstrations at the Pentagon. The Constitution says that your Congress should provide for the military and make rules for the government thereof. The Congress has appointed the Armed Services Committee to discharge this responsibility and we are therefore here on our constitutional grounds.

You can do what you please about this. If you want to protect your very existence, support the committee. If you do not, go ahead and support the gentleman from California. I have talked all I am going to talk. If this is not constitutional, "There ain't no cows in Texas."

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. RIVERS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LEGGETT and Mr. RIVERS.

The Committee divided, and the tellers reported that there were—ayes 43, noes 145.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REUSS

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

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 62, strike lines 22 through 25 inclusive and renumber the succeeding sections in title VII accordingly.

Mr. REUSS. Mr. Chairman, the amendment I have offered is a simple one. It would strike out the 6½-year freeze in the bill now on any use of the Bolling-Anacostia 920-acre reservation and leave the matter where it is now, where it is subject to an existing freeze for another 1½ years, to December 31, 1970.

Here is what it is all about. Five years ago the Bolling-Anacostia area was deprived of its military purpose when it was decided it was no longer safe to fly military aviation just across the river from National Airport. The Pentagon was told to come up with a plan for the use of that area. If it could use all the area, fine; if it could use part of the area, fine; whatever it was, the Pentagon should get on with it.

There have been promises from the Pentagon. Nothing has happened. The Pentagon has not come up with its proposal.

Meanwhile, in the District of Columbia there is a terrible housing shortage and a terrible shortage of land. The District desperately needs approximately 100,000 new habitations for human beings. It has a plan carefully worked out to use less than half the Bolling-Anacostia area, to use 416 of the 920 acres for a housing area.

This is not all public housing. There would be upper-income housing, middle-income housing, and lower-income housing, with a very small amount of public housing, with open space, with schools and community facilities, and opportunities for military housing.

All the rest of the area would be reserved to the Pentagon. If the Pentagon would take the remainder of those acres, approximately 504 acres, they could put up 10 Pentagons on it and have plenty of space for military housing left over.

My amendment would simply provide that we not extend this freeze indefinitely for another 6½ years, but require the Pentagon to come up with a plan which it was supposed to come up with 3 years ago.

There is a crying need for housing. It is utterly unfair that the Pentagon sit there on its Bolling-Anacostia and do nothing.

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

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

Mr. HAYS. The gentleman said there would not be public housing there. Where did the gentleman get that information?

Mr. REUSS. I said there would be a modicum of public housing. The plan entails equal amounts of high-income, middle-income, and low-income housing. Part of the low-income housing will be public housing.

But another important portion will be section 235 cooperative or nonprofit corporation housing.

If the gentleman begrudges the fact that one-third of the housing would be for people of low income, he is welcome to his begrudge, but the fact is this is not an overall low-income public housing project.

Mr. HAYS. Do not put words in my mouth. I am not begrudging anything.

The gentleman knows and I know that middle-income housing and upper-income housing is not going to exist side by side with public housing. It just will not work. It never has worked. It never will work.

Right over there in Anacostia there is some public housing, about which the papers ran a series of stories, which is relatively new, and which has already become slums. Nobody will live in it. Part of it is vacant. Windows are broken out.

Is that what the gentleman wants?

Mr. REUSS. The gentleman could not be more wrong.

I live in Southwest Washington, in a composite which includes some public housing. Southwest Washington gets along well, one with another. That is one example. There are many others.

This is a difference of philosophy. I happen to believe that that housing is best which is not restricted all to people of one income, rich or middle or poor, but has a nice dappling and sprinkling of all. I believe that is always the best kind of housing.

Mr. HAYS. I do not believe it will work.

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

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

Mr. SCHEUER. I can assure my colleague from Ohio, as a developer of middle-income and upper-income housing, there are many examples across the country of housing mixes.

I developed a $22 million housing project in Brookline, Mass., where I was the developer of luxury housing, middle-income housing, next to public housing.

I did the same thing in Washington, D.C. We had middle-income housing next to public housing.

Perhaps a decade or two ago we could have said that these did not mix, but today there is a multitude of evidence that not only does it work but also it is profitable. The private developers are actively competing for the right to develop such housing.

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

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

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

Mr. HAYS. I should just like to say that some of this housing in Southwest, which is supposed to be such a big mix—I may not be talking about the same thing—but as to that, I was down there and looked at it, searching for an apartment, and they were asking luxury rentals for slum housing. That is what it amounted to in my eyes, and I did not want any part of it.

Mr. BRAY. I thank the gentleman.

Mr. Chairman, I rise in support of section 707. This section extends the restriction presently in the law regarding the Bolling-Anacostia complex for an additional period of 5 years until all possible questions concerning the future military needs in this area are determined and until the master plan recently undertaken is completed.

This particular land has been the subject of many radio and TV editorials, as well as editorials in the newspapers, and they all discuss this land as if it belongs to the District of Columbia. Well, it does not. This land belongs to all the taxpayers of the United States regardless of their economic or social status. There is real estate in every State of the Union that is owned and used by the military. The District does not own this real estate any more than the various States own the military lands in their State.

They all cry the same theme—that the need for property on which to locate low-income houses is so vital to the District of Columbia. I would say to those critics of the military, and especially the critics of the Armed Services Committee and its distinguished chairman, that they should look over some of the many acres of land lying vacant in the District since the riots of April 1968.

There are more than 3,000 acres in the District that can be used for public housing, real estate that does not belong to the United States, about eight times the amount of land included in the Bolling-Anacostia complex.

I would further remind those critics that even after the office building presently proposed for the Bolling-Anacostia complex is completed, there will still be a deficiency of more than 15,000 office spaces for defense personnel.

Where are we going to put this personnel?

The Department of Defense, in answer to my inquiry, stated that they had personnel working in the Washington metropolitan area in more than 109 separate buildings. They are paying approximately $10.7 million a year in rent. About 72 of 109 buildings are rental buildings.

As you can see from these figures, that land across the river comprising the Bolling-Anacostia complex is vitally needed for the future construction of our military requirements, administrative as well as the family housing which must be built to take care of the service personnel in the metropolitan area.

Disposal of any of this land would mean that in a few years, when we are able to proceed with future construction so vitally needed, we will be looking for land on which to put houses, community facilities, administrative facilities, aeronautical use, et cetera. Why should we have to purchase land on which to build defense facilities—whether it be administrative space or family housing units—when we have the land which now comprises the Bolling-Anacostia complex.

There is a procedure whereby the Government disposes of real estate that is under military control when it is no longer needed. That is pursuant to section 2667, title 10, United States Code.

I have been on that subcommittee, which is called the Real Estate Subcommittee of the House Armed Services Committee, since it was formed pursuant to the legislation about 15 years ago.

Under this procedure, when the military no longer needs real estate, when it requires more real estate or wants to enter into leases, the matter is referred to this subcommittee and a similar one in the Senate which holds hearings as to the needs for this real estate.

Many billions of dollars in real estate during this time has been disposed of. There are instances, however, where real estate has been prematurely disposed of and later the Government had to repurchase it at great additional costs to the taxpayer. This matter should be handled according to the law, in the same manner as land would be disposed of in any of your States.

These are just a few of the reasons why I support section 707 and oppose this amendment.

If and when the United States does not need the Bolling-Anacostia complex for military use, it should be disposed of pursuant to law, in the same manner as it would be if the land was in any of the 50 States, whether for other governmental use, public housing, or for private development.

Mr. HALL. Mr. Chairman, I have served on your Committee on the Armed Services and fulfilled our assigned duty of surveying the needs of the military in the entire greater metropolitan area—from Fort Myer to Forest Glen and back to Fort Meade and Andrews Air Force Base.

I rise in support of section 707 of this military construction authorization bill which would retain the Bolling-Anacostia complex in the military inventory through December 31, 1975.

But, before doing so, I think that every Member of this House should be made aware that this is not a political or social issue. It represents consistent thinking on the part of the members of the Armed Services Committee during the last several administrations. It is not a social issue nor should it be developed into one, because if additional low-cost housing is needed in Washington, D.C., there are other areas where it can be built. Let me suggest Hains Point which is used as a golf course, or let me suggest the areas along Seventh to Ninth Streets which are so desperately in need of rehabilitation. So the issue, in my opinion, resolves itself to one of whether there is a needed use by the military for this property in the future.

Public Law 89–188 as amended, provided that the Department of Defense could, if and when directed by the Presi-

dent, enter into a leasing arrangement with the Federal Aviation Agency for a period not to extend beyond December 31, 1970. This provision was subject to a 1-year revocation provision whereby the FAA or designee may operate the runways, taxiways and parking apron, and other related facilities at the Bolling-Anacostia complex for appropriate aviation purposes.

The question seemed to be whether we could use the existing facilities at Bolling-Anacostia for "general aviation" purposes. We felt that we were not in a position to judge the safety factors involved, and gave that discretion to the President. Neither the President nor the Secretary of Defense seemed disposed to make the site available for general aviation. The FAA assured us at that time that relief would be gained, and no conflict in the various landing patterns.

We all recognize that the Washington National Airport has reached its saturation point while nonairline aviation is growing at an enormous rate whereas scheduled airlines operate fewer than 2,000 planes. The so-called general aviation fleet numbers more than 100,000 new high performance business planes with about 10,000 additional planes being produced by domestic manufacturers alone each year.

We recognize, too, that Bolling parallels National Airport but the runways are separated by more than 7,000 feet. Many airports in the country use parallel runways closer than those at National and Bolling. Among those are Atlanta, Ga.; Columbus, Ohio; Chicago's O'Hare; New York's John F. Kennedy; and the Los Angeles International Airport. If FAA can control safety in these areas we cannot understand why they cannot control it at National-Bolling.

Nevertheless, the discretion has been left up to the President, and we would continue granting that discretion to the President for this extension of time.

While the definite utilization of this property is not known either by the military or the committee, we do know of several projects which will require space in the Washington, D.C., area in the years. Long-term planning requires relocation from their present temporary World War II buildings for the Defense Language Institute which is housed now along the Anacostia River. The Department of the Interior has requested the return of this land by the military, and the Department of Defense is there as a tenant by sufferance at the present time.

Interior plans call for utilization of this area as a public park in this overcrowded section of Washington, D.C. But even if this land were transferred to the Department of Defense for the Defense Language Institute, it would not be large enough to provide the needed facilities. Why would the Defense Language Institute need to be located in the Washington, D.C., area? The answer is simple: Because it requires as part of their training program daily contact with personnel of the various embassies located in the Washington, D.C., area.

I am sure each of you have read about the plans of the Department of Defense to build a second major Defense Office Building on the Bolling-Anacostia premises. When we examined into these plans, we found out that they wanted to move the Navy from its current location on Constitution Avenue to this new complex to be built at Bolling-Anacostia, and while there are 14,000 employees of the Navy who would need to be transferred to this new building, the building was only large enough to house 10,000. So, the Department of Defense planning called for leased space in this area for 4,000 people. Frankly, I question whether their thinking is right because studies made by our committee indicate that it is much cheaper to own facilities rather than to lease them. Then, too, our committee is studying a bill introduced by our distinguished colleague, Mr. HÉBERT, to provide for a medical school to provide the medical education for doctors who would then serve a period of time in the Armed Services. This would not only relieve their doctor shortage but it would ultimately provide many more doctors for the civilian sector of our population. Obviously, if such a bill is enacted by this Congress, facilities would have to be built. Bolling-Anacostia is one possible location for this school.

Then, too, we have over 28,000 military personnel in the Washington, D.C., area who are required to live on the local economy. Rentals in the District of Columbia and surrounding environs generally exceed the basic allowance for quarters given to the individual serviceman. Washington is frequently a hardship post, particularly for a lower grade military person.

So, if housing is to be built at this area, surely military housing is equally as important as housing for others. Some people say we have no plans, but just want to keep this space for selfish reasons. Nothing could be further from the truth.

Frankly, I am somewhat scared of public housing based on previous experience with public housing right here in the District of Columbia. Let me cite you an example:

In June 1952, detailed studies were undertaken by the Planning Commission and the Land Agency leading to the development of the final plan for redevelopment of that area. A detailed survey of all the residential structures of area "B": in Southwest Washington showed that 64.3 percent of the dwellings in the area were beyond repair, 18.4 percent of the dwellings in the area needed major repairs, and only 17.3 percent could be considered as satisfactory dwelling units.

The survey also revealed that of 1,345 dwelling units in 1,006 structures, 57.8 percent of the dwellings depended upon outside toilets, 60.3 percent had no baths, 29.3 percent had no electricity, 82.2 percent had no wash basins or laundry tubs, and 83.3 percent had no central heating. Approximately 5,000 persons lived in the 1,345 dwelling units.

With this knowledge, a redevelopment project was undertaken and contracts were ultimately awarded. In awarding the contracts, the most important of the criteria established to evaluate proposals were the price to be paid for the land, the rents proposed to be charged for low-rental housing units, and the degree to which the proposal met the requirements and objectives of the redevelopment plan.

At this state of the redevelopment plan, it was proposed to construct between 500 and 600 units of low-cost housing. Low-cost housing is defined as property the rent for which is not to exceed $17 per room, plus utilities.

Ultimately, several proposals were considered. The contract was awarded to the least favorable and the lowest of the three as far as the land price was concerned.

A letter from the District of Columbia Redevelopment Land Agency dated July 26, 1963, stated that the Board considered the accepted proposal to be superior by virtue of adherence to the redevelopment plan, the nature of the proposal itself, and the financial capabilities of the sponsor.

After the award, the contractor through his various corporate devices began the construction of high-rise luxury-type apartments in this area, and succeeded in eliminating the construction of any low-rental housing in the area.

The average rent in the projects which were constructed in this redevelopment area is now somewhere between $45 and $50 per room. It is significant, I think, that the price for the land was not increased even though the low-cost housing was eliminated.

I think it is also extremely interesting that even though the interested Government agencies were aware that nearly 5,000 people of low income were to be displaced, they made no effort to bind the contractors to fulfill the requirement to construct low-cost housing to take care of these people. We can furnish details of this transaction if you desire.

There are about 28,000 enlisted and officers in the Washington, D.C., area eligible for military family housing but who live in housing provided by the local economy, often at hardship to the economy and financial embarrassment to the service personnel.

Gentlemen, we have a need for this property, even though the need may not have been clearly articulated or definitized at this particular moment. We have, in my opinion, at least equal wisdom for future planning—equal to that of the executive department—in military matters. I think the Congress has shown wisdom on two occasions in the past, in restricting the use of this area.

I firmly expect Congress will overwhelmingly agree with the Armed Services Committee that this land should be retained for the military.

Mr. GUDE. Mr. Chairman, in a very real sense the Members of the House will be called upon today to make an open committment to the direction of urban life in Washington. Depending on their assessment of national priorities, they will move either to intensify the immediate strife of the ghetto, to insure a continuation of the situation which has proven so often and so clearly to be dead end, or they will move to allow the possibility of hope, the possibility change.

Therefore, I rise in support of the amendment which would strike the proposal prohibiting nonmilitary use of the Bolling-Anacostia military complex from December 31, 1970, to December 31, 1975. This 920-acre plot lies within the boundaries of the District of Columbia. Only half of it is committed for various military purposes; the other half, having been decommissioned over 7 years ago, now lies vacant. There is military need for the ground now utilized by the Defense Department. However, it is clear that the proposal now made is not necessary to protect the interest of the military in the unused portion, and indeed it would stand in the way of valuable and productive use of the land.

The National Capital Planning Commission has developed plans by which this now-vacant land could be used to provide much-needed housing within the District of Columbia, if the Department of Defense should declare the land to be excess in terms of the needs of the military. The District's need for such a housing capability is nothing less than desperate. The Chairman of the District of Columbia Council has termed the housing problem the District's most pressing single problem. It has been estimated that 100,000 families now reside in substandard housing. With the population in the metropolitan area growing at a rate of 100,000 people per year and with the population estimated at 2.6 million in 1968, it is little wonder that there exists an estimated need for 50,000 new housing units immediately. One of the major reasons the demand so far exceeds the supply on the housing market is the critical lack of space for the construction of new housing projects.

The charge that the newly planned facility would become merely an extension of the ghetto is largely unfounded, for in the contemplated program only one-fourth of the housing units would qualify as low-income public housing; the rest would be moderate-income units.

Finally, the need in the District of Columbia is as much one for open space, where the citizens of this city can gain some perspective on life and reduce the incomparable pressure of too many people in too little space, as it is for housing per se. The land, now vacant and unused, could provide that advantage.

Obviously, if there were a chance that we would jeopardize our national security by converting defense installations to meet domestic needs, we would all most certainly be on the side of retaining our security. However, in this case, since the land has been decommissioned and left vacant and unused for the past 7 years, there is a burden of proof that must be sustained if we are to believe it is essential to our defense posture. The burden has not been sustained nor the proof demonstrated, in my view; and I rather suspect we are being "dogs in the manger" if we continue to assert the importance of this property to our defense in the absence of such proof.

And it is unfortunate that we seem to have assumed this general lack of logic in determining other defense appropriation issues. Too often whether or not systems are strategic is based on whether or not there is money for them, and the availability of funds is determined by the strongest lobby rather than the best logic.

My distinguished colleague, under whose sponsorship the present proposal is urged, declared in his own words that "this land is valuable." But it is clear that the land's value is determined only in terms of the need for it. The Department of Defense, which decommissioned the property over 7 years ago and has since that time left it vacant and unused, must assert its claim of right in light of the needs of urban Washington whose tenements are crowded, whose people long for some element of privacy and identification, and whose lives must not be stunted by the frustrating incongruities in our national priorities.

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

Mr. Chairman, I rise to support the amendment of the gentleman from Wisconsin (Mr. REUSS) to strike section 707. Section 707 of the military construction authorization bill would extend the present prohibition on nonmilitary uses of the Bolling-Anacostia military complex area from the end of 1970 to the end of 1975. Such an extension is both unnecessary and unwarranted. Most important, such an extension demonstrates that we are still willing to sacrifice important civilian interests—in this case interests in additional land for urban housing and community development—for anything that has the stamp of "national defense" on it. To me this willingness to deny pressing domestic needs in the face of very marginal military requirements shows that we have yet a long way to go in orienting our priorities.

As the proponents of the amendment have indicated, the military is fully protected under existing law. The land involved here would have to be declared surplus by the Pentagon before any of it could be turned over to the District of Columbia government for housing or other purposes. What we would be doing here today if we leave this section in the bill is to say to the military, in effect, even if you declare after full study that you do not need and do not want a part of the Bolling-Anacostia complex, nevertheless you must keep it, you must retain it, and you must deprive the District of Columbia of its use although there is no longer any military justification for doing so. Such a command to the Pentagon would be totally unjustified. It would be a serious mistake. And this is why I will vote for the Reuss amendment and why I urge my colleagues to do likewise.

Mr. Chairman, there are many additional reasons why one should support the Reuss amendment. One could cite the special responsibility which we in Congress have for the welfare of the residents of the District. One could cite the pressing need for additional land for housing and recreation in this city. One could cite the lack of uniquely military activities which are carried on at the Bolling and Anacostia installations. All of these are important—to me convincing—reasons to remove section 707 from the present bill. But there is one reason which I would like to stress here. It occurs to me because of a situation which exists in my own district in Chicago which is similar to the Bolling-Anacostia problem.

During the 1950's the Army took choice locations in Jackson Park on Chicago's lakefront to install Nike radar and missile units as part of the nationwide Nike antibomber defense system. Now this Nike installation was never popular, usurping as it did some of the choicest recreation land in the city of Chicago. But during the 1950's, in the midst of the cold war, when the Soviet bomber threat was a real and menacing one—in those days, Mr. Chairman, the use of Jackson Park for a Nike installation might in some sense have been justified. But today, more than a decade later, the Soviet bomber threat is almost universally recognized to be minimal. Today the need for urban parks and recreation areas is greater than it has ever been. Today Chicago ranks far below many major cities of the United States in available recreational areas per 1,000 population. And yet today that Nike installation is still in Jackson Park. It is still occupying 33 acres of choice recreational area which is absolutely impossible to duplicate anywhere in the citly. The Army says that it would cost $3.5 million to relocate this site. Mr. Chairman, 33 acres of recreational land comparable to the land on which that Nike site is located is absolutely unavailable in Chicago at any price—$3.5 million or $35 million. A relocation at four times the price would be a bargain as far as the residents of my district are concerned.

I am certain that many Members will appreciate what I am talking about here, Mr. Chairman. Many of us have faced the problem of trying to eliminate or convert to civilian use obsolete or unused military property. This is just one more reason that I favor the Reuss amendment today. I believe we must show the people of this country that we are beginning to place some emphasis on civilian—as well as military—needs. I believe we must make the point that military interests will not always outweigh the civilian, even when the military need is small and the civilian is great. That is the symbolic significance of this Reuss amendment, and that is why I will support it today.

Mr. SANDMAN. Mr. Chairman, I would like to take this opportunity to compliment the Armed Services Committee and yourself for the fine job you have done on the bill, H.R. 13018.

I would like also to commend you for the statement that you made in reply to the gentleman from Wisconsin's remarks when he advocated taking Anacostia Airbase and Bolling Field from the Armed Services. At that time you said, and I quote:

> The 920 acres that comprise Anacostia Air Base and Bolling Field belong to all of the people of the country and not just to those who would like to live in the District of Columbia.

This land is the only land that is left in the metropolitan District of Columbia area where any kind of a large airfield can be maintained. Both of these bases were closed upon recommendation of the FAA on the theory that the operation of such bases as airfields would interfere with traffic patterns at Washington National. With this I disagree.

An orderly air pattern can be accomplished so that Anacostia and Bolling

Airfield could be joined in one large airfield that could accommodate general aviation and at the same time relieve the very congested operation that now exists at Washington National.

I would like to point out, Mr. Chairman, that Washington National does not have an east-west runway and neither does Anacostia or Bolling Field. All of these airports when they are in operation operated almost entirely on north-south runways. It is true that all three airfields did have runways that were 30 degrees in each direction over true north and south. If Bolling Field and Anacostia were joined into one large airbase it could have a longer north-south runway than Washington National presently has. And it is for this purpose that I feel this land can best be used because in this way it would be used by all of the people and not just those who would like to live in the District of Columbia.

It is foolhardy to use up the last large area adjacent to the Anacostia and Potomac Rivers for housing of any kind or for the construction of office buildings.

The FAA has already imposed rigid restrictions against general aviation pertaining to its use of the major airports in the country. Rigid restrictions are already placed upon general aviation at Washington National.

For the reasons that I have already set forth I support the committee's position that Anacostia and Bolling Airfield should remain under the military jurisdiction until December 31, 1975.

However, even though I agree with you that all of this land should be under Federal jurisdiction controlled by the military, the military should in conjunction with the FAA immediately set forth to establish new traffic patterns so that this very valuable land can at the earliest possible date be used by general aviation and whatever military use is necessary from time to time giving the full right of reverter to the military in the case of any national emergency.

Mr. KING. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Wisconsin (Mr. REUSS). I have listened for the past several days to radio and television editorials condemning the action of the Armed Services Committee for extending the restriction on the use of the Bolling-Anacostia complex. I have read remarks in the newspapers talking about the need for low-cost housing in Washington, D.C., area which could be constructed at Bolling-Anacostia. All of these editorials and comments in the news media have intimidated that the Armed Services Committee, more especially Chairman RIVERS, was restricting the use of the Bolling-Anacostia complex out of spite. Nothing could be farther from the truth.

In May of 1968 the Committee on Armed Services was notified that the Department of Defense planned to proceed with phase III of the design for the Defense office building to be located on the Bolling-Anacostia complex.

Chairman RIVERS wrote Secretary Clifford in response thereto and said that because of the size of the building proposed to be constructed for the Department of Defense, a reexamination of defense needs for the space in this complex should be undertaken. Secretary Clifford wrote Chairman RIVERS in June of 1968 responding favorably to this request.

In March 1969, the Department of Defense completed a preliminary review of the Bolling-Anacostia planning, with the conclusion that a considerable increase in acreage would be required to accommodate requirements beyond the scope of the original defense plan. The requirements contained in the new plan were on a wide range of essentiality involving both the Air Force and the Navy and require study in depth as to their validity, as well as to eliminate any possibility of duplication between services. Also, facility needs at Bolling-Anacostia must be related to military requirements in the Washington metropolitan area as a whole.

In view of the uncertainty of the Department of Defense's plan during the hearings last month on the bill now before the House the Assistant Secretary of Defense Barry Shillito and Deputy Assistant Secretary Sheridan were questioned by Chairman RIVERS in connection with the progress being made by the Department of Defense on their plan for the Bolling-Anacostia complex. Chairman RIVERS asked Mr. Shillito what kind of plans they had for the complex at the present time. Secretary Shillito replied, and I quote:

> We have several plans afoot, Mr. Chairman, on this. We are attempting to synchronize now the Navy planning and the Air Force planning that went on. We are bringing these things together into a total defense plan. We have had some constraints placed on us recently by the Bureau of the Budget.

Then Mr. Sheridan added, among other things:

> We have come to the conclusion that the planning on keeping the Air Force on the old Bolling tract is too tight and inefficient and they need additional land.

In that same colloquy I have quoted, which is contained in the printed hearings on the committee beginning on page 1264, there is a discussion about the possible use for general aviation. So as I stated before, the innuendoes and remarks in the news media that this provision was one of spite instead of continued need by the military and/or the Federal Aviation Administration, are wholly and totally unfounded.

Until the Department of Defense can complete its in-depth study as testified to in the committee hearings, this restriction should be continued on these lands.

Chairman RIVERS has recently appointed a subcommittee to be chaired by the Honorable SPEEDY O. LONG to investigate the growing encroachment by the civilian community on our present military installations. To allow the use of any part of this military complex for other than military purposes would be very foolish in the face of the knowledge of our committee concerning this growing encroachment by the civilian community on military facilities. I urge you to support this section in the bill as reported by the Armed Services Committee.

Mr. RIVERS. Mr. Chairman, we have debated this thing much too long, in my opinion. I oppose this amendment and ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin, Mr. REUSS.

The amendment was rejected.

AMENDMENT OFFERED BY MR. RIVERS

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

The Clerk read as follows:

> Amendment offered by Mr. RIVERS: On page 28, line 15, strike the figure "$20,800,000" and insert in lieu thereof "$18,300,000".

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

There was no objection.

Mr. RIVERS. Now, Mr. Chairman, the purpose of this amendment is to eliminate $2.5 million which the Air Force estimates will be the cost of construction for space allocated at NORAD for the operation of the Safeguard system.

The reason I am offering this amendment is that it was not brought before the committee when the committee considered this bill and I told the House in our report, and the Committee on Rules that only $12.7 million was in the bill for Safeguard. Therefore, by offering this amendment I am keeping the word of our committee. This is the reason I am presenting it to the Committee of the Whole House on the State of the Union so you can do what you please with it.

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

Mr. Chairman, I rise in opposition to this amendment. I can fully appreciate the sentiment of the chairman of the committee under the circumstances under which he presents this amendment. But I think he is not being realistic about it. Actually, the $2.5 million that is involved in the expenditures of NORAD may have something to do with the Safeguard, but it will be needed whether or not the Safeguard is adopted. I say this because we in our Military Construction Subcommittee have just heard testimony on this subject and there is need for expansion of its own modern computers that are going to be necessary whether or not Safeguard is passed.

So, actually, while there may be some tie-in with Safeguard to this $2.5 million, it is going to be needed and I do not think we could have the House believe that this is a tie-in only with Safeguard and that if Safeguard is not implemented that we are going to save $2.5 million. It just is not true.

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

Mr. CEDERBERG. I yield to the gentleman from Alabama.

Mr. DICKINSON. Just so I will understand it, and I believe I do, do I understand the situation to be that there are some improvements that are to be built into the NORAD site at Colorado Springs, or near thereto?

In the committee we had been led to believe that no part of the construction was being added to be allocated to the ABM system. But we later learned that a small portion of the total amount of that

for construction would be allocated to the ABM's possible use.

For this reason and in order to keep faith, the chairman of the Committee on Armed Services asks that it be taken out.

But is it not true that whether ABM is implemented or not, there still is a need for this amount of money and it will not be wasted if it is completed?

Mr. CEDERBERG. That is exactly correct, and as everyone understands the air defense is tied in with a large and vast communications network.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield further, I have one more question for the purpose of clarification. Is it not also true that if we do not do this at this time and try to do it at a later time it will cost a great deal more than it will presently cost to do it? In other words, will we not be penny wise and pound foolish?

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

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

Mr. SIKES. The distinguished minority leader of the Subcommittee on Military Construction of the Committee on Appropriations has taken a very sound view in this matter and his argument is well founded.

The distinguished chairman of the Committee on Armed Services has kept faith with his committee by calling attention to a situation which I must assume has arisen through a misunderstanding. I am certain that the Department of Defense did not intend to try to hide this money and I feel it should be retained. It is needed for an orderly ABM construction program.

If the item is not approved at this time, it will cost a great deal more to do it later. It is just as simple as that.

Mr. CEDERBERG. The gentleman is exactly correct.

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

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

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

Mr. Chairman, for the purpose of refreshing the memory of the Members, earlier today when the chairman of the full committee spoke, he tried to be specifically clear on this matter. As has just been said by the gentleman from Florida (Mr. SIKES) it was a matter of trying to be fair and to keep faith. Through a misunderstanding on the part of the chairman when he appeared before the Committee on Rules, he stated there was no money for deployment of Safeguard. I would say further, without attempting to put words in the mouth of the chairman, that the chairman would be very pleased, I am sure, if the amendment were defeated.

Mr. SIKES. Mr. Chairman, if the gentleman will yield further, I would say that this is one of the few instances, where I believe we can predict that the distinguished chairman of the committee is not going to be heartbroken if his amendment is defeated.

Mr. CEDERBERG. Mr. Chairman, I can appreciate the position of the chairman, and therefore I would urge the Members of the House to vote down this amendment.

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

The question is on the amendment offered by the gentleman from South Carolina (Mr. RIVERS.)

The amendment was rejected.

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

Mr. Chairman, I have asked for this time in order to pursue a little further some of the colloquy that was held earlier on this bill with respect to the Bolling-Anacostia Air Force field.

Mr. Chairman, the bill extends for 5 years the control of this facility by the military.

As the chairman knows, this has been the subject of considerable discussion over the years. When we passed the bill in 1965, the language that is shown in this report, on page 94, clearly said, and I quote:

> This would be required for military purposes within the foreseeable future and should be retained by the Department of Defense for such purpose or for such use—

This is the point I want to make to the Members. It goes on to say—

> nor shall any of this land be set aside or committed by the Department of Defense for use by any other agency of the Federal Government other than the Department of Defense.

And this is the language I want the House to recall:

> However, the Department of Defense may, if and when directed by the President, enter into a leasing arrangement with the Federal Aviation Agency for a period not to extend beyond December 31, 1970, and subject to a one-year revocation provision whereby the Federal Aviation Agency or its designees may operate the runways, taxiways, hangars, parking aprons, and other related facilities at the Bolling-Anacostia complex for appropriate aviation purposes.

This is the law we are extending. So I recognize that we are saying again that when we extend it for 5 years, you are just saying what is outlined in this report on page 94; that, if in the opinion of the President, there did arise occasions where it would be recommended for specific uses, it can be used for aviation purposes and it can be so considered.

I, for one, do not want to see—and I am glad the amendment was defeated—that this would be converted into housing uses. As great as that problem is, one of the greatest problems in America today is we are running clear out of airports and airfields. Once they are gone, they are gone forever.

We are considering before our committee now legislation which is going to require astronomical sums just for airports and to regulate airports. So I just want, Mr. Chairman, to say again to my colleagues that if the President did recommend that we put it for aviation purposes, it could clearly be done.

I am not asking for general aviation purposes alone, but for appropriate aviation purposes. It can be so considered because it might in the future be very badly needed.

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

Mr. PICKLE. I yield to the gentleman.

Mr. RIVERS. We changed the date to December 31, 1975, from 1970.

Now if the gentleman's committee will get as busy as our committee has been and get the President to do something, we would use these runways over there.

You know good and well we cannot have this ridiculous public housing use—we want to dispose of that. But if the gentleman should get his committee to get the President to put general aviation over there, I know it would get appropriate consideration.

Mr. PICKLE. I want to say to the gentleman, I realize a former FAA Administrator came in and said the flying pattern was conflicting; that is, it was too close to National. That was 5 years ago. I thought we might be able to legislate on it in 1966 when the act was renewed and it would be allowed to be used for limited aviation purposes. I am sorry the FAA backed away from that position. But, in the future it might well be put to good uses. I think our committee and the FAA ought to get to work just as the gentleman said, and I hope we do.

Mr. RIVERS. I wish they would make up their mind.

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

Mr. PICKLE. I yield to the gentleman.

Mr. ICHORD. I appreciate the gentleman from Texas clarifying the record. By way of further clarification, I would point out to the gentleman from Texas and to the Members of the House that the former FAA Administrator initiated this amendment himself by requesting the chairman of the Committee on Armed Services to put an amendment in the bill.

Then there was this backing away by the former Administrator from using Anacostia as a general aviation airport.

Mr. Chairman, I think the recommendation and the request of the former FAA Administrator is still valid and it should be used for general aviation purposes.

Mr. PICKLE. We are making vast changes in the aviation field. We might conceivably find that we could use it for commercial aviation. We are making grade studies in the use of helicopters, V/STOL, and STOL planes.

I just do not want to see us locked in completely for any one field or use—except for aviation purposes. In view of the assurances of the chairman of the committee, I believe we would be free to move, and I appreciate that very much.

AMENDMENT OFFERED BY MR. FREY

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

The Clerk read as follows:

> Amendment offered by Mr. FREY: On page 16, line 12, strike out lines 12 and 13 and insert: "Naval Training Center, Orlando, Florida: Training facilities, troop housing, mess hall, and utilities, $12,909,000.
>
> "Naval Training Service Center, Orlando, Florida: Production facilities, $1,448,000."

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. FREY. Mr. Chairman, very briefly, I recognize the outstanding job the committee has done and recognize that there have been cuts in many areas throughout the country. However, I thought it was my obligation to bring to this Committee

the question of the recruit training and the facilities for recruit training throughout the country. We have today a capacity in the three centers for 22,800 recruits, and we are processing 29,000 recruits. In other words, there is an overload of about 27 percent. As one who went through the Navy recruit training at a time in the past, I know that the facilities and the capability for training of recruits is extremely important for the product we turn out and, of course, for the morale of the people whom we do graduate.

The course itself has been cut back from 11 weeks to 9 weeks because of the inability to properly house the recruits.

I feel that in my amendment there are provisions for recruit barracks and recruit messhalls which would take care of this problem, which would raise the recruit training capability at Orlando to 8,000 from 4,200. I would hope that the Committee would consider this amendment. I recognize the problem, the fiscal bind we are under, but I do think an overload of 27 percent and the cutting back of training from 11 to 9 weeks is important.

Mr. RIVERS. Mr. Chairman, I oppose the amendment.

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

Mr. RIVERS. I yield to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. I thank the distinguished chairman. I will take only 1 minute, because the previous amendment and discussion raises the question in my mind and prompts me to make this inquiry. Where the Department of Defense has surplus property and it chooses to transfer that property, as often it might, does the Committee on Armed Services have any control over such a transfer without finding out its specific use, or is this left entirely to the discretion of the Department of Defense?

Mr. RIVERS. If the Department is going to declare any property excess to its needs, the committee is notified, and then the subcommittee on real estate reviews the request of the Department of Defense.

Mr. COLLIER. Again, very briefly and specifically, my concern is the fact that the Department currently has surplus property at O'Hare International Airport, which is in my district. I understand that at this time they are planning to turn that property over to the O'Hare facility, and I just wanted to be sure that there is some way in which I would be advised or could be certain as to what use it would be put to, because if we are going to run another runway——

Mr. RIVERS. Mr. Chairman, will the gentleman yield to the gentleman from Missouri (Mr. HALL), who I think would be helpful on that question?

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

Mr. HALL. Mr. Chairman, the action of disposal and/or acquisition of military property is reviewed by the Real Estate Subcommittee of the Committee on Armed Services, and after the subcommittee reviews each one on a line-item basis, the action is OK'd by the full committee on recommendation of the subcommittee. Then these properties are surplus and they go through the GSA disposal process, with first prerogatives to other Federal agencies—first, the military; then educational. I am sure the gentleman from Illinois knows the priority. Then it comes to the State level, and then to the local level. The answer to your question specifically about O'Hare, by liaison with any member of the committee or, indeed, by the staff of the committee, you should be advised if and when such action was approved by the committee, and long before it was declared surplus to GSA.

Therefore, you could work your influence on the normal disposal process.

Mr. COLLIER. Mr. Chairman, I thank the gentleman from Missouri. That answers my question.

Mr. RIVERS. Mr. Chairman, we must oppose this amendment, as we opposed the other. We recognize there are many gray areas, where we could spend some money, as, for instance, at the Navy Yard in Bremerton, or the Great Lakes Training Station, where they train the wonderful boys in Illinois, or the San Diego operation. But wherever we could possibly ask for deferment for one more year, this is the way we have approached it.

This is why I am opposed to the amendment of the gentleman from Florida (Mr. FREY).

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

Mr. RIVERS. I yield to the gentleman from Florida (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, does the gentleman from South Carolina feel that with the mere expenditure resulting from the amendment, which would result in 27 percent greater capacity, in view of the tremendous money investment at this location already, at this training base, that would be a wise investment, and it would be penny-wise and pound-foolish not to make it?

Mr. RIVERS. Mr. Chairman, we have cut $346 million from this bill. The same argument could be advanced for all the cuts. I sponsored the Orlando base, and I am going to take care of it, but wherever we can cut this year, we must. Next year we have every hope this thing will be brought back and that we can then approve it.

Mr. CRAMER. Mr. Chairman, the gentleman knows my record with regard to expenditures, but I do feel in this instance, with this tremendous gain in training capacity, this 27-percent increase in training capacity, it is penny-wise and pound-foolish not to provide this minimal increase in expenditure.

Mr. RIVERS. Mr. Chairman, I must oppose the amendment.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FREY).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. STEED, 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. 13018) to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 500, he reported the bill back to the House.

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

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

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

MOTION TO RECOMMIT OFFERED BY MR. WHALEN

Mr. WHALEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WHALEN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WHALEN moves to recommit the bill H.R. 13018 to the Committee on Armed Services with instructions to report it back forthwith with the following amendment: Strike section 708, beginning on page 63, lines 1 through 11.

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. WHALEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. LEGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count.

One hundred ninety-six Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 87, nays 323, not voting 22, as follows:

[Roll No. 142]

YEAS—87

Adams	Frelinghuysen	Morse
Addabbo	Friedel	Mosher
Anderson, Calif.	Gilbert	Moss
	Green, Pa.	Nedzi
Ashley	Griffiths	Obey
Bingham	Hanna	O'Hara
Boland	Hansen, Wash.	O'Neill, Mass.
Bolling	Hathaway	Ottinger
Brademas	Hawkins	Patten
Brown, Calif.	Hechler, W. Va.	Pike
Brown, Mich.	Heckler, Mass.	Podell
Burton, Calif.	Helstoski	Rees
Button	Holifield	Reid, N.Y.
Celler	Horton	Reuss
Chisholm	Howard	Riegle
Clay	Jacobs	Rosenthal
Cohelan	Joelson	Roybal
Conte	Kastenmeier	Ryan
Conyers	Koch	Scheuer
Corman	Leggett	Stokes
Culver	Lowenstein	Sullivan
Diggs	McCarthy	Symington
Dingell	McCloskey	Thompson, N.J.
Eckhardt	McFall	Tunney
Evans, Colo.	Macdonald, Mass.	Udall
Farbstein		Van Deerlin
Foley	Meeds	Waldie
Ford, William D.	Mikva	Whalen
	Mink	Wolff
Fraser	Moorhead	Yates

NAYS—323

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Corbett
Coughlin
Cowger
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Foreman
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks
Hogan
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
McMillan
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morton
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
Nix
O'Konski
Olsen
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NOT VOTING—22

Baring
Brasco
Brock
Carey
Cunningham
Daddario
Edwards, Calif.
Fascell
Flowers
Gallagher
Gubser
Halpern
Hull
Kirwan
Kuykendall
Lipscomb
Mailliard
Powell
Rostenkowski
Saylor
Taft
Teague, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Carey for, with Mr. Hull against.

Mr. Brasco for, with Mr. Teague of Texas against.

Mr. Edwards of California for, with Mr. Fascell against.

Mr. Gallagher for, with Mr. Cunningham against.

Mr. Powell for, with Mr. Gubser against.

Mr. Stokes for, with Mr. Saylor against.

Until further notice:

Mr. Rostenkowski with Mr. Lipscomb.

Mr. Kirwan with Mr. Mailliard.

Mr. Halpern with Mr. Kuykendall.

Mr. Taft with Mr. Brock.

Messrs. WILLIAM D. FORD, FRIEDEL, BUTTON, O'NEILL of Massachusetts, and HOLIFIELD changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

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

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 376, nays 30, not voting 26, as follows:

[Roll No. 143]

YEAS—376

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Feighan
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Madden
Mahon
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Roth
Roudebush
Ruppe
Ruth
St Germain
St. Onge
Sandman
Satterfield
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Zablocki
Zion
Zwach

NAYS—30

Bingham
Brown, Calif.
Burton, Calif.
Chisholm
Clay
Conyers
Diggs
Farbstein
Fraser
Gilbert
Hawkins
Helstoski
Kastenmeier
Koch
Lowenstein
Mikva
Morse
Ottinger
Pike
Podell
Rees
Reid, N.Y.
Rosenthal
Roybal
Ryan
Scheuer
Stokes
Whalen
Wolff
Yates

NOT VOTING—26

Baring	Flowers	Long, Md.
Brasco	Fountain	Mailliard
Cabell	Gallagher	Powell
Carey	Gubser	Rostenkowski
Cunningham	Halpern	Saylor
Daddario	Hull	Taft
Derwinski	Kirwan	Teague, Tex.
Edwards, Calif.	Kuykendall	Young
Fascell	Lipscomb	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Carey with Mr. Mailliard.
Mr. Kirwan with Mr. Cunningham.
Mr. Teague of Texas with Mr. Lispcomb.
Mr. Brasco with Mr. Derwinski.
Mr. Daddario with Mr. Kuykendall.
Mr. Rostenkowski with Mr. Saylor.
Mr. Hull with Mr. Taft.
Mr. Flowers with Mr. Halpern.
Mr. Gallagher with Mr. Powell.
Mr. Fascell with Mr. Edwards of California.
Mr. Cabell with Mr. Long of Maryland.
Mr. Fountain with Mr. Young.

Mr. MIKVA changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 13018) just passed.

The SPEAKER. Without objection, it is so ordered. There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1373, TO AMEND FEDERAL AVIATION ACT OF 1958

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on S. 1373 entitled "An act to amend the Federal Aviation Act of 1958, as amended, and for other purposes."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91-426)

[To accompany S. 1373]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Federal Aviation Act of 1958, as amended, is further amended as follows:

"(1) Section 407(b) (49 U.S.C. 1377(b)) is amended by adding the following additional sentence: 'Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.'

"(2) Section 408 (49 U.S.C. 1378) is amended by striking subsection 408(a)(5) in its entirety, and inserting in lieu thereof the following:

"'(5) For any air carrier or person controlling an air carrier, any other common carrier, any person engaged in any other phase of aeronautics, or any other person to acquire control of any air carrier in any manner whatsoever: *Provided*, That the Board may by order exempt any such acquisition of a noncertificated air carrier from this requirement to the extent and for such periods as may be in the public interest;'.

"(3)(A) Section 408 is further amended by adding the following new subsection 408(f):

"'PRESUMPTION OF CONTROL

"'(f) For the purposes of this section, any person owning beneficially 10 per centum or more of the voting securities or capital, as the case may be, of an air carrier shall be presumed to be in control of such air carrier unless the Board finds otherwise. As used herein, beneficial ownership of 10 per centum of the voting securities of a carrier means ownership of such amount of its outstanding voting securities as entitles the holder thereof to cast 10 per centum of the aggregate votes which the holders of all the outstanding voting securities of such carrier are entitled to cast.'

"(B) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading 'Sec. 408. Consolidation, merger, and acquisition of control.' is amended by adding at the end thereof the following: '(f) Presumption of control.'

"SEC. 2. The amendments made by this Act shall take effect as of August 5, 1969."

And the House agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN L. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

WARREN G. MAGNUSON,
HOWARD W. CANNON,
PHILIP HART,
NORRIS COTTON,
WINSTON PROUTY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1373) to amend the Federal Aviation Act of 1958, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendment.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment which is a substitute for both the text of the Senate bill and the House amendment.

The differences between the House amendment and the substitute agreed to in conference are noted below, except for technical, clerical, and conforming changes made necessary by reason of the agreement reached by the conferees.

References to provisions of existing law refer to the provisions of the Federal Aviation Act of 1958.

CIVIL AERONAUTICS BOARD EXEMPTION AUTHORITY AND BOARD PROCEDURES

The Senate bill contained two related provisions. One amended section 408(a)(5) of existing law to provide that the Civil Aeronautics Board could, by order, exempt any acquisition from the requirement of prior Board approval to the extent and for such periods as may be in the public interest. The other amended section 408(b) of existing law to permit the Board to establish such expedited procedures (other than evidentiary hearings) as it deemed appropriate in those cases where Board approval was required only by reason of section 408(a)(5) of existing law.

The House amendment limited the authority of the Board to exempt acquisitions from prior Board approval to acquisitions of noncertificated air carriers (such as air taxis and air freight forwarders). The House amendment did not authorize the Board to prescribe expedited procedures and dispense with an evidentiary hearing in any case of an acquisition where prior Board approval would be required.

The substitute agreed to in conference follows the House version. The committee of conference felt that the exemption authority of the Board with respect to noncertificated carriers eliminated the possibility that the Board would be overburdened with hearings on acquisitions of control. In the case of certificated carriers, particularly the smaller supplementals, the committee of conference expects the Board to process any acquisition proceedings with all due speed.

ATTORNEY GENERAL

The House amendment amended section 408(b) of existing law to require the Board to notify the Attorney General of the time and place of a public hearing on approval of acquisitions and other transactions already within the purview of section 408(a), and also to require the Board to determine that the Attorney General was not requesting a hearing before it could approve certain acquisitions without a public hearing. The Senate bill contained no comparable provisions.

The substitute agreed to in conference omits the House provisions relating to the Attorney General. The committee of conference was informed that, under existing practice, there is no lack of communication between the Board and the Attorney General as to Board action on proposed transactions affecting control of air carriers. The committee of conference expects routine and prompt contact between the Board and the Attorney General to continue. Moreover, the Attorney General would no doubt be included, as to notice, under existing law as in the group of "other persons known to have a substantial interest in the proceeding". Therefore, the conferees agreed that, in view of the statements in both the House and Senate reports on this legislation that there was no intent to add to or detract from the Attorney General's authority under the antitrust laws, it would be better to omit the House provisions.

PRESUMPTION OF CONTROL

The Senate bill created a presumption of control on the part of any person owning beneficially 10 percent of more of the voting securities or capital of any air carrier, and defined beneficial ownership of 10 percent of the voting securities to mean ownership of such amount of the carrier's outstanding voting securities as entities the holder to cast 10 percent of the total number of votes which the holders of all outstanding voting securities are entitled to cast.

The House amendment created a presumption of control on the part of any person owning beneficially 10 percent or more of any class of the capital stock or capital of an air carrier.

The substitute agreed to in conference follows the Senate version. The managers on the part of the House agreed to the Senate language which had been worked out in conjunction with the Securities and Exchange Commission and the Civil Aeronautics Board.

EFFECTIVE DATE

The Senate bill had a retroactive effective date of March 7, 1969, but provided that no criminal penalties shall be applicable to anyone who acquired control of an air carrier between that date and the date of enactment of the Senate bill.

The House amendment provided that it take effect on the date of its enactment.

The substitute agreed to in conference provides that the amendments to existing law will take effect as of August 5, 1969, the date of the conference agreement. The language relating to retroactive criminal penalties was omitted as unnecessary.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
GLENN CUNNINGHAM,
Managers on the Part of the House.

PERSONAL ANNOUNCEMENT

Mr. FOUNTAIN. Mr. Speaker, I was unavoidably detained during the vote on the bill, H.R. 13018, just passed by the House.

Mr. Speaker, had I been present, I would have voted "yea."

A BILL TO BAN USE OF DDT IN THE UNITED STATES

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

Mr. OBEY. Mr. Speaker, today, along with the gentleman from Illinois, Congressman ABNER MIKVA and 28 other Members of the House, I am introducing a bill which would ban the use of the pesticide known as DDT in the United States.

The only exception to the ban would be in cases where the President himself determined that the use of DDT was necessary to protect the health and safety of the American public. In such a case, the President would be authorized to use DDT for a period not to exceed 30 days, provided that notification is given to the Congress of the intended use of the chemical and the reasons which make that use necessary.

The need for a ban on DDT is clear. Because DDT is a persistent pesticide which takes more than 10 years to decompose, it is absorbed, not only by the insects it is intended to kill, but also by other birds, animals and eventually, even man himself.

As DDT reaches the rivers and streams of the country, it is absorbed in the fatty tissues of fish and aquatic life. As smaller fish are consumed by large ones, the concentration of the DDT increases, and by the time it passes into the bodies of fish-eating birds, its concentration has multiplied to frightening proportions.

It also passes into the bodies of humans, and the situation has become so serious that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cows' milk which is sold for public consumption.

In 1962 Rachel Carson alerted the Congress and the American people to the dangers which could result from the use of DDT and other pesticides. Well documented and scientific research since then has proven her predictions of 7 years ago to be uncomfortably accurate.

One year after the publication of "Silent Spring," the Chairman of the President's Scientific Advisory Committee, Dr. Jerome Wiesner, recommended that the accretion of residues in the environment be controlled by orderly reduction in the use of persistent pesticides. That Committee also recommended that "elimination of the use of persistent toxic pesticides should be the goal."

In November 1965, the report of the Environmental Pollution Panel of the President's Science Advisory Committee recommended that unnecessary use of pesticides should be avoided whenever possible. The Committee noted that pesticide use is necessary under many circumstances, but it also reported that such use is almost invariably accompanied by undersirable side effects, often by hazards. It concluded:

> Accordingly, we should always use pesticides no more frequently and in no larger quantities than we must.

And, this year, after a careful study on persistent pesticides, the National Academy of Sciences-National Research Council stated that "prudence dictates that such long-lived chemicals should not be needlessly released into the biosphere."

In its conclusion, that NAS–NRS report also states the following:

> Residues of certain persistent pesticides in the environment have an adverse effect on some species of wild animals and threaten the existence of others.

Mr. Speaker, that statement does not hedge; it is not ambiguous; it does not equivocate. It says certain pesticides, particularly DDT and its persistent cousins, "have an adverse effect" on animals and wildlife, and "threaten the existence of others."

The fact is that evidence has mounted almost monthly indicating the ubiquitous nature of DDT and the hazard it poses for animals, wildlife, and man.

In one recent survey, the U.S. Bureau of Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The National Wildlife Federation reports that approximately 75 percent of specimens of fish, birds, and animals collected from various parts of the world contained DDT.

In California 396 of 400 samples of fish and shellfish from salt water bays and the open sea contained DDT residues.

In Wisconsin the conservation department found it in every single fish examined in a recent survey.

The Fish and Wildlife Service has estimated that one part of DDT in a billion parts of water will kill crabs in 8 days, a relationship which is about equal to 1 ounce of chocolate syrup in 1,000 tank cars of milk.

Concentrations of the chemical have been found in penguins and seals in Antarctica and reindeer in Alaska, far from the insects first targeted for death by the pesticide.

In his relatively short lifetime man has caused the extinction of at least 300 species of animals. Man is accelerating this pace of extinction with the use of DDT and other pesticides, but perhaps most ominous of all is the fact that DDT has been found to interfere with the photosynthesis by marine plankton. Photosynthesizing photoplankton produces 70 percent of the oxygen we breathe. The threat posed to man's own existence is clear.

But, there are other examples which are almost as threatening.

The Secretary of the Department of Health, Education, and Welfare has received a report from the National Cancer Institute indicating that DDT-like poisons induce cancer in mice.

Researchers at the University of Wisconsin, among other places, have found indications that pesticides are a genetic hazard to man, capable of producing mutations. As one scientist at the Universty of California recently stated:

> No responsible person could now get up here and say that this constant nibbling at our steroids (sex hormones) is without any physiological effect. It would be irresponsible.

Mr. Speaker, there is only one way to eliminate the threat which DDT presents to man and his environment, and that is to ban the use of the chemical completely. Furthermore, only a national ban on the pesticide would be completely effective because DDT does not stay where it is put. It hitchikes its way throughout the environment in the soil, water, and air. It finds its way everywhere and poisons everything it touches.

It is true, as Senator RIBICOFF's report on pesticides and public policy stated in 1966 that:

> The debate over pesticides is but one facet of a wider debate which reflects a greater sensitivity to the fundamental questions raised by the continuing and accelerating pace of man's modification of his total environment.

I am pleased to say that more public discussion is taking place now over the importance of the preservation of our environment then has been true for many years. We have come to realize that human existence depends on the intricate balance of nature in the environment which surrounds us, and the probability is becoming clear that DDT is adversely affecting that balance. It is a poison which may even be more harmful than we now realize.

Arizona, California, and Michigan have banned the use of this chemical. Several foreign countries have done the same. It is my hope, and the hope of the 29 other authors of this bill, that the Congress will follow the prudent example recently set by my own State when the State assembly 2 weeks ago voted unanimously on a 90-to-0 vote to institute a ban on the use of DDT in the State of Wisconsin.

The text of our bill follows, together with a list of its cosponsors:

H.R. 13339

A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes

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

SECTION 1. There is hereby transferred to the Secretary of the Interior the functions

of the Secretary of Agriculture under the Federal Insecticide, Fungicide and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C. 135–135k).

SEC. 2. The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, as amended, 7 U.S.C. 135–135k) is further amended by adding at the end thereof a new section 17 as follows:

"SEC. 17. Notwithstanding any other provision of this or any other Act, it shall be unlawful, after June 30, 1970, for any person to distribute, sell, or offer for sale in any territory or in the District of Columbia, or to ship or deliver for shipment from any State, territory, or the District of Columbia, to any other State, territory or the District of Columbia, or to receive in any State, territory, or the District of Columbia, from any other State, territory, or the District of Columbia, or a foreign country the chemical compound dichlorodiphenyltrichlorethane, commonly known as DDT, provided, however, that if the President of the United States makes a written finding that the public health and safety requires the use of DDT in a particular locality, he may authorize the use for a period not exceeding 30 days of such amounts of DDT as he determines is reasonable to protect the public health and safety, and the President shall, within 10 calendar days after granting such authorization, transmit to the President of the U.S. Senate and the Speaker of the House of Representatives a report stating the reasons for the temporary use which he has authorized hereunder."

LIST OF COSPONSORS OF THE OBEY-MIKVA BILL

Representative Glenn M. Anderson, Democrat of California.

Representative William A. Barrett, Democrat of Pennsylvania.

Representative Jonathan B. Bingham, Democrat of New York.

Representative George E. Brown, Jr., Democrat of California.

Representative Daniel E. Button, Republican of New York.

Representative William Clay, Democrat of Missouri.

Representative Don Edwards, Democrat of California.

Representative Marvin L. Esch, Republican of Michigan.

Representative Leonard Farbstein, Democrat of New York.

Representative Thomas S. Foley, Democrat of Washington.

Representative Henry Helstoski, Democrat of New Jersey.

Representative Robert W. Kastenmeier, Democrat of Wisconsin.

Representative James Kee, Democrat of West Virginia.

Representative Edward I. Koch, Democrat of New York.

Representative Richard D. McCarthy, Democrat of New York.

Representative Patsy T. Mink, Democrat of Hawaii.

Representative Arnold Olsen, Democrat of Montana.

Representative Richard L. Ottinger, Democrat of New York.

Representative Thomas M. Rees, Democrat of California.

Representative Henry S. Reuss, Democrat of Wisconsin.

Representative Benjamin S. Rosenthal, Democrat of New Jersey.

Representative Fernand J. St Germain, Democrat of Rhode Island.

Representative James H. Scheuer, Democrat of New York.

Representative Frank Thompson, Jr., Democrat of New Jersey.

Representative John V. Tunney, Democrat of California.

Representative Charles A. Vanik, Democrat of Ohio.

Representative Jerome R. Waldie, Democrat of California.

Representative G. William Whitehurst, Republican of Virginia.

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

Mr. OBEY. I am happy to yield to the gentleman from Oklahoma.

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

I want to commend the gentleman, Mr. Speaker, for a very fine statement, and for demonstrating in his short period in the House of Representatives the qualities of leadership and initiative that I am quite sure played a big part in his recent successful special election in Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Oklahoma.

DDT: THE ACCUMULATING POISON

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

Mr. MIKVA. Mr. Speaker, my distinguished colleague from Wisconsin (Mr. OBEY) and I have today introduced a bill which would ban the distribution of DDT in the territories and the District of Columbia and among the several States except upon special order from the President.

The need for such a law has been demonstrated with increasing clarity ever since Rachel Carson called the attention of the Nation to the possible threat of insecticides in her book, "Silent Spring." Scientists have investigated Miss Carson's allegations that indiscriminate use of DDT may result in man's destruction of himself and his environment, and evidence of the frightening truth of these allegations continues to mount.

As the evidence of the effects of DDT mounts, so does the poison. The sad fact is that DDT, once sprayed, does not go away. It rises into the atmosphere where it is absorbed into the tissues of high-flying predator birds, such as the bald eagle. It seeps into streams and into the fish that inhabit them—and into the birds that feed on these fish. And it comes to rest on the crops that are eaten by man. The most urgent fact about DDT is that once it comes to rest within an animal it does not dissipate—it accumulates.

DDT, after being allowed to build insufficient quantities within animals, has been linked by scientists to a wide variety of alarming ills. The effects of the poison on the reproduction of bald eagles may result in the extinction of that majestic bird. The mysterious deaths of millions of fish have been attributed to the large quantities of the pesticide which have been found inside almost all of those examined. DDT has been cited as a possible cause of cancer in mammals. DDT has even been found to render certain plants incapable of photosynthesis—the process which is responsible for all oxygen in the atmosphere. The more DDT which accumulates, the more we will discover that it can destroy.

Several States have banned, or are considering banning, DDT. But the individual States cannot control the DDT which floats in from outside their borders. This problem clearly calls for the kind of national action which is represented by this bill.

Opponents of restrictions on DDT have questioned whether we can afford to ban the chemical without any conclusive evidence as to its effects. We do know, now and with certainty, that DDT is a poison. We know that the longer it is used the more of it there is to accumulate in fish, birds, and human beings. Certainly a Nation that has landed men on the moon can develop a safer, more natural method of destroying insects. We not only can afford to ban DDT, we cannot afford not to.

Mr. Speaker, I urge the adoption of this bill.

MILITARY INVESTIGATION

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

Mr. BIAGGI. Mr. Speaker, I want to take this opportunity to speak about the decision last Friday of the House Armed Services Committee to investigate acts of militancy—brawls and fights—at Camp Le Jeune, N.C., and other military bases.

Since I recently called attention to the disturbing conditions at some of our military bases and took the time to personally inspect Camp Le Jeune July 23, I was naturally gratified when I learned that my efforts had aroused such fast action. The recognition of the problem by the Armed Services Committee and its desire to try to do something about it is surely a step in the right direction.

I would be less than truthful, however, if I did not say that I would prefer the formation of a permanent select committee that would deal solely with this most important investigation and not be burdened by other responsibilities. Judging from conversations I had within the last few days with some distinguished Members of this body and from the letters, telegrams, and telephone calls I have received from concerned Americans, I am sure that there are many in this Nation who agree with me.

There are those who have told me that the fact that the Armed Services Committee showed no visible awareness of the problem until I called attention to it is, perhaps, the best evidence of that committee's burdens with so many other matters. It is hard to argue against logic of that sort. We must wait and see and hope for the best.

Though expectations are low in some quarters—and I regret to say that this is understandable—I will do everything I can to assist the Armed Services Committee. If the committee desires my assistance, I would be only too happy to testify at its hearings. I would also provide the committee with my records and reports and do all within my power to acquire meaningful results.

I will do all of this because I consider the investigation vitally important to national security. The spread of general lawlessness within some areas of civilian society is indeed serious enough. But

when those seeds are sown on some of our military bases, I cannot help but feel that the very survival of our Nation depends upon our ability to act effectively.

I trust, therefore, that the Armed Services Committee will give this investigation the immediate attention and priority that it deserves.

COMMEMORATIVE HALF DOLLAR HONORING APOLLO 11 ASTRONAUTS AND APOLLO 11 MOON FLIGHT

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

Mr. GERALD R. FORD. Mr. Speaker, I have today introduced legislation which provides for the minting of new nonsilver half dollars as proof coins commemorating the epic flight of Apollo 11.

Mr. Speaker, the new nonsilver half dollar I have proposed for minting would not supplant the Kennedy half dollar nor would it circulate in competition with it and thus create confusion. The moon mission half dollar could be obtained only by placing an order with the Treasury Department, which would sell the coins at a price not to exceed $1.

The moon mission half dollar would be a special commemorative coin with the likenesses of Neil Armstrong, Edwin Aldrin, Jr., and Michael Collins on the one side and the lunar module on the surface of the moon on the other.

Under my bill, the Treasury Department would receive orders for the moon mission coin until December 31, 1970. Not only residents of the United States but also residents of foreign countries could buy the coins from the Treasury. I felt this was appropriate since the Apollo 11 moon mission really belongs to the world. As Neil Armstrong said, it was "one small step for man, one giant leap for mankind." I think people throughout the world should have an opportunity to buy a moon mission half dollar.

Mr. Speaker, as so often happens in matters of this kind, the sponsor of a bill is not always its originator. In the case of the moon mission half dollar, I would like it known that Hugh Downs, host of the NBC "Today" show, suggested the idea.

One last comment. I think the half dollar is the ideal coin for a moon mission commemorative coin because in a sense it will honor not only all our Apollo astronauts—including the late Roger Chaffee of Grand Rapids, Mich.—but also the late President John F. Kennedy. We all recall that it was Jack Kennedy who in ringing tones told the world America would put men on the moon before the end of this decade. We have realized that dream. We have accomplished that objective. I think Jack Kennedy would have been proud to have a moon flight half dollar memorialize the reaching of his goal.

HEARINGS ON OBSCENITY BEGIN

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

Mr. DULSKI. Mr. Speaker, the Subcommittee on Postal Operations today began hearings on the various bills which have been referred to our committee and designed to halt the flow of smut mail.

I commend the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. NIX), for his diligence in seeking legislative ways to control smut mail.

Court decisions have made the job of enforcement difficult, but I do not believe we should allow these adverse rulings to deter us in our effort to put teeth into the law to control these mailings, in particular those mailings which go into the homes where minors reside.

Mr. Speaker, as a part of my remarks, I would like to include the text of the opening statement by the chairman at the hearing today:

THE SMUT RAKERS VS. PARENTS

Today the subcommittee will take up the subject of pornography and its mail distribution. Federal interest in the regulation of pornography is based on the jurisdiction of the Post Office Department and the operations of the Customs Bureau. Our subcommittee's jurisdiction is limited to the mailing of pornography.

The mass mailing of unsolicited, unnatural and sexually degenerate material is aimed for the most part at adolescents. Such mailings have the effect of undermining parents in their attempt to educate their children as to the meaning and purpose of sex. Pornography undermines the family because it, by its nature, preaches that men and women are sexual objects to be exploited for personal pleasure.

Many smut merchants operate by means of mailing lists which contain the names of preteen children. These names are gathered through the purchase of preteen mailing lists compiled originally by other businesses who sell to children by mail, such as stamp clubs and record clubs. The preteen lists are then held until the named children are about 15, for maximum effect.

Fifteen year olds are at the height of their curiosity about sex which they regard as an adult mystery rather than a matter of adult privacy. This curiosity reaps millions for pornographers. Smut is cheap to produce, inexpensive to mail, and may result in a form of addiction to pornography which will become very profitable in the future to the smut merchant.

Pornography as a form of prostitution in this age of automated mailings is lucrative because it costs so little to produce. For example, most pornography makes extensive use of pictures. One picture of one prostitute can bring a thousandfold profit through computerized mailings that can be force fed through millions of family mail boxes via the postal service at minimal delivery cost. From the pornographers point of view the production cost is also very low in that he does not have to house the women he uses. The prices he charges for his books, pamphlets or movies can become as high for his hooked customers as prostitution itself. His legal position is stronger because he wraps himself in the cloak of free speech.

There may be those who fear that their own right to express themselves may in some distant future be limited if the pornographers right to sell is restricted. We will be hearing from these people in editorial columns in the near future. The ironic thing is that many of these same persons will support legislation that will restrict cigarette advertising aimed at the very young because they fear lung cancer themselves. These same individuals will support safety requirements for the manufacturer of automobiles because they abhor the slaughter of motorists on our highways. They will ask what interest is protected by anti-smut legislation.

The interest we seek to protect here is as vital as the interest of the American public in physical health, it is an interest in the mental health of children. A childs disoriented orientation toward the opposite sex will damage his relationships with other people and may even make the state of marriage a very difficult one. In some cases it may lead to sexual deviation or crime. This can happen because a young persons first impression of something as important as sex is the strongest impression. Extensive psychiatry may be necessary for a child who has been disoriented by pornography in order to bring him back to his full potential.

The parents of America have had enough. They have no way to turn but to their Representatives in Congress to protect themselves against mass mailings and repeated mass mailings designed to get by their guard and reach children, regardless of parental opposition. Pornography with its essential ingredient of sadism, the use of human beings as things, has no place in the American home or in the family mail box.

STUDENT DISORDERS AT THE UNIVERSITY OF CALIFORNIA: THE NONMONOLITHIC STUDENT

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

Mr. LEGGETT. Mr. Speaker, as the beginning of the 1969–70 school year approaches, the possibility of renewed disruptions of the orderly process of education which have in the recent past plagued colleges from coast to coast is of major concern.

If anything has been learned from the experiences of the past, it is that there is no easy answer to the question of how to solve the problem of student unrest. However, it is clear that student unrest will be eliminated neither by attempting to suppress it with brute force nor by merely sitting back and hoping that it will somehow disappear like a bad dream. If we are ever to deal successfully with student unrest, we must first understand the reasons why it exists.

In an effort to better understand these reasons for student unrest, the Senate Permanent Subcommittee on Investigations has been conducting hearings on the subject of student disorders for several weeks. One of the most prestigious witnesses to testify before the Subcommittee was Roger W. Heyns, chancellor of the Berkeley campus of the University of California. Probably no other college administrator in the Nation has had more experience with student disorders than Chancellor Heyns who has steered the Berkeley campus through a continuing rash of disruptions. Chancellor Heyns is therefore well qualified to speak from experience about the nature of student unrest, and I find his testimony most enlightening.

Mr. Speaker, I insert into the RECORD at this point the text of Chancellor Heyn's statement before the Senate Permanent Subcommittee on Investigations on July 15:

STATEMENT OF ROGER W. HEYNS, CHANCELLOR, UNIVERSITY OF CALIFORNIA, BERKELEY, CALIF.

Mr. Chairman and Members of the Committee: It is not my intention to elaborate at length upon testimony which has been presented by previous educators, and with

which I concur, concerning the pervasive underlying reasons for student discontent. Rather, it is my purpose to focus on the University of California at Berkeley, hoping that this description and some general statements concerning campus disruption, plus the testimony of your other witnesses will help this committee better understand student dissent and dissatisfaction.

The Berkeley campus is one of nine governed by the Regents of the University. The entire nine campuses are administered through the office of the President and through the respective Chancellors for each campus. The Berkeley campus is the oldest; it has an enrollment which ranges between 27 and 28 thousand students most of the academic year. Approximately 17–18 thousand students are undergraduates, the other 9–10 thousand are graduate students.

The campus lies within the city of Berkeley. The south boundary of the campus is separated by the width of a city street from the city proper; the main entrance on the south side of campus is directly opposite Telegraph Avenue in Berkeley. This Avenue has become the locus of a wide variety of youth cultures, representing immense diversity in political ideology, social organization, and personal styles of behavior.

The University of California at Berkeley is an academically prestigious institution. The city of Berkeley is a progressive community. Both the campus and the community have a rich tradition of cultural understanding, of acceptance of diverse and conflicting attitudes and opinions, of tolerance for a wide range of political viewpoints and of emphasis upon the intellectual, the artistic, and the creative.

When one describes a campus problem at Berkeley, he is referring to a situation which probably includes students ranging in age from 18–30, non-students from around the Avenue, a small but determined group of revolutionaries, high school and junior high school students from within walking distance, varying degrees of faculty and staff support or participation, ubiquitous newsmen and weather which is generally mild and pleasant.

Berkeley might well be studied by all who have a serious interest in the underlying causes of student unrest in this country. It has not only had more experience than other campuses, but it may well represent a harbinger of events not only for other universities, but for social institutions throughout our society. For at Berkeley one finds a gifted group of students; a distinguished and lively faculty; a community and campus social milieu of openness, acceptance, and high expectations; a campus increasingly facing the pressures presented by being part of the urban scene; and an institution facing the minority demands for access, not only from Blacks, but from Chicanos, Asians, American Indians and Filipinos. Berkeley also represents a large, complex organization within an even larger, more complex structure, an administrative scheme which makes the lengthy decision-making process intolerable to action-minded young people.

Berkeley, like most universities, is physically vulnerable. It is accustomed to operate in an atmosphere of free inquiry, personal trust, and mutual confidence. It can be disrupted easily in countless ways. The tactics of terror, violence, and hit-and-run disruption pose serious problems for University officials and law-enforcement officers. Fire bombs at night, threats of physical intimidation, and the swift vandalism of 100–300 massed individuals are nearly impossible to anticipate and extremely difficult to control. Identification of specific individuals involved in crowds or mobs behaving illegally is difficult, time consuming, and not very productive.

Nevertheless, university discipline is still an effective device for dealing with specific violations of campus rules and regulations by students. It is not always as swift as many observers off-campus would like it to be for a variety of legitimate, internal reasons. To begin with, University disciplinary proceedings now properly require a recognition of "due process". Within this procedure, cases have to be investigated, prepared, and presented. On our campus a Committee on Student Conduct is scheduled to hear the alleged violations, and this Committee—because it is made up of faculty and students having other responsibilities—cannot be assembled for any extensive period of time without considerable advance notification. It is the responsibility of this committee to hear the charges, to listen to the defense, to judge guilt, and to recommend penalties to the Chancellor. A review of the Berkeley experience with campus discipline over the past few years will show that Universities can indeed deal with their own violators and will also reveal that these disciplinary actions are effective. Since 1966, 517 students at Berkeley have been cited for violation of regulations. Of these, 70 were separated (by either dismissal or suspension) from the institution, 194 were placed on disciplinary probation, 75 were censured, 71 were warned, 78 had charges dismissed, and 29 have hearings pending. In addition to the students disciplined, 89 non-students have had any future registration at the University blocked. One of the most impressive revelations of the data is that of the 410 students disciplined, only 45 were repeaters. It must be noted, of course, that discipline is of no use with the non-student violator of regulations.

Campus discipline is not flamboyant, it is generally quiet and private. It operates not from a premise of being punitive, rather it attempts to be educational. It is slow, but it is thorough. And it is supported and respected by its community. Moderr disciplinary process is influenced heavily by constitutional guarantees, court decisions concerning student discipline, and other legal ramifications which caution Universities to go slowly and soundly. The campus discipline process is not perfect, but neither is the civil or criminal court procedure. It is interesting to note that 37 students were separated from the University following the seizure of a campus building in October. Three of the leaders, charged with conspiracy, have yet to be tried in court. In a recent mass arrest associated with the People's Park 433 persons were apprehended. Every single case has been dismissed for evidentiary reasons.

Because any particular disruptive episode on a given campus comprises a unique combination of history, circumstances, and participants, that specific campus is best able to determine how the episode should be handled and should be left free to handle it in its own way. Especially must it be realized that a chief campus administrator—like any elected official—must have the social support of his community. He cannot be an effective leader without the respect and support of the bulk of students, faculty, staff, and policy board members. Any decisions made in the handling of a crisis have to be made in the context of the values, the understanding, and the ultimate support of the campus community.

There are times when physical disruption on a University campus excceeds the University's ability to control, and outside law enforcement must be requested. The Berkeley campus has faced such circumstances and has called for police assistance from off-campus. Such situations are not easy for either the campus or the law enforcement agency. Police are not anxious to operate in strange communities, whether it be a campus or another city. University officials are always aware that when they call for outside help, that step may aggravate an already difficult situation. However, if massive disruption is to be a style, Universities must either greatly augment their own security forces or rely upon outside law enforcement assistance.

Our campus, like most others, is engaged in critical self-evaluation with respect to those internal issues which are of concern to students. One of the main questions under scrutiny is the most appropriate and effective student involvement in academic planning and University governance. Method of student representation, the most effective organizational level of input, and the ephemeral nature of the student tenure on campus are illustrations of the kinds of problems that must be resolved. The Academic Senate is currently exploring the most effective and appropriate means by which students can participate in and with Senate committees. A review of student participation in departmental and college matters is being conducted in order that the most successful models can be identified and promulgated. The student government has created a major post dealing with academic affairs, and it will be the purpose of this position to develop ways for substantive student involvement in academic areas. During this past quarter, students were more heavily involved in the review of administrative services of student affairs than ever before, and this participation will be increased this fall and winter.

Because these are internal, institutional problems they can be, and must be, resolved by institutions of higher learning. What colleges cannot solve, however, are national and international issues and problems which have riveted the attention and emotions of so many young Americans. Elimination of poverty, genuine equal opportunity for all Americans, increased access to education, protection of our country's natural, physical beauty, and peace for all peoples are aspirations of the young for which we should rejoice. The frustration that is over-whelming to American college youth is that they cannot understand why this nation, with unlimited resources and ability as they see it, seems to place such little priority on realization of the "American Dream." The frustration is compounded when these same youngsters—wanting to remind their elders of the "Dream" and to demonstrate their personal concern—are branded as troublemakers, dissidents, and some sort of evil force that must be controlled.

If there is any specific, most urgent task before us, it is for all of us—including college administrators and United States Senators—to demonstrate to our young people that this nation still pursues its Dream, that a democratic society can cure its ills, that change can take place with dispatch, and that we do care about people as much as we care about things. From my personal observation and experience, I must re-emphasize some of what you have heard from previous witnesses and urge you to heed the interim report of the National Commission on the Causes and Prevention of Violence, and the comments of the twenty-two Congressmen who recently reported to the President of the United States on disruption on our college campuses. Any person working with college students today cannot help but be impressed with the frustration caused by the war in Viet Nam, the desire to end racial and social injustice, the motivation to eliminate poverty, the disenchantment with educational institutions which seem to be aloof from or indifferent to the problems of their times, and an overwhelming desire to be heard and listened to by those who are older and who are making decisions which affect young lives. In short, many of the disruptive acts on campuses have their origin in a deep-seated concern about a broad social issue of the day—the campus frequently is only the site of the expression of the discontent. This is not to say that there are not strictly internal causes for dissension and dissatisfaction among students. There are many; the inability of institutions of higher learning to respond rapidly to bona fide educational change is a clear-cut example. However, any cataloguing of the serious confrontations which

have plagued the major campuses this past year will reveal, I am confident, more issues of a generalized nature than those of a strictly campus concern.

One of the tragedies of serious confrontation and disruption on any college campus is that it focuses attention on the wrong people and usually the wrong issues. In our resentment of and our reaction towards those who utilize coercion and disruption to achieve their ends, both internally and externally we tend to ignore the needs and interests of the great bulk of young people in this country. Young people who are committed to humanism and who do not want to destroy the society and institutions they hope to improve.

Especially, it seems to me, as the Congressman suggested to the President, is it imperative that we provide opportunities, on the campus and through national programs, for our young people to participate in meaningful efforts at solving our social problems.

One cannot overemphasize the gravity of campus disruption and coercion. Its very form and substance is anathema to an environment of learning and inquiry. It cannot be tolerated or condoned. College administrators and faculties need no reminding that disruption cannot be allowed on campus. Quite apart from the external reverberations such disturbances initiate, any University administration dedicated to the principles of education, learning, and investigation is committed fully to the elimination of tyranny and intimidation as a way of life, on or off campus. But somehow, above all else, at the same time students are being shown that disruption and coercion are counter-productive, these same students must also be shown that peaceful and productive change can take place.

I happen to believe that the unrest manifested on our campuses, and the searching questions asked by today's students, are going to be increasingly felt and asked throughout all social institutions in this country unless we begin to make some profound and satisfying changes. Our churches and our municipal and state governments, as examples, are increasingly going to be subjected to the debates, pressures, and disenchantment now exhibited on college campuses. I am not astonished that campuses have been the first site of the expression of youthful unrest. With more and more better informed young people moving into a free and open environment of inquiry and learning, is it really such a surprise that this environment would be the locus for the demonstration of their concerns and beliefs? Because I do think our campuses may be a preview for other American institutions and agencies, and because I do think young people are putting our society to the test in an unprecedented way, I believe strongly that American higher education needs support more than ever before. If there is any one institution in our society that is most suited to work with the young, to examine challenging concepts, to understand discord, and to illuminate the way to a better future, it is higher education. Of course we are racked with troubles and unpleasantness, but we are more likely to find their solutions than anyone else. This is not the time to be punitive by restricting appropriations to higher education, and this is not the time for public confidence in education to be undermined. Rather, this is the time to extend support to higher education, to build public confidence in the recognition that our ability—on the campus—to solve our difficulties in a fundamental and permanent fashion is essential to the continued development, improvement, and stability of our total society.

Mr. Speaker, I would like to insert into the RECORD at this point two additional observations concerning student unrest by two students attending the University of California at Davis. The first article is a statement authored by Anthony Lee Miller, a senior and political science major at Davis, who is currently serving in my office as a congressional intern.

The second insertion is a letter from Alan Tesche, also a political science major at Davis. Mr. Tesche's letter was written in response to a statement by Miss Cynthia Edwards, currently serving as a congressional intern with Congressman DON CLAUSEN, which appeared in the RECORD on July 22, 1969.

I think that the remarks of these students are relevant and worthy of recognition by Congress:

ON STUDENT UNREST

(By Anthony Lee Miller)

It would make life a lot simpler for politicians, college administrators, and parents floundering in the waves of student unrest if the source of this tide of rebellion sweeping across America could be pinpointed. If we could single out a small highly organized and well-financed cadre of conspiritors, or parental permissiveness, or student infiltration by elements of the radical lunatic fringe as the culprits, then perhaps we could solve the problem by simply removing the carcinogenic agent apparently corrupting young people much as a skilled surgeon would remove a malignant growth. But any attempt to explain student rebellion by pointing accusing fingers at single strands in the complex maze of factors which have converged to produce this so misunderstood phenomenon is to lose sight of the forest because of the trees.

To assume that a small, hard-core element of students and non students are responsible for the rash of disruptions is myopic and simplistic. One who attributes unrest to this cadre of revolutionaries gives these nihilists much more credit than they deserve and underestimates the intellectual capacity of most students by assuming that they are so gullable as to be deceived by the revolutionary-oriented hyperbole. This is not to say that this cadre is non-existent because these cohorts in revolution have made their presence known by their own inflamatory proclamations. But these radical elements survive only because of widespread alienation and frustration in a growing, not so silent majority of students, who identify with the goals if not the tactics of this much smaller, generally disorganized and crisis-oriented group of radicals.

But if the conspiracy theory is merely invented as an excuse for reaction rather than an explanation of the nature of student disorders, then what is it that has caused the young people of the most affluent, the best educated, and freest nation on earth to reject its heritage, to question self-evident truths of the past, to shake loose the moorings of American values? Why is the generation to whom the torch will soon be passed warring against its elders? Chiliastic idealism and the zealous desire to make America conform to our dreams is not unique to this generation. But the Doctor Spock generation is the unique product of a unique age—the age of affluency, the age of the mass media, the age of destruction. This generation is disillusioned and angry because the pregnant discrepancy between the ideal and the real—the American Dream and the American Nightmare—has never been so clear. Never before has the contradiction between textbook verbiage and real life trauma been so apparent. Young people, for the most part spared a life of hardship and drudgery in our affluent society and nurtured by a media which has reduced the world into a global village (to use Marshall McCluhan's phrase), are convinced that for the first time in the history of this planet this nation has the technological and scientific capability to solve mankind's age old problems of hunger, disease, and war. They refuse to swallow the hypocracy apparently tolerated by the preceding generation. Neglected pockets of hunger in the wealthiest country this world has ever known, the apathetic toleration of racism in a country thought to be founded on the notion that all men are created equal under the law, the fighting of an insane war of aggression 8000 miles away in the name of self determination—this generation finds these contradictions paradigmatic of so many others and refuses to sit idly by while people strave, suffer, and die. The college, often times encrusted with the barnacles of tradition and tangled in the atavistic ivy of an era long past, are the focal point of the attack.

Affluency has produced another phenomenon—boredom. Rejecting religion, the Puritan ethic of hardwork, and the old morality, this generation of Americans has turned to other foundations for places to secure anchor, to give direction to living, and a reason for existing on this speck of cosmic dust. This cause is the crusade to rebuild America according to the ideal, not the reality. This is the cause. This is the purpose. This is not to say that student rebels are pimple-pocked, corpulent outcasts using the anti-establishment crusade to compensate for their physical or emotional inadequacies. Such an assertion smacks of the same myopicism and simplicity as those who clutch the conspiracy theory. Aesthetics knows no ideological boundaries.

Thus, the hard-core revoluntionaires are not responsible for the disruptions on our college campuses but merely form the tip of a great iceberg mostly submerged beneath the turbulent waters of our kaleidoscopic society. Striking out at the hypocrisy in society, these iconoclasts have not given up on America . . . yet. They are determined to make America better. In their eagerness, they often have become intolerant and impatient. All too often their militant antics have curdled goodwill. They expect the wheels of government to turn faster than its design permits. Righteous with a religious fervor, means often become obscured and less important than ends.

But the way to deal with student unrest is not suppression, attacking the symptoms rather than dealing with the causes of the malady. Coercive, police state tactics will only exacerbate the conflict, adding fuel to the flames of conflict, spreading the seeds of hate, and effectively subverting the atmosphere of reason and compromise so necessary in the resolution of conflict. The problem ultimately can be solved only by committing this nation to the goals of the student crusade. American government, tradition, and values must face up to the challenge of criticism. Blocking the channels of dissent will only cause frustration to boil over into the streets. America must never forget what President Kennedy once said, "Those who make reform impossible make revolution inevitable."

UNIVERSITY OF CALIFORNIA,
DAVIS, CALIF.,
July 30, 1969.

Hon. ROBERT C. LEGGETT,
Washington, D.C.

DEAR MR. LEGGETT: I am writing to you in response to a statement by Miss Cynthia Edwards inserted into *The Congressional Record* on July 23, 1969, relating to campus disorders. There are at least nine major points raised in her statement, all of which deserve careful consideration. Miss Edwards' analysis of the student situation, although well-intentioned, reveals an exasperating mis-understanding of the entire issue. I choose to respond to her remarks not simply because they so badly deserve that response, but because these remarks are now part of the *Record* of the United States Congress.

She contends that the impetus behind present disruptions lies with a small, hard-

core element of students and non-students who are skilled at manipulating minds. This is an eloquent restatement of the classical conspiracy theory of American history which explains away complex events by indicating a small and clever band of conspirators. It's a believable theory simply because it can explain virtually anything—from a despised State Department in the early fifties to the black riots of the sixties.

By applying the conspiracy theory to campus disruptions, Miss Edwards gives too much credit to the "lenders" of student unrest. Certainly leadership is a factor in any situation, but to ignore the widespread, general student support for the aims of radical students—more black studies, more student power within the institution—is imprudent. She might read a Gallup poll in the May 25th issue of the *New York Times* which substantiated this support. Or she might read Congressman Brock's report which indicated the widespread and sympathetic feelings felt by students for many of the views held by so called "hard-core" radicals.

Secondly, by assigning almost supernatural powers of persuasion to this small percentage of radicals, she discredits the intelligence and awareness of her fellow students. I think students today are clever enough to see the malevolent and sinister forces manipulating their lives—racism, the Vietnam War, the draft—and are today seeking freedom from these forces.

Miss Edwards contends that the target of the hard-core radicals is the larger group of frustrated students who are susceptible to manipulation. Her analysis of the causes of this frustration is, in my opinion, tragically nearsighted, for she only alludes to overweight, parental arguments, and leisure time as factors underlying student discontentment.

Does the fact that most universities across the country have little or no role for students to play in educational decision making lead to feelings of frustration and impotence by students? Does the Vietnam War or the draft or poverty or racism make today's students unhappy? Again I refer to you Congressman Brock's report—a perceptive analysis of what makes today's college students such devils.

For college students, a new feeling of social conscience and commitment emerged in the early part of this decade with the civil rights movement, after an almost unpardonable slumber during the fifties. Today students ask why we have poverty and racism, and ask how they may be eliminated—offering their enthusiastic help to eliminate these evils. Yet when students' concern for making needed changes is met with apathy or hostility by the "establishment," there is no wonder students feel frustrated.

Miss Edwards said that the movement offers a large group of frustrated students "escape from a world in which they cannot succeed." Indeed, she said these students bear a grudge against success. There is nothing more un-American than to rebel against success!

But just what kind of success does one find these students rejecting? It could be military success—the young man bemedaled, returning from Vietnam after doing his part to spread American democracy to southeast Asia. Or, it could be business success in which the plight of the disadvantaged and oppressed is ignored in a drive to "do well in the hard, cruel world." Or is success learning the ability to "get along well with others," to fit in or to adjust to society in order to have the empty satisfaction of directing others?

If American success means these things to students, I am happy to see them reject it. If radical movements offer a world in which success is understood differently—as something human and fulfilling—then they are beautiful and offer a meaning we cannot ignore.

Miss Edwards has found a number of people involved in radical movements having feelings of inferiority resulting from weight or unattractiveness. I am, quite frankly, amused at this bizzare connection between body shape and political character. She argues that because of overweight or unattractiveness, these students feel inferior and turn to radical movements in order to assert a perverted superiority.

First she looks at a protester's physical appearance, deciding he looks inferior to her in body shape and dress, and then she assumes he agrees with her—for after all, we all have the same notion of the best body weight and appearance (and skin color, too?). Because the radical is aware of his own inferiority, he turns to politics to regain his dignity. Now he's protesting against her war, so she thinks he is protesting against her more pleasing body weight and superior dress. . . . I cannot continue—this logic baffles me.

Miss Edwards has suggested that a problem of today's generation of students is that they have too much time for theorizing and philosophising. Am I to assume that these activities are not only unproductive, but dangerous to the established order? Perhaps we could prevent students from philosophising or asking embarrassing questions about social issues, by burning books, increasing draft calls, or monitoring thought.

I am over-reacting to those who attack the idealism of today's students. But without a hope or dream, even one which imagines something impossible today, can we change and improve our society? To reduce our dreamers and idealists to "practical" men is to assume either our society is perfect or that it is not strong enough to withstand change. It seems to me that such idealists are not a symbol of our society's flight from reality, but a symbol of a hope and a commitment to improvement held by many students today.

What disturbed Miss Edwards most was that many of the "misdirected liberals" were seeking careers in government. Certainly as a practical political scientist she should recognize that from a realistic viewpoint this is one of the best things happening today! If the governing institutions can successfully absorb dissenters into its establishment, allowing them to work within those institutions, in-the-street radical movements would be deprived of their best leadership. Quite possible the institutions may change a little in order to keep the dissenters involved, but such change may be more productive to the institution than a street revolution caused by a government which excluded dissenters by denying them access to established channels of political change such as government service. This process, by the way, is called "co-option" and if used skillfully by a government, can quiet dissent without suppressing personal freedoms, and without violent changes.

Miss Edwards laments the lack of pragmatic "doers" skilled in political science and probably wonders why students are using such bizarre and seemingly unrealistic means of political communication. The "new" student behavior of the sixties, in my opinion, is not a product of students' misunderstanding of the conventional American political process, but caused by a growing realization that normal channels of communication and change are severely limited to students. In short, we feel impotent.

This impotence was well illustrated in the Democratic convention last year when students, as well as many other Americans, felt excluded from the political process of choosing a candidate. Or, how influentual are 19 year old drafties in "voting out" the draft they feel is unfair? Yet even when they do reach voting age, how influential are votes and letters to congressmen in ending the Vietnam War? (Here I sympathize with Congress, for it too has been excluded from Vietnam decision making.) Finally, how influential do University of California students feel when they know the Board of Regents has no formal procedure established to even permit students to speak at Regents' meetings? To me the annoyingly unusual protests of today do not come from students unskilled in conventional political processes, they come from students who see themselves systematically excluded from political decision making.

Finally, Miss Edwards suggests that "this group of misdirected students be led out of the clouds in a direction which will be of practical value to their country." What alarms me is the frequency with which this demand is made today by those who believe in "law and order" locally and "national interest" nationally—at the expense of personal liberties. Has our country reached a point where we simply cannot afford to allow individuals to lead their lives in the manner they see fit, under fair and reasonable justice, because it has become more important to make each of us a citizen useful to the national interest? If you doubt these words read General Hershey's "Channeling"—a clear and frightening argument for the supremacy of "national interest" over men's right to freely choose their professions. I do not suggest that students are unwilling to work for the betterment of their country, but there is something tragically wrong with a system which decides that students' voluntary service in the Peace Corps is somehow illegitimate because such service does not exempt them from compulsory duty in the Army. Aware of this twisted concept of the individual's duty toward the "national interest," it is no wonder many students are rejecting these lives of "practical value" to their country.

Sincerely,

ALAN TESCHE.

CONSTITUTIONAL AMENDMENT TO LOWER VOTING AGE TO 18

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

Mr. RAILSBACK. Mr. Speaker, recently, as one of 22 legislators, I had the privilege of visiting several of our eastern universities—Harvard, MIT, and Northeastern. Our purpose was to learn firsthand what opinions and attitudes the students of today possessed. Our objective was to listen and learn, not to preach or lecture. After an intense 2-day schedule of interviews with students, faculty, and administration, I left the campuses profoundly impressed.

The students with whom we met are not only better educated than their counterparts of a generation ago, but they are more informed of the social problems facing our Nation.

The questions and issues raised during our discussions were basic to the welfare of our Nation. They were directed toward a better America and toward the principles of freedom and equality that is of direct concern to all here.

In spite of their zeal and enthusiasm, this group of Americans are without an effective voice in our national decisionmaking process. They cannot vote. In spite of their best intentions and desire to make democracy work, the 18- to 20-year-old American does not have the privilege of participating in our most significant decisionmaking process.

Upon examination, however, there is little that our laws and society do not already allow them to do. The 18-year-old in today's society can fight and die in

our wars, they can marry, raise a family, work for a living, contribute to the community and pay taxes. Often there is little difference between the father of 21 and the father who is a teenager, except the younger man cannot vote for the policies, for the men who pass and approve the laws affecting him and his children.

Thus by excluding him from possessing the inalienable right to vote, we are relegating him to second-class citizenship.

By every standard relevant to this issue, the young men and women of America, by the age of 18 are ready, willing, and able to assume full rights and responsibilities of citizenship.

This condition has not gone unnoticed. I would like to acknowledge the role of my esteemed colleague from Michigan (Mr. RIEGLE) in the effort to extend the franchise to 18-year-olds. He has, in reality, been the inspiration and moving force behind the bill I introduced today. My debt to him, along with the other cosponsors—Mr. BIESTER, Mr. BROCK, Mr. BUSH, Mr. FREY, Mr. HASTINGS, Mr. HOGAN, Mr. MCCLOSKEY, Mr. MCDONALD of Michigan, Mr. PETTIS, Mr. RUPPE, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT—is gratefully acknowledged. As a member of the Judiciary Committee, to which constitutional amendments are commonly referred, I will continue this effort to recognize the qualities of today's youth by reexamining our present voting requirements.

Our Nation in the past has reexamined the criteria that would be used to select those citizens who would be allowed to vote and select its leaders. The 15th, 19th, 23d, and 24th amendments expanded and broadened the franchise. In each of these instances time has affirmed the basic wisdom and justice of the decision to expand the participation in the most basic of democratic processes. Certainly each of these expansions was soundly debated as such a right is not to be idly conferred or blindly withheld.

It is with deep conviction and a solemn acknowledgment of the nature of what I propose that I have today introduced a resolution to allow all Americans over 18, otherwise qualified, to vote in Federal elections. I am joined by 13 of my distinguished colleagues who are convinced, as I am, that the 18-year-old American is prepared to exercise this solemn responsibility.

The age of 18 in America has generally become the age of maturity where adult responsibility is assumed in our social as well as in commercial activities. Maturity grows from experience and experience does not come from observation, but from participation. Today, as every Member learned in his visit to our college campuses, the young people of America are asking to be allowed to work and participate in the efforts to improve our Nation. They are ready to dedicate the energies and abilities toward those tasks which face us.

It is time that we reaffirm our faith in the youth of America by recognizing their concern and dedication toward those principles upon which our Nation was founded.

LET US GIVE SMALL BUSINESS A SMALL BREAK

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

Mr. FULTON of Tennessee. Mr. Speaker, the House Ways and Means Committee has finished its work on the Tax Reform Act of 1969 and the House will consider it this week. Overall it is a meaningful bill that goes far in the direction of reducing the gross inequities which have too long placed the heavy burden of tax imbalance on the lower- and middle-income groups.

Despite the long and often exhausting hours which we spent on the bill in committee I doubt that the bill, as strong and as meaningful as it is, is 100-percent satisfactory to any of the members of Ways and Means.

Of particular disappointment to me was the fact that as the committee voted to repeal the 7-percent investment tax credit we did so across the board with no consideration for the Nation's small businessman or 5 million small businesses.

In the committee I sought, without success, an exclusion of at least $20,000 annually for all businesses. Such an exclusion, amounting to a tax credit of about $1,400 annually might sound like a pittance. It is, of course, to our industrial giants but to the small businessman it may mean the difference between a "yes" or "no" decision on investment in much-needed equipment for expansion.

In fact, according to information furnished me by Mr. Jerry Gulan, of the National Federation of Independent Business, which represents more than 267,000 small businesses, 90 percent of all businesses today spend $20,000 or less per year in qualified investment.

When one considers that more than 90 percent of all business in America today is small business one can see quite clearly why this exclusion would be so meaningful to small business.

But more than meaningful, the exclusion is becoming a necessity. Soaring interest rates and the evaporation of direct loan funds from the coffers of the Small Business Administration have left the small businessman stranded alone in the dried up stream of investment funds and loans.

Late in June, the chairman of the Senate Small Business Committee, Senator ALAN BIBLE, warned of "economic tragedy for the small business community which looks to SBA as its lone source of last resort now that bank loans are next to nonexistent for small businessmen who cannot financially pay the record-high interest rates."

Senator BIBLE said of the 7-percent investment tax credit repeal:

> If the Senate does not reverse the position of the House, and if the experience is repeated when the credit was briefly suspended in the last administration, hard times are due in Detroit.

This statement was based on findings that assembly lines at that time shut down and smaller firms, whose principal capital investments are in the form of automotive equipment, quit buying, preferring to repair existing equipment, as the repair costs are fully tax deductible.

Mr. Speaker, I believe there is a valid case to be made for this $20,000 exclusion to aid small business and I believe the House should be given an opportunity to consider it. Therefore, today I am introducing legislation to maintain a $20,000 exclusion for the small businessman who, without it, is all but powerless to obtain capital for expansion at today's unrealistically high interest rates.

POINT REYES NATIONAL PARK

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

Mr. COHELAN. Mr. Speaker, 9 years ago, the late Congressman Clem Miller and I introduced legislation authorizing the establishment of Point Reyes National Park.

At that time, the House appropriated $14 million for the purchase of this park land. Land speculators and skyrocketing land values forced the need for additional appropriations to assure purchase of the park. The House subsequently approved an additional $5 million.

The total $19 million appropriation has not been enough. Today we have acquired less than half of the original authorized acreage.

Last Congress and again this year, I introduced a bill authorizing an additional $38 million to acquire the remaining acres. More than half the California congressional delegation has joined in cosponsoring this bipartisan legislation. This year, more than last, the authorization is essential if we are to save Point Reyes and to stave off subdividing of the park.

An article in this morning's New York Times describes the complicated history of the Point Reyes story and tells of the bulldozing which is about to take place in this area.

Whether we can save Point Reyes is entirely dependent on whether the administration will approve the needed increased authorization of funds.

This year the Nixon administration requested $124 million for the Land and Water Conservation Fund. In the course of the consideration of this measure, Mrs. HANSEN, chairwoman of the Appropriations Subcommittee on Interior, categorically stated that the committee would fully fund the Land and Water Conservation Fund if the administration requested full funding.

The question of stopping the bulldozing and the subdividing, imminent dangers to the Point Reyes project, now rests entirely on the shoulders of the present administration.

I submit at this time for the RECORD, Mr. Gladwin Hill's article on Point Reyes from this morning's Times.

> POINT REYES IN CALIFORNIA A PATCHWORK PARK IN TROUBLE
>
> (By Gladwin Hill)
>
> POINT REYES, CALIF.—This dramatic promontory just north of San Francisco is at once a monument to natural beauty, to man's aspirations and to governmental confusion.

Its future as one of the nation's choicest preserves hangs in the balance at this moment, clouded by the financial and administrative problems that beset, if less acutely, many other segments of the national recretion system.

President Kennedy, on Sept. 13, 1962, signed a bill creating the "Point Reyes National Seashore," the third such preserve in the national park system.

The name is misleading on two counts. Far more than a beach, Point Reyes is a 100-square-mile peninsula encompassing an unusual array of fascinating and beautiful terrain, flora and fauna.

CATTLE, FIRS, DUNES, CANYONS

Pastoral countryside dotted with dairy herds merges magically into a "Black Forest" of towering Douglas firs. The forest gives way to moors, dunes, estuaries, granite headlands and plunging canyons. California poppies and lupine, wild roses and lilac carpet the slopes. Between the tidelands and ridges are creatures ranging from oysters and elephant seals to mountain lions, cormorants and egrets.

But the name "Point Reyes National Seashore" is deceptive also in its connotation of a unified preserve. Its statutory boundary embraces nearly all of the penisula. But in reality the Federal reservation is still only a patchowrk of 10 scattered parcels of land, comprising less than half the peninsula.

The rest, contemplated as part of the park, is still in private holdings, the choicest of which are in imminent dangers of falling under subdivider's bulldozers.

Under Secretary of the Interior Russell Train conceded recently that the existing reservation was too "fragmented and scattered to be regarded as efficiently administrable" and noted that its existence had not yet been formally pronounced in the Federal Register.

$20 MILLION SPENT SO FAR

The nation's taxpayers have put nearly $20-million into Point Reyes. Some 575,000 persons visited the preserve last year, touring its roads, hiking its 50 miles of woodland trails and enjoying its beaches. But the nation still does not have an officially acknowledgeable park at Point Reyes.

Why not?

The answer is a tortuous saga of bungling—not so much by any individuals as by the system under which the Federal Government is struggling to catch up in recreation facilities with the explosive growth of population and urbanization.

It was more than 30 years ago that Conrad Wirth, then director of the National Park Service, said that Point Reyes should be a national park.

The peninsula has been described as "an island in time," geographically, sociologically and ecologically. Its mainland edge follows precisely the great San Andreas fault. (When San Francisco was rocked by an earthquake in 1906, the whole peninsula moved northward 20 feet.) The peninsula's most spacious bay is believed by many to be the place where Sir Francis Drake refitted the Golden Hind in 1579.

ESCAPED URBANIZATION

In recent years, because it consisted of only a few large landholdings, the point managed to ride out urbanization although it is only 30 miles north of San Francisco. It retained most of the pristine charm of the era when its original Indian inhabitants greeted early explorers from Europe.

The 1962 act, excluding from the park boundaries only a few peninsula fringe communities and a state park, envisioned the Government's acquiring about half of the 53,000 acres by purchase, condemnation or exchange, leaving the rest with agrarian owners.

A total of $14-million was appropriated as supposedly adequate. But speculators swarmed in and land prices soared, just as has happened on many Federal reservation projects.

The most critical land exchange, to obtain the strategically situated 2,500-acre Lake Ranch, described by naturalists as "a jewel," fell through when Gov. Mark Hatfield of Oregon made a political issue out of the use of Federal timberland there in the trade.

In 1966, $5-million more was appropriated. With the aggregate $19-million, the Government has acquired 22,000 of the 53,000 acres—in the "unadministrable" patchwork. It is impossible to traverse all the segments without crossing private land.

"People are always trespassing," a rancher said, "letting our cattle loose, wanting to use the bathroom. They don't know what's park and what isn't."

Mounting land prices and taxes have shattered the original idea that some 26,000 acres could be left in its pastoral state, under private ownership, to complement the Federal preserve.

The problem is illustrated by the Lake Ranch, which is owned by William A. Sweet, a pleasant, soft-spoken Coos Bay, Ore., lumberman.

"It's a shame," he says. 'It should be in Government ownership. We've been trying to sell or swap the ranch with the Government for 10 years. But we just can't afford to wait any longer. We paid about $22,000 in taxes last year and took in about $2,400 in leases. We just don't have the assets to continue."

So surveyors and road builders have been tromping over the Lake Ranch, laying it out in 40-acre tracts, which will go on the market to subdividers any day.

Owners of another 2,500-acre ranch covering the whole northern end of the peninsula say they are faced with the same exigency.

EIGHT BILLS INTRODUCED

The best estimates are that it will take $38-million more for the land purchases necessary to round out the Point Reyes National Seashore. The $57-million total will be four times the original contemplated cost. There are eight bipartisan bills before Congress to appropriate the additional money. But the prospects of getting it are problematical.

The House of Representatives has just voted appropriations totaling only $17-million for land acquisition for the entire national park system for fiscal year 1970, which opened last July 1. The figure is less than 12 cents for each person in the country, and less than half what is needed for Point Reyes alone. The money was earmarked for eight units in the 44-unit park system, with none for Point Reyes.

The main reason the amount was not bigger was that such acquisition money has to come out of the Land and Water Conservation Fund, which annually is divided among the states and several Federal agencies. The fund, which Congress in 1968 said should be $200-million a year, was cut back by the Nixon Administration to only $124-million for fiscal year 1970.

The Point Reyes predicament was agonized over by the House Interior Subcommittee on National Parks and Recreation at a hearing May 13.

The director of the National Park Service, George B. Hartzog, Jr., propounded to the subcommittee a "controlled development" plan, under which some 16,440 of the 53,000 acres would be kept in private farm operation under a special arrangement with the Government, and 9,200 acres would be sold off for residential use under restrictions "compatible" with the park.

Part of the land in each category is now in Federal hands and part would be obtained by condemnation, netting the Government a profit of some $10-million.

The residential-use idea was rejected by key committee members both on esthetic grounds and in the belief that turning a quick profit through condemnation and resale would be unfair if not illegal.

Aside from that, hearing participants concur, the only solution seems to be "legislative taking." Under this procedure Congress simply declares an entire area a national preserve, in being, as it did with the National Redwood Park.

Compensation to private owners is pegged at the land valuation of that moment, eliminating the price escalation during the actual takeover period. The disadvantage for the Government is that this forces appropriations to be made quickly, since interest fees to landowners start running at the time "taking" is declared.

"I think 'legislative taking' is the only way you can be assured that you're going to wrap up the Point Reyes project within the figures we have given you," Mr. Hartzog told the committee.

"But," he added, "if Mr. Sweet subdivides his property, then I think all bets are off insofar as our estimates are concerned. We will have opened up a Pandora's box again."

Ironically, the Point Reyes crisis peaked just as Secretary of the Interior Walter J. Hickel was ordering the National Park Service to give top priority to development of parks near big urban centers.

"Time is of the essence in formulating an action program," he said. "Opportunities are being lost daily to acquire such lands. Once lost, these opportunities can seldom be retrieved."

PERSONAL ANNOUNCEMENT

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

Mr. MIKVA. Mr. Speaker, yesterday, August 4, 1969, I was in Chicago, Ill., on official business relating to the problem of air pollution. This morning I personally delivered a statement before the Illinois Air Pollution Control Board which related to that grave problem and to the proposed standards which the board is now considering to help ameliorate it. I would like to take this opportunity to put on record my position on the matters considered by this body yesterday.

On extending the income tax surtax for 6 months—approving the Senate amendment to H.R. 9951—I would have voted "no," just as I previously voted against a 1-year extension of that measure—Roll No. 136. Two other bills were considered by the House yesterday on which rollcall votes were taken: House Joint Resolution 764 to authorize appropriations for the President's Council on Youth Opportunity—Roll No. 138—and S. 1611 to establish a National Center on Educational Media and Materials for the Handicapped—Roll No. 139. On both of these last two proposals I would have voted "yea" and joined the great majority of my colleagues in approving these two most worthwhile efforts.

INVESTIGATION OF VIOLENCE ON MILITARY BASES

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

Mr. RANDALL. Mr. Speaker, although I was in the gallery sitting with some

constituents, I listened a moment ago with interest to the remarks of the gentleman from New York (Mr. BIAGGI) concerning the probe into the violence on our military bases.

On Friday last, the chairman of the Committee on Armed Services appointed the person now speaking in the well of the House as chairman of a special subcommittee to probe disturbances on military bases.

Mr. Speaker, I want to assure the gentleman from New York that it is the intention of the chairman of our full committee as well as the chairman he named of the subcommittee to conduct a very thorough investigation. We plan to take whatever time is needed and to go wherever necessary to get the facts and then to evaluate them.

I submit that it is more properly the jurisdiction of the Committee on Armed Services to look into military problems rather than a select committee. Let me assure the gentleman from New York that he will be one of the first witnesses to be called.

Our subcommittee is in the process of being organized. I want to assure the gentleman further that we will have an adequate staff and the staff will continue to work on this problem during such time as we may be in recess during the last half of August.

May I say to the gentleman from New York further that this Member believes that there has been a very able subcommittee appointed from both sides of the aisle.

I see the gentleman from New Jersey (Mr. HUNT) is on his feet. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I am pleased to take this opportunity to commend the gentleman from Missouri for his remarks and for calling to the attention of the House and making it common knowledge that a subcommittee has been appointed.

I feel quite confident that under the gentleman's leadership the organizing of the committee will be accomplished directly.

I believe we will perform our committee function, go into this matter which is properly under the jurisdiction of the Committee on Armed Services, and which is the proper committee to make this investigation under the gentleman from Missouri's able leadership.

Mr. RANDALL. Mr. Speaker, I thank my colleague from New Jersey. I have served with him on the subcommittee which probed the sinking of the *Guitarro* at Wake Island. He proved himself at that time to be an able investigator.

I think the House should know that the Committee on Armed Services had not disregarded this problem even prior to the selection of the subcommittee.

The chairman of our full committee had received a partial report from the commandant of the Marine Corps. These disturbances had been discussed in committee on more than one instance prior to the appointment of this special subcommittee. For now I want to report to the House my subcommittee will get busy. We expect to commence hearings prior to the recess next week.

THE UNIVERSITY IN DISRUPTION

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

Mr. GALLAGHER. Mr. Speaker, not long ago, the eminent American humorist, Mr. Art Buchwald, took satiric aim at the problems facing our college campuses. Mr. Buchwald depicted two parents "grieving" over the fact that their 18-year-old son had received his notice to report—to college in the fall. The fictional parents were distraught by the dangers which awaited their boy as a result of his academic greetings. They urged their son to join the Armed Forces until "all this trouble" on the campus dies down; he, in response, suggested that it would be unfair for him to join the Army while so many of his contemporaries risked their lives each day in the groves of academe.

The point is well made. The spectacle of campus disorders now besets the vision of our troubled Nation. Indeed, the term "disorder" seems hardly adequate to describe the plethora of violence which plagues the universities.

When will it end? Where did it begin? These are complex questions for which answers are not readily found. But one thing is clear: these are questions which cannot be answered by a reflexive backhand smash at the college campus. In things political, as in tennis, it is always necessary to stay loose and alert.

In our approach to the university in disruption, reason and compassion must serve as guides. If we fail to recognize the impotency of violent solutions to resolve volatile problems, then we will merely exchange one virus for another of an even more virulent strain.

It is necessary first to be clear about the people with whom we are dealing in college disorders. Certainly, the "Disciples of Disruption" do not represent the majority of American youth, though many of the issues they raise to justify their behavior are indicative of concerns shared by many, both young and old, in the United States. It is imperative that we separate the shared concerns of the majority from the hysterical reactions of the few; the very failure to separate issues from action is the most searing indictment of the violent faction itself.

The organization which seems to represent the spearhead of college disruption is the Students for a Democratic Society—SDS. Although I believe that undue governmental attention has been focused on this organization, it is nevertheless useful to understand the group that it may be placed in a proper perspective. I would first say in this connection that regardless of the motives which prompted the formation of SDS, the organization's current motivation is disruption and upheaval for its own sake. As Thomas R. Brooks put it in the New York Times Magazine of June 15, 1969:

> By now I think it is clear that SDS wants to shut down the universities . . . For SDS the issues do not matter.

The issues certainly did not matter for SDS in Chicago last summer when the sole object of their actions was to provoke police power; this is an object in accord with their thinking—or nonthinking—that a provocation of the power of the State will prove the contention that repressive forces control American society and will, therefore, encourage all liberal-minded men to turn their plowshares into swords. This thesis is based on the erroneous assumption that any use of the police power is calculated to preserve authoritarianism. On the contrary, I would suggest that the use of police to stem violence is necessary to prevent anarchy. When we speak of anarchy, we speak of the most repressive, authoritarian, "system" one could devise.

Radical rhetoricians speak of the "revolution." There are many connotations to that term. As Americans, we are the last people on earth to condemn categorically revolution since we ourselves are the products of one. But, I am wondering now what the term means for the leaders of SDS? I have had the opportunity to speak with many students and members of this organization, and in my conversations, one point has emerged with alarming consistency: for SDS, "revolution" means a violent upheaval which will result in—in what? For this, they have no reply. It is, indeed, revolution for its own sake. The issues do not matter. The goals are nonexistent. The dangers are welcomed.

And again we come back to the notion of anarchy. Perhaps, in the euphoria of a nostalgic moment, the conception of an anarchic society commends itself to the mind. It calls up images of an agrarian dream: a life where people till the soil, enjoy the fruits of the good earth, and live in peace. Such may be music for the poet's lyre, but it is a cacophony of horror when applied in real terms. For in all truth, the anarchistic society is the lawless society, the society where the will of the strongest is king. It is not a movement to nature, but rather, to the jungle where man faces man—as Hobbes would put it—in a perpetual state of war.

In such a society, the needs of the poor, of the minorities, of indeed all but the most powerful are irrelevant. In its ultimate form, the dream of anarchy is the nightmare of dictatorship; it is a web of repression.

The distinction which escapes the mindless statesmen of the radical left is the essential one between dissent and disorder. Our national Constitution has set widely the parameters of political dissent in this society; indeed, the Constitution establishes a system of government in which collective diagreement with majority policy is not only welcomed, but encouraged.

A fundamental aspect of the right to dissent is that there remains a commitment to the legitimate processes from which the majority policy emerged. Even more, there is an implied commitment to the society, to the country, to the institution in which the dissent occurs. There is not a desire to destroy, but to reform, to change. For example, when a Justice dissents from the Court's majority opinion, he does not do so to destroy the Court; neither does he do it to announce that he will not follow the

majority's opinion in the conduct of his own affairs. Rather, he exercises the right to dissent as a function of the power to persuade. It is the continuing cycle of persuasion, policy formulation, dissent, and new policy formulation which gives vibrance to American life and legitimacy to the decisionmaking structure. The example of the Justice who dissents carries over into all areas of American life. The collective agreement to disagree is the hallmark of a democratic republic.

Disorder is a far different matter. As a Nation, we have constitutionally rejected force and terror as a legitimate means of political coercion. Meaningful social reform can only be achieved in a stable environment. Ideas need not be conservative, stable, or of an ordinary sort, but the conditions under which these ideas flourish must be of a solid nature. Disorder is contrary to this condition and to the basic tenets of republican life. He who disrupts actually seeks to destroy. One does not buttress a fort by breaking it down. The rise of totalitarian states in this century has always been preceded by periods of intense disorder and disruption in which the establishment crumbled to its foundations. At this point, the forces of reaction and repression emerge with frightening power. Perhaps the brilliant Reinhold Neibuhr described the pattern best when stating that while the "children of light" may tolerate disorder with the best of motives, the "children of darkness" are the eventual victors; the cynical "children of darkness" are best equipped to capitalize on the anarchic remains of the established order.

Thus, for example, the German Weimar Republic fell in a holocaust of good intentions. Leaders of that withering republic lost their nerve before the disciples of disruption who preached pure democracy while hurling bricks. The forces of the "enlightened left" and the "dark right" met in open combat. The progeny of darkness were triumphant.

The SDS minded students today walk the path of disorder and disruption. These individuals are not to be spoken of in the same breath as those who legitimately dissent from established policies and seek to persuade a political change. What SDS and groups like it have come to represent is not the New Left, or even the Old Left, but rather the Facist Left.

I do not use this characterization lightly. I use it because it accurately describes what SDS has become and what SDS really means today. The tactics of SDS groups are in no way dissimilar to those employed by the Hitler Youth in Germany or by the Brown Shirts in Mussolini's Italy. We find countless illustrations: New York Times Editor James Reston prevented from taking the podium at New York University; Mayor Lindsay greeted by obscenities during a speech at Columbia; former Cornell President James Perkins pulled from the rostrum at his own university; and, in perhaps the ironic climax of this nonsense, a national peace conclave in New York disrupted by young people who marched to the platform wearing pig heads—perhaps a bit of introspection would have indicated to those costumed crusaders just what the pig heads seemed to mean.

The activity of dissent, as we have seen, is not only legitimate, but necessary to the survival and success of our democracy. But the activity of disorder, as practiced by SDS and its apostolic offspring, is contrary to even the basic freedoms SDS purports to cherish. The freedom to speak requires the freedom to be heard; current SDS practice denies both to all but those who agree with the "line."

The current internal affairs of the SDS national organization give proof to this point. At Columbia, the campus SDS chapter expelled two of its own committees for not following the chapter dogma—curious behavior for a group which condemns American society as not open to all manner of ideas, which condemns American Government for an alleged failure to allow complete participation in the decisionmaking process. At the recent SDS national convention—in Chicago—reporters were barred from the hall; and outcries were heard from many members of the organization itself in protest of the secret caucuses and strong-arm tactics used to push through resolutions. The convention ended in a walkout, with two different factions claiming leadership of the national organization.

Mr. Speaker, considering these events, do we err in terming these politics a left fascism? If so, then what do we call the politics of a group which physically ejects bank recruiters from Cornell's School of Business Administration? Which openly supports the policies of the Arab terrorist group, Al Fatah? Which applies the epithet "racist" even to black Americans who seek to enjoy an equal piece of American life? I wish we were in error here, but fear that we are not.

Perhaps the situation is best summarized by the recent reported comment of a national SDS officer on the events of this past year; the officer measured "one of our most successful years" in these terms:

> The strike at San Francisco State lasted for five months. Columbia again. And the fantastic strike at Harvard.

Notice that what is lauded is not ends achieved but rather, means employed. Ends and means have become synonymous for these people. I think that even Machiavelli would wince at such standards.

But, Mr. Speaker, equally important, if not more so, as understanding what SDS and its offspring have become is comprehending what these groups really mean for our universities and the Nation. For it is from such comprehension that we can develop the necessary rational approach.

Here we require a proper sense of perspective. For when we consider the irrational policies and disruptive tactics of SDS today, and when we further observe the international divisiveness of the organization itself, we readily find that SDS is becoming a major irrelevancy in American life.

It does not represent "students." It is anything but "democratic." And it is a faction-torn "society." The only real danger from SDS is in our reaction to its misguided antics. If we overreact, we only ascribe legitimacy to SDS actions, we acknowledge that SDS-type behavior is what it takes to excite this Government to irrationality. In other words, if we threaten the campus with Federal regulation, we will make SDS' point.

Let us be clear on this: as I stated before, SDS has fomented and continues to plan major disruptions on our college campuses. But the initial burst of group energy which caused these disruptions, fueled by the anguish of the ghetto and the frustration of war in Asia, can now be channeled for most students into constructive programs of reform. Along with the changing political tides, the seas of academe have washed new in the past years. The American University is passing through a major period of transition; it has been forced to acknowledge the fact that an ivory tower existence is no longer possible or desirable; the university is coming to exist in real time. The majority of our university youth are testing, probing, and acting in the finest traditions of political activism to alter their campus communities and change their society. This effort must be encouraged by all Americans. We want a society that is alive, that is in flux and filled with exuberance. This is the same type of society desired by our young people. We find no gap here.

I spoke of revolution. Well, there has been a sort of revolution in American higher education, one that has aimed not only at improving the quality of learning, but one which has sought to open the campus gates to the underprivileged, to the disadvantaged of all races and religions who have for so long been denied entry. It has been a revolution led not by traitors or by anarchists or by Communists or by leftists or by foreign sympathizers, but by dedicated Americans who subscribe to the same solemn ideals which our forbears set down nearly two centuries ago. We are all of us revolutionists in the continuing evolution of American society and in the evolving heritage of democratic life.

In the aftermath of the raucous period on the campus, the SDS people and the genuine student activists have separated courses. There has been a fork in the road, with the path followed by the disciples of disorder going nowhere. But, to paraphrase the poet, those who are concerned, those who do care, those who want to create a just society—they have taken the road less traveled by, and that has made all the difference.

Which path will this Government follow, Mr. Speaker? Only we can make the path of SDS attractive by responding angrily to irrational, meaningless behavior. Only we can provide legitimacy to the type of thinking which has lost its place in the reform movement and become irrelevant even to its own philosophers.

I am in opposition to Federal intervention on the campus. I will not support an invasion of academe by Federal policemen or Federal guardians. I will not support this Government interfering with the normal conduct of academic life, passing on scholarships, disciplinary codes, and methods of instruction.

We have not yet reached the point in this Nation where freedom is so fragile that repression is required to preserve it.

The campus crisis must be handled on the campus. Admittedly college administrators have often stumbled in dealing with campus disorder. But their errors have not been willful. They are the type of errors all men make when approaching new, complex, confusing situations. The situation on the campus is more than a riddle wrapped in an enigma; it is a cascade of confusion in which issues and tactics have become sorely interwoven. If you will excuse the expression, it is a "whole new ball game" on the college campus.

And it is a ball game played under a new set of rules. The Federal Government is in no position to be the umpire; by acting, it can only be the spoiler.

I am sure that the Nation's university administrators are themselves sufficiently aware that violence can only precipitate the end of academic freedom in the United States. In years before, the enemy to academic freedom came from without the halls of the university. The "Red hunts" of the 1950's are vivid reminders of that awful phenomenon. But now, it is the enemy within that challenges the proud freedoms of the university. It is that enemy which must be met and conquered by the university itself.

Freedom is fragile stuff in any form. Academic freedom is especially sensitive. Where the marketplace of ideas truly flourishes, there are bound to be merchants of deceit and fear who willingly stoop to conquer. Thus, the necessity for reasoned, compassionate action on the campus becomes critical. We must act to quiet the enemy within, but not by creating an enemy without.

We need to understand the real problems on the campus, to separate shared concerns from factional irrationality, to determine how change may be effected. This can best be accomplished by bringing together the various elements and garnering the necessary information.

Thus, Mr. Speaker, I am today proposing that the Federal Government convene a special conference of college administrators, educators, and students to discuss the problems of the campus and to determine a means of resolving them.

Such a conference would be treated as a top priority project and might be held under the auspices of the Health, Education, and Welfare Department which has demonstrated itself to be sensitive and responsive to the difficult and perplexing problems of education in America.

Such a conference would not be a 1-day, 1-week, or 1-month event. Rather, after its first sessions, it would be a continuing dialog, raising new questions and answering old ones.

Such a conference would tap individuals from all walks of life, not only the vocal student leaders, but the quiet student thinkers; not only administrators from troubled campuses, but officials from all universities, representing all points of view.

Such a conference would provide a desperately needed opportunity for all manner of Americans to come together and discuss the issues which divide in order to find the answers which unite. The reasoned atmosphere of such a congregation, combined with a desire to consider all viewpoints and all proposals, would surely lead us toward a better day for the universities and the Nation.

Sir Winston Churchill once commented that democracy is the worst form of government—except for all of the others. Certainly, one of the more appealing features of the democratic state is the agreement to disagree, to indulge in discourse and debate over common problems. There is no more pressing problem than the unrest on our campuses; there is no finer way to find an approach to this problem than to air it in the arena of full discussion.

Mr. Speaker, I am hopeful that we can convene the type of conference here proposed as soon as possible.

Let us reap full benefit from the rich human resources we have sown as a united republic. For if we fail to seize the opportunity before us now, then the nagging question will remain of how we can expect to achieve peace overseas while we war among ourselves here at home.

President Nixon suggested in his inaugural address that we cannot begin listening to one another until we stop shouting at one another. It is surely time for the shouting about the campus crisis to be replaced by learned discussion.

As we again prepare to pass the torch to a new generation of Americans, let us temper our anger with compassion, our irritation with reason, and our frustration with positive action. If the democratic process is truly the last best hope of mankind, then it must continue to serve as the last best hope of our United States.

SAFEGUARD ANTI-BALLISTIC-MISSILE PROGRAM

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 30 minutes.

Mr. WHALEN. Mr. Speaker—

I. INTRODUCTION

The safety of our country requires that we should proceed now with the development and construction of the new system in a carefully phased program.

With this statement President Richard Nixon, on March 14, 1969, launched the Safeguard anti-ballistic-missile program whose future now rests with the Congress.

As House Armed Services Committee Chairman, Representative L. MENDEL RIVERS, of South Carolina noted:

I suppose no subject matter in the world has been more thoroughly discussed in the newspapers and in the halls of Congress than the anti-ballistic-missile system.

As a member of that committee, I along with my 38 colleagues, will determine whether the newest ABM concept will go to the House floor for further consideration. For our committee the "day of reckoning" arrives early next week when we vote on the so-called "412 authorization bill." This measure allocates $345.5 million for Safeguard procurement; $400.9 million for Safeguard research; $141 million for advanced anti-ballistic-missile research.

In view of the importance of next week's decision, much of my time these past 6 months has been devoted to a detailed review of the anti-ballistic-missile issue. In addition to the committee testimony which I have heard, I also have held countless private briefings in my office and have read literally thousands of pages of published material dealing with this subject. As Senator James B. Pearson, of Kansas, recently said:

This is an issue on which rational men may differ.

I realize, therefore, that many will disagree with my conclusions. Nevertheless, I take solace in the fact that they were reached only after many hours of detailed analysis of the best evidence available to me.

II. BACKGROUND

A. HISTORY OF ABM DEVELOPMENT

According to Dr. Ralph E. Lapp:

American research on ballistic defense began with Army Ordnance Contract No. W30-069-ORD-3182, placed with Western Electric's Bell Telephone Laboratories on February 8, 1945. This agreement underwrote investigations, research experiments, design development and engineering work required to produce a suitable anti-aircraft missile. It marked the birth of the Nike missile, which over the years graduated from defense against bombers to interception of the inter-continental ballistic-missile warheads.

Dr. Jeremy J. Stone relates:

The procurement of an anti-missile missile, Nike-Zeus was first considered by the Department of Defense ten years ago. By fiscal 1964, five years later, the Department of Defense viewed missile defense as the "most urgent problem" for the U.S. defensive forces but had concluded that Nike-Zeus, then being tested, "would not be effective against a sophisticated threat in the late 1960's and early 1970's."

Dr. Lapp, in his New York Times article, May 4, 1969, declared:

There (then) emerged a new program, code-named Nike-X, aimed at protecting all of the United States against nuclear attack from the Soviet Union. Nike-Zeus remained the space-killer, but new radars were added and—most important—a brand new missile, the Sprint, emerged. In March, 1963, Martin Marietta was awarded the contract to develop Sprint.

According to Dr. Stone:

In 1965, Nike-X was further deferred because of "technical problems" and "even greater uncertainties concerning the preferred concept of deployment, the relationship of the Nike-X system to other elements of a balanced damage-limiting effort, the timing of the attainment of an effective nationwide fallout shelter system and the nature and effect of an opponent's possible reaction to our Nike-X deployment." (Dr. Stone is quoting Secretary Robert S. McNamara's statement accompanying the 1966 Defense Budget).

In 1966 the Joint Chiefs of Staff recommended that steps be taken to deploy Nike-X. However, Secretary McNamara demurred. As he pointed out in his book, "The Essence of Security," "were we to deploy a heavy ABM system—one which protects population—throughout the

United States, the Soviets would clearly be strongly motivated to so increase their offensive capability as to cancel out our defensive advantage."

However, bowing to what many considered political pressure, Secretary McNamara, on September 18, 1967, announced a decision to produce and employ an anti-ballistic-missile system, christened Sentinel, oriented toward a possible future Communist China threat. The program, designed for area—population—coverage, carried an estimated cost of $5 billion. It provided for the deployment throughout the United States of from 15 to 20 Spartan batteries, coupled with the use of Sprint missiles to defend radar sites and certain missile sites. Funds for Sentinel deployment were approved by Congress in 1968 after a lengthy Senate debate.

However, as Dr. Lapp points out:

Sentinel ran into trouble when the Army started to select sites in such big cities as Seattle, Chicago, and Boston.

Installation was further delayed awaiting the newly elected President's decision regarding ABM deployment.

Finally, on March 14, 1969, President Nixon issued a statement announcing his decision to deploy the Safeguard system. The President indicated that:

This measured deployment is designed to fulfill three objectives:

"1. Protection of our land-based retaliatory forces against direct attack by the Soviet Union.

"2. Defense of the American people against the kind of nuclear attack which Communist China is likely to mount within the decade.

"3. Protection against the possibility of accidental attacks from any sources."

B. SAFEGUARD COMPONENTS

In his April 16, 1969, appearance before the House Armed Services Committee, Deputy Secretary of Defense David Packard described the basic components of the Safeguard System.

Secretary Packard explained these major components are the Perimeter Acquisition Radar (PAR), the Missile Site Radar (MSR), the Spartan missile, the Sprint missile, and the Data Processing Subsystem.

The perimeter acquisition radar, which uses an electronically steered beam, is designed to detect incoming inter-continental ballistic missiles at a distance of over 1,000 nautical miles. PAR's objective is to search for ICBM threats and then, through ground computers, track and predict the path of the incoming missile. This, incidentally, is the only Safeguard component for which a prototype will not be built and tested in advance.

The missile site radar, like PAR, is designed on the phased array principle. It has a detection range of several hundred nautical miles. In effect, in concert with its ground-based data processor, MSR's mission is to launch ready interceptors—Spartans and/or Sprints—for launch, launch them, and finally guide them to the incoming missile.

The long-range Spartan missile, which is a modification of the Nike-Zeus, is constructed to provide area defense. First fired on March 30, 1968, the Spartan, with its nuclear warhead, attempts to intercept incoming weapons at very high altitudes. It posseses a range of several hundred miles.

If the enemy warhead escapes the Spartan's blast, it next encounters the Sprint, an exceedingly fast missile developed for terminal defense. The Sprint, which seeks to intercept incoming missiles within the atmosphere—it has a range of 25 miles—is guided by the missile site radar.

Each perimeter area radar and missile site radar contains data processing subsystems. Computations are performed by the MECK MSR data processor which contains several processing units that can function in parallel on different tasks or different parts of the same task. Two processors are installed and operational; a third presently is in the process of being installed.

C. SAFEGUARD'S COST

According to the Defense Marketing Survey, a McGraw-Hill publication, the total amount of money used to support development of the Army ballistic missile defense system from fiscal year 1956 through fiscal year 1968 was $4.5 billion.

Estimates of Safeguard's projected cost vary. In his March 14, 1969, statement President Nixon declared:

The present estimate is that the total cost of installing this system will be $6–$7 billion.

This exceeds by $1 billion the original Sentinel estimate. The President explained:

However, because of the deliberate pace of the deployment, budgetary request for the coming year (FY 1970) can be substantially less—about one half—than those asked for by the previous Administration for the Sentinel System.

In a letter to Senator JOHN SHERMAN COOPER of Kentucky, Dr. Glenn T. Seaborg, Chairman, Atomic Energy Commission, advised:

It is estimated that the Atomic Energy Commission will expend approximately $1.2 billion in support of the Sentinel-Safeguard System.

This sum, according to Senator COOPER, was not included in the administration's presentation of the cost of the Safeguard system.

Perhaps the most precise cost analysis was prepared by McGraw-Hill's Defense Market Survey. In its special report, dated March 1969, this publication assigns to Safeguard an $11 billion total—not including the AEC's $1.2 billion outlay. The cost breakdown is presented in Exhibit 1.

The special report concludes:

In a program as complex as Safeguard, historical experience indicates costs in the long run are likely to be considerably higher.

It is for this very reason that many place a $40–$50 billion price tag on a fully deployed—12-site—Safeguard system.

III. AREAS OF AGREEMENT

Before assessing the facts relevant to the current ABM debate, it seems appropriate to delineate the points upon which both Safeguard proponents and opponents agree. As I see it, there are five "nonissues."

First, all who are involved in the Safeguard decision are concerned with the best interests of our Nation.

As President Nixon, in answer to a question posed during his April 18, 1969, press conference, observed:

He (Senator Cooper) honestly and sincerely believes that this is not the best step to take. I respect that belief, and I respect others who disagree with me on this . . . This issue will be fought out, as it should be fought out, on the basis of what is best for the Nation.

Senator Pearson, a Safeguard opponent, expressed the same sentiment in his Wichita, Kans., speech of June 2, 1969. He stated:

One must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not war-mongers or "tools" of the industrial-military complex.

Second, an anti-ballistic-missile system cannot now effectively protect people.

President Nixon, in his March 14, 1969, position paper declared:

Although every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so. The heaviest defense system we considered, one designed to protect our major cities, still could not prevent a catastrophic level of U.S. fatalities from a deliberate all-out Soviet attack.

President Nixon thus joins those who opposed the concept embodied by the earlier Sentinel system advocated by his predecessor.

Third, the present Russian ABM system is ineffective.

In an appearance before the Senate Armed Services Committee on April 22, 1969, Paul H. Nitze, former Deputy Secretary of Defense, related the history of Soviet developments in the ABM field. Mr. Nitze testified:

They (the USSR) started in 1962 with the deployment of a first generation ABM system around Leningrad . . . the Soviets continued with a second generation system around Moscow and with the Tallinn system, which was considered by U.S. experts to have limited ABM capabilities.

The argument often is advanced that, inasmuch as Russia has deployed an ABM system, the United States should do likewise. The pertinent point, however, is: "Does the present Russian ABM system work?" There is unanimous agreement in the American scientific, defense, and intelligence communities that it does not.

For example, Secretary Nitze admitted:

The Leningrad system was abandoned. The Tallinn system now is believed to be primarily directed against bombers but it is not certain that it cannot be upgraded so as to have an ABM capability. The Moscow system by itself does not appear to be a serious threat to our deterrent capabilities; it can be penetrated with high assurance provided a sufficient number of weapons are allocated to this purpose.

This same position was enunciated by Dr. John Foster, Director of Defense Research and Engineering, in response to a question which I posed during his April 17, 1969, appearance before the

House Armed Services Committee. Dr. Foster expressed the opinion that we would have "no difficulty with a large number of Minutemen and Polaris missiles in overwhelming their defense."

Dr. Foster also concurred with the views conveyed to me on April 12, 1969, by Gen. Bruce K. Holloway, U.S. Air Force commander in chief, Strategic Air Command—SAC. General Holloway conceded that the Soviet system could be easily knocked out "because their radars are so vulnerable." Dr. Foster remarked:

> They (Soviet ABM radars) are indeed vulnerable, just as any large radars are vulnerable.

Fourth, Russia is continuing its ABM research efforts.

During his April 22, 1969, testimony—before the Senate Armed Services Committee—former Deputy Secretary Nitze indicated:

> They (the Russians) are continuing development work on a more advanced system.

This fact was reconfirmed as late as last week by intelligence officials who briefed members of the House Armed Services Committee.

Fifth, the United States can afford the cost of an ABM system.

Some contend that the cost of deploying Safeguard or a similar anti-ballistic-missile system is economically impossible. Adolph A. Berle, Jr., an outspoken ABM opponent, refutes this.

Berle states:

> I do not agree with some critics of ABM who say that economically the country cannot afford it. That is nonsense. The maximum estimate is that ABM would cost fifty billion dollars. The United States can afford that, and more . . . we can assume that before ABM would be fully deployed three or four years from now, the G.N.P would be about a trillion dollars. To detach fifty billion for ABM could be done. It could be done even while we're spending great amounts of money for the social and economic reconstruction of the country.

Robert S. McNamara, in "The Essence of Security" says:

> At this point, let me dispose of an objection that is totally irrelevant to this issue. It has been alleged that we are opposed to deploying a large-scale ABM system because it would carry the heavy price tag of $40 billion. Let me make it very clear that $40 billion is not the issue. If we could build and deploy a genuinely impenetrable shield over the United States, we would be willing to spend not only $40 billion, but any reasonable multiple of that amount that was necessary.

As former Secretary McNamara concludes:

> The money itself is not the problem.

Rather, the real issue confronting those of us who must decide Safeguard's fate is: if deployed, will it meet its objectives? Or, in the language of my profession, will our investment yield the returns claimed for it?

IV. THE ISSUE

The Department of Defense, in a fact sheet issued March 14, 1969—No. 186–69—explains the rationale underlying the decision to proceed with the Safeguard anti-ballistic-missile system:

> We can deter a nuclear war by providing our strategic forces with a second-strike capability. That is, by having the unmistakable ability to inflict an unacceptable level of damage on the Soviet Union, even after a severe attack on our own forces, we can deter the Soviets from attack in the first place. Forces designed for a second-strike capability must: (1) be protected against a Soviet first-strike and (2) be able to destroy Soviet cities . . . we have concluded from our review that the combination of ABM defense and Minuteman and Minuteman in improved silos is the *best way to protect our second-strike force* (italic mine).

If, then, Safeguard's principal objective is to protect our "nuclear deterrent," our final decision regarding whether or not to deploy it must be predicated upon answers to the following three questions:

First, does the Soviet Union have first-strike intentions?

Second, if so, does Russian weaponry represent a threat to our retaliatory—second-strike—capacity?

Third, can the Safeguard system fulfill its mission? In other words, will it work?

V. ANALYSIS

A. DOES THE SOVIET UNION HAVE FIRST-STRIKE INTENTIONS?

Intentions are difficult to measure. Further, intentions often shift with changes in conditions or situations.

Defense Secretary Melvin Laird on March 21, 1969, expressed the fear that "the Soviets are going for a first-strike capability, and there is no question about it." Yet 17 days later Secretary of State William Rogers said he did not think that the SS–9 deployment was based on "the intention of actually having a first-strike." Thus, it cannot be stated with certainty whether the Russians do—or do not—harbor first-strike intentions.

However, as Secretary Laird explained to a group of European journalists on April 7, 1969, intentions and capabilities are "different matters." Rocky Marciano's 49 opponents fully "intended" to destroy the Brockton shoe cobbler. Each, however, proved incapable of the task. Rocky retired undefeated.

This paper, therefore, rather than surmising intentions, will explore American and Russian capabilities and will assume that possibly on some occasion these capabilities, indeed, might be utilized.

B. DOES RUSSIAN WEAPONRY REPRESENT A THREAT TO OUR RETALIATORY (SECOND-STRIKE) CAPACITY?

Before analyzing the potential threat to America's nuclear deterrent, it is well to list our arsenal.

First, our ground-based intercontinental ballistic missile system consists of 54 Titan II rockets and 1,000 Minuteman I missiles. Minuteman I, by 1973, will be replaced by Minuteman II's and Minuteman III's, each possessing greater range and heavier payload capabilities.

Second, the U.S. Air Force has on alert approximately 600 B–52 and B–58 intercontinental bombers equipped with over 1,000 nuclear projectiles. Dr. Jerome B. Wiesner, former science adviser to President John F. Kennedy, estimates that of the 600 bombers, "about half would get through to their targets."

Third, the fleet ballistic missile weapon system is comprised of 41 nuclear-powered submarines carrying a total of 656 Polaris missiles. A pamphlet, "Polaris Missiles and Men," published by the U.S. Navy Recruiting Aids Division, describes the fleet ballistic missile weapon system as having "the greatest possible degree of retaliation; Polaris is mobile; Polaris operates in secrecy; Polaris is reliable; Polaris is omnipresent." Secretary Laird on April 7, 1969, called our Polaris fleet "virtually invulnerable. It cannot be knocked out."

Fourth, we have, in addition to the above, over 7,000 nuclear weapons positioned outside of the United States. Many could reach Russian targets from our bases in Europe or from our aircraft carriers floating in the Mediterranean and the Pacific.

Arrayed against our nuclear force are the Soviet's 1,000 ICBM's, 150 inter-continental bombers, and five nuclear-powered submarines bearing approximately 77 Polaris-type intercontinental missiles. In terms of "deliverable warheads," the United States maintains a better than 3 to 1 superiority over the U.S.S.R.—4,206 American warheads to 1,200 Soviet warheads.

With this background, let us now consider whether Russia's weaponry represents a significant threat to our second-strike nuclear deterrent.

First, to eliminate our nuclear weapons, an enemy must possess a substantially greater force than that which he seeks to destroy. The preceding statistics clearly indicate that Russia's forces are numerically inferior to ours.

Dr. Harold Brown, former Secretary of the Air Force, in his article, "Security Through Limitations," published in the April 1969 issue of "Foreign Affairs," concludes:

> If the Soviets attack today, they would expend their weapons without disarming ours. We would be left with relatively stronger forces and our society would suffer less damage than we could inflict in return. The Soviet force is not accurate enough, nor has it enough reentry vehicles to attack our land-based missiles effectively; Soviet anti-submarine forces are not good enough to destroy any of our Polaris submarines; and our alert bombers have enough warning to escape destruction on the ground.

Second, our deterrent is widely dispersed, on the ground—both in the United States and Europe—in the air, and under water. Further, the air and water forces are mobile. Thus, in addition to having an insufficient striking force, the Soviets could not possibly launch a coordinated attack which, at the same instant, would destroy all of our land, air, and sea-based missiles.

Third, Russia is fully aware of our deterrent strength. The Soviets know America possesses an assured destruction capability.

Intention, however, as Secretary Laird noted, is "another matter." If the United States is uncertain of U.S.S.R.'s first-strike "intentions," the Soviets are equally uncertain of our second-strike "intentions."

Recent radar developments make it possible to detect missile launches almost coincident with the time of firing. Soviet leaders, then, in contemplating a first-strike attack, must speculate when our response will occur. Will it come immedi-

ately after their intercontinental missiles have been released? Or, will we "ride out" their attack?

This assured destruction capability, coupled with the uncertainty of our intended response, represents the greatest inhibition to a Russian first-strike attack.

CONCLUSION

From the foregoing it is obvious that the U.S.S.R. does not have the capability to destroy our nuclear deterrent. Further, it is evident that if it undertakes a first-strike attack, Russia would sustain far greater losses than it inflicted.

C. CAN THE SAFEGUARD SYSTEM FULFILL ITS MISSION?

Having concluded that Russia does not now present a threat to our nuclear deterrent, one might rest the case on that point. However, suppose that sometime in the 1970's the Soviet's nuclear force surpasses ours—this, of course, presumes that: First, Russia significantly increases the number of its offensive warheads; and second, we do not respond in kind. Under such circumstances, could the proposed Safeguard system effectively defend our land-based missiles?

As noted previously, the Moscow anti-ballistic-missile network—Galosh—is considered impotent. True, more advanced technology is incorporated in Safeguard. Concurrently, however, there has been a marked improvement in offensive weaponry, both here and in Russia.

Thus far I have been unable to deduce from any Department of Defense testimony any real evidence why Safeguard, unlike Galosh, will work. Specifically, my research reveals four serious deficiencies in the proposed Safeguard system. These objections, considered below, have not been answered to my satisfaction.

1. SAFEGUARD, LIKE GALOSH, CAN BE OVERWHELMED BY ENEMY MISSILES

An editorial by Robert Hotz, appearing in the March 31, 1969 issue of Aviation Week and Space Technology succinctly states the strategic objection to reliance upon defensive weapons. Mr. Hotz writes:

The use of defensive missiles in their terminal phase is a strategically bankrupt concept that certainly never would be worth full operational deployment . . . We do not think the Sentinel-Safeguard concept can ever produce an effective defense against a massive enemy ICBM strike.

Former Secretary McNamara expands upon this point in "The Essence of Security." He comments that:

Every ABM system that is now feasible involves firing defensive missiles at incoming warheads in an effort to destroy them. What many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy's simply sending more offensive warheads, or dummy warheads, than there are missiles capable of disposing of them.

Irving S. Bengelsdorf, writing in the May 4, 1969, issue of the Los Angeles Times, provides a further description of the problems which Safeguard would encounter during a nuclear exchange.

All hell would break loose. There would be swarms of enemy warheads arriving and on top of all of this dense 'warhead' traffic the enemy would use penetration aids: balloons, chaff, radar jamming, blackout, etc.

Mr. Bengelsdorf, the Los Angeles Time's science writer, explains how balloons and chaff would work:

To a defensive radar, such a balloon would look just like a warhead . . . An incoming warhead can dispense a cloud of copper chaff wire hundreds of miles long. To the defensive radar, the entire cloud looks 'black.' Thus, within the chaff cloud the enemy can conceal his warheads and decoys. So, if you want to intercept a warhead above the atmosphere, a number of Spartan missiles must be directed against the entire cloud—and even then the defense is not sure of a kill.

In a seminar sponsored by the Center for the Study of Democratic Institutions, Dr. Jerome B. Wiesner addressed himself to still another Safeguard problem area—technological weaknesses. Dr. Wiesner observed that the ABM "is probably the most complicated electronic system anyone has ever tried to put together. Here it is, the most elaborate, sophisticated, dynamic combination of rocketry, radars, computers, electronics, and other technology ever proposed."

2. AS IN THE CASE OF THE SOVIET ABM SYSTEM, SAFEGUARD'S RADARS ARE VULNERABLE

The missile site radar—MSR—is housed in a structure 130 feet high. As described previously, the MSR detects, tracks, and predicts the path of incoming missiles. Its destruction, therefore, would result in the collapse of the whole ABM defense.

Dr. W. K. H. Panofsky, in his March 28, 1969, appearance before the Senate Subcommittee on International Organization and Disarmament, pinpoints the weakness inherent in this particular radar system.

Dr. Panofsky states:

The MSR radars can withstand an overpressure of less than one-tenth of what can be tolerated by the missiles (Minuteman) they are to defend. Clearly an enemy in planning a first strike would attack primarily the vulnerable radar and thereby deny the effectiveness of the defense.

The Department of Defense, in an undated question and answer document, replied:

It is certainly possible for the enemy to choose to attack the radar and it is true that if the radar is knocked out, there would be no further defense.

The Defense Department fact sheet then proffers this defense:

The important point is that it will take so many of his missiles to knock out the radar that significantly more Minutemen will survive, which means the defense has served its purpose.

This explanation, however, neglects to mention that only one radar per site is planned, protecting over 100 missiles. Dr. George W. Rathjens of the Massachusetts Institute of Technology, testifying before the House Armed Services Committee, further exposes the fallacy of this rebuttal:

The foregoing assumes the Soviets use missiles to attack radars that could otherwise be used to knock out Minuteman. They hardly need do that. Instead, they could effectively attack the vulnerable radars with whatever number of the more numerous, less expensive, SS–II missiles would be required to exhaust the interceptors, conserving their SS–9's for use against our ICBM's. If they chose such an attack option, and if the threat to Minuteman is, as alleged, from the Soviet SS–9 missile force, the defense would not be effective *at all* in saving Minuteman.

3. SAFEGUARD'S COMPUTER SYSTEM IS NOT TECHNICALLY FEASIBLE

Computers played a major role in landing the first men on the moon. This being the case, why cannot ABM computers be made to work?

A statement prepared by a group of computer scientists, chaired by Daniel D. McCracken, explains why. According to Mr. McCracken and his colleagues:

The precise nature of the computing task cannot be defined. It cannot be known what kind of electronic and other counter-measures (note: see above) would be used, for example, or what evasive maneuvers the attacker might employ. The offense has more strategic options than the defense in any case, and the defensive reactions have to be programmed and tested well in advance of an attack. Realistic testing is impossible since it would require nuclear explosions in the atmosphere. Only artificial test data could be used.

Dr. Glenn K. Manacher, of the Institute for Computer Research, University of Chicago, echoes these views. In his report on the proposed Safeguard system Dr. Manacher states:

The problems of designing a testing scheme that will mimic a real attack are acute and will recur as long as the adversary can significantly change the character of the attack. It appears, moreover, that the only testing of the system that will be done will be with tapes that contain data simulating an attack. These tapes represent the best approximation of an attack we can devise. There may, however, be subtle differences between the simulation and the real attack that are not detected . . . (further) Large programming efforts are especially prone to errors which cause them to fail *entirely*. Programs which attempt to extract maximum performance from a machine are particularly prone to this trouble.

4. THE SAFEGUARD SYSTEM IS SUBJECT TO EARLY OBSOLESCENCE

In his statement accompanying President Johnson's fiscal year 1970 defense budget, the then Secretary of Defense, Clark M. Clifford, reported:

During the past year, the Soviets apparently curtailed construction at some of the Galosh ABM complexes they were deploying around Moscow. . . . it is the consensus of the intelligence community that the Galosh system as presently deployed could provide only a limited defense of the Moscow area and could be seriously degraded by currently programmed U.S. weapons systems.

In other words, our improved weaponry has made Galosh obsolete.

Dr. Weisner sheds further light as to why these weapons systems were programed:

Just the thought that we might develop an anti-ballistic missile system, and therefore that the Russians might do the same thing, caused us to develop a whole new set of offensive countermeasures that make our Air Force and Navy confident that we do not have to worry about a Russian anti-missile system.

Insofar as our own ballistic missile defenses are concerned, Dr. Wiesner concludes:

I do not think the defender is ever going to know really what to expect; the variety of techniques available to a nation planning an offensive system is great enough to keep an anti-ballistic missile system of the kind we are taking about totally off balance.

CONCLUSION

Like Galosh, its earlier Russian counterpart, the proposed Safeguard system can be overwhelmed by attacking enemy missiles. Further, its "eyes" and "ears"—its radars and computers—are extremely vulnerable, both to destructive attack and to deceptive devices.

Thus, in the unlikely event that Russia launched a first-strike against our land-based nuclear forces, the proposed Safeguard system would be incapable of performing its mission effectively. Drs. Rathjens, Wiesner, and Steven Weinberg, in their analysis of Secretary Laird's May 22, 1969, "Defense of Safeguard", conclude:

> Accepting all of Mr. Laird's assumptions about a Soviet attack with 420 SS-9's except the retargeting assumption, one calculates the following numbers of survivors for our Minuteman force: no defense, 195; with Phase I of Safeguard, 200; with Phase IIA, 215-220.

VI. OTHER ARGUMENTS

Safeguard adherents cite three other arguments in support of its deployment.

First, it is a purely defensive weapon and, therefore, is not provocative.

Logic and fact refute this contention.

If Safeguard is being sold on the premise of a possible Russian first-strike "intention," that "intention" certainly will not dissipate with Safeguard's installation. Rather, the Soviet "intention" will manifest itself in construction of additional nuclear warheads.

Dr. Harold Brown, former Secretary of the Air Force, illustrates this "action-reaction" phenomenon in his April 1969, Foreign Affairs article:

> As the Soviets installed their Anti-Ballistic System (ABM), we have added penetration aids and are developing multiple warheads. As the Soviets have worked on more effective air defenses (note: in response to our development of the now-discarded B-70), we have begun development of the SRAM air-to-surface missile, and we have continued preliminary work on the aircraft technology needed for a new heavy bomber, and on penetration aids suitable for both current and future bombers.

Second, Safeguard will defend American people against a Communist China nuclear attack.

Senator RICHARD RUSSELL, of Georgia, an ABM advocate, demolished this thesis during last year's Senate Appropriations Committee hearings. Senator Russell retorted:

> This concept of a missile attack originating in China any time in the near future seems to me to be very remote. The Chinese are not completely crazy; they are not going to attack us with four or five missiles when they know we have the capability of virtually destroying their entire country . . . I am glad we are going ahead (with the Sentinel System then under consideration), but I don't like people to think I am being kidded by this talk of defense against a Chinese nuclear threat because I don't think that the Chinese are likely to attack us with an intercontinental ballistic missile at any time in the near future.

Dr. Allen S. Whiting, professor of political science and associate, Center for Chinese Studies, the University of Michigan, enforces Senator RUSSELL's observations. On March 13, 1969, Dr. Whiting told members of the Senate Subcommittee on Disarmament that we should focus "less on Peking's words and more on Peking's actions." In examining Peking's record, he notes that:

> Between 1949 and 1969 not one . . . insurgency has arisen either on China's borders or at more distant points overseas.

This hardly is a valid basis upon which to predicate a Chinese ICBM attack against the American mainland.

Third, Safeguard affords protection against the possibility of accidental attacks from any source.

This, unquestionably, is the weakest premise of all. In the 25 years of nuclear missilry, not one accidental launch has occurred. Thus, accidental firing is a very dubious premise on which to commit $10 to $50 billion.

Further, deployment of Safeguard may add to the danger of a nuclear explosion in the United States. As Dr. Herb York pointed out to the members of the Armed Services Committee—April 22-23, 1969:

> Thus if we wish to be certain that the defense will respond under conditions of surprise, the trigger of the ABM, unlike the triggers of the ICBMs and Polarises, must be continuously sensitive and ready, in short a 'hair' trigger for indefinitely long periods of time.

The Department of Defense, in a Safeguard fact sheet, discounts Dr. York's fears. The Defense Department document replies:

> Our weapons and operating procedures are so designed that the chance of accidental explosion is essentially nil; we have never had an accidental explosion of any nuclear weapon.

In endeavoring to abate "hair trigger" fears, the Department of Defense, perhaps unwittingly, has successfully refuted its own "accidental launch" argument.

VII. SUMMARY AND RECOMMENDATIONS

As stipulated earlier, America can afford the price of an ABM system, be it $10 billion or $50 billion. However, as former Defense Secretary McNamara suggests:

> Money in itself is not the problem.

The pertinent question is: Will expenditures for Safeguard represent a sound investment—a wise allocation of our economy's resources?

The answer is an unequivocal "No."

First, there is no present danger to our nuclear deterrent.

Second, Safeguard, if deployed, will not perform effectively the mission assigned it. It offers no increased security. Indeed, it probably will lessen it by motivating Russia to accelerate production of offensive weapons to counter Safeguard.

Therefore, next week I shall support an amendment to eliminate Safeguard procurement funds from the "412 bill."

Russia, it is acknowledged, is continuing its ABM development program. Therefore, so that we, too, can improve, if possible, "the state of the art," I intend to support that section of the procurement bill authorizing further ABM research.

Finally, if Russia persists in its nuclear expansion program, I would endorse Department of Defense efforts—with accompanying funding requests—to employ the following more effective, and less costly, alternatives to Safeguard:

First, Minuteman silos could be hardened to 2,500 to 3,000 pounds per square inch. This is 10 times the current hardness. The current 300-pounds-per-square-inch silo hardness, incidentally, is the factor upon which the Department of Defense has based all of its SS-9 destructive computations. As General Holloway, commander of SAC, told me on April 12, 1969, a 3,000-pounds-per-square-inch hardness "would mean that four times as many SS-9's would be needed to achieve the same destructive capability."

Second, to increase deception, ICBM's could be deployed on mobile railway units.

Third, the Strategic Air Command, if necessary, can once again be placed on air alert.

Fourth, if the Russian nuclear arsenal expands significantly, we should increase our own Polaris fleet and Minuteman missile force. This would represent a more effective deterrent response than deployment of Safeguard, with all of its previously described weaknesses.

To avoid the latter eventuality—that is, a further proliferation of nuclear weapons—I urge the administration to seek an early arms limitation discussion with Russia. Hubert Humphrey states the case well when he said last January:

> The time has come when we should take some risks in the name of peace, rather than continue the great nuclear gamble in the name of security.

EXHIBIT I

Perimeter acquisition radar (PAR)	$560
PAR unit cost is estimated at $80 million; will be installed at 7 sites.	
Missile site radar (MSR)	1,500
MSR unit cost is estimated at $125 million; will be installed at 12 sites.	
Spartan missile	1,050
Unit cost of Spartan when deployed is estimated to be $3 million; DMS believes there will be 350 missiles installed.	
Sprint missiles	560
Unit cost is estimated at $800,000; DMS believes 700 missiles will be deployed with a greater number at Minuteman sites than at other sites.	
Data processing subsystem	1,500
Includes new generation computer, memory banks, displays, tapes and discs plus an extensive amount of software.	
Command, control and communications	500
Warheads	210
Figure assumes 1050 warheads at a cost of $200,000 each. AEC funds are used for development and production.	
Construction	2,100
Figure assumes construction costs will average $300 million annually through 1975.	
Total investment for 12 sites	7,980
Research and development	2,400
Figures assumes R&D cost of $350 million per year through 1975. Does not include the $150 million per year which will support work on new radars and interceptors.	
Operations and maintenance	700
Figure based on an average operation cost of $100 million annually through 1975.	
Total Safeguard cost through 1975	11,080
Assumes no cost overruns.	

PRESIDENT NIXON'S WORLD TRIP

The SPEAKER. Under previous order of the House, the gentleman from Arizona (Mr. RHODES), is recognized for 5 minutes.

Mr. RHODES. Mr. Speaker, our President has returned from his trip around the world and his conferences with heads of state in Manila, Djakarta, Bangkok, Saigon, New Delhi, Lahore, and Bucharest.

As President Nixon noted, this is one of the few trips abroad by any U.S. President that has not resulted in new national commitments in the form of either military or financial assistance. Of more importance, Mr. Speaker, is the fact that this trip has served to develop a new understanding between the United States and those Asian and European countries that the President visited.

President Nixon is fully aware of the limitations of "personal diplomacy" but he also appreciates the real opportunity of avoiding possible misunderstandings in the future by openly and freely discussing mutual national problems with the leaders of other countries.

There is no doubt that these discussions have proved fruitful. In Manila, for example, the President made clear the fact that lasting peace in Asia cannot be insured by the United States but "must come from Asia." President Marcos replied that his doubts concerning the emergence of the present administration's policies had been resolved.

In Rumania, the reception President Nixon received was truly unprecedented. Not since World War II had a U.S. President visited a Communist country. The thrilling sight of thousands of American flags waving in Bucharest was an encouraging sign of the desire of those people to live in peace with all nations.

President Nixon has restored clarity and responsibility to this Nation's foreign policy. The Congress and the American people welcome him home.

VOTING AGE LEGISLATION

The SPEAKER. Under previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, today I joined with several of my colleagues in introducing a joint resolution to amend the Constitution of the United States to lower the voting age to 18 years in Federal elections.

The adoption of this resolution will implement a concept which has long been discussed, but has never received official endorsement by this body.

I frequently find myself involved in arguments defending today's youth from attacks from older people who simply do not understand them. Today's youth are not better and no worse than any other generation of young people, but they are more intelligent, better educated, more mature, more aware of social injustices, more motivated by conscience than any generation we have ever produced.

A recent tour of college campuses, in which I was pleased to participate with 21 other House Republicans, has given renewed impetus to activating the perennial theorizing on lowering the voting age. In our report to President Nixon, we stated:

> Active involvement in the political process can constructively focus youthful idealism on the most effective means of change in a free society.

This is, to me, a most important and valid justification for extension of the franchise to age 18. We clamor these days that this country must channel the energies of cur youth to operate within the system rather than outside it. May I suggest that ratification of a constitutional amendment to give these young people an active role in our elective system would demonstrate most effectively to disbelievers and dissenters that progressive change is possible within our governmental system.

A second recommendation from our campus report is also applicable to the joint resolution we introduced today. After lengthy dialogs with campus leaders throughout the country, our task force came to the conclusion that there is a natural tendency to lose interest in politics and government between the time that young people first become aware of the political system and the time that they presently become eligible to participate in it. This loss of interest is corroborated by statistics which illustrate the fact that the highest percentage of votes come from the middle-aged sector of the population, rather than from young voters.

I am sure that many Members of this elective body are aware of the tremendous influence that young persons exert in electoral campaigns, whether on a National, State or local level. After witnessing the involvement of teenagers and young adults in my own recent congressional campaign, I am convinced that the disinterest engendered by the prolonged denial of the right to vote results in a needless loss of creative energy and talent which this country cannot afford to lose.

By extending the franchise to age 18 in Federal elections, we will go a long way toward maintaining the early political interests of our youth throughout their years of young adulthood when their creativity and originality are at their peak.

We must get our young people personally involved in helping to solve our problems. We must convince them that one of the greatest gifts passed on to us by the founders of this Nation was the mechanism for changing and improving our society in a peaceful, orderly way. That mechanism is politics. Politics is the only way to strike out against the deficiencies in our society without destroying the system itself. It affords us the opportunity to correct the inadequacies within the existing structure without undermining its foundations.

So to those young people who cry for the destruction of the system, we must say: "Destroy this system and you will destroy not only the hope of America, but of all mankind. Use this mechanism within our system to make changes, to make this a better country and to make this a better world."

We must convince our young people to accept this challenge and opportunity and thereby have a tremendous influence on the kind of world they are going to live in.

More than ever before in our history, young people are getting involved—really involved—in the exercise of good citizenship through political action. This is the best possible sign of the vitality of our system.

I urge that this body promptly adopt the joint resolution we introduced today and thereby encourage our youth to drop in—and stay in—the American system rather than join the dissenters and protesters to remain aloof from the system and abandon peaceful, orderly change. This is a tangible way for us to demonstrate our confidence in these young people and restore their confidence in us.

LEGISLATION TO REPEAL OIL DEPLETION ALLOWANCE FOR COMPANIES WHO MANUFACTURE LEADED GAS

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 13321, a bill to repeal the percentage depletion allowance for oil companies which continue to manufacture gasoline containing lead after January 1, 1971.

This legislation is not simply a matter of tax reform. Congress hopefully is going to reduce the 27½-percent depletion allowance anyway. Lead fumes from gasoline contribute very heavily to the $12 billion annual cost of air pollution as well as representing a serious health hazard. There are practical and relatively inexpensive alternatives to lead in gasoline. The petroleum industry, however, like the auto industry has generally resisted efforts to put these alternatives into effect, because it does not want to go to the expense and effort necessary to effect a conversion. The economic incentive can serve as a significant stimulus. The big oil companies must take some corrective action or pay the bill.

There are two alternatives to gasoline containing lead. One would be to either replace lead with other additives or to modify the refining process. Lead functions in gasoline as an antiknock ingredient. Nickel and boron are among the additives which can be substituted to perform the same function. American Oil Co., on the other hand, has modified its refining process to bring about a higher level of paraffins in order to produce its nonleaded gas. In either case refined gasoline is still the basic fuel which goes into the internal combustion engine.

The second alternative is the replacement of gasoline by natural gas. Natural gas can be used in internal combustion engines just as refined gasoline is. Natural gas, however, does not pollute the atmosphere to the extent regular gas does, and produces no lead emission. This is demonstrated by recent truck tests conducted by the Air Pollution Control Administration in Detroit:

Comparative truck emissions for leaded gasoline and propane—Air Pollution Control Administration

[In grams per mile]

Carbon monoxide:	
Gasoline	17.00
LPG (propane)	16.00
Hydrocarbons:	
Gasoline	28.80
LPG (propane)	8.00
Oxides of nitrogen:	
Gasoline	8.00
LPG (propane)	4.00
Lead:	
Gasoline	3.17
LPG (propane)	0

Methane in the compressed form is now just beginning to come into use as a substitute for gasoline. As tests with a 1968 Ford Ranchero demonstrated, methane produces an even lower level of pollution emission than propane:

Comparative pollutant emission for leaded gasoline and methane

[In grams per mile]

Carbon monoxide:	
Gasoline	28.20
Methane	2.11
Hydrocarbons:	
Gasoline	2.56
Methane	1.41
Oxides of nitgrogen:	
Gasoline	3.82
Methane	.51
Lead:	
Gasoline	3.17
Methane	0

Even aside from the level of pollution emission, methane offers other benefits over leaded gasoline. It is cheaper to operate, does not clog spark plugs, dilute or contaminate the oil, or corrode the exhaust pipes. Furthermore, it rates as safe as if not safer than gasoline by the insurance industry.

The bill is the third and last in a legislative package I have proposed to reduce air pollution caused by automobiles. My initial bill would ban the manufacture and sale of automobiles powered by internal combustion engines after January 1, 1978. The second would require a health warning in ads for gas containing lead.

My bill is admittedly a stopgap measure. It would alleviate air pollution somewhat until we can entirely do away with the internal combustion engine by bringing about a modification in the fuel component of the engine. But we cannot wait for the internal combustion engine to be eliminated before we begin to do something drastic about automobile pollution. Human lives are too important to be dependent upon the automobile industry's willingness to produce low-pollution cars on a large scale.

The text of the bill follows:

H.R. 13321

A bill to amend the Internal Revenue Code of 1954 to provide that after 1970 no oil or gas depletion deduction shall be allowed a company which is engaged directly or indirectly in the sale to consumers of petroleum products containing lead

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613 of the Internal Revenue Code of 1954 (relating to percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) Denial of Depletion Deduction to Companies Engaged in Sale of Petroleum Products Containing Lead.—Notwithstanding any other provision of this chapter, no deduction for depletion shall be allowed a taxpayer with respect to any oil or gas well under section 611 for any taxable year, whether the applicable allowance for depletion would be determined under subsection (b)(1) of this section or otherwise, if such taxpayer is determined in accordance with regulations prescribed by the Secretary or his delegate to be engaged in such taxable year directly or indirectly, through one or more affiliates, parents, subsidiaries, or related companies, or otherwise, in the sale at retail to consumers of gasoline or other petroleum products to which lead has been added."

Sec. 2. The amendment made by the first section of this Act shall apply only with respect to taxable years beginning after December 31, 1970.

CURTAILING VIOLENCE

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

Mr. COHELAN. Mr. Speaker, on Monday of this week the National Commission on the Causes and Prevention of Violence issued a report on firearms. This report concluded:

After extensive study we find that the availability of guns contribute substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes—assassination, murder, robbery, and assault.

Not surprisingly, the findings of the Violence Commission echoes those issued 2½ years ago by the National Crime Commission. The thorough and objective study performed by these two distinguished Commissions indicates without question the need for strict controls of handguns. Handguns are not good weapons for game hunting and they are not particularly good weapons for defending ones home. Their primary advantage seems only to be that they are easily portable and even more easily concealable. These are advantages to would-be lawbreakers but to hardly anyone else. These notions, too, are part of the findings of these two Commissions. I recommend to the attention of the Members of this body and to the administration an editorial which appeared in the Washington Post on Wednesday, July 30, 1969, entitled "Curtailing Violence." This editorial quite correctly sets out the conclusion of our national Commissions, the views of most Americans, and the views of those who are opposed to further gun control. I include this editorial at this point in the RECORD:

CURTAILING VIOLENCE

No one who has given any thought at all to the problem of violence in the United States will experience the slightest surprise that the National Commission on Violence—like the National Crime Commission before it—recommends strict gun control legislation. "After extensive study," the Commission reported on Monday, "we find that the availability of guns contributes substantially to violence in American society. Firearms, particularly handguns, facilitate the commission and increase the danger of the most violent crimes—assassination, murder, robbery, and assault." The Crime Commission report, issued two and a half years ago, came to the same conclusion: "The Commission strongly believes that the increasing violence in every section of the Nation compels an effort to control possession and sale of the many kinds of firearms that contribute to that violence."

Americans polled by Dr. Gallup and other national opinion research organizations have indicated by overwhelming percentages that they thoroughly agree with these recommendations. Only the National Rifle Association and the Nixon Administration appear to be in disagreement. The NRA wants to repeal even the modest gun control law adopted by Congress last year; and the newly appointed Commissioner of Internal Revenue, apparently speaking for the Administration, indicated in testimony before a Senate Judiciary Subcommittee last week that he thought effective gun control legislation would involve too much bother and expense.

The controls proposed by the Violence Commission concentrate on handguns—for the very good reasons, as the Commission puts it, that "firearms are a primary instrument of injury and death in American crime" and "handguns are the weapon predominantly used." The Commission report contains a lot of fascinating figures to support its conclusions, only one of which needs citation here: "Although only slightly more than one-fourth (or 24 million) of the firearms in the Nation are handguns, they account for about half of all homicides and three-fourths of all firearms homicides."

Unlike the NRA, which seems to advocate a nationwide game of cops and robbers with every citizen his own sharpshooter, the Violence Commission concludes that pistols ought to be in the possession only of those who have actual need for them. Accordingly, it proposes—as this newspaper has many times proposed—a system of restrictive licensing for handguns. It would give state governments the first opportunity to impose such a system, introducing Federal control only when states fail to enact adequate standards of their own. And it would have the Federal Government assume the full cost of compensating gun owners for the weapons to be confiscated under the proposed arrangement.

This seems to us eminently sensible. Handgun restriction will not interfere in any way with sportsmen who use long guns for hunting or for target shooting. Neither will it impede in any way the ability of householders to protect themselves and their families from intruders. Gentlemen who would like to shoot it out with burglars can do so even more advantageously with a rifle or shotgun than with a pistol; a pistol is advantageous only to criminals who can conceal it comfortably when on their way to commit crimes. Honest folk do not really need concealable weapons. Besides, as the Commission drily notes, "from the standpoint of the individual householder, the self-defense firearm appears to be a dangerous investment."

The Commission's aim is to put an end to illegitimate employment of guns without placing undue restraint on legitimate possession and employment of these dangerous instruments. We agree that this is entirely feasible. It presents a formidable challenge to the common sense of the American people and to the American sense of community.

WHAT IS MILITARY VICTORY?

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

Mr. HALL. Mr. Speaker, it is more than obvious, that the war in Vietnam is not a popular one. We are well aware that more than 35,000 Americans have

already given their lives in this conflict. Still it is hard to realize, that with American soldiers fighting and dying each day in a far-off land, that there is less than total support for them at home. This is a disservice to the Nation.

There are those who say that we are involved in a war that cannot be won, that the deaths of these men, therefore, cannot be justified. To answer that statement, I include the remarks of Gen. Bruce C. Clarke, U.S. Army, retired, entitled "What Is a Military Victory?" at this point in the CONGRESSIONAL RECORD for the edification and enlightenment of those who might be interested. The article follows:

[From Army, August 1969]

WHAT IS MILITARY VICTORY?

On 17 December 1944, I moved my unit, Combat Command B, 7th Armored Division, into the area of St. Vith, Belgium, on orders of my corps commander. The German main effort in the Ardennes offensive (Battle of the Bulge) was about to break through the U.S. defensive line there. We interposed our strength in front of this German effort and did not withdraw until 23 December, on order, so as to keep from being destroyed.

Field Marshal Hasso von Manteuffel, the German main effort commander, stated while visiting the United States in December 1964, that on the evening of 24 December 1944, he recommended to Adolf Hitler's adjutant that the German Army give up the attack and return to the Westwall. He said that the reason for this recommendation was the time lost by his Fifth Panzer Army in the St. Vith area which broke up the operation.

We of the 7th Armored Division suffered heavy losses and had to retreat. However, we accomplished our mission and spoiled the enemy's plans. To me that was a military victory.

Recently, a member of the U.S. Senate stated that *we* had lost the war in Vietnam. Having had three sons in Vietnam, and one there a second time, and having been privileged to visit the troops in the field during the Tet offensive of 1968, I violently object to such a statement if it refers to our armed forces in Vietnam. I do not consider that "we" includes them.

I am generally familiar with the conditions and missions that faced Gen. William C. Westmoreland in 1965 and later, and the conditions and missions facing Gen. Creighton W. Abrams since he took command; I can state that they have accomplished the military missions given them and have prevented the enemy from completing his. This, to me, is a military victory.

It is time we let our armed forces in Vietnam know that we appreciate their military victories.

We may have not won other types of victories, but that is not primarily the responsibility of the military.

Gen. BRUCE C. CLARKE,
U.S. Army, retired.

ARLINGTON, VA.

FEDERAL REVENUE-SHARING BILL

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

Mr. HAMILTON. Mr. Speaker, today I am introducing a Federal revenue-sharing bill. I strongly urge its immediate consideration and passage.

The United States faces, in the favorite phrase of Sir Alec Douglas-Home, "political problems which are insolvable and economic problems which are incomprehensible."

The agenda for the Nation is discouragingly long and incredibly complicated: inequality of opportunity, poverty, pollution, blight, crime, imbalances in the economy, inadequate housing, transportation, welfare, education, health. We are only too familiar with this list.

But these are the central realities of our day and whether or not we solve them will determine our survival as a nation. Any of these problems, if left unattended, could bring this Nation to disaster, and each of them will challenge the best that is in us to solve.

These realities put the American federal system on trial as never before. How we meet them will determine the future and the fate of the American political system.

One of the more hopeful and promising approaches for their solution is the suggestion to turn over some portion of Federal tax revenues to State and local governments with a minimum of Federal supervision and control. This idea, commonly called Federal revenue sharing, is not new to American Government, but only in recent years has it received widespread attention.

PRECEDENT

For many years the U.S. Government has shared revenues derived from the sale of Federal public lands, from grazing leases and permits, and other sources with State and local governments. One historical precedent for the distribution of Federal surplus funds among the States on an unconditional basis occurred in 1836 when, during the administration of President Jackson, a large Federal surplus of about $28 million was actually deposited with the States in three installments.

More recently tax sharing has been advocated by Dr. Walter Heller, former Chairman of the President's Council of Economic Advisers, who in June 1960 proposed that rising Federal revenues be distributed to State and local governments with few or no strings attached.

In 1964, both presidential nominees voiced their general support for this proposal. President Johnson appointed a task force, headed by Dr. Joseph A. Pechman, to study the proposal. However the findings of the Presidential task force were never released. The Republican Party has also promoted the idea. It recommended a system of Federal tax sharing in its state of the Union message in 1966 and a Republican coordinating committee has supported the concept. Many Members of the Congress are on record in support of it.

THE PROBLEM

Quite simply, the problem is that the Federal Government has most of the money and the States have most of the problems. Consequently, the federal system is fiscally out of balance.

The last three decades of unprecedented growth have led to an enormous increase in the demand for public services, services that historically have been provided by the States. John Kenneth Galbraith has observed that prosperity gives the Federal Government the revenues and the State and local governments the problems.

Fortified with the resources, the Federal Government has taken the initiative and has nearly monopolized leadership in response to the challenges of the day. The result has been a proliferation of Federal programs and stultification of State initiative. In 1966 there were 379 different grant authorizations in the Federal Government administered by 17 departments and agencies and 38 bureaus to 50 States and 92,000 units of local government. By 1969 total Federal aid grants to State and local governments had risen to $20.8 billion.

It has surely become obvious by now that this growth of activity on the Federal level is not the complete answer. The Federal Government simply cannot carry out all of its responsibilities efficiently without strengthening State and local governments. Richard Goodwin has observed:

We are not wise enough to solve our problems from the top, nor are there resources enough to solve them from the bottom.

THE ROLE OF THE STATES

A new order of things is needed to build vitality into our governmental institutions. There simply are limitations to the expansion of a Federal bureaucracy and it reaches a point when it cannot cope with the variety and complexity of problems facing a vast nation. Alexis de Tocqueville remarked long ago that a continental country can be successfully governed centrally but it cannot be successfully administered centrally.

I believe a basic premise has to be that the States are here to stay and that they play an indispensable role in the federal system of government. Their power and resources simply must be strengthened.

Terry Stanford, in his volume, "Storm Over the States," reminds us that States are indecisive, antiquated, timid and ineffective, and unwilling to face problems, unresponsive, and not interested in the cities. These half dozen charges, he says, are true about all of the States some of the time and some of the States all of the time.

Many factors work to weaken the States' capacity to confront energetically the challenges before them. Interstate competition for industry and wealth creates pressure to decrease State revenues. Because of their small size, States are denied the economies of large scale enjoyed by the Federal Government. States have depended on relatively unresponsive and regressive sales and property taxes. The yield from these taxes does not grow with the economy to the extent that the income tax yield does.

Fiscally then, federalism is out of joint. The States desperately need more revenue.

Despite these liabilities the States have actively faced their desperate problems. The share of State-local taxes in the gross national product has risen since 1946 from 5.4 percent to 9.4 percent in 1966. States have added new taxes and revamped older ones. They have displayed genuine fiscal courage in their fiscal effort but even so, the central problem remains. The States simply do not have the fiscal capacity to play a truly effective role.

Revenue sharing does offer hope for

relief. A distinguishing feature of the federal system has been its remarkable capacity to adapt to changing circumstances. The rate of change in this country has been so swift that we are faced today with problems of different magnitude and new dimensions. Exclusive action by any one level of government simply will not solve the problems of the magnitude before us. There are some who will say that only the Federal Government can do it, others will argue that only the States can do it. But I reject the view that pits one level of government against another in dealing with our problems. Claiming that this is a problem for local government, this is a project for State government and this is a project for Federal Government, simply will not work. The burdens of governing today are too big, too complex, for any one branch of government to handle efficiently.

The fate of American federalism depends on our ability to cooperate and commit all levels of government to the task of building a truly modern society. This can only be done if there is a fiscally balanced federalism.

TOOLS OF FISCAL FEDERALISM

There are essentially three tools that the Federal Government can use in its effort to bring about a balanced federalism: categorical aid, block grants, and revenue sharing. Just as no single level of government can solve today's problems, no single one of these three tools will suffice. The answer lies in finding the proper mix of the three. Thus, revenue sharing or block grants can be correctly viewed only as supplements to, and not as substitutes for, present categorical grants.

Categorical grants-in-aid to the States today comprise the major instrument of Federal-State fiscal balance. The funds so provided are based on narrowly defined programs and their use is closely controlled by the Central Government. It has been through such categorical grants that the Federal Government has tried to help the States face their urgent problems. These grants are the major vehicle for the expansion of Federal control to the State and local level, and it is through their effect that the States' right to make decisions have been circumscribed. Strenuous stipulations and expenditure controls have stultified State initiative and have warped States' priorities.

In addition, the proliferation of such programs has led to serious trouble, as the Advisory Commission on Intergovernment Relations reported in October 1967. There are simply too many separate aid categories. The result has been confusion and ambiguity concerning the provisions of various programs, the qualification requirements and administrative control. Many of the programs are redundant or near duplicates and thus allow States and localities to play various agencies against each other. Few States or Federal officials can be well informed enough to know exactly what programs are available, and even if they had this information, most of the programs have such strict stipulations that it is often impossible for States to benefit from them without significantly altering their own efforts.

Summarizing its discussion of categorical grants, the ACIR report states:

The general objectives of the categorical grant-in-aid system might be regarded as: (1) achieving a minimum program level in specific functional fields throughout the country; and (2) doing so in such a way as to strengthen State and local governments. It seems clear, however, that the system itself, and particularly some of its newer features, are causing problems that handicap these objectives. State and local governments, bewildered by the proliferation of grants, complexity of requirements, and actual or seeming duplication and overlapping, complain of an "information gap". Multiplying and different planning requirements foster confusion rather than coordination. States feel they are losing their grip over public affairs within their jurisdiction due to the increasing practice of direct Federal-local grants. Both State and local governments feel a similar loss with the rise of grants to private individuals and institutions. The goals of equalization, if ever a very strong objective of the grant system, are no nearer achievement than six or eight years ago, partly because of the trend toward project rather than formula grants.

The categorical grant program needs reform. To achieve better intergovernmental balance it is necessary to strengthen State activity, and thus the other two tools of fiscal federalism, block grants and revenue sharing, seek to widen the scope of State responsibility.

Block grants provide aid to States for more broadly defined purposes than categorical grants. This allows the States more freedom for administrative originality. Block grants are quite similar to revenue sharing since most of the revenue-sharing plans which have been advanced also include broad stipulations that require the funds be spent for certain types of projects. The major difference between block grants and revenue sharing, thus, is that block grants are considered a more temporary and somewhat more restricted form of aid than is revenue sharing.

THE REVENUE-SHARING PLAN

The third tool that can be used in the State-Federal fiscal balance mix is revenue sharing. Frequently discussed in the fifties, revenue sharing received its present impetus at the time of the 1964–65 Federal tax reduction, occasioned by the expectation of a future Federal revenue surplus. At that time, Chairman Walter Heller of the Council of Economic Advisers put forward the suggestion that when another Federal tax reduction became possible, a plan should be instituted whereby the Federal Government could distribute its surplus to the States.

Dr. Heller has expanded his ideas in a book, "New Dimensions of Political Economy," and an article in the March 22, 1969, issue of Saturday Review. The Heller plan calls for the creation of a trust fund based on revenue from 1 or 2 percent of the Federal individual income tax base. Money from this fund would be shared among the States on a per capita basis, that is, each State would receive an allotment according to its population. This per capita redistribution would help equalize the share that each State received. If still further equalization were desired, 10 to 20 percent of the fund could be set aside to be allocated among the States on the basis of average per capita income, allowing the poorer States to receive a greater share of the funds. Although the idea of nonconditional grants—block grants, or, aid without strings—is essential to the concept, Dr. Heller indicated that it might be necessary to stipulate that the funds be used only for welfare, education, or community development programs.

One of the basic ideas of the plan however is to stimulate creativity and encourage initiative at the State and local levels by allowing these officials as wide a range of freedom as possible. Heller has summarized the major thrust of his revenue sharing plan thus:

The core of a tax-sharing plan is the earmarking of a specified share of the federal individual income tax take for distribution to states and localities, on the basis of population, with next to no strings attached.

ARGUMENTS IN FAVOR

There are strong arguments in favor of tax sharing. Some sort of revenue sharing plan has received support from both parties and from officials in Washington and in most State capitols, and it is arguments like these that have made for such broadbased support.

First. An efficient and simple way to redistribute Federal revenue: Tax sharing plans are efficient and simple ways to distribute Federal revenue. Many economists feel that revenue surpluses will be a natural consequence of our existing Federal income tax system whenever the economy is undergoing expansion. In other words, tax sharing may become necessary simply to keep from dampening economic growth if Federal coffers seem to be receiving increasing surpluses. Thus, a tax sharing plan would add to our capabilities to achieve a beneficial and well-conceived fiscal policy by increasing our fiscal policy tool kit.

Revenue sharing is desirable because of its simplicity. It enables local and State governments to operate without burdensome Federal controls and relieves Federal officials from administering programs filled with detailed and onerous requirements.

Second. Federalism strengthened: Tax sharing plans will help us preserve and strengthen federalism. Tax sharing emphasizes State initiative. It gives a financial opportunity for the State and local levels to come up with creative, new solutions for the problems of their own particular areas. Revenue sharing becomes, therefore, an alternative to the constantly increasing centralization of the last decades. The services that have traditionally been viewed as State responsibilities will not cease being provided by the States simply due to a lack of funds. Of particular note is the fact that tax sharing plans do not include matching requirements which have heretofore warped State priorities in order to win Federal funds for the State. It should be emphasized that unless something is done soon to increase the role and energy of the States, the trend toward centralization may become irreversible as more and more talent and resources are deflected to the Central Government in Washington.

Third. It enables State and local governments to meet needs. Tax sharing is another way for the Federal Government to help States face voracious needs. Deficiencies in education, housing, health, welfare and community development are all enormous problems that must be met. Once again it must be made clear that the areas of greatest need are precisely the ones in which the States have the responsibility. And these needs are going to grow greater in the future. To respond in an efficacious manner to these aspects of modern life, State and local governments simply need, above all, more resources. The officials close to the problems must have more of a free hand to meet the challenge of their particular locality according to their own experience. The Federal Government has been much too slow to realize that it does not have a monopoly on the answers: a realization that should come quickly after a brief study of the problems facing the Federal Government's own city, Washington, D.C. If nothing else, the very simplicity of revenue sharing compared to today's multifarious categorical grant programs will be an incentive to increased action.

Fourth. Fairness of the tax system improved: Tax sharing will increase the fairness of the total tax system. This is of particular importance in a year when the demand for tax reform is widespread. Tax sharing plans will increase the overall dependence on the progressive income tax and diminish the emphasis on the often regressive sales and property taxes. Many tax-sharing bills provide for increasing the allotment to a State depending on its tax effort—usually the ratio of all State and local taxes to the total personal income for that State. To receive more Federal funds, the States will increase their own taxes, which will probably mean a still further increase of the use on the State level of a personal income tax.

ARGUMENTS OPPOSED TO REVENUE SHARING

First. Claims of local governments: Perhaps the most potent objection to revenue sharing is voiced by the Nation's cities and mayors. They fear that rural dominated State legislatures would not give them the share of the revenues they desperately need. Given the natural competition between localities and States for available resources, this objection presents one of the genuine problems of revenue sharing, and merits careful consideration.

Several observers have pointed out that with reapportionment of State legislatures, greater equity and political balance is being achieved in the allocation of funds within States and therefore the apprehension of the Nation's cities should not be as great as it once was. Even so, reapportionment probably is no guarantee that funds from revenue sharing will be equitably balanced between the States and local governments.

One suggestion is to reserve a part of the trust fund for local units, assuring that a certain percentage of the amount received by the States from the Federal Government will go directly to localities.

Second. States unable to handle funds: Another objection to revenue sharing is that State governments are inefficient and are not capable or willing to handle the revenue. This view tends to underestimate the definite commitment States have made to the resolution of their problems—as evidenced by the sharp increase in State expenditures, often at high political costs—and their steadily increasing capacity to act. It also tends to overestimate the capacity of an already overburdened Federal administrative bureaucracy to meet the perplexing variety of local problems through the categorical aid device.

One danger that must be guarded against is that State and local governments may reduce their taxes and curtail their programs with the expectation of Federal revenues. This is a proper concern but it can be met if a revenue-sharing plan is designed to take into account tax effort made by the local and State government and reduces the amount allocated to them if they lower their fiscal effort.

Some fear that revenue sharing will undermine Federal categorical aid programs, but, as has been previously stated, the proper perspective on Federal revenue sharing is as a complement to the other tools of fiscal federalism and not as a substitute for them. The need is for cooperation of all levels of government and a proper mix of the tools of fiscal federalism. The complexity of the challenges and the inefficiencies of expanding an already bulging Federal administrative bureaucracy point to the necessity of effort by all levels of government.

Third. Federal revenues should be used for other purposes: Another argument against revenue sharing is that the Federal revenues should be used for other purposes, including reduction of the Federal debt, tax cuts or credits. Obviously revenue sharing must take its place with proposals to increase the incomes of the poor, debt reduction, tax cuts, increased Federal spending in the traditional sense and other claims for national resources. Each of these is a valid claim upon the Federal dollar. They are not, of course, mutually exclusive. We can have one, two, three, or all of them, but as we give to one we take from another. Priorities must be weighed and determined.

Tax sharing represents one valuable answer to the solution of the agenda facing the Nation, and it should be employed whether or not there is a Federal surplus. There is broad agreement as to the pressing need for decisive action by all levels of government to meet the challenges of the agenda of the Nation, and the best way this can be done is to provide States and localities with resources to enable them to respond.

Fourth. Tax sharing is an inefficient and unsound way to redistribute tax resources. This argument stresses that it is not sound management to separate the responsibility of collecting taxes from the responsibility of spending the funds. If Federal moneys are returned to the States without explicit control over expenditure, it will encourage waste.

This objection points to the necessity of provisions in a revenue-sharing bill to hold the States strictly accountable for the use of funds they receive and for detailed reporting activities in connection with expenditures. In weighing this objection, it should be balanced against the alternative of the inefficiencies and shortcomings of continuing increases of federal categories grants.

Fifth. Other arguments: Some argue that revenue-sharing proposals will increase State and local dependence on the Federal Government, but revenue sharing is designed to provide States with the resources to act without control from Washington. A few contend that revenue sharing is not needed because there are already sufficient funds and resources in the States, but, the preponderance of opinion is that States and local governments are rapidly reaching, if they have not already reached, the point of saturation with local taxes.

These arguments against tax sharing do not begin to offset the advantages we could expect from the adoption of a system of more meaningful Federal-State cooperation. Tax sharing would increase our fiscal policy tool kit; it would give new vitality to federalism and decentralization at a time when the size and inefficiency of the Federal authority concern everyone; it would provide funds to allow the States to respond creatively to their needs; it would increase the fairness of the entire tax system; it would lend new emphasis to the commitment of all levels of government to the goal of providing the poor, the hungry, the deprived and the undereducated with the kind of life that every individual has a right to expect.

VARIATIONS IN THE DIFFERENT PROPOSALS

Scores of tax-sharing plans have been presented as bills before Congress. In the 89th Congress, 57 Members sponsored or cosponsored 51 tax-sharing bills. In the first session of the 90th Congress, 110 Members sponsored 90 bills with some 35 variations on the tax-sharing theme. These variations vitally affect the thrust of the program, and the more important ones warrant further comment.

1. BASIS FOR DETERMINATION OF REVENUE

One major area is the basis on which the revenue to be shared should be collected. Should money be collected on the basis of a certain percentage of the Federal income tax base, or a certain percentage of the income taxes collected? The Heller plan advocated the taxable income basis because it would be more stable than tax revenues, the State's share would be independent of any given Federal tax rate structure, and no vested interest would be created which might oppose changing that structure and in addition, no given tax structure would be favored and fiscal policy would be less impaired than if States received funds from a percentage of Federal tax revenue collected.

Another consideration in the basis of revenue collection is the question whether the funds collected should go into a permanent trust fund, or be subject to periodic congressional review and control. Such periodic control would increase the flexibility of the Federal role and be an inducement for States to justify their use of revenue-shared funds.

Congress could periodically adjust the rate of allocation to the States as conditions in the Federal budget or in the economic position of the States dictated. The permanent trust fund, on the other hand, strengthens the role of the State by assuring them a certain revenue for some time in the future. Such an assurance would promote development planning by the States. A compromise between these two approaches is possible which would allow the States some of the security of the trust fund, while maintaining some of Congress' overview function. For instance, a rate could be set permanently while a system of periodic review by either Congress or a special agency could preserve the flexibility and scrutiny function of more temporary allocations.

Also open to discussion is the rate of allocation itself. Proposals have varied from 9.4 percent to 10 percent. Some rather more sophisticated plans have posed an escalating rate which increases over the first years as the program gets organized and underway.

2. PLAN OF SHARING REVENUE

A second major area of contention concerns the plan to allocate the revenue to be shared by the States. Here the variation in proposals depend upon the extent to which equalization of the States' shares is viewed as desirable.

One plan proposes that money be returned to the States in the proportion they paid Federal taxes. This plan would benefit the richer States which are presently the ones best able to deal with their troubles. Another plan would return funds to the States on basis of population. This would serve the goal of equalization, returning more money to the populated States, where funds are most needed.

If further equalization is desired a certain percentage of the funds allocated to the States could be set aside and given to that third—or some other fraction—of the States with the lowest average per capita incomes.

Other proposals add a tax effort factor—usually the ratio of all State and local taxes collected to the total personal income for that State—which would increase the amount of money going to those States which maintain or improve their tax effort. The tax effort factor appears to be a useful tool for insuring that States would not use Federal funds simply to reduce their own tax level.

3. PASS-THROUGH PROVISION FOR LOCAL GOVERNMENT

A third area of difference among the various tax-sharing plans is whether to provide that a certain percentage of the funds received by the States be automatically "passed through" to localities. Given the competition between many large large cities and their State legislatures, this pass through has the merit of assuring localities that their needs would receive attention. Some of the plans are quite detailed and provide for specific percentages to various sized urban areas.

4. EXTENT OF FEDERAL CONTROL

There is disagreement over the extent to which the Federal Government should control the expenditures of the revenue-shared funds. Dr. Heller advised the possibility of stipulating that funds be used for education, welfare, or community development projects. Other proposals have advocated giving funds only to those States that undergo a tax structure remodeling or demonstrate a desire to modernize State-local government. It is probable that such "strings" if they remain of a broadly defined nature, will not significantly diminish the freedom that State governments will have in administering revenue-shared funds.

Suggested stipulations include—

First, assurance that States do not use their new funds for highway construction—already provided for in separate trust fund;

Second, States be held accountable for the use of the funds; and

Third, protection of civil rights.

If such expenditure controls are applied, the need for a body to administer the allocation of funds becomes obvious. This administrative body would ascertain how much each State was to receive, check the use to which the States put their funds and make recommendations for improvements.

Even without relatively extensive expenditure controls it is likely that such an administrative body would greatly expedite the allocation of these funds.

GOALS AND NECESSARY PROVISIONS

The goals of the revenue sharing plan I have introduced are to provide the States with resources to respond more effectively to the demand for public services, and, to do so in a manner which will maximize the role of State initiative and will emphasize the need for creativity and originality on the State level.

The tax-sharing proposal I introduce includes the following provisions:

Taxable income, or the the tax base, not revenue collected, as the basis of the tax shared revenue, to provide increased stability and neutrality with respect to fiscal policy.

To insure stability for State planning purposes, a minimum allocation rate.

To insure that minimum guidelines are met and flexibility and periodic review of the program.

Allocation of funds to the States on a per capita basis.

An equalization factor to give special aid to those States with the lowest per capita incomes.

A tax effort factor to induce the States to maintain and increase their own tax effort.

Detailed pass-through provisions to insure that local governments of various sizes get a reasonable portion of the funds.

Broadly defined requirements to encourage States to use funds to meet their most pressing needs. But with a maximum amount of freedom for State and local administrators to develop their own plans for reaching these goals.

A body to administer the allocation of funds and to assure that these funds are used in a manner commensurate with the goals of the program.

Mr. Speaker, we need revenue sharing now to correct the present fiscal imbalance, to preserve the viability of federalism, to help meet the rising demand for education, welfare, and community development. Revenue sharing is a sound approach to meet these urgent needs. I urge the enactment of my bill.

FEDERAL INSURANCE GUARANTY CORPORATION ACT

(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, increasingly, the American consumer requires protection from callous victimization in the marketplace. Especially is this so in areas of insurance for automobiles. It is a fact of life that driving without automobile insurance is an open invitation to absorbing painful financial damage.

Having full knowledge of these dangers, the overwhelming majority of Americans who operate autos avail themselves of at least basic coverage in case the unexpected strikes them.

Yet the consumer is all too often being victimized when he seeks such protection. It is a fact that thousands of holders of policies in the automobile area have been left without protection or recourse by certain companies which have become insolvent. Since 1958, at least 109 automobile insurance companies have been rendered insolvent—usually with little or no warning to those dependent upon them for basic protection. Thousands of policyholders have not only been left unprotected, but immediately liable to assessment.

It is minimally estimated that over $200 million worth of lost premiums and unsatisfied claims have resulted in these cases. Citizens suffer who reposed trust in smaller companies which collapsed because of inability to cope with their responsibilities. As of now, New York, New Jersey, and Maryland have taken meaningful steps to protect their citizens against financial collapses by such insuring companies. They have accomplished this through establishment of State guaranty funds—a principle which could be applied nationally. To this end, I am introducing a measure today.

It provides for creation of an insolvency fund, to be financed by assessment of all interstate insurance carriers at a rate of one-eighth of 1 percent of the yearly net of direct written premiums. From this fund, moneys will be available to reimburse policyholders whose insuring companies have become insolvent. Administrative costs of the Federal corporation would be met from these funds.

Coverage would extend to all forms of automobile and casualty insurance. A three-man corporation would be set up with a 19-man advisory committee, functioning through State regulatory authorities. Provision is made for Federal-State cooperation in administering the guaranty fund, and for conducting examinations of companies applying for guaranty status under the act.

Policyholders would be protected in two direct ways by this measure:

First. Any insolvency victim will have recourse to a Federal guaranty fund in order to preserve insurance protection; and,

Second. Through Federal-State examination and regulation, financial condi-

tions of insurance companies will be upgraded in order to reduce possibilities of insolvency.

In this manner, the bill would aid both the private insured citizen and the Nation's insurance industry. Necessity for some sort of action is imperative, as the situation is worsening constantly rather than easing. Victimization of this sort undermines public faith in the entire concept of insurance and in the good faith of our insurance industry itself. Once this erosion proceeds much further, we shall have massive cries for industry-wide reform which will perhaps do as much harm as good. Action now will stamp out this evil before it causes more damage.

POMPIDOU CONSIDERS ISRAEL'S DEFENSES EXPENDABLE

(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, when General de Gaulle was finally officially retired from the scene in Europe by France's voters, many around the world heaved a massive sigh of satisfaction. Of a certainty, I was among those who did, hoping that a more reasonable France under some other leader could and would break a new path on many issues of the day. Evidence accumulates that President Pompidou persists in stumbling along old roads to the continued detriment of his country and other nations who would benefit from a French change of heart.

England raps in vain on the Common Market's door, futilely requesting admission to a circle she has long ago earned membership in. Only France under Pompidou maintains blackballing resistance to her oft-reiterated attempts. Her admission would be the placing of a linchpin in a new continentwide economic structure which would benefit all Europe, smoothing out old nationalisms, replacing them with vigorous, pluralistic economic interests.

President Pompidou makes pleasant sounds in the direction of NATO, but takes no actual action to rectify damage his predecessor wreaked as a deliberate policy. In spite of soothing sounds being made by appropriate people on both sides of the Atlantic, matters still remain in the geopolitical shape General de Gaulle left them in.

Most of all, France stubbornly refuses to live up to a solemn pledge she has made and a contract she has signed. I refer, of course, to the agreement she made with Israel for 50 Mirage jet fighter aircraft, which Israel has fully paid for. These planes today sit in storage somewhere in the south of France, awaiting a word from Paris which is yet to come. Mr. Pompidou is obviously as deaf to contractual obligations as he is to the voice of the British and his NATO allies.

However, NATO can do without French military power, such as it is. England can maintain her economic viability without membership in the Common Market. But Israel cannot stay alive as a national state without an all-powerful air force. She must have those planes, which possess the most up-to-date equipment for dealing with swarms of Arab-flown Soviet fighters. Daily these deadly hordes pour across Mideast skies, aimed at the heartland of Israel. Only replenishment of Israel's firstline aircraft will prevent them from attaining their goal—slaughter of all Israel's people. Those 50 Mirages can make a life-or-death difference, yet Pompidou maintains his silence and dreams Napoleonic dreams. How sad it is that Israel knocks on France's door with only determination, justice and a signed contract in her hand. How sad it is that when she asks for delivery of her goods or return of her money, the French will not hear.

Perhaps if she utilized Arab methods, she would be heard by the hard-of-hearing President Pompidou. Perhaps she should utilize extortion, coercion, blackmail and false promises. Perhaps she should tell outright lies and offer French business interests a little oil. That seems to fetch them faster than a threatened bastion of democracy. How many francs is a Jewish life worth to the average French businessman or Pompidou? More than a barrel of Arab oil? Less? Or shall we measure it in sous? This is the 200th year of Napoleon Bonaparte's birth. All year long France will reverberate to the thunder of drums and cadence of military parades and marches. The little Corsican fought many a great struggle. His "old moustaches" earned the laurel wreaths innumerable times. They were defeated, true. But never dishonored.

Let every Frenchman who takes off his hat and wipes away a tear when the Tricolor passes, remember that it is his country which dishonors his and its own past by refusing to honor Israel's contract. Let him ponder what they would have done—those old heroes.

Men of Valmy. Defenders of Paris. Ney—"the bravest of the brave." The guard which stood astride the Charleroi Road and refused to surrender. McMahon's cavalry at Sedan. Those men who lie under the trench of the bayonets at Verdun. The Maquis of 1940–45. What would they say of Mr. Pompidou's refusal to honor Israel's contract? Would they have heard her voice? Or would it have been Arab business as usual, as it is seemingly today at the Elysees Palace?

Are the drumbeats, marches, and parades not a little hollow sounding? Do they not fade away with swiftness? Are the sons worthy of the fathers? In Israel, both sons and fathers die daily. And the sands run out rapidly. Are you listening, Mr. Pompidou? Have you heard their voices? Do they not sound a bit like those French voices of the past?

EVERY DAY IN EVERY WAY IT IS GETTING BETTER AND BETTER

(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, nations and individuals often possess an infinite capacity for self-delusion. Only harsh reality can bring them to earth with a "thump." I am reminded of the late Dr. Emile Coue of France, author of "Formula of His Faith Cures." In it he enunciated the phrase I have used as a title for this offering. People were fond of repeating it to themselves in moments of crisis during earlier years of this century. I am told that in the first years of the great depression, many utilized it vainly every day.

We would do well to call such delusions to mind at this time. The Federal Home Loan Bank Board reports interest rates on conventional home loans rose to record highs during June. They averaged 7.75 percent for new home loans and 7.78 percent for loans on used housing. Mortgage money is scarce in many areas of America because banks can make more money on other types of loans with higher interest rates. This, of course, is coupled with an alltime high prime interest rate of 8½ percent.

Today, another ominous portent of things to come confronts us upon the front pages of our nation. Unemployment rose from 3.4 percent to 3.6 percent last month, highest level since October of 1968. This means another 125,000 Americans lost their jobs last month, according to official figures. It is highly indicative to note where those jobs were lost. Construction, finance, services and agriculture suffered. Both basic and growth areas were most affected, as can be seen. Unemployment for men rose from 1.8 percent to 2.2 percent. The rate for married men rose from 1.4 percent unemployed in March to 1.6 percent. Rates for full-time workers rose from 2.7 percent to 3.2 percent.

Simultaneously, the stock market plummets down, down, down. New depths are plumbed daily, as fear turns to dawning realization that this is not merely a passing phenomenon, but economic reflection of national policies. Everywhere, the average citizen is being refused loans, particularly small businessmen who require short-term capital. Food prices are making a seive out of weekly food budgets of millions of American families. What is the response of our Government to this mounting general economic crisis? How does it respond to the wrenching reality faced by workers and their families who are now unemployed or underemployed?

The administration presses the congressional assault for surtax extension, placing little, if any, emphasis on what the Nation really wants and needs—tax reform. It prattles on about fighting inflation, but does nothing to prevent basic industries from raising prices on an across-the-board basis, which our steel industry has just done. It makes no move whatsoever to roll back the level of interest rates, as millions stagger under what can almost be called usury on a national basis.

As this wholesale phenomenon gathers terrible momentum, however, we have plenty of circuses, even as the cost of bread goes up. President Nixon calls the war in Vietnam "our finest hour." He categorically states before the world that the United States will go to war on behalf of Thailand. He observes that

President Thieu of South Vietnam is one of the greatest statesmen of our age. I wonder what all those non-Communist political prisoners cramming his jails would say to that, if they could speak? He claims the crew of Apollo 11 has accomplished a feat exceeded only by God's creation of the universe. Yet the administration has cut back on the program. If Apollo were squeezed any harder by the administration, it would pop all the way back to the moon.

So every day in every way, it is getting better and better, all right. Every day unemployment increases. Every day interest rates hurt the average man more. Every day prices rise. Every day the stock market dips lower. Every day more people are hurt financially. Every day the war in Vietnam goes on. And every day the administration says things are going to get better and better.

Are you listening, Mr. Hoover? Are you listening Dr. Coue? Are you listening, America?

THE COAL ROYALISTS

(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, Dun's Review in its April 1965 issue published a very revealing article by Thomas J. Murray concerning a "small band of financiers who are reaping golden profits from the investment nobody knows about: coal royalties, which come from leasing mineral-rich lands to mining companies." I believe that all Members will be interested in this article as consider the issue of whether protection of the health and safety of coal miners will seriously hurt the economic position of the coal industry.

THE INVESTMENT NOBODY KNOWS ABOUT

(By Thomas J. Murray)

One wintry afternoon a few months ago, John S. Cline Jr. brought his car to an abrupt halt at a street corner in his native Pikeville, Kentucky. His wife quickly informed him that their car had the right of way, no stop was necessary; just as quickly Cline retorted that it was. "Here comes a coal truck," he drawled, pointing at the intersection road, "and that means six dollars to me. The faster that driver delivers his load and makes another trip, the more of those six dollars I'll be getting."

For John Sinclair Cline, a prosperous attorney in the heart of poverty-stricken Appalachia, those six-dollar-a-truckload returns have been coming faster and faster in recent years. For Cline is a member of one of the small band of financiers who are reaping golden profits from the investment nobody knows about: coal royalties, which come from leasing mineral-rich lands to mining companies.

For the past two or three years, no other fuel has burned quite as brightly as coal. Aided by cost-cutting machinery that has enabled it to compete in the utility market against natural gas and oil (most utilities can quickly switch from one fuel to another, depending on the price) coal has scored an amazing comeback. From 410 million tons as recently as 1959, its output had climbed to an estimated 480 million tons last year and will probably hit 487 million tons during 1965.

And at least one-third of that output will come from the lands held by the coal lessors. By the estimate of no less an authority than F. Addison Jones, a specialist in the National Resources branch of the Internal Revenue Service's Special Technical Services Division, there may be as few as 400 to 500 of them. But by profession, he goes on, the 400 owners of coal royalties include insurance agents, farmers and corporation executives, as well as fairly large corporations and a few good-sized partnerships.

For all their small numbers, moreover, the coal royalists hold what may well be one of the most lucrative investments in all of America. Certainly it is not too much to say that its benefits begin right at the tax collector's door. Almost hidden in the federal tax code, a special provision gives capital gains treatment to royalties received from the mining of coal lands that have been held for the usual six months or more.

But like the seam of coal above ground, that is only the beginning of the wealth. Not only does the coal royalist get capital gains treatment, he also is blessed with the benefits of a cost depletion allowance. This is based on the original cost of the property. If the coal royalist paid $5,000 for his land and it holds 50,000 tons of coal, then the royalty income at the average 25 cents a ton would come to $500 for a typical 2,000-ton mining year.

When it comes to paying taxes on that $500, the coal royalist first takes out a depletion allowance of $200. Then, from the remaining taxable income of $300, he computes his tax at the 25% capital gains rate. Final tax: $75, giving him a return after taxes of 85% on his total income of $500.

THE TALK IN PIKEVILLE

The men who pay this tax readily admit that it is the capital gains provision that has put the crown back on King Coal as an investment. Talk, for example, to Rolla D. Campbell, who is president of the Coal Lessors Association, the trade association for many coal-land owners. Grey-haired and thin, but still vigorous for all his 68 years, Campbell today winters in Palm Beach, in a plush apartment whose glass walls slide back to reveal a breathtaking view of the inland waterway and Palm Beach basin with its famed millionaire's row of luxury yachts.

In 1951 he was the man, according to talk in Pikeville, Kentucky, who was most responsible for convincing Congress that coal royalties deserved a capital gains. "Without that change," says Campbell, "I seriously question whether there could have been as extensive a coal industry development in the past decade as has been the case."

Certainly, few coal royalists can complain. John Cline, for example, qualifies as a medium-sized owner, holding several thousand acres of coal land around the Cumberland plateau in Pike County. A good-sized chunk of it is leased to several small, independent mining companies, which have some fifteen to seventeen mines producing about 150 tons or more a day. Elsewhere on this same land, Cline has leased several thousand acres to natural-gas drillers, whose diggings throw off still more income.

How much is all this worth to Cline? According to one authoritative source in Pikeville, a monthly revenue in the low six figures rolls into the estate that Cline shares with two sisters. Cline himself admits, without any exact figures, that it has made him a wealthy man. Says he, grinning: "The rich get richer, et cetera."

A clearer picture can be gleaned from a publicly held company, which must report revenues, taxes and profits. Virginia Coal & Iron Co. of Philadelphia, for example, leases huge coal-land acreage to operators on a royalty basis. Last year it pulled in a phenomenal $1.5 million in profits on a net income of $1.7 million. Or consider the fortunes of Kentucky River Coal Corp. of Lexington. This company, which owns about 200,000 acres of coal fields in five Kentucky counties and derives most of its income from royalties, in 1963 paid out $649,414 in dividends, nearly one-half of its $1.4 million in sales.

The low tax rate, of course, makes huge profits possible. Moreover, mining too enjoys a similarly profitable tax treatment. As Howard H. Frey, assistant to the president of the Virginia Coal & Iron Co., notes: "The effective tax rate on a mining operation is 24% because there is a percentage depletion of 10% of sales or 50% of profit. Since the margin on coal is so thin, you never get above that 30%. So you take the taxable profit, deplete it 50% and apply the 48% corporate rate, which is, in effect, 24%."

For individuals, estates, and the various small syndicates that predominate among coal-land owners, moreover, leasing has many other benefits. For one thing, there is little the small owner has to do with his land except prove that there are worthwhile deposits in it, find an operator who is capable of mining and selling the output, and then watch the profits mount up.

This is not, of course, as simple as it sounds. First of all, there is the matter of finding the right property. The market, it must be said, is a pretty active one, although its major media are word-of-mouth advertising and the columns of coal trade journals. In the past, one channel that enriched many investors (John Cline's father was one) was the tax auction where land was sold off to repay debts.

As to the price of coal lands, this necessarily varies so widely that no average market value is ever struck. As one Virginia owner puts it: "There are so many factors present that each parcel of land is appraised individually."

A few of the more significant factors: the quality of the coal underground, the thickness of the coal seam (it can vary widely), the conditions under which it can be mined (deep underground or near the surface), proximity to transportation. Even the suitability of the surface land for farming or the amount of timber standing must be considered, since either can represent added values to the land.

Charles D. Roberts, part owner of Dixie Mining Co. in Pikeville, points out that 100 acres of coal land in some parts of Pike County might be purchased for $25,000. And that acreage, he notes, could hold a potential return to the investor of $100,000—provided that the usual risks, such as coal running out or hitting a wall of blank rock, do not arise.

But before he goes into this highly specialized investment, a perceptive buyer has to have all his wits about him. As Rolla Campbell says: "Those who engage in this occupation have to know their way about. They need competent engineers and lawyers and may have to wait a long time to get their original investment back."

A Kentucky owner points out another pitfall. "This is," he says, "a great business for lawsuits." By way of proof he notes that Pikeville, whose population runs to a mere 6,000, has no less than thirty attorneys working full-time on mineral severance cases. Their chore is to separate the various mineral properties within any one parcel of land for whatever disposal the owner has in mind.

Things being what they are in Kentucky, title to a land tract does not always include the mineral rights. In fact, Dixie Mining paid one small owner over $2,700 in royalties before discovering that he did not hold the mineral rights to the property at all. "We had to then go out and pay that $2,700 all over again to the rightful owner," says Dixie's Charles D. Roberts.

Further complications can come from what can only be called an embarrassment of riches. A characteristic of coal land, for instance, is its proximity to oil and gas deposits. Leasing each of these various prop-

erties to operators (as Cline, Virginia Coal & Iron and most owners do) may be a very valuable and profitable enterprise. It also, though, requires astute engineering and legal counsel to insure that all those properties belong to the same deed.

Any timber growing over the coal, of course, is a prime investment in its own right ("Executive Sideline: Timber," DUN'S REVIEW, *January*). For it, too, comes under the capital gains treatment, the theory being that he who fell's a tree also cuts down a capital asset. But that is not all. Like coal, the timber owner also can deduct from his pretax income the original cost of the timber he sells. So it is not at all surprising that the Virginia Coal & Iron Co., for one, actively participates in both the coal and stumpage business.

Once the land is bought by an investor, there is very little to do except wait for an operator to come along. And despite a sometimes lengthy wait, they do come. It is one of the quirks of this business that all the vaunted power of advertising notwithstanding, there is little, if any, done by prospective lessors. For coal is an old, old business. And as Rolla Campbell points out: "The people in this business know the areas where the quality of coal they want is located. When they need that particular quality, they send their agents along to find out who the owners are."

For the average land owner, this is the moment of truth. The drawing up of a lease is far more than signing a contract for 100 acres at 25 cents a ton. In the first place, there are hardly two coal land leases alike anywhere. Terms vary from one to another and are the product of negotiations over length of lease, rate of royalty, mining conditions, quality of coal and a welter of other factors.

Just about the only common thread running through all leases is the requirement that the operator remove "all minable and merchantable coal" from the leased coal seam. Virtually every last chunk must be taken from the mine, every lump that can be physically removed and sold. No mere miser's greed, this stipulation actually is the legal basis on which the capital gains treatment rests.

A relatively typical ingredient in leases calls for payment to the lessor of a minimum advance royalty. For most of the small, independent, non-union coal mines that abound in some of the major coal fields of the United States, this averages out at $5 an acre, says Robert Holcomb, president of the National Independent Coal Operators Association. Among the large mine operators, this figure varies somewhat. In addition, a flat figure, based on expected tonnage, is sometimes used. Consolidation Coal Co., for instance, pays an annual minimum of $60,000 an acre on property leased from Virginia Coal & Iron in Pennsylvania.

But the lessor in every case allows the operator to recover this investment by amortizing the amount as he mines the coal. Thus, if the operator paid the advance royalty of $5 an acre for 100 acres, he would take the first 2,000 tons free. Usually, the time allowed for recovering is one to two years. This, though, is no eleemosynary act on the part of the local owner. Says Robert Holcomb: "It's to prevent an operator from tying up large tracts of land and not mining them."

No less important to the lessor is the kind of operator he is going to be dealing with as a lessee. Because a coal mining operation is an enterprise that usually goes on for years, and because of the great value of the property to the owner, amicable relations are considered an essential part of this business.

One method frequently used to preserve such relations is to write into the contract an arbitration clause for any possible arguments or grievances that cannot be settled simply. Many leases call for the appointment of an arbiter by each side.

SMALL, BUT EFFICIENT

Amicable relations notwithstanding, many land owners in recent years have selected operators strictly by size. Reason: Operators with fourteen or more men working underground are regarded under the Federal Mine Safety Act as large operators and must comply with stiff and costly safety regulations. Many land owners complain that the United Mine Workers of America has been using this law to drive costs up and make mining by large operators uneconomical. Says L. (for "Latelle") M. LaFollette, a large land owner in Charleston, West Virginia, who has been leasing coal lands since 1928 ("My father started in it in 1902"): "They're compelling land owners in West Virginia to lease to small operators."

These small, independent operators not only are exempted from federal mine safety regulations, but also tend to be non-union. Not surprisingly, they have been growing at an astounding rate in West Virginia ("Six hundred two years ago, 1,800 last year," says LaFollette), eastern Kentucky, Virginia, Tennessee and some ten other states.

John Cline, who leases to both large and small operators, prefers the small ones. "It has always been more beneficial to me in 24 years of leasing to deal with them," he declares. "The large operators are always trying to grab their own advantage, and you have to deal with them at arm's length. They may mine 100,000 tons this month but none next month. The small operators, on the other hand, mine continuously and usually take out more coal."

The small mines do, in fact, take out an enormous amount of coal. According to President Robert Holcomb of the National Independent Coal Operators Association, some 100 million-125 million tons were produced by the association's 5,000 member companies in 1964. What's more, says Holcomb, "99% of those members are mining leased properties."

Not only that, they are mining them just as profitably as the big company, according to L. M. LaFollette. "A friend of mine," he notes, "just opened a mine around here with five men and a shuttle buggy. He had to go back about 300 feet to get the mine ready, but they pulled out 259 tons in one day. That's as good as any big company."

Whatever the choice, the land owner need hardly be pushed into finding an operator for his property. Although there are taxes and other similar expenses, they are comparatively low and can be deducted from an owner's ordinary income for tax purposes.

Once a leasing arrangement has been entered into, though, the costs tend to be scattered, but small, mostly for administration and supervision of the contract and for preserving what the Internal Revenue Service's legalistic language refers to as the owner's "economic interest" in the land. These costs may run from fire protection, bookeeping and technical supervision to the expenses of measuring the quantity of coal removed.

Even though these expenses cannot be considered as deductions from ordinary income, they are hardly onerous. They may, says the tax law, be recouped as offsets against royalty income. In effect, then, the capital gains tax is reduced still further. "When the land is productive," says Rolla Campbell, "anyone can carry it."

Once a mining operation is underway, moreover, the owner's involvement becomes minimal. Apart from the need for periodic supervision ("monthly," snaps LaFollette) by an engineer to insure that the mining is safe and not injurious to the land or to any other coal or mineral deposits the operator may not have a right to, there is little for the owner to do—except, that is, to count his royalties and make sure they match the actual tonnage mined.

How much money is there in these royalties? The question brings smiles to some faces, a look of frustration to others. There is no one answer. So many factors are involved—from the amount of acreage leased and the quality of coal mined to the particular marketing conditions of the time—that figures are illusory and elusive.

Still, a look at the earnings of the publicly held companies shows that the profit potential is an emormous one. And as John Cline admits: "My income has increased every year that I've been leasing. If the royalties keep going up, the profit is bound to be better."

Looking ahead, the general economic picture, as much as the favorable tax situation, suggests that those profits are indeed bound to get better. The fortunes of the coal-land owner are inextricably bound up with those of the operator and the industry at large. What all see are constantly expanding markets (the electric utility field, coal's largest outlet, is growing at an annual rate of about 7%) and exotic new and broader uses for the ancient mineral, such as conversion to gasoline.

Last year the highly respected Pierre R. Bretey, a senior vice president of Wall Street's Hayden, Stone, predicted that "coal consumption may well double over the next fifteen years." And McGraw-Hill's Department of Economics revealed that current coal mine capacity (about 550 million tons) will reach full utilization by the end of this decade and will have to increase by at least 300 million tons by 1975.

Adding still more cheer is the estimate of the U.S. Department of the Interior that lying within the bowels of the United States is the world's largest deposit of recoverable coal, some 830 billion tons. Moreover, the Federal Power Commission late last year estimated that the consumption of coal by the electric utility industry alone would soar 250% by 1980.

With such tremendous potential lying beneath their feet, coal-land investors can hardly be blamed for keeping a tight rein on hard facts and figures. From the looks of things, nothing but the discovery of plutonium on their properties could match the riches that the black diamond may yet produce. Indeed, unless plutonium had capital gains and depletion, it is likely that King Coal would stay exactly that—at least in the minds of the land royalty holders.

AMERICA'S MOST PROFITABLE COMPANY?

From plain, green-painted offices in Philadelphia's South Broad Street, tall, tweedy Edward B. Leisenring Jr. runs what may well be the most profitable company in all of American industry. Certainly few other companies can come close to the 61% margin that Leisenring's Virginia Coal & Iron Co. shows on its revenues. By way of comparison, mighty General Motors brings 10.2% of its sales dollars down to net, AT&T 15.5% and U.S. Steel 5.7%.

Though it has large holdings of railroad stocks, Virginia Coal & Iron obtains 54% of its income from coal royalties and stumpage (the highly profitable, depletion-blessed trees that grow in the soil over its diggings). All told, Virginia Coal leases out 10,000 acres of land in West Virginia, 100,000 acres in Kentucky and southwestern Virginia and 5,000 acres in western Pennsylvania. In West Virginia alone, its lands are estimated to hold 116.9 million tons of coal.

Leisenring carries nearly all the income from these activities right down to net. During 1964, for example, royalties, dividends and rental on a coke plant gave Virginia Coal & Iron a total income of $2.5 million. From that came expenses of $745,875, hardly enough to pay the salaries of three steel executives. Thanks to depletion and capital gains, taxes took out $221,139—leaving net earnings of $1.5 million, or 61% of Virginia Coal & Iron's total income.

Even that, though, does not accurately sum up the wealth that was accumulated for the company's shareholders. Earnings were further bolstered by a gain on the sale of coal in place of $101,538. So earnings, all told, came to $1.6 million, or $3.45 a share, up from $1.3 million, or $2.81 a share, for 1963.

There is, of course, no secret to the source of Virginia Coal's wealth. As a lessor of land to coal mining companies, the company has few expenses of its own. "Only real-estate taxes, really," says Howard H. Frey, assistant to the president. "We do have occasions when we're proving additional coal, and we test a land's deposits by boring or core drilling to about 150 feet."

But that is really the only large expense. The mining company does the rest. "You depend on the honorableness of your lessee," says Frey, "so you've got to deal with people you can trust." He adds: "In a case where the lessee leaves more coal than he could have recovered, we charge him on an estimated basis."

Logging the company's woodlands also involves little labor or expenses on the part of Virginia Coal. For this, too, is done by outside contractors. In Virginia, for example, the Hamer Lumber Corp. cruises its properties and takes off the hardwood for a minimum royalty of $60,000 a year. With perpetual care now the vogue in forestry, moreover, Virginia can count on getting its hardwoods harvested again in forty years, no great amount of time in terms of corporate history.

Lessees also work Virginia Coal's properties for gas, an unheard-of commodity years ago when some of the lands were sold to the company for pennies an acre. Where gas is present, it is true, the coal miner must leave a certain amount of coal in the ground as a casing. But since gas comes under roughly the same tax laws as coal, but with even more favorable economics, this is no hardship at all.

As if all that were not enough, there also is the matter of Virginia's bulging stock portfolio. Obtained largely by the sale of its own railroad that once ran across its lands, it now holds no less than 275,000 shares of common stock in the Southern Railway, probably one of the best-managed rails in all the land. These holdings pay Virginia about $770,000 in dividends a year. Yet even that is hardly calculated to add to the company's tax burden, for under the Internal Revenue laws, 85% of the dividends paid by one corporation to another are tax-free.

And, of course, in none of its lines does Virginia Coal & Iron come anywhere near to what might be called a businessman's risk. For all the company's mining, and all the chance-taking, is done by other companies who hope to find oil, gas or coal (there is also some limestone and some sandstone) on the Virginia Coal & Iron lands. "When you lease," says Howard Frey, "the operator takes the risk of putting up a cleaning plant and tippler, and we take the depletion deduction. It's the widows and orphans versus the prospectors."

And for the prudent, tax-wise Philadelphians who run Virginia Coal & Iron, events have proven that it is always better to be on the side of the widows and orphans.

SPACE SPIN-OFF

(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 July 1969 issue of Government Executive includes an excellent article by Leon Shloss concerning the many benefits to all mankind which are developing out of the space program, and this excellent summary deserves wide attention:

SPACE MAKES HASTE: NASA RUSHES SPACE SPIN-OFF TO THE PUBLIC

(By Leon Shloss)

HIGHLIGHTS

1. The general public is not aware of the myriad benefits to mankind which are developing out of the U.S. space program.

2. Congress is, naturally, made aware of this public lack of understanding, and expresses its dissatisfaction to the National Aeronautics and Space Administration (NASA).

3. NASA, which concedes that its biggest problem is getting the word to the public, nevertheless has a sparkling record of stimulating industry into development of space spin-off.

4. More than 3,000 innovations in the fields of medicine, education, manufacturing and others have been, or are being developed, to bring the public a huge payoff.

5. Meanwhile, new techniques are being developed to speed identification and documentation of space spin-off.

As Frank Borman, Jim Lovell and Bill Anders continued to recite the first 10 verses of Genesis, the girl baby continued to breathe easily. If she had not, for as little as 10 seconds, a buzzer easily heard 50 feet away, would have sent a nurse rushing for corrective action.

The child had undergone a tracheotomy, an operation requiring an incision of the windpipe to restore the free inhaling and exhaling of air. Clogging by mucous of the breathing tubes which are inserted has been a problem requiring constant watch.

It was Christmas Eve 1968, and Borman, Lovell and Anders were circling the moon in Apollo 8 in man's most challenging adventure since Christopher Columbus. Without the development of the tiny sensor and radio transmitter that was monitoring the life of the four-month baby they might not have been there.

The sensor and transmitter were developed by the National Aeronautics and Space Administration (NASA) for such tasks as radioing electrocardiograms from subjects being tested in a centrifuge, as all astronauts are.

Despite this example, which has innumerable counterparts, NASA still feels its biggest problem is creating public understanding of the practical benefits which are spinning off the space program to put a man on the moon in this decade.

MANDATE TO DISSEMINATE

The Space Act of 1958, written after the Soviets' *Sputnik I* had shocked the U.S. into action, was explicit: "Each contract entered into for the performance of any work shall contain effective provisions under which such party shall furnish promptly . . . a written report containing full and complete technical information concerning any invention, discovery, improvement or innovation which may be made in the performance of any such work. The Administration, in order to carry out the purpose of this Act, shall . . . provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

NASA has worked very hard to execute the mandate. In 1962, when the first results of its all-out space effort began to show, it established an Office of Applications to capitalize on the indirect benefits. A year later this became the Office of Technology Utilization (period) with three divisions: Scientific and Technical Information, Technology Utilization and Management Assistance. Running the show today are Dr. Richard L. Lesher, Assistant NASA Administrator, and his deputy, Melvin S. Day.

To judge progress, read these portions of Lesher's testimony before the House Committee on Science and Astronautics on March 13, 1969, in seeking a $5-million appropriation:

"The Technology Utilization Program is designed to explore and develop practical ways of transferring new aerospace technology to such diverse fields as health care, air pollution, automotive and aircraft safety, law enforcement and education, as well as to industry. By encouraging the multiple use of aerospace technology in such fields as these the public will realize an additional return on its investment in aeronautical and space activities.

"In addition the program is providing valuable new knowledge concerning the process of technology transfer itself to those who are concerned with the cost of duplication in research and development and those concerned with the time lag between R&D results and their effective utilization in the economy."

Some of the benefits Lesher was talking about when he said in a February 27 address: "New products and processes developed to meet the exacting requirements of space exploration are beginning to appear in American stores, factories and hospitals," are:

WHAT MAKES NASA SPIN-OFF

Or rather, who directs the NASA program to transfer the discoveries made in space research to public benefit?

Dr. Richard L. Lesher, Assistant Administrator for Technology Utilization. A Chambersburg, Pa., native Lesher earned his bachelor's degree at the University of Pittsburgh; master's from Pennsylvania State University; doctorate from Indiana University. With NASA since 1964, he coauthored a comprehensive report for the Presidential Commission on Technology, Automation and Economic Progress. Lesher represents NASA before congressional committees. (He resigned in late May.)

Melvin S. Day, Deputy Assistant Administrator for Technology Utilization. Native of Maine, a Bates College graduate. Day joined NASA in 1960. He is responsible for the planning and direction of NASA activities for acquiring and processing the world's aerospace scientific and technical information for use in the U.S. aerospace programs and for obtaining the widest appropriate dissemination of NASA scientific and technological information. (Day currently is acting Assistant NASA Administrator.)

SOME OF THE SPIN-OFF

As a result of cleanliness requirements for space components the largest "clean rooms" in the world—rooms which hospitals are now emulating.

Requirements of the space program for a world-wide communications network demanded major improvements in computer technology. Over 600 NASA computers now comprise the largest and most advanced communications system in the world.

The fuel cell, which had lain dormant for many years, was activated to power spacecraft in orbit. Thirty public utility companies now have a $27-million program for the adaptation of the fuel cell for home power units. It is also being developed for possible use in smog-free automobiles.

Builders of giant rockets at the Marshall Space Flight Center invented an electromagnetic hammer that causes metal to flow like soft plastic and allows one to smooth and shape metal without weakening it. The new tool is now being used in shipbuilding, the automobile industry and aircraft factories.

A computer technique that was used to enhance television pictures of the moon and Mars sent back by Surveyor and Mariner spacecraft is now being developed to clarify medical X-ray photographs.

Research for spacecraft trajectory models has been compressed into a new educational device that permits a student to determine quickly the relative positions of the planets on any day between the years 1900 and 2000. Sales total thousands of dollars.

Studies at the Langley Research Center in Virginia on the causes of airplane landing accidents on wet runways have led to safer designs for highway and airport runway surfaces and have already saved millions of dollars and many lives by reducing the number of rainy-day accidents. Fifteen major airports have modified runways and 25 states are experimenting with treacherous sections of highways, based on this new knowledge. In most experiments, rainy-day accidents have been reduced by 90 percent.

An instrument designed to measure air pressures on small flight models in wind-tunnel tests has been adapted to measure blood pressure. The sensor is so small it can be inserted into an artery through an ordinary hypodermic needle and then maneuvered through the artery into the heart.

An unusually tough coating developed for spacecraft is the basis of a new long-wearing paint now being developed for consumer use. More than 100 companies have expressed interest in this paint, and 25 have been licensed to produce it.

A six-legged vehicle proposed by a NASA contractor for unmanned exploration of the moon has been redesigned as a walking chair for crippled children. It can cross rough terrains and surmount obstacles that would stop an ordinary wheelchair.

A plastic-metallic spray for attaching heart electrodes to NASA test pilots is being used experimentally in equipment with which electrocardiograms of ambulance patients can be flashed ahead by radio to a hospital receiving room.

Marked gains have been made in improved weather forecasts as a result of regular worldwide satellite observations. More than two million weather photos have been transmitted from U.S. meteorological satellites, including observations of practically every hurricane, typhoon and tropical disturbance. The potential economic impact of improved long-range forecasting is still greater: an estimated $2 to 2.5 billion in annual savings in agriculture, forestry, fishing, commerce, transportation and other fields.

New alloys have resulted from a discovery by NASA metallurgists that a hexagonal crystal structure makes better bearings than any other form of crystal structure; these alloys will be useful in many industrial applications and possibly in making artificial hip joints.

A tiny remote sensor designed to report extremes of temperature in spacecraft is now being sold to laboratories and industrial plants as a probe for measuring temperatures accurately in inaccessible places.

A modification of a NASA technique of polishing metal masters for shaping elliptical glass mirrors is being used industrially in making projectors of bowling scores. Currently, 400,000 of these mirrors are being produced.

A NASA-developed, self-oscillating converter has been incorporated by a New England electronics firm in the manufacture of a battery-operated, lightweight, portable system for lighting airplane runways.

A self-balancing beam, another NASA development, has been credited with making dam construction both safer and easier.

Small biosensors used to monitor test pilots' physical conditions at all times during flight are being used in hospitals to permit one nurse, seated at a console, to monitor the condition of many patients at the same time.

A miniature device developed at Jet Propulsion Laboratory to measure stresses in solid rockets is about to be used by a University of Minnesota Medical School team of researchers to seek to find out why bones tend to become brittle as people grow older.

Technology generated in developing edible plastic films that could be used to package food for astronauts on flight missions first resulted in commercially available films of that nature. Now it is a likely answer for Baylor College of Medicine's need for biocompatible materials that can be used to make waterproof and bacteria-proof certain cardiovascular prosthetic devices, such as aorta replacements and artificial ventricle units.

One of NASA's earliest spin-offs was a thermal coating for spacecraft that has become a commercial paint of special promise. The coating remains intact when heated to 1,300°F and cooled to minus 320°F. A Tech Brief, one of NASA's dissemination techniques, brought more than 1,000 requests for further information. NASA granted 24 firms royalty-free licenses to make and market the product; 22 additional companies are evaluating the formula. One company has already introduced the silicote coating as an unusually durable household paint, and plans to sell it also as a corrorion-resistant industrial coating.

The foregoing is a random selection from the 3,000-plus NASA-spawned innovations, most of which are available to American industry for royalty-free license. But there has been a grave concomitant problem, that of getting the show on the road. It is a fact that a gap of years—sometimes as long as half a century—lies between perception of a new idea and its practical application. Michael Farraday produced an electric motor in 1840, but it was not put to use until 40 years later. Even adapting the military jet engine to commercial use took more than 10 years. To cope with its statutory obligation to facilitate the transfer of aerospace technology to nonaerospace uses, NASA's Office of Technology Utilization has placed heavy emphasis on two steps—identification of innovations and documentation of them.

The scientific and technical information system now houses 700,000 documents, indexed on computer tapes for instant retrieval. This system is growing at the rate of 6,000 documents per month. The other system has new technology as its basic resource. These materials are made available to industry through standard techniques. But they are also distributed to fee-paying, industrial clients who subscribe to the services of Regional Dissemination Centers operated by universities or research institutes. These provide tailored problem-solving and educational services to industry by bringing to the attention of client companies, both large and small, whatever new scientific and technical information—principally from NASA's computer-controlled stockpile of knowledge—is of direct and immediate relevance to the individual client's problems, objectives and interests. The companies pay fees for these services on a scale commensurate with their size and the extent of the services they want.

The RDCs start out with NASA's financial support and draw at will upon its scientific and technical information system, but are expected to become self-supporting on the fees they earn from industry.

The RDCs themselves have secondary benefits to the universities where they are located. At the University of Pittsburgh since the RDC located there began functioning, the Graduate School of Library and Information Sciences has been developed and strengthened until it is now the biggest in the United States; it was one of the smallest only four years ago.

So far, the services of the RDCs have proved useful to companies in creating new products; improving production processes; establishing research and development priorities; avoiding duplication of research already done elsewhere; and improving managerial practices.

NASA is not unproud of its record in transfer of technology for the greatest good for the greatest numbers. But it has further goals. For instance:

GOALS OF THE FUTURE

Expansion of communications in space to provide direct television broadcasting to receivers in homes and public buildings all over the world. The use of such satellites as an educational tool could lead to one of the greatest breakthroughs in mass education history; bringing vast new knowledge and information to literally billions of people.

If present rates of population growth continue, it is estimated that the world's population will double by the year 2000, totaling from six- to seven-billion people. And in another 35 years, it will double again, totaling from 12 to 14 billion. At the present rate, one third of all the people ever born in the history of man will be members of the living generation within 100 years from now. The daily task of providing the barest minimum of food, clothing and shelter to these multitudes will be unbelievably difficult, to say nothing of raising standards of living, health and education. Satellites in Earth orbit, equipped with suitable sensing equipment, could search for and monitor the world's food resources. They would be able to take regular inventories of food supplies. They could even tell the causes of crop diseases and deficiencies, such as lack of water, chemical imbalance, frostbite. Recording the movement of plankton, which feed the fish in the oceans, could do a lot for the fishing industry. For where the plankton go, the fish go.

Early detection of forest fires could help fire fighters save crops and reduce timber losses.

Geologic photographic mapping from an orbiting spacecraft would, for many purposes, be uniquely superior to aerial mapping. One spacecraft photograph can cover the area of hundreds of aerial photographs, besides showing various phenomena that do not appear in the aerial pictures.

A variety of remote sensing techniques could detect and study the world's mineral and oil reserves, inland water supplies and many other of the world's resources. It would even be possible to locate underground fresh water reserves and springs by measuring the small differences in soil temperatures above them. Such streams hold thousands of times more water than all known surface rivers.

Special tribute to NASA's spin-off effort has been paid by Dr. Raymond L. Bisplinghoff, president of the American Institute of Aeronautics and Astronautics, and Dr. Roger W. Heyns, chancellor of the University of California (Berkeley). Bisplinghoff said: "Some educators go so far as to say that stimulus to education is overwhelmingly the most important by-product of the space program."

Heyns said: "NASA has shown that it is possible to structure an institution in such a way that managerial decisions can be made, not drifted into. It is possible to develop information and feedback systems so that policy decisions are more than someone's best guess about something he knows little about. It is possible to develop policy rationales so that decisions represent something approaching principled conclusions rather than random prejudices."

A BACKWARD STEP

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

Mr. LOWENSTEIN. Mr. Speaker, we have seen enough newspaper descriptions of President Nixon's forthcoming welfare proposals to know that, unless they are considerably different from what has been stated, they may well be a step backward instead of the fundamental reform they have been touted as being. I rise today in the hopes that by calling attention to the apparent deficiencies in the proposal, changes can be made in it before an error of destructive magnitude for America's poor is made.

We are told that the highly valued family security plan will provide 100-percent Federal financing of a minimum income of $1,500 for a family of four, with additional amounts of $300 for each additional child. For the first time, Federal money will support assistance to the working poor of our Nation, whose problems have long been ignored by our welfare system. In addition, the new proposal is reported to allow recipients to retain 50 cents of assistance for every dollar they earn, thus creating a greater incentive to work than exists at present.

The problem is simply this: From all reports, it appears that the Nixon administration intends to provide no Federal assistance for States which wish to proffer welfare aid in excess of the $1,500 minimum. Thus while welfare payments will be increased nearly fourfold in Mississippi, State legislatures throughout the North and West will undoubtedly be forced to trim welfare payments substantially in their jurisdiction. The sum of $1,500 merely perpetuates poverty. For that 80 to 90 percent of the current AFDC caseload for whom employment is not a feasible alternative, the result will be permanent consignment to an income which is less than half of the poverty line. In short, the Nixon administration is on the brink of proposing to help some poor people at the expense of other poor people, to make the generous gesture of redistributing poverty.

Mr. Speaker, it is long past time for genuine welfare reform, to provide the poor and hungry of America with the means necessary to live in health and dignity, and to relieve middle-income people and local and State government of the suffocating burden of welfare costs. Last May, I joined with the extraordinary Congresswoman from Brooklyn, the Honorable SHIRLEY CHISHOLM to introduce legislation to begin the task of revamping the welfare system. Our bill provides for national minimum standards of payments and eligibility, and for 90-percent Federal support for public assistance programs and medicaid.

Certainly more changes are needed. We must provide adequate work incentives for any welfare recipients who may be employable. We must change rules that discourage family stability. We must in fact, do more to involve the poor in making and enforcing of rules.

But the two reforms contained in this legislation are urgently needed if there is to be time to implement a humane and fiscally responsible program, and I hope the President's message recognizes this urgency.

Surely it is clear by now that poverty and hunger are national problems that the responsibility for meeting these problems adequately can only be met by the Federal Government. I have never heard this thought more eloquently stated than by a welfare recipient of Beaufort County, S.C., who testified before representatives of the Agriculture Department last March. "As poor people," he said, "we must quit playing the role of Lazarus. We have been eating the crumbs from the rich man's table for too long, eating what the rich man does not want. We have been wandering for over 200 years. The Government cannot say they don't have the money. They do have it, and I know they have it because the money they spend on missiles and trying to put man on the moon with so many people hungry and dying from malnutrition—it does not make sense."

Representative CHISHOLM said when we introduced this legislation:

> What we propose . . . is the minimum that must be accomplished immediately. Drastic reforms are needed to begin to ease the despair of our disadvantaged, but we recommend intermediate steps to save our cities from bankruptcy and the citizens from hopelessness.

The President could do no better than to keep these words in mind as he drafts his own proposals.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FARBSTEIN for Wednesday, August 6, 1969, on account of death of a dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOREMAN), to revise and extend their remarks and to include extraneous matter:)

Mr. RHODES, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

Mr. BRAY, for 10 minutes, on August 6.

(The following Members (at the request of Mr. ALEXANDER), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. COHELAN, for 10 minutes, today.

Mr. MCCARTHY, for 60 minutes, on August 6.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN and to include extraneous material.

Mr. RIEGLE and to include extraneous matter.

Mr. GUDE (at the request of Mr. HALL) during the debate in the Committee of the Whole today on the Bolling-Anacostia complex.

Mr. SANDMAN and Mr. KING prior to the vote on the Reuss amendment in the Committee of the Whole today.

Mr. LEGGETT to revise and extend his remarks made in debate today and to include extraneous matter.

Mr. MIKVA in the body of the RECORD following remarks by Mr. GUDE and Mr. OBEY.

(The following Members (at the request of Mr. FOREMAN) and to include extraneous matter:)

Mr. PETTIS.

Mr. HUNT.

Mr. WYDLER in two instances.

Mr. STEIGER of Wisconsin in two instances.

Mr. THOMPSON of Georgia.

Mr. MIZE.

Mr. RIEGLE.

Mr. WYMAN in two instances.

Mr. SCHERLE.

Mr. ASHBROOK.

Mrs. REID of Illinois.

Mr. FULTON of Pennsylvania in five instances.

Mr. PELLY.

Mr. O'KONSKI.

Mr. MCCLURE.

Mr. DERWINSKI.

Mr. WAMPLER.

Mr. BOB WILSON in two instances.

Mr. RUPPE.

Mr. REID of New York.

(The following Members (at the request of Mr. ALEXANDER), and to include extraneous matter:)

Mr. GONZALEZ in two instances.

Mr. REES in two instances.

Mr. ASHLEY.

Mr. LEGGETT.

Mr. PEPPER.

Mr. EVINS of Tennessee.

Mr. RARICK in four instances.

Mr. NEDZI in two instances.

Mr. BENNETT in two instances.

Mr. HOWARD.

Mr. CELLER.

Mr. OTTINGER.

Mr. VANIK in two instances.

Mr. ICHORD.

Mr. MATSUNAGA.

Mr. POWELL in three instances.

Mr. O'HARA in two instances.

Mr. MIKVA.

Mr. PODELL in three instances.

Mr. HAWKINS in two instances.

Mr. BINGHAM.

Mr. DONOHUE in two instances.

Mr. HUNGATE in two instances.

Mr. RYAN in two instances.

Mr. HAGAN in two instances.

ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 6, 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:

1026. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1968–April 1969, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1027. A letter from the Comptroller General of the United States, transmitting a report on improvements made in the medical care cost accounting system of the Veterans' Administration; to the Committee on Government Operations.

1028. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1029. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

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. HENDERSON: Committee on Post Office and Civil Service. H.R. 12979. A bill to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia (Rept. No. 91–414). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS: Committee on House Administration. House Resolution 502. Resolution relating to the per annum gross rates of pay of certain positions under the House of Representatives (Rept. No. 91–415). Referred to the House Calendar.

Mr. STAGGERS: Committee of conference. S. 1373. An act to amend the Federal Aviation Act of 1958 (Rept. No. 91–426). Ordered to be printed.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 513. Resolution for consideration of H.R. 13270, a bill to reform the income tax laws (Rept. No. 91–427). Referred to the House Calendar.

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. WALDIE: Committee on the Judiciary. S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation (Rept. No. 91–416). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army (Rept. No. 91–417). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 757. An act for the relief of Yvonne Davis; with amendment (Rept. No. 91–418). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. S. 901. An act for the relief of William D. Pender; with amendment (Rept. No. 91–419). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2302. A bill for the relief of Mrs. Rose Thomas; (Rept. No. 91–420). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3571. A bill for the relief of Miloye M. Sokitch (Rept. No. 91–421). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 8694. A bill for the relief of Capt. John T. Lawlor (ret.); with amendment (Rept. No. 91–422). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 8904. A bill for the relief of Paul Anthony Kelly. (Rept. No. 91–423). Referred to the Committee of the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 9910. A bill for the relief of Hannibal B. Taylor; with amendment (Rept. No. 91–424). Referred to the Committee of the Whole House.

Mr. COUGHLIN: Committee on the Judiciary. H.R. 10658. A bill conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman; with amendment (Rept. No. 91–425). 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. ASHLEY:

H.R. 13314. A bill to authorize the Secretary of Transportation to establish safety standards, rules, and regulations for railroad equipment, trackage, facilities, and operations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H.R. 13315. A bill to extend the authority for exemptions from the antitrust laws to assist in safeguarding the balance-of-payments positions of the United States; to the Committee on the Judiciary.

H.R. 13316. A bill to adjust the maximum salaries for full- and part-time U.S. magistrates; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 13317. 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. 13318. 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. 13319. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13320. 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.

H.R. 13321. A bill to amend the Internal Revenue Code of 1954 to provide that after 1970 no oil or gas depletion deduction shall be allowed a company which is engaged directly or indirectly in the sale to consumers of petroleum products containing lead; to the Committee on Ways and Means.

By Mr. GERALD R. FORD:

H.R. 13322. A bill to provide for the issuance of a commemorative half dollar in honor of the Apollo 11 flight and the astronauts who made it; to the Committee on Banking and Currency.

By Mr. HAMILTON:

H.R. 13323. A bill to establish a system for the sharing of certain Federal revenues with the States; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 13324. A bill to continue the Golden Eagle program established under the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

H.R. 13325. A bill to provide for the establishment of a lifetime fee for persons 65 years of age or over for admission to outdoor recreation areas administered by certain agencies of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MICHEL:

H.R. 13326. 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. NICHOLS:

H.R. 13327. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mrs. REID of Illinois:

H.R. 13328. A bill to amend title II of the Social Security Act to increase from $1,680 to $3,600 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

H.R. 13329. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 13330. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. RUTH:

H.R. 13331. A bill to permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes; to the Committee on the Judiciary.

H.R. 13332. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 13333. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

H.R. 13334. A bill to amend title 39, United States Code, to exclude from the U.S. mails as a special category of nonmailable matter certain obscene material sold or offered for sale to minors, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HOWARD:

H.R. 13335. 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. MILLER of Ohio:

H.R. 13336. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent

movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. MILLS (for himself, Mr. BUSH, Mr. GERALD R. FORD, Mr. ARENDS, Mr. ANDERSON of Illinois, Mr. TAFT, Mr. RHODES, Mr. CRAMER, Mr. BOB WILSON, Mr. POFF, Mr. CARTER, Mr. FULTON of Pennsylvania, Mr. GUBSER, Mr. HORTON, Mr. KEITH, Mr. LUKENS, Mr. MCCLOSKEY, Mr. MOSHER, Mr. PETTIS, Mr. POLLOCK, Mr. REID of New York, Mr. VANDER JAGT, Mr. WOLD, and Mr. SMITH of California):

H.R. 13337. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Ways and Means.

By Mr. MURPHY of Illinois:

H.R. 13338. A bill to amend the act, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. OBEY (for himself and Mr. MIKVA, Mr. ANDERSON of California, Mr. BARRETT, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTTON, Mr. CLAY, Mr. EDWARDS of California, Mr. ESCH, Mr. FARBSTEIN, Mr. FOLEY, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KEE, and Mr. KOCH):

H.R. 13339. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. MIKVA (for himself, Mr. OBEY, Mr. MCCARTHY, Mrs. MINK, Mr. OLSEN, Mr. OTTINGER, Mr. REES, Mr. REUSS, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. THOMPSON of New Jersey, Mr. TUNNEY, Mr. VANIK, Mr. WALDIE, and Mr. WHITEHURST):

H.R. 13340. A bill to reorganize the executive branch of the Government by transferring to the Secretary of the Interior certain functions of the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. OTTINGER:

H.R. 13341. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13342. A bill to amend title II of the Social Security Act to provide a general increase of 25 percent in the amount of the benefits payable thereunder (with a minimum old-age benefit of $100), to provide for cost-of-living increases in such benefits in the future, to increase the amounts individuals may earn without suffering deductions from such benefits, and to amend title XVIII of such act so as to include eye care, dental care, hearing aids, and routine physical examinations within the services covered by the insurance program established by part B of such title, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 13343. 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. PEPPER:

H.R. 13344. 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. PODELL:

H.R. 13345. A bill to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 13346. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 13347. A bill providing for a moratorium on the discontinuance or reduction of railroad passenger train service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Mr. FREY, Mr. HAMMERSCHMIDT, Mr. HELSTOSKI, Mr. MCDONALD of Michigan, and Mr. PIKE):

H.R. 13348. 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. PATMAN (for himself, Mr. ASHLEY, and Mr. WIDNALL):

H.J. Res. 864. Joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. RAILSBACK (for himself, Mr. BIESTER, Mr. BROCK, Mr. BUSH, Mr. FREY, Mr. HASTINGS, Mr. HOGAN, Mr. MCCLOSKEY, Mr. MCDONALD of Michigan, Mr. PETTIS, Mr. RIEGLE, Mr. RUPPE, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H.J. Res. 865. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote in Federal elections shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.J. Res. 866. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 13349. A bill for the relief of Maria Christine Munoz de Reyes and Juan Pedro Reyes-Munoz; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 13350. A bill for the relief of Pasqua Porzia; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 13351. A bill for the relief of Milena Rastic; to the Committee on the Judiciary.

SENATE—*Tuesday, August 5, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, whom no man hath seen, but who has come to us in word and human flesh, when thoughts of Thee grow dim and duties seem to overwhelm us, may we unconsciously fulfill Thy will. When faith fails and knowledge is confused, still hold us fast. Teach us the invincibility of goodness, the reality of a brotherhood which transcends race, rank, and vocation, and the power of the love that never fails.

Be with us in our labors here that as we work we may know also that we serve "the God who has made and preserved us a nation." Wilt Thou revive in all the people of this land the pure religion and the lofty patriotism which equip us for the testing times in which we live.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 4, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS TOMORROW

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the request of the joint leadership that there be no meetings of committees of the Senate at the conclusion of the morning business and the laying down of the unfinished business tomorrow.

The PRESIDENT pro tempore. The Senate will take cognizance of that request.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the distinguished Senator from Alaska (Mr. GRAVEL) is supposed to be recognized at this time. The Chair recognizes the Senator for not to exceed 40 minutes.

Does the Senator from Montana desire the Senator from Alaska to yield?

Mr. MANSFIELD. Yes, I do.

Will the Senator yield to me, without losing any of his time?

Mr. GRAVEL. I yield to the distinguished Senator from Montana.