"CHUCK" JOELSON

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1969

Mr. VAN DEERLIN. Mr. Speaker, among all the Members of this body, it is probably true that a relative handful can feel certain of commanding full attention of the House when they rise to speak.

"CHUCK" JOELSON has been one of these—a man of incisive wit, always superbly prepared to make his point with a minimum of words—words which colleagues knew would be worth hearing.

He is, moreover, a kind and gentle man whose gay spirit will be sorely missed in this Chamber. When he takes the judicial bench, surely, justice in New Jersey will be tempered with wit, as well as with mercy.

RETIREMENT OF CONGRESSMAN CHARLES S. JOELSON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 4, 1969

Mr. EDWARDS of California. Mr. Speaker it is with a very real pleasure that I join in the host of tributes to our colleague, the Honorable CHARLES S. "CHUCK" JOELSON, on his retirement from this House to take his seat on the bench in New Jersey.

Mr. JOELSON's 9 years in the House have been distinguished ones and he has served well on the House Committee on Appropriations. His legal training and distinguished legal career before his election to the House suited him well for his calm and judicial work here.

I think, perhaps, the finest tribute to Mr. JOELSON will be the record he leaves behind, a record marked by his brilliant efforts in behalf of education. Young people throughout the Nation have much to thank him for and their future achievements will reflect his achievements.

For us in the House, our memories of Mr. JOELSON will be of his humor, his wit, his calm and his wisdom. He has been a most valuable Member of this House and a good friend to all of us.

HOUSE OF REPRESENTATIVES—*Wednesday, September 10, 1969*

The House met at 12 o'clock noon.

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

Unto Thee, O Lord, do I lift up my soul.—Psalm 25: 1.

O God, our Father, who art the truth that keeps men free and the love that makes them good, give to us the faith to see life as it is, the strength to change for good what we can change for good, and the serenity to accept calmly and courageously what we cannot change at this time.

We pass through this world but once. Any good we can do, any kindness we can show, any help we can give do Thou help us to do it now, for we shall not pass this way nor live through this day again.

May we the representatives of our people in loyalty to Thee and our country keep our lives committed to goals great enough for free men.

In the spirit of Christ, we pray. Amen.

THE JOURNAL

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

RECESS

The SPEAKER. In accordance with the unanimous consent agreement entered into yesterday, the Chair declares the House in recess subject to the call of the Chair, and the bells will be rung 15 minutes before the House meets.

Accordingly (at 12 o'clock and 3 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 50 minutes p.m.

COMMUNICATION FROM THE ASSISTANT ATTORNEY GENERAL

The SPEAKER laid before the House the following communication from the Assistant Attorney General, which was read and referred to the Committee on the Judiciary;

DEPARTMENT OF JUSTICE,
Washington, D.C., September 5, 1969.

Hon. JOHN MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: As you know, pursuant to House Resolutions 673, 674 and 675, dated June 27, 1967, and subsequent resolutions, certain documents and records of the House of Representatives were made available to a District of Columbia grand jury in connection with an investigation involving Congressman Adam Clayton Powell.

The Department of Justice has received a request from the Internal Revenue Service to review evidence developed before the grand jury relevant to an official investigation of Congressman Powell by the Internal Revenue Service. In order to comply with this request, it will be necessary to obtain a court order authorizing access to grand jury records.

Since the information of interest to the Internal Revenue Service involves records furnished to the grand jury by the House of Representatives, it is requested that the House of Representatives authorize the Department of Justice to include relevant House records and materials in our application for a court order granting the Internal Revenue Service access to grand jury information.

Sincerely,

WILL WILSON,
Assistant Attorney General.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEDGED REPORT ON LEGISLATIVE APPROPRIATIONS, 1970 UNTIL MIDNIGHT THURSDAY

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Thursday, September 11, to file a privileged report on the legislative branch appropriation bill for the fiscal year 1970.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

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

There was no objection.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. 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 joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 681), with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. CELLER) will be recognized for 3 hours, and the gentleman from Ohio (Mr. MCCULLOCH) will be recognized for 3 hours.

The Chair recognizes the gentleman from New York.

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

Mr. Chairman, House Joint Resolution 681 contains the provisions for a proposed new article to the Constitution which shall be valid only if ratified by the legislatures of three-fourths of the States within 7 years after it has been submitted to them by the Congress.

The purpose of the article of amendment is to abolish primarily the electoral college and to substitute the direct popular election of President and Vice President. It provides for a runoff election between two pairs of candidates who receive the highest number of votes if none of the candidates receives at least 40 percent of the popular vote.

Second, the proposed amendment provides that the President and Vice President shall be voted for jointly only as

candidates who have consented to the joining of their names. That is in section 1.

Third, under the new articles of amendment, the voters for President and Vice President in each State shall have the same qualifications as are required for persons voting therein for the most numerous branch of the State legislature, except that each State may adopt less restrictive residence requirements and the Congress may establish uniform residency requirements for voting in presidential elections. That is in section 2.

Fourth, the times, places, and manner of holding the presidential election and any runoff election and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof except that Congress is empowered to make or alter such regulations. The Congress is specifically empowered to determine the days on which the original election or any runoff election is to be held.

Moreover, the Congress is authorized to prescribe the time, place, and manner in which the results of such presidential election shall be ascertained and declared—section 4.

Fifth, the Congress is specifically empowered to provide for the case of the death or withdrawal of any candidate before the election and for the case of the death of both the President-elect and Vice President-elect—section 5.

Finally, the amendment provides that the direct popular election system will take effect 1 year after the 21st day of January following ratification—section 7.

That generally is the purport of the amendment now before you.

I plea for the indulgence of the members of the committee that I may be permitted to finish my general statement before being interrogated and asked questions.

Gentlemen of the committee, Jefferson said way back in 1823 that our system of election of President and Vice President was the most dangerous blot on our Constitution and one which some unlucky chance will soon hit. The dangers that Jefferson pointed out are even more grave today. The uncertainty, the doubts, the fears, the imponderabilities of even the last presidential election emphasize the need for some change. We of the Committee on the Judiciary, as Benjamin Franklin stated many years ago at the close of the Constitutional Convention on September 17, 1787, cannot help expressing the wish that every Member will learn a little of his own fallability. Thus we of the Committee on the Judiciary are not infallible and are not so infallible as to state that House Joint Resolution 681 is perfect. It is indeed not prefect. Nothing is perfect. But we do believe that it contains the least number of inequities, the least number of objections of all plans considered, and we did consider a plethora of plans. Among these plans was the district plan, the proportional plan, the automatic electoral vote plan, the direct vote, and combinations of all four. We rejected decisively all except the direct election plan. The final vote in the Committee on the Judiciary was decisive. Twenty-nine members voted for the joint resolution now before you, and only six voted against. Thus, as I said, a very strong sentiment existed in the Committee on the Judiciary and still exists for the plan now before you.

The reform we seek is timely and wise. It is anomalous to preserve the electoral college system. It is outmoded. It is ill suited to our times.

Edmund Burke in a classic speech for reform said:

> A wise Government well knows the best time and manner of yielding that impossible to keep.

Every well-intentioned statesman, every worthy institution, be it civic, religious, or educational, knows that the present system is not in the best interest of the Nation and should not be further maintained. Thus, Congress must start to weed out the distressing system that can be a catchall of much evil.

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 165]

Abbitt	Eckhardt	McCloskey
Anderson, Tenn.	Edwards, Ala.	Martin
Ashley	Esch	Michel
Ayres	Fallon	Morton
Baring	Ford, William D.	Nix
Barrett	Gallagher	Obey
Blanton	Giaimo	Powell
Bolling	Gubser	Railsback
Bush	Hansen, Idaho	Rooney, N.Y.
Cabell	Hansen, Wash.	Rosenthal
Cahill	Harsha	Rostenkowski
Carey	Hathaway	Saylor
Chisholm	Hawkins	Scheuer
Clark	Holifield	Sisk
Clay	Howard	Smith, Iowa
Collier	Hungate	Stuckey
Cunningham	Karth	Teague, Tex.
Daddario	Kirwan	Tiernan
Davis, Ga.	Kleppe	Tunney
Dawson	Kuykendall	Watkins
Dent	Landrum	Wilson, Charles H.
Diggs	Lipscomb	Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) and finding itself without a quorum, he had directed the roll to be called, when 364 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) had been recognized and had not completed his remarks. The Chair now again recognizes the gentleman from New York.

Mr. CELLER. Mr. Chairman, I was about to say when I was interrupted by the quorum call that even the President of the United States deprecated the present system of electing the President and Vice President.

I would like at this juncture, however, to express my gratitude and appreciation to the members of the Committee on the Judiciary who in the most painstaking and dedicated manner helped to prepare and shape this resolution. They all worked most diligently and in a most careful fashion, rounding out each sentence. They did all and sundry to see that the words in this resolution are properly set and each phrase was diligently rounded out, polished, and refurbished. This is not an easy task, especially when it involves a constitutional amendment. I want to pay a special tribute to my colleagues, all of them, on the Judiciary Committee for the work that they accomplished and in particular pay tribute to the ranking Republican member, the gentleman from Ohio (Mr. MCCULLOCH), who, in tandem with myself, made possible—let me put it that way—the real and final shape of this legislation. It is a very important piece of legislation because as I said in speaking on the rule yesterday, there has been no full-scale debate on this momentous subject of the electoral system since 1826. So, we are engaged in a rather historical debate and everyone who participates in this debate, participates in a momentous event.

Ladies and gentlemen of the Committee, I must say that those who forget the mistakes of history must live them all over again. The electoral college system turned out, contrary to the spirit and words of the Founding Fathers to be a historical blunder, a real genuine blunder. Twice the election of the President and the Vice President was thrown in the House, with most aggravating and evil consequences; namely, in 1800 and in 1824. There were additional narrow escapes. In 1968, in the election between Humphrey and Nixon; in 1960, in the election between Nixon and Kennedy; in 1948, the election between Truman and Dewey, in those contests a mere shift of 1 percent—of 1 percent—of the popular vote in a number of the key States would have thrown the election, shall I say, into the "cockpit"—would have thrown the election in the House of Representatives with the probability of political wheeling and dealing that always accompanies such election in the House for President.

The Nation must shudder at the prospect of a repetition of such a situation. We must prohibit it and we must pass, therefore, the instant resolution.

Thrice in our history, because of the electoral system, the winner of the presidential popular vote became the loser and the loser became the winner. Such a result is horrible; it is unsporting, it is dangerous; it is downright uncivilized to have the winner become the loser and the loser become the winner.

In 1824, in 1876 and in 1888 such flukes happened. As I said during the discussion of the rule yesterday it is very much like Sancho Panza in "Don Quixote" who sits down to a very sumptuous meal and is about to partake thereof and the meal is taken away from him. That is what happens to the winner in a popular election and the loser in the electoral college. It is all filched from him and all he can do is bite his nails in anger. We should not permit such a situation. By a popular vote the loser in those elections in 1824, 1876 and 1888, the popular vote

loser was elected President by the electoral college in those years; namely, John Quincy Adams, Rutherford B. Hayes, and Benjamin Harrison. The political convolutions and skullduggery that turned the Presidency, for example, over to Rutherford B. Hayes in 1870 might have well caused another Civil War. Read the history of those times and you will find that the country seethed with excitement as a result.

And the winner there, who was branded the loser—Samuel J. Tilden, was the winner of the popular vote. Samuel J. Tilden had been former Governor of the State of New York. He was a man of character and strength, he calmed, however, the seething political waters of that year, 1870. He said:

I am returning to private life with a consciousness that I shall receive from posterity the credit of having been elected to the highest position within the gift of the people without any of the cares or responsibilities of the office.

In 15 elections, as I indicated before, a shift of less than 1 percent of the electoral vote would have made a popular loser the President. Now, that kind of a situation we must circumvent in the future. We will be like spineless—and I put it that way—jellyfish to continue an elective method that entails such tragic and idiotic factors. Nor can we, like troglodytes, keep our heads in the sand and keep away the evils, they will not go away.

These evils attendant upon this elective system struck hard in the past, and we cannot foretell what can happen in the future if there is repetition. Some man who might be the winner in the popular election and declared the loser in the electoral vote might be some demagog who could proceed on a white charger and arouse the Nation, arouse the Nation to the tragic error that had been committed as a result of this constitutional mistake. He might arouse the Nation to such a furor as to cause great havoc. Great danger therefore, I say, lurks in this electoral system. The evil has struck several times in the past, and it will strike again unless we now use the remedy that is at hand, and do away with this elective system.

There are many, many evils attendant upon this electoral system. I am going to point out to you several of them—and there are many others.

First, you have the so-called bonus electoral votes. Each State gets three electoral votes, regardless of population. I will explain that more in detail momentarily.

Second, you have the unit rule, the winner takes all in each State.

Third, you have the machinations that are resident in the contingent procedure if the election is thrown into the House of Representatives.

Fourth, there is the situation wherein the loser becomes the winner.

Fifth, you have the so-called faithless elector. An elector may not vote for the candidate of the party that nominates him, and causes his election. He has a free choice. He can be a turncoat—and there is nothing more abominable than a turncoat. We do not want any turncoats in our electoral system.

Now, what about this bonus vote? Let me tell you something about that. Take Alaska, with a population of 226,000 people—it has three electoral votes, one for every 75,000 people, but New York, with a population of 16,782,000 people, has 43 electoral votes, only one for every 390,000 people.

On a population basis then, Alaskans received electoral votes at better than five times the rate that New Yorkers did.

The ratio is low for all other small States as well: Nevada, one electoral vote for every 95,000 people; Wyoming, one electoral vote for every 110,000 people; and Vermont, one electoral vote for every 130,000 people.

And the rate is high for the other large States: California, one electoral vote for every 393,000 people; Pennsylvania, one electoral vote for every 390,000 people; and Illinois, one electoral vote for every 388,000 people.

Now what is the cumulative effect of all this?

For example, the cumulative effect of this small State advantage may be gaged by the fact that New York with a population of 16,782,000 has 43 electoral votes. Whereas, Alaska, Nevada, Wyoming, Vermont, Delaware, New Hampshire, North Dakota, Hawaii, Idaho, Montana, South Dakota, and Rhode Island with a combined population of only 6,364,000 people also have a total of 43 electoral votes—the same number as the State of New York has.

That is unfair. That violates the principle enunciated by the Supreme Court, which has been wholly acceptable in the United States; namely, "one person, one vote."

Inherent in this system is the so-called unit rule where the winner takes all of the electoral votes in a State. This suppresses a State's minority vote. The winner of the popular vote in a State regardless of the percentage of votes cast receives all of the State's electoral votes. The votes of the losing candidate are discarded in that State.

Way back in 1824 a very distinguished Senator had this to say about this situation.

Senator Thomas Hart Benton said:

To lose their votes is the fate of all minorities and it is their duty to submit. But this is not the case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

Now the system we propose—namely, the direct popular election of the President and Vice President—does away with "winner take all" and does away with this lopsidedness as to the value of the electoral vote. It also does away with the possibility that the election may be thrown into the House.

Election of the Chief Executive is a very serious situation. As I have said, it has happened twice in our history. It happened in 1800, when we had the election of Jefferson versus Burr. The election was thrown into the House. There were 36 ballots taken. The country was excited, and there were grave doubts as to where the majority of the votes in the House would go.

Under the Constitution, each State has but one vote, regardless of the number of Congressman to which that State is entitled; regardless of the State's population. The election lasted for several weeks. It was necessary to get eight votes to obtain a majority.

The result was seven for Jefferson and four for Burr and the rest undecided. Alexander Hamilton, however, threw his great weight and influence to Jefferson, thereby incurring the ill will and the enmity of Aaron Burr, the other candidate.

The result was that tremendous venom of Burr against Hamilton, resulting in the duel, which occurred 1 year after, in which, unfortunately, Alexander Hamilton was shot. Jefferson triumphed, but he triumphed under rather unusual circumstances. Bayard of Delaware was the one who cast the final vote, making it eight, instead of seven, for Jefferson. Charges were made of deals between Jefferson and Bayard; however, it was never proven. In my opinion, it could never be proven against Jefferson because Jefferson was not the type of man to make any such deal, even if the price was to be the Presidency. But it is strange that after Jefferson became President, Bayard of Delaware received all manner and kinds of political preferment, all manner and kinds of so-called political plums, as a result of which charges were made but never proven, and I am quite convinced that Jefferson was blameless. But there was always that suspicion.

What happened in 1824, when the contest was between Andrew Jackson, Crawford, Henry Clay, and John Quincy Adams? The four of them were in a contest. John Quincy Adams had not won the popular vote. Crawford had a stroke and was eliminated. All that was left was Clay, Jackson, and John Quincy Adams. Clay and Adams hated Andrew Jackson, the radical out of the West. They made a deal with this great Henry Clay, with this great John Quincy Adams, a scurvy deal. Henry Clay agreed to throw his influence in support of John Quincy Adams in this House. The result was that John Quincy Adams became President of the United States. A minority candidate became President of the United States, and it was said then that it was done as a result of the machinations of Clay. He was made, as a result of the deal, Secretary of State. That has all been proven by historians. And John Quincy Adams was said to have become a "Clay" President. He suffered for the rest of his life because of that scurvy deal. And the Congress that followed was of a different party. Adams was not reelected.

Then, as you know, he came back to public life as a Member of Congress.

We do not want these kinds of deals or the possibility of these deals, but there are great possibilities of such situations happening if an election is thrown into the House. Very serious consequences can result. I caution you gentlemen that such a contigent election can be eliminated if we pass this resolution.

As I said before, we do not want a winner to become the loser and the loser to become a winner. That is not cricket.

That can happen under the present system. It cannot happen if you pass this resolution.

So, my dear friends, I do hope that you will see fit to embrace this resolution. It has many advantages, and I would like to point them out to you. Only the direct popular election plan, of all the alternative proposals, can eliminate all the basic deficiencies in our present electoral system. It will remove electors as nameless intermediaries who are not needed to express the people's choice of national leader. It will eliminate existing disparities in the weight given to certain votes because of the geographic location of the voters. It will guarantee that the presidential electoral system is in harmony with the principle of "one man, one vote." It will conform presidential elections to the system of plurality voting used throughout the Nation in congressional elections and in elections for statewide and local offices.

It will assure that the people who elect the Chief Executive in all cases—and that the candidate receiving the most popular votes will be elected.

Mr. Chairman, I shall be very glad to answer any questions from my colleagues.

Mr. GILBERT. Mr. Chairman, if the gentleman will yield, I understand under the joint resolution we have on the floor, the joint resolution provides that the candidate shall be elected by 40 percent of the vote, which will be a minimum.

Mr. CELLER. Mr. Chairman, the resolution provides the candidates who receives a plurality of the votes, on condition he receives at least 40 percent, shall be elected President.

Mr. GILBERT. That is correct. And that would not be a majority, as I understand it. It would be a plurality, but not a majority.

As I listened to the chairman a moment ago, the chairman made reference to John Quincy Adams, and he seemed to belabor the point that Mr. Adams was elected by a minority of the vote. In testimony before the gentleman's committee, I offered to amend the joint resolution to the effect that whoever be elected President be elected by at least 50 percent of the vote, which I think would reflect the majority will of the country, as opposed to the 40 percent that would be still a minority. I wonder if the distinguished chairman could make some comment on that point.

Mr. CELLER. The Committee on the Judiciary weighed very carefully the question whether the vote should be a plurality or a majority vote, and it discarded the latter. It is interesting to note that 15 of our Presidents have been elected President by less than 50 percent of the vote cast. One-third, in other words, of our Presidents never received a majority. I will list them for the Members: Adams; Polk; Taylor; Buchanan; Lincoln—who received only 39 percent in the first election; Hayes; Garfield; Cleveland, twice; Harrison; Wilson, twice; Truman; Kennedy; and Nixon.

We discarded the idea of 50 percent, because it would give rise to the proliferation of other parties. It would be to the advantage of other parties to endeavor to gather unto themselves as many votes as they could and then to try to make deals and try to cast their strength with one or the other of the candidates.

The gentleman's memory is fresh, I am sure, with the plans that occurred in only the last election, when a certain gentleman sought to get votes and tried to make a deal with either of the two major candidates. Fortunately those two candidates—namely Mr. Nixon and Mr. Humphrey—refused to make a deal.

In order to forfend against that type of practice in the future the committee concluded that 40 percent would be proper, especially since one-third of our Presidents were elected with less than a majority of the popular vote.

Also, it was felt that if we increase the amount from 40 percent to 50 percent, we would increase the possibility of runoff elections. It would be difficult for a candidate to get 50 percent, and therefore there would be an inducement for a runoff or second election.

For all those reasons, the Judiciary Committee, very carefully sifting all the pros and cons of 40 percent, 43 percent, and 45 percent, thought that the 40-percent would be proper, and that is what we brought in, and it is now before the Members.

Mr. GILBERT. Will the distinguished chairman yield further?

Mr. CELLER. I yield to the gentleman from New York, (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, as I understand the thrust of the gentleman's argument, he says that 40 percent would lessen the likelihood or the probability of a runoff, but the reasons are the same if we had 50 percent or 60 percent.

In other words, the reasoning is it is less likely we might have a runoff if there were required 40 percent of the vote. I submit, Mr. Chairman, why not reduce that to 35 or 30 percent, if that is the fear of the members of the distinguished Judiciary Committee.

Mr. CELLER. That would be what we call reductio ad absurdum. We cannot make it as large as that. We have to draw the line somewhere. I believe 40 percent is the appropriate line. This was the consensus of the opinion of the members of the committee.

Mr. GILBERT. If we are in the process of changing the Constitution and we want to get the fairest denomination for the election of a President I would submit, Mr. Chairman, that a majority of 50 percent would be the proper denomination to determine who should be the President of the United States, and not 40 percent, because then we are still dealing with a minority candidate or a minority President.

Mr. CELLER. I must respectfully be in disaccord with the gentleman from New York. I believe this adequately covers the situation. The grave danger would be the proliferation of splinter parties, if we raised the amount to as high as 50 percent.

Mr. GILBERT. May I say, it is only a question of degree, whether it is 40 or 50, because we would still have the same splinter parties whether it was 40 or 50. My personal opinion is with 50 percent the likelihood of splinter parties would be lessened.

I thank the gentleman.

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

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

Mr. ROGERS of Colorado. Mr. Chairman, I direct the attention of the committee to my additional views set forth on page 15 of the committee report, wherein I advocated that there be a plurality requirement of at least 45 percent rather than 40. That was submitted to the committee, and unfortunately the committee did not go along.

What I am trying to bring out is the same thing the gentleman from New York did; that is to say, if we elect a man President let us elect him with a mandate at least from 45 percent of the people.

I suggest to the Members that they read the additional views I filed, because I anticipate offering an amendment, wherein I will try to increase this figure from 40 percent to 45 percent. Then if any individual fails to get 45 percent there would be a runoff election.

Mr. CELLER. I want to say to the gentleman from Colorado and to the gentleman from New York that the provision is not just 40 percent. That is only half the story. The provision is a plurality of the vote on condition that that plurality is at least 40 percent.

In most States the Governors, Senators, Members of Congress, all high officials and low officials, are elected by simple plurality. It is the plurality that counts. That is the measure in the election; not 40 percent or 60 percent, but simple plurality.

We add another condition, that the plurality must be at least 40 percent of the votes cast. We have a double safeguard; plurality and 40 percent.

The gentleman wants to increase the 40 percent figure to 45 percent, and the gentleman from New York wants to increase it to 50 percent. Somebody else will come along and want to make it 52 percent. Where do we draw the line?

The gentleman will remember that in the Judiciary Committee we labored long on this subject and we argued for hours on it.

Finally a consensus of the members of the committee was that it would be reasonable to require a plurality on the condition that plurality would reach at least 40 percent of the popular vote cast.

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

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

Mr. MIKVA. Mr. Chairman, I wish to commend the chairman of the committee on his most recent remarks that 40 percent is the secondary protection. The first protection is that the person must be a winner and receive a plurality.

As the distinguished chairman pointed out, almost every Governor in the country is elected in that way and every Member of Congress is elected in that way, by a plurality. So that the insistence on it being 50 percent or a percentage of 45 merely seeks to impose a restriction which would cause the very fragmentation of the parties that the gentlemen are seeking to avoid. Any splinter party obtaining 1 or 2 percent could in effect cause a run-off if a 50-percent

plurality were required. The higher the percentage, the larger the number of run-offs there would be. None of us look forward with relish to that prospect. The reason for the 40 percent minimum is that we want to make sure the President has a mandate under which he could govern. We felt that 40 percent was that reasonable minimum that would give him that mandate.

Mr. Chairman, I commend the distinguished gentleman from New York for his able answer.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield to me for one moment?

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

Mr. MACGREGOR. The chairman has very properly emphasized the two requirements of first a plurality and then a minimum of 40 percent of the vote. The gentleman from Illinois (Mr. MIKVA) reinforced the significance of the chairman's remarks.

In order to set the RECORD straight in the light of the reference to John Quincy Adams by the distinguished gentleman from New York (Mr. GILBERT), the evil in the case of John Quincy Adams was not because he failed to obtain an absolute majority or failed to obtain 45 percent but the fact that he was the loser and not the winner in the election. He was the loser and ran a weak second in the popular vote. Also, he was the loser and ran a weak second in the electoral vote. The evil in the case of John Quincy Adams is that he became President notwithstanding the fact that he was a loser. The evil there lies in the fact that he was a weak second and not that he failed to obtain a majority or a plurality of the vote.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. The distinguished chairman of the Judiciary Committee has outlined eloquently, powerfully, and succinctly the reasons why we should support this historic constitutional amendment. One of the inequities pointed out by the chairman in the current system was the apparent bonus to smaller States under the electoral vote system. I would like to suggest, as a Representative of a State which is somewhat smaller than the State represented by the distinguished chairman in the well the reason why Representatives of small States should rally to support this constitutional amendment. Under our political system smaller States are ignored in the presidential campaigns. Smaller States would be given their just due and all presidential candidates would feel the obligation to seek every vote possible in every State, small or large, under the system proposed by the amendment which is being considered here.

I recall that the present occupant of the White House indicated in 1960 that the only reason why he went to Alaska was that it was because he made a promise to visit all 50 States. I doubt that he would have done so otherwise.

Therefore, I feel that all Representatives of small as well as large States, despite the apparent bonus under the current electoral system, will stand to gain much more and the American political system will be healthier if this amendment is passed.

Mr. CELLER. Let me make a brief statement with reference to advantages and disadvantages first with reference to small States and large States which might quiet and still some of the fears that might reside in the mind of some of the Members.

Small State interests cite statistics to establish that the smaller States today enjoy advantages under our present electoral college system which would be relinquished if meaningful electoral reform is accomplished. This supposed advantage grows out of the distortion in voting strength resulting from the allocation of so-called bonus electoral votes to the small States. This deceptively simple mathematical analysis views voter strength as follows.

Alaska, 1 electoral vote for each 75,389 persons.

California—1 electoral vote for each 392,930 persons.

According to this analysis an Alaskan voter has 5 times the weight of a California voter.

Other observers cite statistics to establish that electoral reform would require citizens in the large States to relinquish important political leverage which they now enjoy. This disproportionate strength of the larger States grows out of the winner-take-all, or unit count, system. Respected mathematical analyses of voter strength indicate that voters in States like New York and California have more than 2½ times as much chance to affect the ultimate result in a Presidential election than voters in smaller States. This results from the fact that the larger State voter influences a much large bloc of electoral votes.

Whatever the advantages—to large States or to small States—neither can be justified because it rests on the notion of voter inequality.

Under the doctrine of one man, one vote, no citizen's influence upon the choice of President should depend on the accident of his geography.

To my mind that is a most logical statement. We have to wipe out this advantage or disadvantage, whatever it may be. And, we can only do it by a direct popular election of the President and Vice President.

Mr. HECHLER of West Virginia. I concur with the gentleman and I enthusiastically support the joint resolution. I urge Representatives of the smaller States, for the reasons given by the chairman of the Judiciary Committee, to rally to the support of this proposed amendment to the Constitution.

Mr. CELLER. There is no question that the large States are going to vote for the direct election plan and I think the small States likewise.

It is interesting to note that certain polls have been taken. The Gallup poll shows that 81 percent of the Nation favors a direct vote for President. The Harris poll shows throughout the Nation that approximately 80 percent of the Nation favors the direct vote which is embodied in the joint resolution now pending before us. Polls were taken by Senator GRIFFIN, of Michigan, which indicate that there is a preponderance of sentiment even in the legislatures of the smaller States for the direct election plan. Other surveys have been taken by Members of the House which clearly indicate that fact. Also, many Senators from the smaller States are in favor of this joint resolution that is now pending before you.

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

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

Mr. McCLORY. I thank the gentleman for yielding. I do not want to disagree with the gentleman's general statement. I support House Joint Resolution 681.

Mr. CELLER. I just want to make one more statement. Forgive me for interrupting you. However, the American Federation of Labor and the CIO is on record as being in favor of this bill. The U.S. Chamber of Commerce favors this bill. Never before have such disparate organizations like the AFL–CIO and the U.S. Chamber of Commerce agreed on anything. However, they have agreed on this resolution. It is favored by the American Federation of Labor, by the American Bar Association, the Federal Bar Association and a host of other organizations.

Now, I yield to the gentleman from Illinois, and again ask the gentleman to pardon me for my interruption.

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

I do recall, Mr. Chairman, that the labor organizations and the U.S. Chamber of Commerce agreed on the uniform Monday holiday bill which was passed at the last session, but I did not rise to make that comment. I rise to indicate that at a later time, after the general debate and during the amending stage, I will offer an amendment that the minimum plurality required to elect the President and Vice President be reduced from 40 percent to 35 percent.

I take that position because of the cost and inconvenience of a popular runoff election. The chances of such a runoff are at least 10 times greater at the 40-percent level than at the 35-percent level.

And at the same time I feel that a popular-vote winner with 35 percent of the vote has a mandate, and that he has the necessary support in the country which would enable him to lead us.

The Members of the House and Senate are elected by a mere plurality. I feel that on this resolution we should support what is practical, reasonable, and workable, and avoid the problems which are inherent in the runoff with the probabilities of such in the resolution in this form. But I do not want to discuss this in detail at this time.

Mr. CELLER. Now we have 35 percent suggested, and we had 45 percent suggested, and the committee has come in with 40 percent. All civilization is based on compromise. Now we have a good compromise at 40 percent.

Mr. McCLORY. If the gentleman will yield further, Mr. Chairman, I might say that I do not believe I am disclosing any-

thing inappropriate in saying that the vote in the committee was evenly divided on my 35-percent amendment and lost because of the tie vote.

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

Mr. CELLER. I yield to the gentleman from Michigan (Mr. HUTCHINSON), a member of the committee.

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

Mr. Chairman, I would like to point out that under our present system the requirements are that the candidates for the Presidency and the Vice Presidency in each political party must come from different States. This comes about because of the provision in the Constitution that says that the electors of one State have to vote for at least one of the candidates that must be a noninhabitant of their State. That is the present system.

Under the present system, then, we are virtually assured that on every political ticket the candidates for the Presidency and the Vice Presidency will come from different States.

Under the committee bill as it stands, that provision is not carried forward. I do not recall that we ever discussed it in the committee. I simply want to bring the subject up at this time so that the distinguished chairman in the well will be aware of the fact that at the proper time I would like to offer an amendment to the committee resolution in the spirit of perfecting it, and not to obstruct it at all, in order that we, under the direct election system, could be assured that on each presidential ticket the candidates for President and Vice President would come from different States.

Mr. CELLER. Mr. Chairman, if my memory serves me correctly, I believe we did have a discussion on that in the committee. We felt that traditionally we never had a situation like that, and probably would not have in the future. But of course the gentleman is welcome to offer such an amendment.

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

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

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding.

I recognize the work the committee did in arriving at the 40-percent figure. However, I feel there is considerable merit to the 50-percent figure, notwithstanding the fact that a number of Presidents in the past may have been elected with as low as 39 and a fraction percent, and in the forties, I believe that President Nixon had around 43 percent.

But we are attempting to correct the Constitution of the United States with respect to elections.

We are attempting to correct what we view to be an inherent fault in the Constitution—a fault which we all recognize as a possibility of some very disastrous situations developing.

I certainly support the direct election of the President. However, I feel a majority requirement is not unreasonable. I am not too concerned about runoffs. We have runoffs in our State and we never have had any particular problem with runoffs. It is an additional election, but this body is elected every 2 years and we could take the position that an election every 2 years is too much trouble. Yet, it serves a useful purpose and the 50-percent requirement would serve a useful purpose in making absolutely certain that the President does have the majority support of the people behind him when he takes office.

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

Mr. CELLER. I yield to the gentleman.

Mr. MIKVA. Mr. Chairman, for the purpose of clearing up what I think might be some confusion about the present article of the Constitution so far as the President and Vice President are concerned, the present Constitution does not say that the President and Vice President cannot come from the same State. The present Constitution only says that the electors in any State must not vote for both a President and Vice President, from their own State. As President Nixon pointed out during the recent campaign, the vice-presidential candidate might have come from New York. It would merely have meant that the New York electors would not have been able to vote for both President Nixon and the Vice President from the State of New York. So that the present article does not say that the President and Vice President must be from two separate States and the proposal here does not say that they must be from two separate States. I would hope that we would not write into the Constitution an absolute prohibition that would say that even though the two most qualified men for President and Vice President happen to come from the same State that we would, by the Constitution, be precluded from electing them.

The CHAIRMAN. The gentleman from New York (Mr. CELLER) has consumed 55 minutes.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, I am pleased to join with the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) in the appraisal of the diligent, dedicated, long and careful work of the members of the Committee on the Judiciary on this most important joint resolution that has been before either branch of the Congress for almost 20 years.

Mr. Chairman, many speeches will be given, many amendments will be offered, many points will be made as we start down the long road that leads to the 26th amendment to the Constitution of the United States. I hope that in the heat of debate we never lose sight of the fundamental issues.

Should the people of the United States elect their President?

Should every vote be counted in ultimately determining who is President?

Should each voter be given an equal voice in determining who is President?

Should the candidate with the most votes be declared the winner?

I answer those questions in the affirmative. So do the American people—as the Gallup and Harris polls both very clearly indicate.

Anyone who subscribes to the neutral principles that Government should be representative, that every vote should count, that individual voting power should be equal, that winners should be declared winners and losers should be declared losers must also subscribe to the direct election proposal. No other proposal—and this is critically important—no other proposal contains those neutral principles. The district plan, the proportional plan and the automatic plan—one and all—desregard such principles.

Each of those plans holds that geographical territories—not people—elect the President.

Each of those plans, except the proportional plan, holds that the votes of the minority in such a geographical area should be counted against the minority voters.

Each of those plans holds that a vote should count more or less depending on where it was cast.

Each of those plans holds that in at least some elections the winner should be the loser and the loser should be the winner.

I urge the Members of this body to reflect upon the gravity and solemnity of our meeting today. We must never for one moment forget that it is a constitution that we are writing.

Then how could we—how dare we—enshrine in the Constitution any of the troublesome propositions that inhere in the district plan, the proportional plan and the automatic plan? How can we ask the other body and the States to expend time and energy in considering some proposal whereby, for example, winners lose and losers win? Should we undertake the difficult time-consuming task of amending the Constitution to make that the fundamental law of the land?

We have confronted that question in this body before. We voted on the district plan in 1826—and rejected it. We voted on the proportional plan in 1950—and rejected it. Yes, when those plans were at the pinnacle of their popularity, this body saw their imperfections.

The time for the district plan and the time for the proportional plan have come and gone. Today, if you want to reform the electoral college, there is only one choice: House Joint Resolution 681.

I support House Joint Resolution 681 because it is the only plan that cures all the defects in our present system, because it is the only plan that is supported—overwhelmingly supported—by our constituents, and because it is the only plan that has a chance at ratification.

Let us examine some of the basic defects of the present system.

First, winners may be declared losers and losers may be declared winners. This happened three times in our history. We have been very fortunate that the system has failed only three times because in 15 other elections a shift of less than 1 percent of the vote would have made the popular-vote loser the electoral-vote winner and the President of the United States. Beyond that, in three other elections, a shift of less than 1 percent of the vote would have thrown the election into the House where, of course, it is possible for the popular-vote winner to lose.

That is what happened in 1825, the last time the House chose a President.

Official popular-vote tabulations are available for all elections as far back as 1824. Thus in the 37 elections that have occurred since 1824, there have been 21 occasions where the electoral system failed or nearly failed. This will not do any longer.

Second, the present system is defective in resolving the question of who becomes President when the electoral college fails to accord any candidate a majority. In such a case, the House of Representatives—each State having one vote—selects the President from the top three candidates in the electoral college voting. That is certainly anachronistic, undemocratic, and mischievous. The Nixon administration, although it did not wed itself to any particular plan for the general election, has unequivocally called for a popular runoff election in lieu of the present House selection. I agree.

The basic flaw in the present provision in the eyes of the American people is not that each State has one vote in the selection process but that the process itself is removed from the people. A "corrupt bargain," such as the one allegedly made by John Quincy Adams and Henry Clay, whereby the popular-vote loser became President of the United States and the Speaker of the House became Secretary of State, can be made whether the formula be "one State—one vote" or "one member—one vote." It is wheeling and dealing in smoke-filled rooms that the people dislike and not the way the votes are counted in the House.

Third, the present system is defective because the States employ a unit rule in casting their electoral votes. The unit rule has the following adverse effects.

It promotes voting fraud because the entire election can hinge on a few popular votes in heavily populated States. For example, the theft of 10,000 votes in a key State under the present system is the equivalent of the theft of 10 million votes under the system outlined in House Joint Resolution 681.

Likewise, an honest mistake in counting votes in a State may have the same disproportionate result.

The heavily populated States have disproportionate voting power because of the unit rule.

The incentive to participate in the representative process is blunted in States where the result is fairly certain. This would also be true—in fact, more true—under the district plan—such as House Joint Resolution 791—when the outcome of an election in a district is certain. Conversely, since there would be no such enclaves under the direct plan, political participation would be encouraged.

Those who vote for the loser in a particular State under the unit rule do not have their votes discarded but worse than that have their votes counted against them. However, the district plan may function even less democratically. For under the district plan, the majority of voters in a given State may find themselves substantially disenfranchised since the popular-vote loser may receive a majority of the State's electoral votes.

Since a candidate needs only a plurality of votes in the 12 largest States under the unit rule to be elected President, winners may lose and losers may win.

Fourth, the present system is defective because every State is given two bonus votes. This produces a disparity between people power and electoral power in every State. We boast that as a Nation we grant our citizens equal rights. Yet the election for our highest office, we fail to fulfill that promise. For some are given more equality than others.

These four major defects can be remedied completely only by the direct plan. The proportional plan and the district plan do attack some of the evils of the unit rule. But those plans ask the large States to surrender the advantage they have in the unit rule but do not ask the small States to surrender their advantage in their bonus votes. How could such a ruse ever succeed? This body has been asked the question three times. And we have answered "no" three times—in 1820, 1826, and in 1950.

The proportional and district plans are old failures. And I suggest to the Members of this body that every plan that does not eliminate both of the competing inequities of the present system—the unit rule and the bonus votes—is doomed to defeat. House Joint Resolution 681 is the only realistic chance—the only chance—at reform that we have.

When these competing inequities are both eliminated, then automatically another major defect is remedied. For no longer is it possible for winners to lose and losers to win, as it is when one or both inequities are retained.

Thus only the direct plan—House Joint Resolution 681—cures all the defects in the present system.

The people want this plan. The Harris poll shows that 78 percent of the people want direct election. The Gallup poll shows that 81 percent want direct election. People in every State want this plan. All parts of the country want this plan. The people in small States and large States alike want this plan.

House Joint Resolution 681 is right in principal. It is overwhelmingly favored by the people. So what is the problem?

It is claimed "the States would not ratify the plan." However, in 1966, a poll was taken by a Member of the other body which revealed that the direct plan was the first choice of every State legislature, large State, and small State, North, South, East, and West. But the claim persisted. Early this year the President stated that, although he personally favored the direct plan and would vigorously support it if adopted by the Congress, he doubted that such a plan would be well received in small States.

Early in this session, the House Judiciary Committee held 10 days of hearings. Attendance was excellent. Our study was thorough. Although a good majority of the Republican members of the committee favored some reform other than the direct plan at the start of those hearings, 12 of the 15 Republican members were persuaded by the merits of the direct plan by the time the hearings had concluded. I believe that the same thorough study would produce similar results in the Congress and in the State legislatures.

During those hearings we learned that the direct plan was supported by the American Bar Association, the U.S. Chamber of Commerce, the National Federal of Independent Business, and the AFL–CIO.

In spite of that powerful coalition of support, the Attorney General testified on the final day of the hearings that although direct election was the best concept it would not be ratified by the small States. That claim was not substantiated.

Last month that claim was again refuted. The junior Senator from Michigan, an advocate of the proportional plan, polled legislators in 27 States considered most likely to reject ratification of the direct plan. The results of the poll indicated that all but two of the States would ratify the direct plan and that the direct plan actually had the best chance of being ratified. Needless to say, the poll made at least one convert to the direct plan in the other body.

In summary, the direct plan is the only plan that cures all the defects of the present system. The direct plan is the only plan that is favored by the people. The direct plan is the plan that has the best chance at ratification.

Therefore, for those who want reform there is only one choice—House Joint Resolution 681.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio, Mr. FEIGHAN.

Mr. FEIGHAN. Mr. Chairman, I wish to commend the able chairman and members of the committee for their untiring efforts and careful deliberations which brought forth the joint resolution.

Mr. Chairman, I rise in support of House Joint Resolution 681 which I have cosponsored with the distinguished chairman, the gentleman from New York (Mr. CELLER), and many of my colleagues of the Judiciary Committee.

This resolution has seven major provisions which together would make vast revisions in the present electoral college system of electing our Chief Executive and Vice President.

Section 1 would abolish the electoral college system of electing the President and Vice President and provide for direct, nationwide popular vote by the citizens of each State and the District of Columbia. The presidential and vice-presidential candidates must run jointly as a team and must have consented to the joining of their names.

Section 2 provides that voters for President and Vice President must meet the qualifications for voting for the most numerous branch of the State legislature. However, the States are permitted to establish lesser qualifications with respect to residence requirements for presidential elections than are utilized in State elections. Thus, in most instances, the requirements for voting in State and national elections would be identical unless the States determined otherwise. Finally, Congress is empowered to establish uniform residence requirements throughout the Nation.

Section 3 requires that the candidates must obtain 40 percent of the popular

vote and a plurality of votes to be elected. If no pair of persons has a plurality and 40 percent of the popular vote, a runoff election shall be held between the two presidential and vice-presidential pairs having the greatest number of votes.

Section 4 gives Congress the authority to set the days of presidential elections which would have to be uniform throughout the country. Congress would also be required to establish by law the time, place, and manner in which election results would be ascertained and declared. The States would prescribe the time, place, and manner of the elections by legislation, but Congress would have the power to make or alter the regulations. State legislatures would also determine entitlement to inclusion on the ballot subject to a reserve power in Congress to make or alter such legislation. Thus, if a State sought to exclude a major party candidate from appearing on the ballot, Congress would be empowered to deal with such a situation.

Section 5 authorizes Congress to provide for the case of death or withdrawal of any candidate for President or Vice President before a President or Vice President has been elected. Once the President or Vice President has been elected, existing constitutional provisions would apply.

Section 6 confers on Congress the power to enforce the new article by appropriate legislation and section 7 provides that the new article shall take effect 1 year after the 21st day of January following ratification.

I firmly believe that the closeness of the recent presidential election has again conclusively demonstrated the dire necessity for electoral reform. Three times in our history, a President has been elected who had fewer popular votes than the defeated candidate—1824, Jackson-Adams; 1876, Hayes-Tilden; and 1888, Harrison-Cleveland. Eleven other victorious candidates were elected without having a majority of the popular vote.

Moreover, under the present system, there are several other significant inadequacies, which follow:

First. It is possible for a candidate to win a majority of the electoral votes with approximately one-fourth of the total popular votes. If he won New York, 43; California, 40; Pennsylvania, 29; Illinois, 26; Ohio, 26; Texas, 25; Michigan, 21; New Jersey, 17; Florida, 14; Massachusetts, 14; Indiana, 13; and two more votes, he would have a majority of the electoral votes. These States have 50 percent of the total population. However, if he won each of these States by a small margin, he would only have 26 percent of the popular vote.

Second. The electoral college does not reflect whether one person or several million voted within a State. For example, in 1964 Delaware and Alaska had the same number of electoral votes and yet three times as many people voted in Delaware as Alaska. In the 1968 election, 590,000 more people voted in Connecticut than South Carolina, yet both have the same number of electoral votes.

Third. If no candidate wins a majority of the electoral vote for President, the election process would devolve upon the House of Representatives. There each State would have one vote regardless of its size. Thus, the five smallest States with one Representative each, and a combined population of less than 2 million, would have the same voting power as the five largest States with a total of 154 Representatives and a combined population of 64 million. Moreover, since the House elects the President and the Senate the Vice President, it could easily happen that each party would choose a candidate from the opposing party.

Fourth. Third-party candidates have power far surpassing the number of popular votes they receive. In a closely contested race, a third-party candidate could easily capture enough electoral votes to deny either of the major party candidates the majority necessary to win. Moreover, once the election was thrown into the House of Representatives, this third party candidate, by controlling a handful of States, might be able to determine the outcome. George Wallace may have been an excellent example of this principle.

Fifth. Under the Constitution, there is no provision binding electors to vote for the candidate of their parties. In fact, in the last election, an elector from North Carolina voted for George Wallace even though a plurality of the voters of North Carolina indicated a preference for Richard Nixon. If electors chose to vote as they saw fit in a close election, one or several individuals could determine the outcome by thwarting the will of the people.

Sixth. If both the presidential and vice-presidential candidates are residents of the same State, that State could not cast its electoral votes for both candidates. Thus, if Hubert Humphrey had chosen EUGENE MCCARTHY as a running mate, since both are residents of Minnesota, the electors of that State could not vote for both of them.

Seventh. The present system gives too much discretion to the States to determine which candidate may be on the ballot and who may vote. Thus, some States have been able to keep a major party candidate off the ballot. For example, in 1948, Truman did not appear on the ballot in Alabama.

Eighth. The electoral system encourages the selection of the vice-presidential candidate with primary attention to regional and other considerations rather than his ability to govern.

Ninth. The Constitution does not provide for selecting the President if the President-elect should die between election day and the day in December when electors cast their votes.

Various other electoral reform plans were considered by the Judiciary Committee. Extensive testimony was heard—in fact, the committee transcript is 1,009 pages. The overwhelming majority of the witnesses and members of the committee clearly favored the direct election plan. This is the only electoral reform proposal which would eliminate all of the principal defects in the present system and guarantee that the popular winner is elected President. It will assure that each vote cast is given equal weight; it will eliminate the possibility of electors repudiating the will of the people; it will assure that the electoral decision is truly democratic and consonant with the principle of one man, one vote; it will eliminate the possibility of the election devolving upon the House of Representatives; and it will conform the process of electing the President to the method proven by experience throughout the country in elections of Senators, Representatives in Congress, as well as State and local officials.

I firmly believe that the right to vote also includes the right to have that vote accorded equal weight with a vote cast by any other citizen of the United States. Only the direct election can guarantee the realization of this principle. Therefore, I urge each of you to join in support of House Joint Resolution 681.

I include a particularly enlightening editorial pertinent to this legislation which appeared in the Cleveland Plain Dealer yesterday.

ELECTORAL REFORM'S TIME IS NOW

Nineteen sixty-nine could be the year Congress recognizes that American citizens are worthy of voting directly for their president and vice president.

A proposed constitutional amendment abolishing the archaic Electoral College and establishing direct election of the president and vice president, running as a pair, comes before the U.S. House this week.

It is only just that American voters should select their president as they select every other public office holder—by direct vote. It is only fair that every vote should have equal weight in determining who will be president. It is only right that an election system should assure that the man with the most votes is the man who becomes president.

Direct election is the only system that answers all counts. It should be approved by the House. We hope it is approved overwhelmingly to reflect the overwhelming desire of American people to vote directly for their president.

The proposed amendment needs a two-thirds majority in the House, and two-thirds again in the Senate. If approved by Congress, it will require ratification by three-fourths of the 50 states.

Only then will American citizens for the first time be permitted to take a direct and personal part in selecting their president. Only then will a vote in California have the same weight as a vote in Maine and a vote in Ohio. Only then will the electorate be assured that the candidate with the most votes becomes president. (Three times in American history, a candidate receiving a minority of popular votes became president.)

Many attempts have been made through the years to change the unfair, undemocratic and dangerous double-election system in which voters choose electors who select the president. All have failed for one reason or another.

The reform effort gained new urgency in the 1968 election. The third-party candidacy of George Wallace and closeness of the race between Richard M. Nixon and Hubert H. Humphrey threatened to deny any candidate a majority of electoral votes. Had that happened Wallace could have bargained to throw his votes to one or the other, or the election could have been thrown into the House of Representatives, where each state would have one vote for president, if the state delegations could agree on a candidate. The results could have been chaotic.

Direct election would solve the problem for good.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, first of all, I want to commend the chairman, the ranking member, and all the members of the committee for the very deliberative, the very patient, and the very thorough job which I feel was done in connection with the consideration of electoral college reform by the full Judiciary Committee. I think that it is entirely consistent with the work of the committee that this measure comes before the Chamber with overwhelming bipartisan support. I am proud that my party has expressed itself decisively in behalf of the direct popular election amendment which is before the Committee for consideration today, and that we have joined in presenting this resolution to the House, as the chairman has indicated, for the first full scale debate in almost 150 years.

I am convinced that this single measure will be the most important legislative measure considered at this session of the Congress. Certainly, the people of the Nation have expressed themselves vocally, articulately, and overwhelmingly in favor of a change from the existing system, and indicating a strong preference for the direct popular election of the President.

I am glad, too, that there has been provided adequate time for debate on the resolution and for debate on any amendments that will be offered, before we come to a final vote.

The dangers inherent in the present system are those factors that impel us to take action on electoral college reform at this session. I know that at the time the original Constitution was completed, in September of 1787, the delegates to the Convention had agreed upon a compromise insofar as the establishment of the electoral college is concerned.

We can recall that there was strong debate at that time as to whether or not the President should be elected by the House of Representatives, with each Member having one vote, or whether each State should have one vote. The great compromise was not between a direct popular election plan and some other system, but was between election by the States, each having one vote, and by the Members of the House. The compromise resulted in the establishment of the electoral college, which reflected both of those views—in other words, giving representation to each congressional district in the person of an elector, and giving two bonus votes to each State for the two Members of the Senate. This gave an advantage to the smaller States in that they got the two bonus votes, and reflected also the larger populations of the big States which are represented by larger delegations in the House of Representatives.

The system was intended to elect electors who would be popularly known, who would be leading citizens, and who would have the intelligence and the wisdom to select well-qualified men to be the candidates for President and Vice President.

The system never worked. The system never worked from the outset.

We know that this electoral college system results in the selection of electors, most of whom are unknown to the voters. When the voters go to the polling places on election day, they think they are voting for a President and a Vice President, but, in fact, they vote for nameless electors, who may or may not respond to their wishes in the election of the President.

Under the present system the result in the entire State determines the manner in which the electoral votes of that State goes. The winner takes all. This can, and has resulted in the winner of the most popular votes being defeated by a less popular candidate in the electoral college.

As a result of these obvious inequities, most members of the Judiciary Committee and, I am certain, the Members of this House, are determined to eliminate the existing system and give expression to what is the popular will of the people. It seems to me there is no way we can give expression to this popular will except to count each individual citizen's vote equally with that of every other citizen of the Nation.

With regard to the determination of popular will, earlier this year I took a poll of my constituents in the 12th district of Illinois on various subjects and found that of the 25,000 plus who responded, more than 75 percent favored the direct popular election of the President and Vice President. Only 14 percent favored the proportional system and a mere 5 percent favored the district plan. Further, in response to a questionnaire sent out by 40 other Republican Members representing some 16 million Americans, 80 percent of those answering favored election of the President by popular vote.

It has been argued, and it may be argued further in the course of these debates, that the small States were given some advantage by the original system, that this was the intention of the framers, and that they should retain this advantage. It will be argued also that the present system gives great leverage to bloc voters in the large cities and that those who hope to continue to enjoy this leverage will vote to retain the existing system.

There was testimony before the committee in behalf of both these ideas. But I say we are not charged here with favoring or giving special advantages to citizens living in the small States or in the large cities or in any States, but rather to give expression to the votes of every citizen in every State throughout the Nation.

As the Members know, in the course of the amending stage I intend to offer two amendments. One will be to reduce the minimum required plurality for election from 40 to 35 percent of the total popular vote cast. One reason for offering that amendment is to overcome the danger inherent in the proposed runoff elections. I have some studies on this subject made by an expert in the field of systems analyses, in the business of making projections through the use of computers. This expert has taken the existing historical facts with respect to third parties and third-party votes, and has attempted to project the likelihood of runoff elections based on various fact situations.

We know as an historical fact that Abraham Lincoln would not have been elected President of the United States by the popular vote system if we required the 40 percent minimum set out in the committee proposal, because he received only 39.8 percent of the popular vote.

Mr. MIKVA. Mr. Chairman, will the gentleman yield at this point for a question?

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

Mr. MIKVA. Mr. Chairman, I recognize that Mr. Lincoln did not receive 40 percent of the vote, but does the gentleman in the well know that the name of Mr. Lincoln did not appear on the ballots in some 10 States? Had his name appeared on those State ballots, it is quite probable that he would have picked up enough votes to go over 40 percent of the popular vote.

Mr. McCLORY. I am aware of that, but the votes cast for him were less than 40 percent of the total votes cast, and if we are going to consider the percentage of popular votes cast for President, then Mr. Lincoln received less than 40 percent. We know a number of other candidates have received just a shade above 40 percent.

At any rate, based on the history of our national elections, there is more than a remote chance that we will have a runoff if we retain the 40-percent figure proposed by the resolution before us.

Also it has been reported, and I think justifiably, that the direct popular vote system is going to increase the number of third-party candidates, and this could adversely affect the two-party system. It may well be that third parties will become more prevalent in the years ahead. My study has projected what would result if we doubled the frequency of substantial votes for third party candidates.

In that case, we find that, retaining the requirement for a 40-percent plurality, the chances for a runoff increase to 1 in every 18 elections. If, however, we are to reduce the required plurality to 35 percent, the chances for a runoff drop dramatically to 1 in every 167 elections.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The time of the gentleman from Illinois has expired.

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

Mr. McCLORY. Mr. Chairman, if we would take the same facts, except to say that the strength of third-party candidates will be great in five times as many elections, we find that at the 35-percent minimum plurality I propose, a runoff will occur only once in 100 elections. However, if we retain the 40-percent minimum, the chance of a runoff soars to 1 in every 11.9 elections. The likelihood of a runoff, and all the dangers inherent therein, are reduced immeasurably if we reduce the 40-percent requirement to 35 percent.

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

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

Mr. ROGERS of Colorado. Did the gentleman run it through the computer to see how the runoff election would come out using 45 percent rather than 40 percent?

Mr. McCLORY. I may have that result later. Obviously the chances of a runoff would be greatly increased if we went to 45 percent. At 50 percent we would have it every time if there were any kind of third-party candidate at all.

As I stated in my additional views to the Judiciary Committee Report (H. Rept. No. 91–253): I believe that a 35-percent requirement would accomplish the twin task of preventing runoff elections and preserving the two-party system while at the same time providing a guarantee against the remote possibility of the election of a President who has only very minor national support. It would allow a third party to cause a runoff election only when it had itself risen to the stature of a major party—the only situation that appears to me to justify the cost and inconvenience of a runoff election.

The other amendment which I will propose would require that the constitutional plan for a direct popular election be submitted to State conventions for ratification rather than to the State legislatures. It has been argued here that the chances of ratification of this amendment are difficult inasmuch as approval by the State legislatures is doubtful. Some are not yet committed to the direct election system for this very reason.

While the distinguished chairman of the committee has pointed to the very convincing poll conducted by Senator GRIFFIN, of Michigan, I wish to point out that in May of this year the UPI released a survey which indicated that only 12 State legislatures would support the direct plan while 10 were going to oppose it, with 28 undecided. I believe we have to recognize that there is some validity in that poll, too.

We must further recognize the practicalities. We know the people are now overwhelmingly in favor of the direct election plan. We know also that members of State legislatures, due to their abilities and their distinction in their communities, often are elected term after term and that many are committed to a position in opposition to the direct election principle. It is clear to me that we would get a better expression of opinion with regard to the public thought from conventions than from the State legislatures.

I spoke earlier of the excellent poll taken by Senator GRIFFIN and I commend it to the Members. It was sent to legislators in the 27 States where difficulty in ratification was regarded most likely. While the results from those answering indicate approval of the direct election plan, a majority of those responding in eight States—with three others extremely close—predicted failure in their State legislatures. Only 13 rejections are required to defeat the amendment and we therefore must think long and hard with regard to our choice of method of ratification.

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

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding further.

Congress was faced with a similar dilemma in 1932 when it approached the subject of the repeal of prohibition.

It was represented then that Congress could propose repeal but the State legislatures would not ratify the constitutional amendment. As a matter of fact, both political parties stated that they would not take that chance. They declared in their party platforms that they would vote a constitutional amendment for repeal of prohibition and provide that it be submitted to State conventions for ratification. There were extensive debates on the floor of the Senate with regard to the alternative modes of submitting a constitutional amendment and finally, the amendment was sent to State conventions. Within 10 months the people had spoken and prohibition was repealed. This was the second fastest ratification to date.

Let me point out that an amendment cannot be submitted in the alternative. We cannot say that it may be ratified by State conventions or by State legislatures. Article V requires that we submit it in one mode or the other.

It seems to me that this is another case where we should submit it to State conventions. Why do I say that? It is because I have grave doubts myself that three-fourths of the State legislatures would ratify the amendment.

There are 99 State legislative bodies involved. Just a negative vote in 13 could veto, and destroy all that we do here in behalf of the direct popular election principle. The people want the direct popular election. If we submit it to the States for State conventions the people electing delegates to the State conventions will insist that the delegates elected commit themselves and that they vote to ratify the direct popular election amendment.

One further point must be made in this connection. It has been argued that the convention method is time consuming and will delay ratification. The contrary is much more accurate. As noted above, the one time this method was used, it took only 10 months to ratify the 21st amendment. Indeed, those who propose the legislative method should be aware that at least 26 States are not scheduled to have legislative sessions during 1970. This delay would make it impossible to complete work on whatever proposal we pass in time for the 1972 presidential election.

It is my hope that we can adopt the two amendments I will propose, not for the purpose of interfering with the direct popular election, but in order to strengthen the chance of it being ratified and it being workable after its ratification by the people.

Mr. DENNIS. Mr. Chairman, will the gentleman yield to me?

Mr. McCLORY. I yield to the gentleman from Indiana.

Mr. DENNIS. It occurs to me, as I understand the position of those who are advocating the direct popular vote method that the thrust of their argument is that this is a popular measure. Yet under the district plan there always has to be a majority, either an electoral majority in the point session. Under the gentleman's proposal you can elect the President, as I understand it, with 65 percent of the people opposed. Even under the committee bill you can do it with 60 percent of the people opposed. Is that not correct?

Mr. McCLORY. May I say this in answer: We elected John Quincy Adams with 30 percent of the vote and we elected Lincoln with less than 40 percent and Nixon with 42 percent.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. McCLORY asked and was given permission to proceed for 1 additional minute.)

Mr. McCLORY. What I am trying to emphasize here is that each individual should have one vote and that vote should be equal to that of every other individual in the Nation. I know that it has been difficult in years past when the popular vote loser has been the electoral vote winner. But I shudder to think of what would occur in our Nation today, if a popular vote loser, by 1 million or 2 or 3 million votes, would be declared the winner under the electoral college system. This same result could occur even with the district plan. I do not think we should take that chance in the consideration of this subject. I cannot support any other proposal than the direct popular vote plan.

Mr. DENNIS. Will the gentleman yield further for one moment?

Mr. McCLORY. If I have any further time.

Mr. DENNIS. I just want to suggest that when the gentleman says that in order to adopt his direct plan he needs to bypass the legislatures of the several States in order to go to this system, he is reinforcing the argument of those of us who feel that one of the defects of the direct plan is that it does bypass and ignore the several States. The gentleman underlines that argument.

Mr. McCLORY. I cannot agree. The State conventions made up of delegates selected by the people, will be making the final decisions. If the State convention method is authorized for ratifying the direct popular vote plan, then we will have the people themselves deciding that the people—and not presidential electors—shall elect the President and Vice President of the United States.

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

Mr. BENNETT. Mr. Chairman, I wish to congratulate Chairman CELLER and the other members of the Judiciary Committee for acting promptly in recommending to the House legislation calling for the direct election of the President and the Vice President. I have actively supported this concept since I first came to the Congress—over 20 years ago—and have introduced legislation continuously since that time to bring this

about. The qualified American voter needs no middleman in his selection for President. He needs no agent to cast his vote.

The direct election plan certainly is the best method of achieving one-man, one-vote citizen participation in government, and since each vote would count equally, it would encourage more people to vote. This is the cornerstone of our representative democracy.

Very little time needs to be spent establishing the fact that reform in this area is long past due. The events of the 1968 presidential election brought home clearly the unworkability of our present system. The two most widely referred to opinion polls—the Gallup poll and the Harris poll—show that 81 percent and 79 percent respectively of the American people want direct popular election of the President and the Vice President. The section of the country and the size of the community in which one lives does not seem to affect the positive support for this measure in these polls. And I see that the November 1968 Gallup poll shows that on a regional basis, no less than 78 percent of those in communities under 2,500 and over 1 million in population want this reform measure.

I have reviewed the bill's proposals, which were rejected by the Judiciary Committee in favor of direct election, and feel that none of them resolves all the problems inherent in our present system of electing the President and the Vice President. All three alternate plans—district, proportional and automatic—risk electing the candidate who did not receive the greatest popular vote and under each, the States would continue to cast the same electoral votes regardless of population changes occurring between decennial censuses, and regardless of how many people voted in each State. Also under each, the small States receive additional power because of the bonus two electoral votes. The widely discussed district plan—this plan preserves the electoral college and selects college electors on a congressional district basis—would encourage gerrymandering to achieve at least one vote for the minority candidate. The proportional plan—this plan would in each State allocate the electoral vote in accordance with the proportion of votes cast—although taking away from the large States their advantage under the "winner-take-all" system, which allows their majority vote in each State to eliminate large minority voting, would encourage splinter parties in each State, thus requiring many second elections. The automatic plan—this plan would abolish the electors, but retain the electoral vote and cast it for the winner in each State—would compel the "winner-take-all" system writing it into the Constitution.

I am confident that on this matter the American people will rise above provincialism in order to have the opportunity, for the first time, to vote directly for the President and the Vice President. Passage of this legislation will bring about a new era in our electoral system, and we will show our faith in the ultimate judgment of the American people.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. RODINO) 5 minutes.

Mr. RODINO. Mr. Chairman, first of all, may I also join with my colleagues on the Committee on the Judiciary in extending my congratulations for the commendable efforts of the chairman of this committee, together with the ranking minority member (Mr. MCCULLOCH), who worked laboriously and diligently over the 10 days during which these hearings were conducted and during the time during which the article was considered in executive session, which also took 6 days. I know the chairman and the ranking minority member were eminently fair in giving of the time needed and afforded to each member in order adequately to address themselves to this very important amendment. Many people appeared before the committee expressing their pros and cons.

Mr. Chairman, may I say after all this deliberation I was very happy to join as a cosponsor of House Joint Resolution 778 out of a deep conviction that the enactment of a system of direct election of the President and Vice President is urgently essential now.

There are many compelling reasons favoring the enactment of this legislation. The American Bar Association report of 1969 for instance characterizes the present system as "archaic, undemocratic, complex, ambiguous, indirect, and dangerous." This of course was not a conclusion reached without very, very much deliberation, studies, and research of this very vexing and perlexing problem. However, two principal reasons stand out and while either is sufficient unto itself—when combined they make passage of this resolution imperative.

The first reason why a system of direct elections should be instituted is because such a system is based on the soundest and most equitable principle that we can possibly apply in our democracy—the principle that each man's vote shall be equal. There is not the slightest doubt that the implementation of this principle in presidential elections is necessary to perfect our democracy by removing the glaring defects of the present system. The defects under which we now labor cannot be disputed. The present sytem contains the insidious possibility of deadlocks and vacancies in the Presidency of uncertain duration. It also allows for a gross departure from democratic principles in that it permits electors to cast votes in disregard of the wishes of their constituents, making therefore the vote of an individual a useless and futile action.

At the same time, the most gaping inequity of all lies in the possibility that the people of the United States will have a President who has been elected on the basis of votes which are not proportionate to the population and do not reflect the wishes of the majority or possibly even a plurality of the American people.

Given these archaic and inequitable features of the present system, our obligation as Members of Congress is clear. We owe it to our people and to our democracy to remedy the defects by substituting the fairest possible system—one that makes each man's vote count as much as another's. Only the direct election plan embodied in this resolution does that.

Mr. Chairman, for considerations of fairness and equity alone, we have an obligation to pass this resolution. This obligation would exist even if our present society was functioning in great harmony and under ideal conditions—even if our country and its democratic institutions were not being threatened from divisive forces within and enemy forces abroad. However, a second, perhaps more urgent reason for adopting this resolution. The harsh reality of our times is such that we simply cannot afford to have our Nation torn asunder by constitutional crises which can arise under the present system.

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

Mr. CELLER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. RODINO. Mr. Chairman, that system is no longer simply archaic, it is now clearly dangerous. Once was a time when we could leisurely read histories of past presidential races and note with intellectual disfavor the three instances when popular vote losers were electoral college winners; or when a congressional-appointed commission decided the 1876 winner; or when this body on two occasions "elected" Presidents.

If such an aberration were to occur now, and we all know in our bones that we courted one only last year, the question would be more than academic—more than a principle of democracy. In fact, under present conditions I fear that the question would be in the streets, and the House would have an impossible job of imposing a President upon the Nation—even if the House could finally come to an agreement upon who that President was to be.

Mr. Chairman, if we grant the two major reasons that I have spelled out—that this resolution embodies the fairest presidential election plan and that the present system is dangerous—then I think we can readily answer the small but vocal opposition. Those who rely solely on tradition for their opposition need only be reminded that we now number as a nation over 200 million people, and their wishes in a national election cannot be left in the capricious hands of unknow electors. Those who claim that direct election will destroy federalism need to be reminded that only when voting for President are voters in America denied a democratically direct vote.

All local, State, and congressional contests are decided by direct elections, and often by subsequent runoff elections. Such practices at every level of government have certainly not destroyed federalism and neither will election of our national leader. In fact, the protection of intrastate interests and State interests at the national level lies with the House and Senate respectively—two bodies whose Members are directly voted into office.

And finally, there are those who say that the small State advantage would be wiped out and therefore all the smaller States will fail to ratify this constitution-

al amendment. Recognizing that this question can only be firmly settled by the ratifying action of State legislatures, there appear on the horizon no indications of small State hostility. Two pieces of evidence, in fact, point toward small State favorable receptivity toward direct election of the President. The State of Delaware along with 12 other States brought court action against the present electoral system, and congressional polls specifically aimed at small State legislators have uncovered no greater minority opposition than in the larger States. The opposite conclusion, that now is precisely the time to submit a direct election plan to the States, seems to me better indicated.

Mr. Chairman, with the present system outmoded and dangerous, with the fairest and most logical system embodied in the resolution before us, and with a social climate that precludes further delay, I urge this House to overwhelmingly pass this historic constitutional amendment.

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

(Mr. BROOMFIELD (at the request of Mr. McCULLOCH) was granted permission to extend his remarks at this point in the RECORD.)

Mr. BROOMFIELD. Mr. Chairman, I rise in support of House Joint Resolution 681 as reported by the Committee on the Judiciary to abolish the electoral college and provide for direct popular election of the President and Vice President.

We have an opportunity this week to continue the process toward a necessary and historic change in our national election system and at the same time take a step that will reinforce the confidence of the American people in the responsiveness of their Federal Government.

As the sponsor of House Joint Resolution 128 which is very similar to House Joint Resolution 681 and as the author of identical proposals in each of the last several sessions of Congress, I have been impressed and encouraged by the great number of electoral reform measures introduced in the 91st Congress.

They reflect the intense and overwhelming interest of the American people in affecting a meaningful change in the electoral system, hopefully by 1972.

The Judiciary Committee merits the highest commendation for its recognition of this concern and for its thorough, yet expeditious consideration of the broad range of reform proposals with which it was confronted.

The committee's approval of House Joint Resolution 681 by a conclusive vote of 29 to 6 is testimony to the tireless efforts of Chairman CELLER, Representative McCULLOCH and all of its other distinguished members.

There is no question in my mind about the need for fundamental reform of the electoral college system.

Realization that the American concept of popular presidential elections rests more on myth than constitutional guarantees has distressed many of us for a long time.

The 1968 election campaign crystallized that concern in the minds of a great many more.

For years voters have marked their ballots for a presidential candidate in the belief that they were, in fact, casting a vote for that candidate.

In reality, of course, they were voting for a slate of electors pledged to vote for that candidate in the electoral college. But there was and still is no enforceable constitutional requirement that electors actually vote for the candidate to whom they are pledged.

That point was underscored last December by a North Carolina elector, pledged to President Nixon, who chose to cast his ballot instead for third-party candidate George C. Wallace.

Many specific remedies have been proposed for this specific problem, chief among them the so-called automatic electoral vote plan which would abolish the office of elector but retain the electoral votes of each State.

While this solution would deal with the problem of the "faithless elector," it would not treat the other fundamental deficiencies in the electoral college system.

Another equally distressing misconception is that the candidate who receives the most popular votes will always be President. That, of course, is equally dependent on circumstance and chance.

There is the perpetual possibility that a candidate may be elected President even though he does not get as many popular votes as his nearest rival. In fact, this circumstance benefited John Quincy Adams in 1824, Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888.

The 1968 election marked the fourth time in this century alone that the anachronistic workings of our electoral college system threatened a clear-cut choice in a presidential election.

George Wallace's assertion that he might bargain his electoral votes if neither of the major party candidates obtained the necessary majority demonstrated again how susceptible the electoral college is to abuse.

In multicandidate elections in 1912 and 1948, as in 1968, shifts of only a few votes per precinct in key States would have deprived the eventual winner of victory and thrown the election into this body.

In 1960, similar shifts could have reversed the electoral college results and elected Richard M. Nixon even though he received fewer popular votes than John F. Kennedy.

This winner-take-all procedure has the effect of canceling all of the popular votes received by any other candidate no matter how close the popular election may be.

A number of proposals have been advanced which would abolish the electoral college, but retain the electoral vote, allocating it either proportionately by popular vote, or by voting districts.

But with each of these proposals, as with the automatic plan, the possibility remains—although diminished somewhat—that a candidate who failed to win a majority of the popular vote could be elected President.

House Joint Resolution 681 eliminates that possibility by providing for the direct popular election of the President and Vice President.

In addition, it removes this body once and for all from the responsibility of electing a President in the case of an impasse in the electoral college with the further potential for deadlock here.

It accomplishes this by providing for a runoff election between the top two vote-getters if neither receives at least 40 percent of the vote.

Possibilities for abuse of the electoral system are reduced but not eliminated by proposals for proportional electoral voting or electoral voting by district.

Under most proportional distribution systems electoral votes would be awarded according to the popular vote received by each candidate in each State.

But unless the electoral votes are fractionalized—which poses further complications—the system lacks precision, especially in the smaller States. For example, in a two-candidate contest in a State with four electoral votes, a candidate would need nearly 63 percent of the popular vote for the electoral votes to do anything but split evenly.

Most district electoral voting plans would award one electoral vote to the popular vote winner in each district with a bonus of two votes to the statewide winner. But the bonus votes would preserve the same degree of overweighted representation for the small States that is contained in the present system.

In view of all of these considerations, the direct popular election plan is the most desirable in the minds of most Americans. President Nixon has said he favors it as have a great many Members of this and the other distinguished body.

It has the endorsement of a long list of private organizations including a commission of the American Bar Association and nearly 80 percent of the voters, according to public opinion polls.

Questions remain, however, about which plan is most likely to be accepted and ratified by three-fourths of the States as required by the Constitution.

In my view, the direct election plan stands a better chance than any of the other three basic choices.

The overwhelming public support for the plan as revealed in virtually every opinion survey cannot be dismissed.

Moreover, a survey conducted recently by our distinguished colleague in the other body, the Honorable ROBERT P. GRIFFIN, revealed surprisingly strong support for the direct election plan among the State legislatures of the 27 States thought most likely to oppose it.

Sixty-four percent of the nearly 4,000 State legislators who responded to the poll said they favor the direct election proposal. Only two of the 27 States indicated they would oppose it.

The surveys were conducted in States with the smallest populations and in those thought most likely to object to the direct election plan.

The electoral college served in its time. It was designed as an elite body which would rationally debate the merits of presidential candidates and pick the best man. Making that choice was not a task trusted to the ordinary voter in the early days of our country.

Great changes have taken place in the last two centuries and there is broad agreement that the need to protect the system from the voters has long since past.

Our challenge today is to find ways of making the system more responsive to the wishes and needs of the ordinary voter. I believe House Joint Resolution 681 best meets that challenge.

In this day of monumental national problems, instant communications and a need for the widest possible national consensus, our goal must be the election of a President and Vice President by the most direct method possible.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I had not intended to present my statement today. I thought I might wait until after other Members, favoring a district plan, or a proportional plan, present their arguments. I know the gentleman from Indiana (Mr. DENNIS) will argue for a district plan. The gentleman from Virginia (Mr. POFF) has a plan. The gentleman from Louisiana (Mr. BOGGS) favors a plan which would eliminate the faithless elector and retain the present winner-take-all system, I believe.

However, I have been offered some time now to present my plan, and I am glad for the opportunity. I appreciate the gentleman from Ohio (Mr. McCULLOCH) yielding me this time.

Mr. Chairman, following the last election almost everyone agreed that the time for reform in the method of electing the President and Vice President had come. We were all wrung dry from anxiety on election evening when it seemed that we were on the brink of a constitutional crisis.

We came dangerously close to having the election of the President and Vice President thrown into the House, where a decision might not have been made. Then, the selection of the Vice President would have been made by the Senate, and he would have acted as President for a time.

Yes, we are all agreed, I think—every Member of the House is agreed, perhaps every Member of the Senate is agreed—that the time has come for some change and we, as representatives of the people of this great country should be innovative in proposing change. We should present ideas for the change which will have a chance for approval by the people of the United States.

We do not want to perpetuate the electoral college, the faithless elector, or the system of electing by the House—and maybe even electing by the Senate. Most people seem to prefer the direct election plan. But most is not enough. In a UPI survey reported on February 6, 1969, 46 Senators were willing to vote for a direct popular election plan, and indeed committed themselves to do just that.

Eighteen Senators supported a proportional plan. Twenty-six said that they would vote for a district plan. That adds up to 90.

Even if the other 10 who did not indicate a preference voted for a direct election plan that would only be 56—and that is not two-thirds of the Senate, and we must have at least a two-thirds vote in the House and Senate before a plan can be submitted to the States.

Now I doubt, therefore, any plan including the direct election plan has two-thirds of the Senate. I say that additionally because only recently the Senate Subcommittee on Elections adopted a resolution which would provide for a district plan. Back on February 24, President Nixon in his message to the Congress indicated that he preferred a direct election plan, but felt it could not win the approval of at least three-fourths of the States. We may find ourselves in a situation where it matters not what we do in the House, for no method will pass by the required two-thirds vote in the other body.

So the argument goes. I have tried to think of a procedure or method by which we could get two-thirds of the Members of Congress to adopt something which could be submitted to the States to determine how the States feel. I do not want to get into the position of not adopting anything in this Congress and saying to the people of the United States we have reached an impasse. We could not get two-thirds of the Senate or two-thirds of the House and that no plan is being submitted to the States.

So I conceived a method which would in effect be a two-step constitutional amendment procedure. The first step would amend article V of the Constitution to accommodate the submission of four plans to the States and the States could then select from any one of those four plans their plan for election of the President and Vice President.

The four plans would be a direct popular vote plan which is proposed in the resolution now before us; the electoral vote by congressional district, which will be offered I understand by the gentleman from Indiana (Mr. DENNIS); the proportional vote plan, which I understand will also be submitted; and a continuation of the present plan which has been offered by the gentleman from Louisiana (Mr. BOGGS) eliminating the office of elector.

Now my bill would suggest that each of these four plans be submitted to the States for consideration and the first one to receive the approval of three-fourths of the States would be adopted as a constitutional amendment for the election of President and Vice President.

By this two-step procedure, the States can say, "Yes, we want an amendment in the first instance, we think there should be a change," adopt that portion of the resolution and hammer out the kind of election plan they want later on.

To me this plan is completely fair. It gives the States a choice. We are not saying to them, you either vote yes or no on the plan which we, the Members of Congress, submit to you. We are urging that this is the time for a change. Yet, at the same time we are not saying that it must be our way or nothing at all. We are accepting our responsibility and providing a vehicle for necessary change. I have given the idea a great deal of thought—and it is the idea that I am offering. I am not wedded to any plan. I trust the idea has sufficient merit that it will meet with the approval of the Members of the House.

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

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

Mr. WIGGINS. I would like the gentleman to comment on the argument that has been made that your proposal would require an amendment to article V of the Constitution, in that it proposes a new way for amending our Constitution. It has been said that the gentleman's amendment, in effect, delegates the power which is reserved to the Congress and gives to the States the power to propose amendments as distinguished from reserving that power.

Mr. WYLIE. I thank the gentleman for propounding that question, because I evidently did not make it clear. My amendment proposes a two-step procedure.

Under present article V of the Constitution, submitting four plans to the States might not be possible. Therefore, this two-step procedure is offered, article V of the Constitution would be amended to accommodate the submission of four plans, and that would come as a first step. In other words, if my amendment were adopted, article V would say precisely that any one of the four plans could be adopted by the States. It would be a special type of amendment to allow for this special type of situation.

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

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

Mr. ROGERS of Colorado. Do I correctly understand the gentleman to say that we would have to amend the Constitution first before the States could consider the four plans which the gentleman has proposed?

Mr. WYLIE. Under the resolution which I submitted, and under the substitute bill which I will offer to the House, both steps are in the same resolution, so that we would vote on them simultaneously and, indeed, the States could do the same thing.

Mr. ROGERS of Colorado. Once they are submitted to the respective State legislatures, would the State legislatures be permitted to adopt one, two, three, four—all the plans—or must they adopt only one?

Mr. WYLIE. A State would be permitted to adopt only one plan or none at all. It could say, "We think the Constitution ought to be amended, and we will go along with amending the Constitution, but we are not ready yet to say which plan we prefer." On the other hand they could say, "We are not for changing the Constitution on presidential elections, but, we will select a plan, and protect ourselves on the outside chance the Constitution will be amended."

Mr. ROGERS of Colorado. In other words, if the State of Ohio should adopt one plan and my State should adopt another, and by the time all the States got through the process of acting on the question of adoption no plan had received anything close to three-fourths of

the vote, would you permit my State to change its position and follow what the State of Ohio did, under your proposal?

Mr. WYLIE. Yes, I have made provision in my amendment so that any State can change at any time until one plan receives approval of three-fourths of the States.

Mr. ROGERS of Colorado. That is, my State might adopt one, two, three, or four of the plans, changing it around, with the hope that you can get a three-quarters vote of all the States?

Mr. WYLIE. That is correct. A State could adopt a plan. For instance, it could adopt the proportional plan, and later determine that the district plan is getting more votes and the direct plan is getting still more votes than that, and it might want to decide between those two. Until such time as three-fourths of the States adopt a plan, a State could adopt an alternate plan.

Mr. ROGERS of Colorado. In other words, a State legislature would be free to choose and dispose at its pleasure until three-fourths of the States got together on a plan.

Mr. WYLIE. That is correct.

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

Mr. WYLIE. I am glad to yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. In contemplating your plan, I am free to confess that we Members of Congress would abdicate our authority, would we not? We would sort of dump it into the laps of the States. Is it not our duty to present a plan to the States rather than plans? Your theory envisages four plans, as I understand it. Would we not sort of abdicate our responsibility through such action?

Mr. WYLIE. Mr. Chairman, I think that is a very excellent question, but I feel the opposite. I think our primary responsibility is to offer a plan to the States. I think we are demonstrating to all the States that we do not want to take the chance that one plan which might receive a two-thirds vote in the Senate after a two-thirds vote in the House, if that be the direct election plan, that three-fourths of the States are sure to adopt it. Especially, when there is doubt that the direct election could receive approval by three-fourths of the States.

What I am saying is, with this evidence before us, we want to be certain to meet our responsibility and provide a vehicle so that the States will have an opportunity for amendment, if they want it. I think the argument goes the other way. Rather than abdicating our responsibility, I think we are saying we, as Members of Congress, do have strong preferences but we are more desirous of effecting the necessary change.

Mr. CELLER. Has there been any precedent for something akin to the idea offered by the gentleman; namely, those three or four prongs in the proposal? Has that ever been done before?

Mr. WYLIE. Not that I am aware of, sir. When I testified before the Committee on the Judiciary a similar question was asked, and I am not prepared for it at the time. It concerned a so-called Daniel amendment which was offered in 1956. But that plan provided that one State could adopt a proportional plan and another State could adopt a district plan. That would only serve to confuse the whole issue.

Under my proposal all the States would be governed by the same plan. It is not the same, and I do not think any similar proposal has ever before been offered.

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

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

Mr. ROGERS of Colorado. Mr. Chairman, although I join in the committee report and support the proposed new article of amendment providing for the direct, nationwide popular election of the President and Vice President, I do have a serious reservation concerning the wisdom of requiring only a 40-percent plurality of the national popular vote to elect the Chief Executive of the United States.

No convincing demonstration has been offered in either the course of the committee hearings or in the majority report to rationalize a 40-percent plurality requirement. If 40 percent, why not 30 percent; or 20 percent?

Only a majority requirement would furnish unequivocal evidence of a national mandate and would completely dispel the possibility that the candidate elected was a minority choice. By meeting the requirement of a majority of the popular vote, the successful candidate would not only overcome the vote of his nearest competitor, but also would have the support of more voters than all other candidates combined. We are told, however, that under a direct election system a majority requirement will precipitate runoffs, that the first or general election will come to resemble only a primary, and that runoff elections will be commonplace. It is prophesied that this, in turn, will encourage and strengthen splinter parties, who will be able to postpone making accommodations with major party candidates until after the first election. It is difficult to disprove such speculations—or prove them, for that matter. However, I am mindful of the practical problems that two elections for President every 4 years would entail. I also share the desire expressed in the majority report to make resort to contingent election machinery the exception rather than the rule. I am further persuaded that a majority requirement under a direct popular election system might unduly increase the likelihood of runoff elections.

Although I am willing to dispense with the majority requirement, I find no justification for the 40-percent plurality requirement of the proposed new article. Proponents say that 40 percent is a figure low enough to preclude runoffs, yet high enough to furnish a national mandate. Of course, the lower the required plurality, the less likelihood a runoff—but it does not follow that a President can successfully govern this Nation when almost 60 percent of the national electorate has refused to support him. I am of the opinion that the 40-percent figure fails to insure a broad enough mandate for a President to govern. Traditionally, we have required that a President be elected by a majority, albeit a majority of electoral votes. The fact of the matter is that in the overwhelming number of the 46 presidential elections held to date, the successful candidate polled more than 45 percent of the national popular vote. Indeed, in 26 of the last 29 presidential elections—1856–1968—the winning candidate received a plurality in excess of 45 percent of the popular vote.[1] Thus, the 45-percent plurality requirement which I recommend incorporates our most recent historical experience as a future norm. In the 1968 presidential election, for example, a requirement of a 45-percent plurality would have resulted in a runoff election. This result, I believe, would have afforded the people an opportunity to register a clearer choice between the two leading candidates.

The committee resolution embodying the direct nationwide popular election system is a long overdue reform of our antiquated and potentially dangerous system of choosing our Chief Executive. I would prefer, however, that the proposed new article of amendment require a 45-percent plurality, as being more directly reflective of the people's will and more consistent with this Nation's actual past experience in presidential elections.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. BOLAND) such time as he may consume.

Mr. BOLAND. Mr. Chairman, I rise in support of this proposed constitutional amendment calling for the abolition of the electoral college—a dangerous and antiquated institution that was of questionable value even when it was created nearly 200 years ago.

This legislation, substantively identical to a bill I introduced the first day of this Congress—proposes direct popular elections among presidential and vice-presidential candidates linked together on national tickets.

The need for abolition of the electoral college is clear and pressing: every 4 years the American people run the risk of being thrown into a constitutional crisis that could threaten public confidence in the basic processes of government. For almost 200 years the election of the President has been carried out through the use of the electoral college system. The harrowingly close elections of 1960 and 1968 have again raised a number of longstanding questions about the value of a system that is so capable of distorting or betraying the very will of the majority. The present electoral college system is open to valid criticism, but the problem is far from simple.

The actual working of the Constitution appears to have departed far from the intentions of its framers as to the provisions for electing the Chief Executive. The Constitution's draftsmen displayed great foresight but they could not know that the development of organized political parties and the development of a

[1] The three exceptions were: Abraham Lincoln, 1860 (39.78); Woodrow Wilson, 1912 41.85); Richard M. Nixon, 1968 (43.40).

literate and informed electorate would so change their conception of the role of elections.

In essence, as Prof. James E. Kirby has stated, we have subjected ourselves to an "ox-cart method of selecting space-age Presidents." The prospect of an indecisive election, serious enough in the 19th century, has become wholly unacceptable in the 20th when a nation of great power and worldwide responsibility demands continuity in the Executive leadership.

A product of compromise, the electoral college was settled upon at the Constitutional Convention only after much discussion. Although more than 15 proposals for electing the President were presented to the Convention, one of the most frequently suggested was a plan entailing election by Congress. Fear of an Executive dominated by the legislative body as well as fear of cabal and intrigue brought rejection of this method. Deadlocked on this and other proposals—among them a direct election plan advocated by James Madison—the Convention devised the electoral college as a method most acceptable to the people. The plan was devised by men who envisioned a system under which persons of the highest caliber would be chosen as electors. The founders contended that it was impossible for the people to know the candidates, reinforcing the hesitancy expressed by Elbridge Gerry to subject the election of the President to the "ignorance of the people."

Yet the men designated as electors today function for the most part under a cloak of anonymity. In fact, in 35 States no attempt is made to inform the voters just who is representing them. Instead, these States use what is referred to as "the short ballot" listing only the names of the party candidates. Only 14 States place on the ballot with the candidates the names of all the electors pledged to each. Alabama prints only the names of the electors.

Stemming from compromise between large and small State factions, the electoral college gave something to both. All States, regardless of size, received a minimum of three electoral votes, corresponding to the two Senators and one Representative to which they were entitled. The large States won the right to have the element of population recognized, since the assignment of electoral votes depended on the size of the State's representation in the House. Small States were given assurance that, providing no candidate received a majority of the electoral votes, the House would select the President with all States having equal voting power; that is, one vote each.

While small States today may express fear at relative loss of power without the electoral college, we need only mention the 1968 election, as in other recent elections, where even with the electoral college system, most of the emphasis of campaigning focused on the larger States that have the power to throw large blocs of electoral votes to one candidate or the other.

Throughout previous elections numerous instances have occurred in which all electoral votes of large States were cast for a candidate who won only by a small majority or plurality. For example, elections in which the national outcome depended on a single large State are legion: a shift of 2,555 votes in New York could have reversed the electoral college outcome to make Henry Clay President instead of James K. Polk in 1844. In 1880 Winfield S. Hancock would have been made President instead of James A. Garfield if there had been a vote shift in New York of 10,517 votes. A shift of 575 votes in New York during the election of 1884 would have made James G. Blain President instead of Grover Cleveland. In 1888 a shift of 7,189 votes in New York could have changed the electoral vote to favor Grover Cleveland instead of Benjamin Harrison—Cleveland actually won a popular vote plurality but lost in the electoral college vote. A California shift in the election of 1916 of 1,983 votes would have made Charles Evans Hughes President instead of Woodrow Wilson, although President Wilson still would have had a half million more popular votes.

Under the present system a candidate can win the Presidency by concentrating on and winning the electoral votes of 11 large States plus one small State. The electoral votes of New York, California, Pennsylvania, Illinois, Ohio, Texas, Michigan, New Jersey, Florida, Massachusetts, and Indiana total 268. Only one more State with 12 electoral votes would be necessary to win with the required 270.

On the other hand it is of interest to note that the five smallest States, with one Representative each and a combined population of about 1,700,000, would have the same voting power as the five largest States, with a total of 154 Representatives and a combined population of 64 million, if an election were thrown into the House. The 26 smallest States, with 76 Representatives and a total population of about 31 million, would thus be able to elect the President.

The means whereby all of a State's electoral votes go to the candidate polling the largest vote, even when that vote is only a plurality, exaggerates concentration on the large-population States with their large blocs of electoral votes. This winner-take-all approach is responsible for the discouragement of political activity in States considered safely in the pocket of either major party and leaves the door open for a President to be elected who has received fewer popular votes than his leading opponent. The winner-take-all procedure, in effect, disenfranchises voters on the losing side by giving their votes to the candidate they opposed.

In the "winner-take-all" approach a candidate's popular vote is isolated in one State from those cast for him in another State. For example, in 1960 John F. Kennedy received 2,377,846 popular votes in the State of Illinois while Richard M. Nixon received 2,368,988 votes. The late President received all the electoral votes in Illinois. Nixon received the 13 electoral votes in Indiana where he obtained 1,175,120 popular votes and Kennedy, 952,358 votes. Although Mr. Kennedy received more than two-thirds of the combined electoral votes of the two States, Mr. Nixon actually received a substantial majority of the popular votes cast.

This disproportion between the popular vote and the electoral vote is to be found in every presidential election. For example, in the 1964 election, President Johnson received 61.1 percent of the popular vote, or 43,128,958 votes, yet Mr. Johnson received 486 electoral votes to Mr. Goldwater's 52. In 1944 Franklin D. Roosevelt received 53.4 percent of the popular vote and 81 percent of the electoral vote. In 1936 Alfred M. Landon received 36.5 percent of the popular vote and only 2 percent of the electoral vote. In 1912 Woodrow Wilson received 41.9 percent of the popular vote and 82 percent of the electoral vote.

The fact that a State's electoral votes remain the same regardless of voter turnout is highly significant. Thus, in the 1964 election with the total popular vote cast in New Jersey substantially more in number than that cast in Texas, the winning candidate in Texas received 25 electoral votes while the winning candidate in New Jersey was awarded only 17 electoral votes. In that same election, the three electoral votes in Alaska were decided by 67,259 votes at a ratio of one electoral vote for every 22,419 voters. In the same election, New York citizens voted at a ratio of one electoral vote for every 166,657 voters with 7,166,275 people casting ballots.

These are the sorts of problems with which the American people are confronted every time they vote for the President. If the people fail to cast a decisive presidential vote on election day, a constitutional crisis could very well follow the balloting in the electoral college. With no candidate receiving the majority of the electoral votes, selection of the President would be forced upon the House of Representatives. The possibility of such a crisis is increased by the strength of a third party candidate, whose momentum is capable of upsetting the machinery of the college. This submits the electoral college to the level of bargaining—giving a third party the balance of power.

These inequities in the present system have underscored the necessity of fundamental changes in the election process. If we are to have fair presidential elections we must focus on the elimination of the undemocratic and complex system that exists. This need for reform is magnified by the perpetual risk of deadlock—a risk heightened by the emergence of third party movements and the use of uncommitted electors in recent years.

This danger has become a reality twice in American history in 1800 and 1824 when electoral deadlocks have placed the election of the President in the House.

While in 1800 it was generally assumed that the Democratic-Republican electors were voting for Thomas Jefferson for President and Aaron Burr for Vice President, this was in no way specified on their ballots. The Constitution prior to this time provided that each elector should vote for two candidates, the one receiving the highest number of votes to be declared the elected President, the next highest, Vice President. With a tie of 73 votes for Jefferson and 73 for Burr, the House took 36 ballots to choose be-

tween them. Jefferson was elected President only after arduous and vociferous debate. By the time of the next election the 12th amendment had been ratified, providing that electors cast separate votes for President and Vice President.

The electoral college again deadlocked in the election of 1824 when John Quincy Adams, Andrew Jackson, Henry Clay, and William Crawford vied for the presidency. When thrown into the House the election went to Adams; in this instance he was the candidate receiving the second highest number of popular and electoral votes.

In the recent presidential elections of 1948, 1960, and 1968, the college was again threatened with deadlock. In 1948, the Dixiecrat Party and the Progressive Party siphoned off enough normally Democratic votes to cost President Truman the States of New York, Michigan, and Maryland. The switch of only a few popular votes in California and Ohio would have put those States' electoral votes in another column and deadlocked the college.

Dissident Democrats in 1960 ran slates of uncommitted electors in the Deep South, and these slates were successful in Alabama and Mississippi. With the popular vote split more closely than ever before in history, the switch of fewer than 5,000 votes in Illinois and Missouri would have required the House to pick among John F. Kennedy, Richard Nixon, and Virginia's Senator HARRY BYRD, who received the votes of the uncommitted electors.

Just how close the Nation came to an electoral deadlock in 1968 is evident from an examination of the returns. With 270 electoral votes needed for victory, Richard Nixon received merely 302. The shift of a relative handful of popular votes in Illinois, which gave him 26 electoral votes, and Missouri, which gave him 12, would have produced the deadlock. Only through Mr. Nixon's capture of a clear-cut majority of electoral votes was a major political crisis averted.

Although electors normally cast their ballots for their State's winner, most are not required to do so. In only 17 States and the District of Columbia are electors bound to vote for the winner. Only in three of these States, Florida, New Mexico, and Oklahoma, are penalties provided for electors who choose not to do as instructed. However, the Constitution appears to leave the electors as free agents, and it is highly questionable whether these instructions and laws have any real meaning or could be enforced. The issue has never been adjudicated.

As long as the elector retains the constitutional power to exercise his own judgment, the voter reckons with the eventuality of disfranchisement. Voters who cast a ballot for candidates who do not carry the State are disfranchised at the State level in the sense that their ballots do not figure in the national tabulations. Under the winner-take-all rule, the candidate who carries a State, no matter how small his popular vote margin, receives that State's total electoral vote. The relatively high voter turnout in pivotal States may flow in part from the mathematics of this disfranchisement. When the voter believes he has the chance to influence the selection process, then he will go to poll.

For most citizens the electoral college is a meaningless institution which only confuses the presidential election process. Often the voter is unaware that his vote is one cast for electors and that he is not voting directly for President.

What alternatives are there to the present electoral system? Three basically different proposals have been developed and examined in great detail as possible replacements. They are: the district plan under which presidential electors would be chosen by congressional districts with two statewide at-large electoral votes going to the candidate who wins the popular vote in the State; the proportional distribution plan under which a State's electoral vote would be divided among the candidates in proportion to each candidate's share of the popular vote; and the direct election plan—the plan now before us—under which the winner of a majority or a substantial plurality of the popular vote would be elected President.

Under either the district or the proportional plan it would still be possible, as it is now, for a candidate to win the popular vote and still lose the electoral vote and therefore the Presidency. This is the fundamental weakness of both of these plans, although they have other serious shortcomings which make me wonder if either of them would represent very much of an improvement over the system now in use.

This is not true of the direct election plan. This resolution does away with the electoral college, electoral votes, and, of course, the electors themselves and provides quite simply and straightforwardly that the people of the States and the District of Columbia shall vote directly for the President and the Vice President. The people would cast one ballot for the candidates of their choice, who would be required to join their names and run as a team so that there could be no confusion about who was running for President and who for Vice President. The State legislatures would keep the powers they now have to prescribe the places and manner of holding the election, and all persons qualified to vote for Members of Congress would be entitled to vote for the President and his running mate. A State could, if it wished, relax its residence requirements for voting for President, and Congress could, if the necessity arose, approve legislation requiring uniform residence and age requirements for the presidential vote.

The pair of candidates with the greatest number of votes shall be declared, respectively, President-elect and Vice President-elect if they have received at least 40 percent of the total number of votes cast. In case no team of candidates wins a majority or the 40-percent plurality, Congress must provide by law for a runoff election between the two pairs of candidates who received the greatest number of votes.

The unanswerable and overwhelming argument in favor of direct election is that it is the only plan that would always guarantee that the choice of the people, as expressed in their votes, would be elected President. Every vote throughout the entire United States would carry exactly the same weight and have exactly the same value as every other vote. This, to me, is democracy in action.

There are other very practical and compelling reasons which make the direct vote alternative so attractive. Words and phrases like the big States, small States, and key States that are now so important at election time would no longer have any special significance. Carrying the States as such would have no particular value because it would be the separate vote of every individual that would count. For this same reason the parties would no longer feel required to rely so heavily on the big States for their candidates.

Opponents of direct election have argued that it would damage the two party system at the grassroots level. In my opinion it would have exactly the opposite effect, especially in those areas where the reinvigoration of a party is most needed—areas which have long been dominated by one party. Under the present unit electoral vote plan there is certainly little incentive for a weak party in a State to bestir itself. It cannot carry the State anyway, so why do any work. But under direct election this would not be relevant. The strength of a party would be precisely recorded everywhere in the Nation, and votes within a State for a losing candidate would not be thrown away, as they now are.

Another argument we sometimes hear is that direct election would lead to a proliferation of political parties. As a strong believer in the two-party system I would be very much concerned about this possibility if I thought this argument to be valid. Frankly, I do not think it is. Members of the House and the Senate, Governors, and other statewide officials have long been elected by direct vote without causing a multiplication of parties. The people are not particularly anxious to waste their votes on parties and candidates that have no chance of winning, and the 40-percent plurality requirement for election in House Joint Resolution 681 makes it certain that the victor would have to be the representative of a major party. Of course, the strength of minor parties would be accurately reflected at the polls, but I think it should be and I do not see why anyone should object to this. Incidentally, along these lines, and for the same reasons, there would be less need than at present for the major parties to make excessive concessions to minority groups who may hold a balance of power in certain States.

One of the strongest features of direct election as proposed in my amendment is that it would do away with the need for the House of Representatives to choose the President as is now the case under the contingent election procedures. The choice of President would always be where it should be—with the people in the general election and with the people in the unlikely event that a runoff election is needed.

Direct election is simple, uncomplicated, and easy to understand. The voters would know exactly for whom they are voting. The temptation toward fraud

would be greatly reduced, perhaps completely eliminated, in the large States where tampering with a few votes can, under the present system, mean the delivery of a large bloc of electoral votes.

Adoption of direct election would in one clean sweep wipe out a system that is undemocratic, complicated, and potentially dangerous and replace it with a plan that would in every election give to every voter an equal voice in the selection of the person to fill the most important office in the Nation.

Mr. MOLLOHAN. Mr. Chairman, I support the electoral reform resolution reported to the floor by the Judiciary Committee.

The need for this reform is evident. Under our preesnt system, there is no guarantee that a majority of the people will elect a President and this transgresses the fundamental concepts of democracy we hold. Twice in this decade, we have come perilously close to electing a minority President and last year, the specter of the election being thrown into the House hovered unpleasantly over the entire process of our elections.

It is this latter possibility, the possibility of an election being decided by the Congress, that gives the most cause for concern to the country. For, the process of congressional decision in a situation of a deadlocked election is not clear. The Constitution does not establish guidelines which cover all the problems arising and, indeed, it gives a poor guide to some of the problems with which it deals.

The provision under which each State shall cast one vote is implicitly undemocratic. The requirement for an absolute majority has a democratic facade, but inasmuch as the House would be called upon to choose a President only when there are more than two presidential candidates, this provision leads in fact to deadlock.

Traditionally, we have had only two candidates and consequently, the Congress has not been called upon to decide an election. Only with minor exceptions in times of stress or crisis has the Nation had more than two serious candidates to choose from for President. But, it is in times of stress or crisis, that we can least afford the kind of constitutional and political crisis within the Congress that deciding a Presidency would make almost inevitable under our present constitutional provisions.

We should take a lesson from history here. The makers of the Constitution did not have a party system firmly fixed in their minds when they drafted the constitutional provision concerning the election of a President and Vice President.

They did not, for instance, make reference to a two-party system or a convention system, for they could not have envisoned the precise direction our political evolution would take. They did make mistakes.

The largest mistake, of course, was the failure to provide for a presidential-vice-presidential team. As a consequence, it was possible to have a Vice President from the minority party. The election of 1800 again found our presidential election process wanting because Jefferson's running mate, Aaron Burr withheld electoral votes in his control from Jefferson and forced the decision to the House of Representatives, where a massive deadlock developed. It was only after the considerable statesmanship of Alexander Hamilton that Jefferson became President on the 36th ballot.

The Tilden-Hayes incident proved another embarrassing episode for the electoral system as electoral votes were callously bargained for in Louisiana. The result of that bargaining constitutes one of the darker chapters in American history.

Mr. Chairman, the people should elect a President and they should do so directly; a vote cast anywhere in the Nation should have no more weight than any other vote because of circumstances of place of residence. Both the electoral college and the congressional selection procedure when the electoral college fails are detrimental to an effective and efficient election process.

Alternatively, the proposal to allow direct elections and provide for a runoff in the event that no candidate secures 40 percent of the vote insures that the people, and only the people, shall choose their President.

Mr. PODELL. Mr. Chairman, any society which does not maintain the relevancy of its basic institutions is doomed to collapse the moment those outdated institutions are subjected to meaningful challenge and test. Today, the manner in which this Nation elects its Presidents demands updating, particularly in light of events which characterized and highlighted our last national election. Such a solution has been long sought, and at long last is being offered to this House.

A proposed constitutional amendment that would elect the candidate with the largest number of popular votes has been reported out of the Judiciary Committee. This would insure a candidate's orderly election, no matter where he comes from. Much credit is due the most distinguished chairman of that committee (Mr. CELLER) for the measure which now awaits scheduling on the calendar of this body.

Alternative plans are due to be offered for consideration and approval of this body, and it is my fervent hope that they will be presented to no avail. There must be direct popular election of national leaders of the United States by all the people themselves. For many years Members of the other body were elected by their respective State legislatures. At last America opted for direct popular election of Members of that body. Shall we deny our people the same right as far as their national executives are concerned?

As the influence of the executive branch of government has grown, so has power of our Chief Executive. His accumulated prerogatives are awesome in their extent and ability to affect lives of all people on earth, much less the Nation. It is imperative that direct popular election be instituted in order to make our Chief Executive, no matter what party, more closely responsive and responsible to people he has the privilege of leading. No meaningful argument may be made against such arguments.

As our system is constructed today, a candidate may command the votes of a majority of our people, and fail of election. This has occurred several times in our history. The possibility of throwing an election into the House holds open the possibility of uncertainty, deadlock and political bargaining for the Presidency. Such a specter presented itself in the last campaign, revealing the inherent weakness of our present system. Shall we allow the future of all Americans to be potentially at the mercy of the ideologies and whims of itinerant demagogs? Shall we not pay a full bitter penalty in the future if we delay or cast aside the opportunity we now possess to permanently prevent such occurrences? Shall we allow our system to continue on a winner-take-all basis, which disenfranchises all those who vote for a man who finishes second?

The possibility of total deadlock in the House is a distinct possibility, as the last election showed. What would we have done then, when all avenues of decision had been explored and been found blocked? What would we have done then except resort to the worst political chicanery in order to gain advantage? Or perhaps it could even have degenerated into violence, and those familiar with the American scene then and now certainly cannot discount that possibility.

We can guarantee one-man, one-vote, combined with direct popular election of the Chief Executive. It eliminates possibilities of deadlock, insuring that every vote cast contributes to the result. Further, such a reform would open up the presidential nomination to men from smaller States, while preserving our two-party system by discouraging regional candidates.

If a nation remains blind to existing inadequacies in its institutions which endanger the very underpinnings of its society, it courts national disaster. Political maturity requires admission of such shortcomings and taking of appropriate legislative action to correct them. Such a situation now exists here. Such an opportunity is offered us. Let us by all means put aside partisan bickering and regional prejudice in order to retain viability and flexibility in this, the most basic of our elective institutions.

Mr. EILBERG. Mr. Chairman, we know from Madison's notes on the Constitutional Convention that the Founding Fathers were deeply troubled by the problem of how the President should be elected. The Gallup and Harris public opinion polls in November 1968 indicated that 81 and 78 percent, respectively, of the adults surveyed believed that the system of the electoral college should be changed so that the President and Vice President are elected directly by the voters. A poll which I conducted myself several months ago indicates that the people of northeast Philadelphia, in my Fourth Congressional District, overwhelmingly agree that the electoral college must be eliminated and that direct election of the President should be substituted in its place.

The present system we use to elect the President and Vice President of this great Nation is archaic, undemocratic, complex, indirect, ambiguous and dangerous. This system has made it possible for the greatest of all nations in the free world to have a leader supposedly elected by the people but who, in fact, did not receive a majority of the votes cast. John Quincy Adams in 1824, Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888, all received fewer votes than their opponents. Yet history records each of these men as a President of the United States.

The fact that the system must be changed has been evident since John Kennedy and Richard Nixon were involved in their close contest of 1960. Yet, while there has been agreement that some changes must be made, there has been no semblance of agreement about what course we should take prior to this year when the Judiciary Committee, on which I am proud to serve, set out to clear away the myths and half-truths about the various proposals which had been advanced and get down to the difficult task of drafting the resolution we now have before us.

The 1,000 pages of testimony which was heard on the subject of electoral reform and the countless executive sessions which the committee held to assure that all points of view were fully and carefully aired commend the resolution now before the House to the affirmative consideration of all the Members.

House Joint Resolution 681 recognizes that the election of the President and Vice President of the United States is the most important act of government performed by the people of this Nation. It is an act which demands that each vote be counted equally with another. It demands that my vote and that of the gentleman in California or Alabama be counted equally. In short, the election of our President and Vice President demands full implementation of the one-man, one-vote dictum. No longer can we be content to subjugate this feast of democracy through the use of provisions and procedures that constantly threaten the very principles and practices of that democracy.

Adoption of House Joint Resolution 681 and ratification by the States will take the electoral college—this mockery of everything that this Nation has espoused and symbolized for almost 2 centuries—and abolish it. We will at long last be assured that the man or woman who wins the confidence of the majority of the electorate will lead the Nation.

The fact that direct election of the President and Vice President is the only truly democratic way to elect our national leaders that assures victory to the popular vote winner is reason enough for adoption of House Joint Resolution 681. There are many other reasons also which I am sure are well known to the Members of the House. As a result of our constitutional provision for the electoral college, millions of Americans have known that their votes do not count as much as those of their fellow Americans. I believe that the safety of the Nation and the dignity of the elective franchise dictate that we act favorably and start the machinery in motion to achieve the direct election of the President.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having assumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, had come to no resolution thereon.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may revise and extend the remarks they made on House Joint Resolution 681 and include therewith pertinent extraneous matter.

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

There was no objection.

FREE ELECTIONS IN NORTH VIETNAM

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

Mr. MARSH. Mr. Speaker, I rise to urge free elections in North Vietnam whereby the people of that country might select their chief of state.

The recent death of Ho Chi Minh has caused wide-ranging speculation as to his likely successor. There has been little speculation as to the method of selection.

Granted, it has been suggested that he probably will be one of four lesser-known powers in this tightly held police state. Some observers have advised us to expect a form of collective leadership by two or more figures prominent in the Communist hierarchy of North Vietnam.

All predictions, however, are couched in the language of possibility, contingency and speculation. The term "interim leadership" is mentioned to put us on notice that the succession might not be settled without a protracted power struggle within the collective group, while factions seek to consolidate the people by political finesse and the use of raw power. "Consolidate," in this connotation, is an euphemism for "liquidate." From experience in the observation of other agonies of power transition in Communist states, we might expect the techniques of the purge, even to the possibility of the firing squad.

Implicit in this situation is a travesty of the governmental process and a double standard of political morality.

The holding of free elections long has been a cause celebre in South Vietnam, a country ripped by the agonies of a savage war. In these unstable circumstances, we have pressed, nevertheless, for representative government and free elections. Let us now press for free elections in North Vietnam. Through world opinion and diplomatic channels, let us demand and insist that those who seek to succeed the deceased dictator resort to election by the people at the ballot box rather than selection by liquidation.

Will bullets or ballots choose those who will speak for the people of North Vietnam? Will the people of that oppressed land be heard to say who shall lead them toward peace, or rather, will they be driven farther along the cruel path of conflict with their brothers of the South?

I believe it appropriate, Mr. Speaker, that the Congress, representative of a people which has made a heavy investment in blood and treasure in defense of the freedom of South Vietnam, now make expression of its hope that the interim leaders of North Vietnam will back up a professed interest in peace with a significant gesture of trust in their own people. Accordingly, I have offered today in association with my distinguished colleague (Mr. TALCOTT) a concurrent resolution expressing the sense of the Congress that free elections be held to select the new leader of North Vietnam.

TV DISCOUNTS BILL

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

Mr. MACDONALD of Massachusetts. Mr. Speaker, every Member of this body should take particular interest in a bill that I am introducing today. Indeed, more than 32 Members of this body are demonstrating specific interest by joining with me in bipartisan cosponsorship of the measure representing a broad geographical distribution across the continental United States and extending as far west as Hawaii. They, along with myself and the rest of the membership, can testify as experts on a growing crisis that threatens the American political process.

This Nation's basic mechanism for political democracy, the campaign for election, has been subject in recent years to an accelerated inflation of costs that is increasingly rendering all those who seek to hold or gain office hostage to their own fortunes or to the wealth of others. In large part, these costs have been increasing faster than the general price level, and this, in turn, is because of increasing use of the electronic media of communication.

Television in particular has proven to be indespensible in many election campaigns and television is the most expensive single item in most campaign budgets. Those who cannot afford to use this uniquely efficient tool, with its unparalleled capacity for inspiration and motivation, dream that they could. Those who can afford some television exposure, wish for more. Those who are able to make use of the medium to the full extent of its potential escalate the costs of campaigning for others who cannot match the financial stakes. The pressures of financing campaigns have long had unwholesome influences on the political processes; those pressures now show signs of getting wholly out of hand.

The time has surely come when we in the Congress must come to grips with the

hard realities of the situation, and face the incontestable fact that the costs of campaigning—the keystone political activity of our representative democracy—are fast outrunning our traditional means of campaign financing. In no areas of campaign spending are decreasing costs being predicted by any serious student of the matter. On the contrary, all indications are that future campaign spending totals will eclipse even the projections being made today.

The problem of broadcasting costs has been subject to intensive study by a number of groups both in and out of Congress. The bill I am introducing today is a result of many years of concerned thought and months of detailed research on specific legislative language. The bill, as finally drafted, would not end with one stroke the myriad problems of campaign-financing reform. But it is a start—a careful start, perhaps a modest start, but a workable start.

No area of campaign-financing reform is without controversy. The legislation I am submitting today will no doubt be seen by some as going too far. Others may say it does not go far enough. Many, upon studying the bill and the problems with which it deals, as I have, will conclude that the approach is fair, reasonable, and that it offers a meaningful improvement to the present situation. It is a realistic and practical measure that can command consideration this year, and could—with concerted effort—be put in place to begin yielding benefits to all America by election time next year.

Some progressive broadcasters have already taken meaningful steps in the direction of reduced rates for paid political messages. Among them during the last campaign was a network, NBC, and a major group broadcaster, Storer Broadcasting Co., whose WSBK–TV is located in Boston, which experimented in offering reduced rates to candidates as a public service.

In essence, the bill would provide limited amounts of television time at substantial discounts during the 5 weeks preceding the general elections for U.S. Senators and Representatives. Candidates for those offices would continue, as they do now, to decide how much use of television was in their interest, and on what stations, with complete control of format as is customary with paid time.

The bill makes no change in the workings of section 315 of the Communications Act—the equal-time provisions. A feature of the proposal is that candidates must be serious enough contenders to be willing to pay for their television time. The discounts that are proposed—70 percent off a station's top rates for spot announcements—and 80 percent off for program-lengh time—amount to considerable reductions in cost of television, but under the discounts the time would still not be free. This represents a basic policy decision to avoid equal-time complications and the associated problems with publicity-seeking nonserious candidates.

The time to be made available is limited in the total amount available to any one candidate, and even more limited from the standpoint of the broadcasting stations covering districts where there are multiple television signals available. Candidates for the House seats could claim the discounts on 60 1-minute spot announcements or the equivalent in spots of varying lengths. Candidates for the Senate would have an opportunity to buy 120 1-minute spots or the equivalent. I would stress that no limit is to be placed on the amount of time a candidate may choose to purchase at any station's going rates, and, likewise, there is no obligation for a candidate to buy all the time offered at the discounts proposed under the legislation.

Where, as in many cases, there are two or more television stations covering a given district, the stations would equally share the time to be made available for spot announcements at a discount.

Candidates for the House would be entitled to buy one-half hour of program-length time at substantial discount from each station covering the district. Candidates for the Senate could purchase 1 hour of discounted program-length time from television stations in the State.

Stations located out-of-State or beyond the confines of a given district would share in the provision of time to candidates if a specified percentage of the audience—one-third for House races, one-fifth for Senate races—was within the State or district in question.

Mr. Speaker, it is my hope that the introduction of this measure today will mark the start of a concerted effort to keep this Nation's political processes abreast of the rapid changes in communications technology, so that optimum use is made of the great potential of television—which has been correctly called "a miracle of our age"—to enlighten and stir interest and commitment in our representative system of government. The public interest demands no less.

Likewise, as our Nation progresses, the financial facts of political life demand new attention to the problem of containing runaway costs. This bill is seen first and foremost as a practical measure, that is in accord with the political and economic realities with which every Member of this body has to deal. It deserves to be supported and enacted, so that its benefits can be promptly brought to bear on the growing crisis of campaign financing.

INFORMATION FOR VETERANS ON SCHOOL, TRAINING, AND AVAILABLE BENEFITS

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

Mr. MADDEN. Mr. Speaker, when I was home during the recess, many veterans or their wives made inquiry as to what opportunities veterans had to take advantage of education and training benefits. For their information I have summarized the legislative enactments which will be of great help to all veterans and dependents.

The Government will give you money for study or training that will help qualify you for a well-paying job. This money is not a loan. You will not have to pay it back. This is because the Government would like to help you help yourself in return for the service you gave it. The people at the Veterans' Administration can tell you how to get the money available to you.

You can use Government money to get a high school diploma or a college degree. You can use it for apprenticeship or on-the-job training, vocational or technical school, flight training, farm training as part of a farm-cooperative program, and correspondence courses.

The payments for full-time study toward a college degree can amount to $130 a month. Extra money is given to you for your dependents. Provision is also made for part-time study. You must check with the Veterans' Administration for exact details.

The money given to you while you earn our high school diploma also can amount to as much at $130 a month. If you use Government money to study for your diploma now, you will not lose your eligibility for money for college or training later.

Apprenticeship or on-the-job training benefits amount to $80 a month for the first 6 months. This is in addition to pay from the job. As your training goes on, the Government payments go down every 6 months because you will be earning more on your own.

If you study full time at a vocational or technical school, the payments are the same as for college—$130 a month plus extra money for your dependents.

If you enter a farm-cooperative training program, you will combine work—for which you will be paid—with study. The additional Government payments to you will be $105 a month with extra money for dependents.

Flight training benefits amount to 90 percent of what it would cost a nonveteran for the same training. But before you can receive money for this training, you must have a private pilot's license or have taken training equal to the 40 hours needed for this license.

Government payments will take care of the full cost for correspondence courses. However, your eligibility for other study and training benefits goes down by 1 month for each $130 paid to the correspondence school for your courses.

To find out exactly what Government money is available to you for study and training, and how to get it, visit the regional office of the Veterans' Administration, 2030 West Taylor Street, Chicago Ill. Veterans residing in congressional districts other than the First District of Indiana should visit the nearest regional office or write directly to the Veterans' Administration Headquarters, 2033 M Street NW., Washington, D.C. 20421.

A booklet that also will help you is Federal Benefits for Veterans and Dependents, VA Fact Sheet IS–1. Veterans residing in my congressional district may secure this booklet by visiting my district offices located in the New Post Office Building, Hammond, Ind., and the New Federal Building, Gary, Ind., or writing to me at my Washington office. Other veterans should contact their respective Members of Congress or order this in-

formation for 30 cents from the Superintendent of Documents, Washington, D.C. 20402.

Any correspondence pertaining to a veteran should give his full name, address, C-number or serial number.

PROPOSED AMENDMENT TO TARIFF ACT OF 1930 TO ENLARGE THE CONCEPT OF DRAWBACK

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

Mr. MILLS. Mr. Speaker, today I am introducing an amendment to the Tariff Act of 1930, H.R. 13713, that could give our exports a badly needed boost, and without the risk of provoking nullifying actions on the part of the other countries with which we trade.

As is well known, our surplus trade balance has declined alarmingly, to the point where it is playing almost no role at all in helping to rectify our deficit balance of payments. Although exports have grown steadily and substantially, they have not kept pace with the increase in imports.

One positive way of improving this situation would be to give our exports the same kind of tax benefit that is allowed under international agreement and that is granted by most of the countries of Western Europe. This is the remission of indirect taxes, such as sales or excise taxes, that are imposed upon exports or goods used to make exports.

The bill I am introducing would seek to encourage exports in this manner by enlarging the concept of drawback. Ever since the first Congress, our tariff laws have provided for the return—or drawback—of duties paid on imported goods upon the exportation of products made with such goods. This concept of drawback of duties has been liberalized so as to permit drawback when domestic goods like the imported goods are used in making the export product.

But the drawback of taxes—as opposed to duties—for the benefit of exports is now permitted by law in only a few cases. The bill I am introducing would provide for the drawback of local, State, and Federal indirect taxes to the extent consistent with our international obligations. It would also simplify the existing provisions concerning the drawback of duties.

I am introducing this bill primarily to focus attention on the serious need to improve our export performance. I am aware that the present administration is studying this problem, but I would frankly like to see that study expedited. I understand that the Tariff Commission has been conducting a basic investigation of provisions in our trade laws relating to temporary duty-free imports which include the drawback provision. I am also aware that discussions have been going on in Geneva concerning the remission of indirect taxes and related problems, but I have been disappointed to see how little progress these discussions have made.

The need to do something in this area is too great to go on studying and discussing. I would therefore invite views on this bill not only from the agencies of the executive branch but also from all interested persons outside the Government.

DESCRIPTION OF BILL

The bill reenacts in simplified form the drawback provisions contained in sections 313 (a) and (b) of the Tariff Act of 1930. In addition, the bill provides for the refund of such local, State, and Federal taxes as the Secretary of the Treasury determines are directly or indirectly borne by exported articles.

New subsection (a)(1) is in substance the same as the basic drawback provision in section 313(a). But new subsection (a)(2) modifies the so-called substitution provision in section 313(b) by providing that the domestic merchandise be similar to—and not the same as—the imported merchandise with respect to kind and quality. This change is designed to make it easier for exporters to qualify for substitution. Present drawback recipients would continue without interruption to receive drawback under existing drawback rates.

New subsection (a)(3) adds a new general provision concerning the refund of indirect taxes, using the precedent now in section 313(d) with respect to the refund of Federal excise taxes on certain alcoholic products. This new provision provides for the refund of all local, State, and Federal taxes that the Secretary of the Treasury determines are borne directly or indirectly by the exported article and merchandise used in the manufacture of such article. In administering this new provision, it is anticipated that the Secretary of the Treasury would, under his broad regulatory authority contained in section 313(i), compile average rates of taxation with respect to categories of products.

It should be noted that the amount of drawback provided for in new subsection (a) is fixed at 98 percent—instead of the present 99 percent—because the cost of administering the drawback program has been somewhat over 1 percent in recent years.

New subsection (b) provides that the Secretary of the Treasury shall allow the three kinds of drawback only insofar as he determines it to be consistent with the international obligations of the United States. This is designed, in particular, to assure that the United States engages in no practice that could be deemed a subsidy and thereby provoke retaliatory action against our exports. At the present time, it is believed that all three forms of drawback are consistent with the obligations of the United States under the General Agreement on Tariffs and Trade.

A CRISIS FACING THE PUBLIC SCHOOLS OF ALABAMA

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

Mr. NICHOLS. Mr. Speaker, the schools in my State opened recently for the new school year as they did throughout other parts of the country. But the public schools of Alabama find themselves facing a crisis which is not likely to be resolved in the immediate future.

Last year, every school system in Alabama operated under the so-called freedom of choice plans ordered by the Federal courts. These plans gave any student, regardless of his race, the right to attend any other school in the system. It allowed those Negro students who wished to do so to attend previously all-white schools. It also allowed white students to continue to attend the school they traditionally and customarily had attended in the past.

But the bureaucrats here in Washington and the Federal judges decided that not enough Negro students had chosen to attend the previously white schools, so this year, they ruled that freedom of choice plans, which were constitutional last year, were not constitutional this year. In other words, parents of the Negro students did not choose the way the bureaucrats and judges felt they should, so this year they are doing the choosing rather than the parents.

They have accomplished this by closing many of the Negro schools, and requiring all students to attend the previously all-white schools. In many instances, the Negro school is practically a new school with better facilities than the white school. Since most of our schools were already crowded, you can imagine what they are like with the enrollment suddenly doubled as it has been in many cases.

I have received numerous phone calls and letters during the past few days from parents in my district. These parents are not particularly concerned about the integration of these schools. Granted most of them would prefer to have their children go to school with members of their own race. But they are more concerned about the overcrowding of schools and the lack of facilities and the general lowering of the educational standards than anything else. They are concerned, too, about the long bus trips many of the students, colored and white, are required to make to school.

Mr. Speaker, this concern is not limited to white parents. Negro parents are also opposed to the closing of their schools just to accomplish integration. I have many letters from Negro students, parents, and teachers who want to remain in their own schools. In most cases they are proud of their own school, their own glee clubs and bands, their own football teams.

Because of the seriousness of the conditions in the public schools in Alabama, I have asked Attorney General John Mitchell to personally come to my State and see firsthand the problems we are facing. I sincerely hope that he will have enough compassion for the young people of my State to spend a day or two viewing the deplorable conditions that exist. If he does, I believe he will make every effort to help grant us some relief so that our educational system will not be completely destroyed.

NEED FOR PASSAGE OF PROGRAM INFORMATION ACT

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

Mr. ROTH. Mr. Speaker, over the past 3 legislative days, I have spoken briefly of the need for passage of the Program Information Act, H.R. 338, which would require the President to publish an annual catalog of all Federal aid programs and to update the catalog monthly. As I have in my earlier statements, I would like again today to use the comments of some of our constituents across the Nation, who responded to a questionnaire I sent out dealing with the accessibility of meaningful program information.

I would like to make one point today; however, we vitally need adequate information because potential beneficiaries now are uncertain where to turn for help. In addition, inadequate, meaningless information often misleads applicants and results in the waste of precious manhours.

For example, this comment comes from a county official in California:

It would be very helpful to know that all available aid programs were outlined in one catalog . . . if we could be satisfied after a brief check of such a catalog that we had an outline of all available funding sources for a particular project or program we were contemplating, we could eliminate a significant amount of time formerly needed for "shopping around."

From colleges in New York, Michigan, and New Hampshire:

We currently spend a great deal of time tracking down from a variety of sources the kind of information you would include in a catalog. Not infrequently it is not possible to assemble a complete and current program profile.

In general, the more information you can give us in a consolidated and integrated fashion, the more intelligent will be our response to federal programs.

What we need is a better indexed, single, central catalog.

From a trade group in New England:

Many communities have the feeling they are not taking advantage of available programs because of lack of awareness.

From a city official in the East:

(a) A Comprehensive catalog would provide a guideline for government reorganization of agencies that would more efficiently combine efforts that are otherwise overlapping. This would save money for the government. (b) It would show those in need of help where to go for programs that would give such help, thereby making each program more effective. (c) Program administrators should have copies of the catalog so that families of programs can be coordinated and to guide people in the right direction if the latter apply to the wrong agency.

Mr. Speaker, I ask my colleagues this question: What is the sense of evolving a creative, innovative program to meet the needs of the people if the Government does not simultaneously provide information about the program in a central repository? Many of our efforts will be for nothing if the people back home cannot take advantage of what we do. For this reason, I urge action and adoption of H.R. 338, the Program Information Act.

I will speak on this subject again tomorrow.

ACROSS-THE-BOARD CUT BY ADMINISTRATION ON FEDERALLY FINANCED DOMESTIC CONSTRUCTION

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

Mr. ALEXANDER. Mr. Speaker, I rise today to add my voice to those of my colleagues who have expressed their dismay and amazement at the administration's meat ax approach to the problem of inflation. To say the least, I was shocked that the new administration would just start cutting across the board without giving any apparent consideration to priorities.

I am in agreement that the problem of inflation has become a major threat to the orderly growth and development of our country. I agree that inflation has been even more cruel in its effect on our people that has the tax system which we are trying to reform. I agree that the finding of a solution to this growing problem is one of the most urgent challenges facing the administration and the Congress.

But the problem is not such that we must take actions, the results of which have apparently been given little or no consideration. The magnitude of the problem is not such that we do not have time to give thoughtful consideration to priorities for our Federal tax dollars.

In essence, how can we justify slashing haphazardly across the whole spectrum of domestic construction programs while continuing high funding for programs which, even if good and worthwhile, could be cut back or delayed with little or no effect on our domestic economy. How can we justify a 75-percent cut in federally financed domestic construction, which could lead to financial hardships for many construction companies and a possible increase in the unemployment rate?

I agree that Federal expenditures must be held in check. I agree that a Federal surplus is needed and necessary as a check on the inflationary spiral. I agree that the Federal Government must exert strong, positive leadership in the fight against the shrinking dollar.

But I do not think we would classify an across-the-board cut on all federally financed domestic construction as "strong positive leadership." I urge the administration in the strongest of terms to take a new look at this problem, to reconsider the effects of this decision on our domestic economy and on the construction industry, and to take a new look at what the priorities of this great Nation should be in this time of economic trial.

NARCOTIC DRUGS

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

Mr. GALLAGHER. Mr. Speaker, it is my pleasure to announce that 35 distinguished Members of this House have joined me in introducing legislation (H.R. 13686 and H.R. 13687) designed to strike hard at the trafficking in lethal narcotic drugs.

Our legislation imposes a maximum sentence of life imprisonment on the nonaddicted person who transports narcotic drugs across State lines.

Further, our bill makes it a Federal offense, punishable by life imprisonment, for any adult person to solicit the assistance of, or to actually use a juvenile in an unlawful drug transaction.

Mr. Speaker, as I have previously reported to this body, the two areas covered by our legislation represent huge gaps in our criminal law structure; we seek to fill these gaps today.

The need for stringent Federal laws against the interstate transportation of narcotic drugs is easily seen. Although local law enforcement agencies have performed with superior skill in the drug war, both their numbers and their jurisdiction are limited.

For example, in my own State of New Jersey, the municipal and State police authorities have vigorously, and diligently pursued the battle against narcotics. But they still require, as do police authorities throughout the Nation, strong Federal legislation supported by strong Federal manpower to supplement and strengthen their own notable efforts.

We cannot deny this need. Our city and suburban sidewalks literally bulge with dope peddlers who deal in death and destruction. But, due to the gaps I have indicated, our Federal criminal machinery cannot be applied with full force against these merchants of menace.

The drug addicts themselves are really not the root of the problem. When we consider the tremendous rise in drug abuse throughout the United States, we must carefully keep in mind that the dope peddlers are the true villains of the peace. They are the malicious individuals who rape our neighborhoods and defile our society. The addict is, more often than not, merely the helpless victim of the pusher; both psychological and environmental factors have combined to put him at the mercy of the narcotics junkie.

The addicted pusher is, in a sense, caught up in the same vicious cycle as the ordinary addict; he is under some compulsion to pursue his wayward course, and is desperately in need of compassion and therapy. Accordingly, under the transportation offense section of our bill, we aim the heaviest artillery at the nonaddicted junkies, and prescribe a minimum of 10 years—hard labor—and a maximum of life imprisonment in a Federal penitentiary, for their transportation of hard narcotic drugs across State lines.

Our bill provides that the addicted narcotics transporter be committed to a Federal hospital for therapy and cure. Such commitment would be a mandatory sentence for the addict who is convicted under this section of the bill.

Mr. Speaker, we feel it is essential that the law distinguish between the ad-

dicted and nonaddicted pusher when applying sanctions to transporters. In order to knock out the trade in narcotics, we must knock out the responsible suppliers; this means the cold, calculating dope peddlers who, while not hooked themselves, willfully initiate and continue the addiction of others.

The nonaddicted junkie is the twisted animal that rests at the root of our crime problem. Indeed, most of our crime in the streets can be traced directly back to the trafficking in illegal drugs, prostitution, muggings, larcenies—these are all ultimately linkable to the drug trade. The proximate cause is evident: An addict in need of a fix is an addict who will do almost anything to get that fix. And to whom does this addict owe his misfortune and his monetary tribute? To the dope peddler, who dines at a table spread full with the products of human misery.

The perversity of dope peddling requires no sermon. But, it nevertheless boggles the mind to realize the extent to which youths have been coerced and used in the drug traffic. Schoolyards, no less than streetwalks or campus grounds, have become centers for the distribution of narcotics. It is no source of comfort to consider that our children may be walking to the welcome arms of a waiting pusher when they walk to school.

And usually, the demon who they encounter at school is not some leering adult villain; rather, narcotics are distributed in the schools through the hands of youngsters themselves who have been abused, corrupted, and exploited by the adult pusher. If and when these unfortunate youngsters are apprehended, literally nothing can be done to get at the real criminal, for it is the young person who is found with the illegal product and caught in the illegal act.

And, how much worse even than the man who just sells dope, is the man who involves a young person with narcotics? It is this man who reproduces and regenerates his own terror and perversity and who guarantees that the drug traffic will continue its flow.

It is precisely for this reason that we need legislation which would enable law enforcement officials to remove the adult who uses or who attempts to use juveniles in the narcotics trade.

The States, too, have a responsibility in this area; yet, at the present time, only six States—Colorado, Illinois, Massachusetts, New York, Pennsylvania, and Texas—have laws specifically forbidding the use of juveniles in an unlawful drug transaction.

Through our legislation, we post notice to all those who would involve young people in their vicious, venemous activities.

Let them stand warned that this Congress, this Government will not tolerate a further disintegration of our society through the slow undoing of our young.

Let the dope pusher beware that while it may be too late to save him from the perversity of narcotics trafficking, it will never be too late for this Government to stop him from destroying a child.

Mr. Speaker, the current administration has stated that it is up to this Congress to seize the initiative in the war on narcotics. We dare not shrink from the challenge or the responsibility.

The proof that this Congress has decided to raise the standard against dope peddlers is found in the wide, bipartisan cosponsorship of my bill. For there is no Republican or Democrat position on this issue, no division in sentiment between a political left and a political right. When a dope peddler poisons a young American, he does not first inquire as to his party affiliation or ethnic background.

What we need, then, is not more jails for young persons, or more cells for helpless addicts. Rather, what we require is a concerted effort to attack those who are truly at fault, those who provide the drugs and who establish the outlets for their sale.

Let us today decide to junk the junkies for once and for all.

The distinguished Members who have joined with me in this legislation, have committed their energies to the task fighting drug abuse in our society. I know that the entire House recognizes the urgency of this fight and will support it in full measure.

Mr. Speaker, in the hopes that our legislation will receive quick and favorable consideration, I am placing a copy of the bill, with a list of its cosponsors, in the RECORD at this point:

H.R. 13686 AND H.R. 13687

A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs and to make it unlawful to solicit the assistance of or use a person under the age of 18 in the unlawful trafficking of any such drug

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7237 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsections:

"(f) Unlawful Transportation of Narcotic Drugs.—Any person who commits the offense described in section 4724(b) shall—

"(1) if such person—

"(A) is determined in accordance with section 4252 of title 18 of the United States Code not to be an addict, or

"(B) committed such offense after a prior conviction for committing such offense,

be imprisoned for not less than 10 years and may be imprisoned for any additional term of years or for life; or

"(2) if such person is determined in accordance with such section to be an addict and has no prior conviction for such offense, be committed, in accordance with chapter 314 of such title 18, to the custody of the Attorney General for treatment.

For purposes of this subsection, the term 'addict' shall have the meaning prescribed for that term by section 4251 of such title 18.

"(g) Soliciting or Using a Minor in Unlawful Trafficking of Narcotic Drugs.—Any person who solicits the assistance of another person under the age of 18 to commit, or uses such person in the commission of, the offense described in section 4724(a) shall be imprisoned for not less than 10 years (with hard labor) and may be imprisoned for any additional term of years or for life."

(b) Section 7273(d)(1) of the Internal Revenue Code of 1954 is amended by inserting ", (f), or (g)" after "subsection (b)".

LIST OF COSPONSORS

Walter S. Baring.
Mario Biaggi.
Frank Brasco.
J. Herbert Burke of Florida.
Daniel E. Button.
James A. Byrne of Pennsylvania.
Bill Chappell.
Frank M. Clark.
James M. Collins.
Dominick V. Daniels.
John J. Duncan.
Leonard Farbstein.
Louis Frey, Jr.
Samuel N. Friedel.
Richard Fulton of Tennessee.
Cornelius E. Gallagher.
Charles H. Griffin.
Wayne L. Hays.
Henry Helstoski.
Frank Horton.
Martin B. McKneally.
Robert Nix.
Maston O'Neal of Georgia.
Jerry L. Pettis.
Bertram L. Podell.
Adam Clayton Powell.
Peter W. Rodino, Jr.
Charles W. Sandman, Jr.
Herman T. Schneebeli.
John M. Slack.
Tom Steed.
Vernon W. Thomson.
Joe D. Waggonner, Jr.
G. William Whitehurst.
John Wydler.
Roger H. Zion.

CROPLAND AND WATER RESTORATION BILL

The SPEAKER pro tempore (Mr. ALBERT). Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 1 hour.

(Mr. HALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. HALL. Mr. Speaker, on the second weekend of August of this year Dr. Don Paarlberg, special assistant to the Secretary of Agriculture; Congressman ODEN LANGEN, chairman of the House Republican agriculture task force, and other officials of the Department of Agriculture gave very generously of their time in order to accompany me in a visit to the Gene Poirot farm near Golden City, Mo. This is the same farm that the House Committee on Agriculture took time to visit 2 years ago and this is the same Gene Poirot that testified before the committee both in the 89th and 90th Congresses. The purpose of the visit was to view personally the soil restoration and water retention program in use on this 1,900-acre Missouri farm. The Poirot family magnificently demonstrated how it has applied the basic laws of nature to farm and land management. This distinguished group saw low cost irrigation methods which have enabled the Poirots to weather successive periods of extensive drought which brought severe economic loss and tragedy to other farm operations. Then they saw, spoke with, and listened to a "man of the soil" who has had the ability to incorporate his observations and experiences in a most readable book, "Our Margin of Life," which I sincerely believe should be must reading in every school of agriculture in the United States.

Dr. Paarlberg lavishly praised this book and indicated that the Nixon administration would borrow features from the book whose concepts I have incorporated

into my farm legislation. An article in the August 10, 1969, edition of the Springfield, Mo., Sunday News & Leader, written by Frank Farmer, spells out in greater detail this successful visit. The article follows:

HALL-POIROT IDEAS TO BE PART OF NEW FEDERAL FARM PROGRAM?

(By Frank Farmer)

"When Secretary Hardin makes his recommendations to Congress, don't be surprised if you see some of the features of Doc. Hall's Cropland and Water Restoration Bill in it."

That was the comment late Saturday by Dr. Don Paarlberg, special assistant to Secretary of Agriculture Clifford Hardin.

The place was the sprawling prairie farm of E. M. (Gene) Poirot, south of Golden City. The occasion was a field demonstration on the Poirot farm to Dr. Paarlberg, Rep. Durward G. Hall, Rep. Odin Langen, Minnesota, and to conservationists and agriculturists, of row crop hydrology, water conservation and soil restoration, wildlife habitat and enhancement of natural resources.

Dr. Paarlberg's comment possibly was the most concrete hint yet of what the Nixon administration intends to do in the field of agriculture. He spoke swiftly, articulately, with poise and confidence, that appeared to make a favorable impression on the 100-plus visitors at the demonstration.

He did not staunchly confirm Congressman Hall's Cropland and Water Restoration Bill, but he praised features of it highly, and complimented Poirot on his labors and his book, "Margin of Life," which partially inspired the bill.

"I have read his book," Paarlberg said. "He has an appropriate insight into humanity, a philosophy, a sensitivity. He is also somewhat of a poet."

Paarlberg noted that his job is to help make studies that will finally lead to the recommendations Hardin will make to Congress, probably in the fall. "He has not said if it is to be general or in the form of alternatives," Paarlberg said, "if it will point in a specific direction or be left open."

"We have received various proposals, including Dr. Hall's. I have read the bill and it has features of great merit. There is a full range of farm proposals, many of them with the resource adjustment akin to those presented this afternoon.

"The idea to limit crop production is appropriate. The idea to restore resources is good. The idea to change resources as determined by market conditions is appropriate. The idea of product income is good, and the idea that the public has a great enough stake in the food resources is a good idea which the secretary and Congress will like.

"When the secretary makes his recommendations, don't be surprised if you see some of these features, but there are indications there will be other than those. The recommendations may be a synthesis of what we are able to borrow from the work of Poirot and Dr. Hall, from the experience of the Department of Agriculture, other people who have resource adjustment ideas, people on our own staff, Congressman Langen's task force and other congressmen.

"Secretary Hardin has not promised a sure-shot single solution of all of the problems in agriculture. That has been promised in the past and most have fallen far short of those promises.

"The secretary is heartened that all over the country there are programs like this. He has chosen to listen, rather than preach, study, rather than talk, to analyze before acting. The purpose of the extension of the 1965 farm program for one year was to give us time to make this study.

"When he has his studies made, he will make his recommendations. That may not be the dramatic way, but it is the sound way."

Hall, in explaining his farm bill, said, "Cropland soil, its plant food, and the water necessary to make crops grow are not expendable. If these die or disappear, the rest of the population cannot be sustained, and some will also die until these basic elements are brought back into the balance with human need.

"The basic premise of our bill is that the cost of doing soil and water restoration IS a cost of producing food. It must be paid by the consumer either directly at the store, or indirectly through the government which is ALL the people. It must result in voluntary and honorable profit to the farmer. He must be considered and respond with expertise.

"The basic approach is to offer farmers a 'second market' by the opportunity to shift a percentage of cropland to the production of a suitable cover crop for his particular region, such as sweet clover, plowed under, with the government paying a fair price per dry-weight ton, and with the farmer free to choose between this market, or the consumer market for food and fiber he would otherwise grow."

Hall noted that under the "second market" plan three important objectives would be met:

1, Each farmer would be given a chance to earn a minimum fair net income for values accomplished, without a chance to produce a surplus of questionable quality, or later, the need of producing it to pay costs.

2, Each farmer would be given the opportunity to adjust his participation to the size of his own problem. He could use all, or none, of his land, one year at a time.

3, Each farmer would be given not only a chance, but the incentive to use the science of agriculture to solve his own individual problems relating to his land, without creating a problem of over production for others.

Dr. Hall was asked four questions by a reporter:

Q: "Where will the money come from?"

A: "From the taxpayers' pocket. It is of direct benefit to them."

Q: "How much will it cost?"

A: "We estimate $2.6 billion, a reduction of $6 billion from the cost of the current program."

Q: "Who would administer the program?"

A: "The Department of Agriculture through the ASCS offices, with a man on the spot at time to plow or cut."

Q: "Would it supplant the current programs entirely?"

A: "Yes."

Now, Mr. Speaker, I am introducing today an updated farm bill which is largely based on Gene Poirot's observations and recommendations, and which offers to this body, to the Nixon administration, to the farmers and consumers of this Nation: a new concept, a new and fresh approach to the farm dilemma, which has plagued without exception every administration in office for the past four decades. This bill is entitled the "Cropland and Water Restoration Bill."

Effective agricultural production depends upon a suitable supply of air, sunshine, soil plant food minerals, and water. Any one or all of these can limit agricultural production. In general, soil plant food minerals and water are the limiting factors. These four are nature's requirements and will continue to produce food and fiber without man. When man enters agricultural production as a farmer, and as a consumer paying the farmer for producing his needs, science becomes necessary for the farmer and economics becomes necessary to provide an orderly means of exchanging products between them.

During our past agricultural history, farmers have produced more in food and fiber—under an unorganized business—than nonfarmers would buy; so, many farmers went to town. The result is our industrial prosperity built upon a great agriculture now nearing its top in capacity to produce for an ever increasing demand.

So as to raise our agricultural soils and water resources to a higher level of production in a scientific manner, and so as to prevent unfair low prices to the farmer and unfair high prices to the consumer, and so as to continue to have an efficient national agriculture capable of growing abundance for the consumer at a reasonable cost to him and without producing an unwanted surplus yet flexible enough to readily meet the new demands, a new type of farm program has been suggested, called "A Second or Escape Market for the Farmer."

In operation the second market would—

Buy tons of a suitable crop which by its growth and yield would—

Prove the degree of soil restoration and water conservation accomplished and paid for by the farmer—

In any amount of tons the farmer wants to sell—

At a fair price announced each year but above an approved standard such as a minimum wage, parity or share of national income—

Grown on any part or on all of his cropland—

Leaving the farmer the choice of selling to the Government or of otherwise disposing of the crop without Government payment.

In actual practice in Missouri, for example, the second or escape market would offer to buy sweet clover or its equivalent growing alone for 1 year at $25 per dry weight ton to be plowed under. If the farm had a pond approved by the SCS for irrigation and flood control or other practices of special value the suitable crop would be worth say $30 or more per ton. The weight and rent per acre would be figured on the spot for the farmer to accept or reject the offer.

In the past, the surplus seemed the only problem, so economists and politicians—few of them farmers—were given the job of reducing it. Various farm programs, at a great cost, have worked at doing so for more than 30 years. They have been successful but they have also disregarded the following important items:

First, soil and its plant food minerals: 37 percent of the topsoil is gone beyond repair. As late as 1963 we were still using and wasting three times as much plant food as we returned in all fertilizers. There is no program to change that course.

Second, water: It falls on the land in abundance. Agriculture needs it in great amounts for efficient production. Farm programs have, perhaps by necessity, ignored it as a vital part of agricultural production and have seldom made any effort to conserve it.

Third, farmers: 70 percent of them are in the poverty group, family net income of $1,851 in 1965. The average income of all of them about 64 percent of

that of the nonfarm population. In previous years, it was 50 percent or less. Farmers cannot control the price of what they buy or sell. They have no control over the research done for them. They have no control over the farm programs. They are penalized if they do not participate. They do not agree on a policy of their own or on Government programs. There is no leadership.

Fourth, consumers: Programs were to increase the prices to the consumer by reducing the surplus. When the program was getting it done in 1966 the consumer objected and prices started down for the farmer but up for the consumer with the farmer taking the blame. No one told the true story. Farm programs should give first consideration to the consumer who is the only reason for farming. The program should open the door to science to provide the best food of the highest nutritional value in an efficient way at reasonable cost and it should protect the potential—soil, water, research, and farmers—for producing such food in the next generations.

The Poirot suggestion, called a second market for farmers, differs in that it is based upon further developing soil and water resources—not limiting them—according to the teachings of scientific agriculture—not politics and economics alone—as we know it now and as more facts become available through research. By all college of agriculture's standards, this is called "good farming."

The program differs by offering a fair money reward for good farming—not a stingy amount of relief money for idling land as in the soil bank. Not large sums of money for surplus control to those on rich land where there is no problem, and only one-third as much per acre to those on poor land, needing fertility, water, and the money to buy them. The second market buys only proven results, regardless of the political power a group may have, or the richness of the soil. It does not pay for storing large amounts of surplus products, or large sums for giving them away later.

The program pays at a minimum wage or parity level for the services it buys from the farmer. Any product he grows which yields less net income per acre is at once a surplus so he shifts farming efforts and the troublesome land to the second market provided by the Government for developing its soil and water resources to a higher level of more economic production.

Since yield per acre, market price, and local costs are all factors in net profit a change in any one of them can cause acres to be shifted into or out of production under the second market program. This is far more flexible than any directive delivered from Washington, D.C., could ever be because the individual farmer makes the deicsion on his farm.

The evident results are "good farming" at a high level of efficiency. Run by farmers, producing above the poverty level at a reasonable price for the consumer without danger of accumulating a surplus and without the sting of "farm relief" and "subsidy" attached.

Another result will be a permanent system for agricultural production with little or no competition from the off-the-farm people who either own already rich land or can restore soil and water resources to make it so and thereby gain income tax relief. If the land should become rich, beyond our food and fiber needs, industry can find use for the products it will grow at low cost to make them into products people will need. Many such products are already known. Research will find others. Other uses for any extra land could well be environment controls to hold insects and diseases in check; restoration of wildlife habitat; ponds for farm and community water supplies where nitrate poisoning in wells becomes a health hazard; the preservation of virgin stands of grasses and timber, and beautification in general are a few. The extra good land we had when Columbus discovered America was never a liability.

Unlike past and present programs, the "second market" program offers the dairy and livestock farmers a defense against low market prices and high costs by giving them a chance to make money by selling their low producers while building up more productive land, and growing more efficient animals. Because of the mild climate, south Missouri dairymen can compete with any farmer if they enrich their soils and provide cheap water to irrigate the crops growing on them.

The "second market" program gives the small farmer, raising a large family but lacking credit and information, a chance to compete with the large farmer who has credit and information but who must hire help. The Government second market gives both the same chance for soil restoration and water conservation with the help of already available county agents and SCS engineers. Small productive Ozark bottom fields, cheap hillside pastures and a large family can produce a lot of wealth with a little help in the selection of more valuable crops and soil restoration and water conservation.

The soil bank bought land abandonment at a per acre figure already distressing to the farmer living on it. The community lost the farmer as a customer and the chance to haul and process the products of his abandoned land. The "second market" program retains the farmer as a customer, restores the capacity to produce to the land so it can meet the competition of better lands and farmers elsewhere and serve in the economic development of the community.

The amount of money appropriated for present programs is not determined by any specific guides. The amount of money to be appropriated for the "second market" program is to be an amount large enough so that the farmers of the Nation will return to the Nation's soils in total as much plantfood each year as that used, wasted, and lost in agricultural production. The figure will probably not be too high because as consumer market prices go near to where they should be, farmers will use more fertilizer to supply that market.

Let us remember: Human bodies and minds are the final product of agriculture.

To protect those bodies and minds from disease we support the best scientific laboratories in the world. We require doctors to be trained for years in using the best science has to offer, before they get a license to touch human bodies.

Our Armed Forces are geared to protect them from an enemy attack with the best in science, skills, and machines money can buy.

Is there any sensible reason for denying agriculture the money to encourage farmers by this "second market," or by any other means to use science in restoring and preserving our food producing soil and water resources so vital in guarding the health and growth of human bodies from the moment of conception to death?

Administrative costs should be less. There would only be one crop to measure; participation would be checked only on those farms selling to the second market. There would be no surplus to measure and give away. There would be no "cost sharing" for fertilizer, lime, terraces and many other activities now requiring many more people than were needed a few years ago.

In return for the administrative costs there would be something bought of great value to all people, soil restoration and water conservation.

To summarize then Mr. Speaker, there is no doubt that the farm policies of the past are reaping a bitter harvest today.

The American farmer, uneasy and restless, because of the unstable trend of agriculture, needs a new seeding of ideas. Ideas that will necessitate the plowing of new ground, to revive and bring forth new fruit in the orchards of the economy of the Nation's largest business.

To that end, Gene Poirot, a man of the soil, a master farmer, author of the book, "Our Margin of Life," who has applied the fruits of science and technology to his farm operation on wornout acres, members of the Missouri Seventh Congressional District farm advisory council, and myself, have put together some ideas for legislation that we call the cropland and water restoration bill. I think, that contained in this measure, is a better way to meet the farm challenge, based on concepts that any farmer can understand, and on concepts which if properly explained to the public, will erase the popular conception that farmers are being paid not to grow food and fiber.

The backbone of this legislation is for soil and water restoration, the incentive to accomplish both, with a realistic profit margin for the farmer.

It is important to remember, that it is not the big farmer—that is, the one with top-quality land, adequate water, and sufficient capital—who needs the help. It is the farmer on marginal land, with the ever-present threat of inadequate rainfall, with little capital and no margin for error, and no control of the market forces, who is in real trouble. Yet it is this same man who under the farm policy of the past two decades or more, receives the least Federal assistance, while the man who already has everything going for him—including rich soil—benefits the most from present

farm program outlays, even to the point of not properly using the resources.

The Hall farm bill—the cropland and water restoration bill—makes clear that cropland soil, its plant food, and the water necessary to make crops grow, are not expendable. If these die or disappear, the rest of the population cannot be sustained, and some will also die until these basic elements are brought back into balance with human need.

The basic premise of our bill is that the cost of doing soil and water restoration is a cost of producing food. It must be paid by the consumer either directly at the store, or indirectly through the Government which is all the people. It must result in voluntary and honorable profit to the farmer. He must be consulted and respond with his expertise.

The basic approach is to offer farmers a "second market" by the opportunity to shift a percentage of cropland to the production of a suitable cover crop for his particular region, such as sweet clover, plowed under, with the Government paying a fair price per dry weight ton, and with the farmer free to choose between this market, or the consumer market for food and fiber he would otherwise grow.

Under the "second market" plan three important objectives would be met:

First. Each farmer would be given a chance to earn a minimum, fair net income for values accomplished, without a chance to produce a surplus or questionable quality; or later, the need of producing it to pay costs.

Second. Each farmer would be given the opportunity to adjust his participation to the size of his own problem. He could use all, or none of his land, one year at a time.

Third. Each farmer would be given not only a chance, but the incentive to use the science of agriculture to solve his own individual problems relating to his land, without creating a problem of overproduction for others.

The results that would occur would be—

First. Surplus control would be done by farmers, voluntarily.

Second. Abundance would be assured in a steady, nutritious supply, at a reasonable price for the consumer.

Third. Net profit to the farmer would be assured at or above the parity of top income level.

Fourth. Above that level, the consumer would regulate the price by his demands. At that level, the farmer would regulate the price of what he buys by his demand and/or options.

Fifth. The Nation would be assured of a permanent potential in case of emergencies for the production of food and fiber by a constant program of soil and water restoration.

It is my feeling that this cropland and water restoration bill, with the built-in feature of a "second market" could become the answer to what has been termed our national disgrace, the seemingly insoluble farm problem. It is truly based on the balance of nature, "our margin of life."

LEGISLATION TO CONTROL AND SUPERVISE PRIVATELY CONTROLLED TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS

The SPEAKER pro tempore (Mr. ALBERT). Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 15 minutes.

Mr. PATMAN. Mr. Speaker, I would like to unfold another chapter in the continuing story of privately controlled tax-exempt foundations.

The bill introduced today by me with Congressmen EVINS, ADDABBO, and BUTTON coauthors, has been needed over a long period of time. It is referred to the Committee on Ways and Means for consideration.

As we look upon our great country today, we see the big corporations, the big banks and the privately controlled tax-exempt foundations closing their hold on the economic windpipe of America.

The average American citizen is overburdened with taxes and unable to obtain mortgage money, even at the present high interest rates, to buy a home. The small businessman is hamstrung by his inability to obtain a loan despite high interest rates, and is competing against tax-exempt business.

We have the highest interest rates in our history; the greatest concentration in our history of financial, economic and business power in the hands of the big banks, big corporations, and the conglomerates. Privately controlled tax-exempt foundations and charitable trusts add a further dimension to the problem. Tax exemption places an additional burden on the average taxpayer who must pay from his pocket what the tax-exempts do not pay, or what is lost through tax deductible contributions to such organizations.

In 1962, in the original report of the Subcommittee on Foundations, which I as chairman issued, I pointed out that for the 10-year period from 1951 to 1960, almost $7 billion in receipts of 534 foundations was not subject to taxation. In the one year, 1951, these receipts had amounted to $554 million, but by 1967, $1¼ billion in receipts of 647 foundations were being siphoned off, in that one year alone, from the taxable income of this Nation. From 1961 to 1967—a 7-year period—receipts of the foundations studied—575 to 647—totaled $8.7 billion or 25 percent more than for the preceding 10 years from 1951 to 1960 for the 534 foundations studied.

On an accumulated basis from 1951 to 1967, almost $15.7 billion had been received by such organizations. Of this $15.7 billion, a little less than half, or $7.3 billion, came from such sources as business income, interest, dividends, rents and royalties. Over half of the balance, or $4.1 billion, came from capital gains on the sale of assets and the remainder, $4.3 billion from contributions, gifts, and grants.

It is clear that foundation-controlled businesses are competing with tax-free dollars against the average businessman who is at a disadvantage because of his taxpaying requirements. Further, it is obvious that there is a great deal of speculative activity in the securities field—note the capital gains. Our latest report shows that 154 of 647 foundations, or almost 25 percent held sizable amounts of stock, from 5 to 100 percent, in 313 corporations. At the close of 1967, the carrying value of these shares was $2.7 billion with an estimated market value of $6.2 billion. These holdings have a powerful influence on control situations, in the marketplace and in proxy solicitations.

When we take a look at the market value of total corporate stockholdings by these foundations, we find that their holdings amount to the staggering sum of $13.1 billion, or almost 80 percent higher than the holdings at the end of 1960. In a similar vein, these foundations had total assets at market value at the end of 1967 of $17.8 billion as compared to some $10.2 billion at the end of 1960, an increase of almost 75 percent. To place this in perspective, the $17.8 billion valuation is half as much again as the $11.8 billion of the capital stock, surplus, undivided profits and contingency reserves of the 50 largest banks in the United States.

What have these foundations done with these tax-free dollars? In the years 1951 through 1967, these foundations disbursed, out of $15.7 billion in receipts, $9.9 billion of which $1.9 billion, or almost 20 percent was paid out for expenses, and $8 billion was distributed for contributions, gifts, and grants. In other words, it cost the foundation $25 in expenses for every $100 of contributions, gifts, and grants made. However, this is an average figure. For 1967, it cost the foundations $33 in expenses—$253 million—for every hundred dollars in contributions, gifts, and grants made—$754 million. Further, the $8 billion in contributions, gifts, and grants represents only about one-half of the receipts for this period.

Privately controlled tax-exempt foundations and charitable trusts are established to distribute their tax-free dollars for the worthy purposes for which tax-exemption status was granted. Has this been done? No indeed. As of the close of 1967, the accumulated unspent income exceeded $2 billion as compared to $367 million at the end of 1951, or an increase of almost 500 percent with no signs that such accumulations are at an end. In addition, their capital structure is constantly increasing.

When we consider that this incredible tale covers only 647 of some 30,000 foundations, even though these include most of the larger ones, the tremendous impact can only begin to be realized. Further, such organizations are proliferating at the rate of some 2,000 each year.

The Internal Revenue Service and the Treasury Department has admittedly been extremely lax in their surveillance of these organizations. It took them years to supply the Subcommittee on Foundations with a listing of these organizations. Shortly, thereafter, a large number of corrections to this list were made. They have proven themselves unable to exercise the close supervision and control

over these organizations for which the average taxpayer and the small businessman of this country are crying aloud. While the tax problem is an important one, there are many other aspects of foundation operations which require the closest scrutiny.

We have built a Frankenstein monster, which together with high-interest rates, the big greedy banks and big corporations will continue to choke economically our average taxpayer and small businessman. We cannot let this happen. We must take action now.

In 1962, I made a number of specific recommendations on this subject, based on the abuses which were uncovered. They are as applicable today as they were then and at this point I would like to insert them in the RECORD:

1. In my view, consideration should be given to a limitation of 25 years on the life of foundations instead of permitting them to exist in perpetuity.

2. Tax-exempt foundations should be prohibited from engaging in business directly or indirectly.

Foundations controlling corporations engaged in business, through the extent of stockownership in those corporations, should themselves be deemed to be engaged in that business.

3. Commercial money lending and borrowing by foundations should be banned.

4. Arms-length relationships should be enforced. A foundation should not be permitted to use its funds to grant benefits to a controlled company's employees. This is quite a competitive advantage.

5. Foundation or donor solicitation or acceptance of contributions from suppliers or users of goods or services should be prohibited.

6. A foundation should not be in the position of exercising control over any corporation, directly or indirectly. In my view, all foundations should be limited to ownership of no more than 3 percent of the stock of a corporation and should not be allowed to vote stock.

7. Standards should be established with respect to foundation behavior in a proxy fight.

8. Another area that needs consideration is that of investments. There is a sharp difference between investing in securities and speculating or trading in securities. In other words, there is a difference between being a passive investor and an active securities merchant or gambler.

9. Is the tax law sound in permitting a deduction for charity to a person who merely transfers funds to a foundation that he himself controls, where the money has not as yet reached actual operating charities?

In my view, a contributor should not be allowed a deduction for payments to a foundation that he controls until the foundation actually uses the money for charity. The foundation should be recognized as being the alter ego of the controlling contributor. Income earned by the foundation should be taxable to the controlling contributor until put to charitable use.

10. Exemption should be denied if a foundation has been formed or availed of for tax avoidance purposes or to get financial benefits for the contributor. Conversely, a controlled corporation should not be allowed a contribution to a foundation, but instead the payment should be considered as a dividend to the controlling stockholder where the amount is significant and the foundation is unrelated to the business purpose of the corporation.

The tax law says that a foundation's earnings may not inure to the benefit of any private individual. It should be made clear that "individual" includes corporations and trusts.

11. Isn't there something out of gear with the tax law that, under the guise of charity, permits a taxpayer to actually enrich himself at the cost of all other taxpayers? One answer may be to treat gifts to foundations in the same way as private gifts, and figure them at the cost of the property given or their value, whichever is lower.

12. In the case of corporations that are treated like partnerships (Subchapter S, Chapter 1, Internal Revenue Code), contributions to foundations should "pass through" to the stockholders and be included pro rata as contributions by the stockholders personally. In that way, the 20 percent and 30 percent limitations on contributions will be maintained. At present, through the mechanics of Subchapter S (Chapter 1, Internal Revenue Code), an extra 5 percent of the corporation's income becomes deductible by the stockholders.

13. For the purpose of figuring the accumulation of income, contributions to a foundation and all capital gains of the foundation should be considered as income, and not capital. Both the original contribution and the income from it are ordinarily available to the foundation without distinction.

This would eliminate a device for avoiding unreasonable accumulation of income: contributions from one donor-controlled foundation to other foundations controlled by the same donor.

14. For the purpose of computing the accumulation of income, amounts unreasonably accumulated in corporations controlled by a foundation should be added to the foundation's direct accumulation as if the two were one.

15. Corporations controlled by foundations should be subject to the unreasonable accumulation earnings tax in section 531 of the Code. At present, that tax is imposed where dividends are held back to save tax for stockholders. It should also apply where dividends are held back to save the existence of unreasonable accumulations for foundations otherwise exempt from tax.

16. Re gift and estate taxes:

(a) Exclude from the base for the marital deduction amounts left to foundations that are hence untaxed.

(b) While amounts given to foundations are not subject to gift and estate taxes, the rate brackets to be applied to amounts that are taxable should be the same as if the foundation amounts were part of the taxable gifts or estate.

17. Consideration should be given to a regulatory agency for the supervision of tax-exempt foundations.

18. A penetrating review of every application for tax exemption is needed.

19. All matters relating to the granting or denial of tax exemption, as well as revocations and penalties, should be made public.

20. The full content of foundation tax returns should be open to public inspection.

21. A national registry of all foundations should be published annually.

22. The tax returns of foundations should require disclosure of amounts spent for instigating or promoting legislation, or political activities, or amounts paid to other organizations for the purpose.

23. The returns should likewise require disclosure of amounts spent for TV, radio, and newspaper advertising.

24. The returns should call for a description of all activities, directly or indirectly engaged in by the foundation, in which commercial organizations are also engaged.

25. The program of field auditing returns of foundations should be greatly expanded.

26. Stiff penalties and revocation of tax exemption for improper or insufficient reporting would help curb abuses.

Mr. Speaker, these and other reforms are vitally necessary.

H.R. 13270 which was recently passed by the House contains provisions dealing with some of these abuses; others still remain.

I am, therefore, introducing legislation to establish an independent Federal agency to control and supervise these organizations. The agency, the Private Foundation Control Commission, would be headed by three Commissioners appointed by and reporting to the President. It would—

First, provide general leadership in the identification and solution of problems relating to private foundations;

Second, facilitate the enforcement of internal revenue laws and regulations relating to private foundations and aid in the development of a more equitable tax structure with respect to such foundations;

Third, develop and recommend to the President and the Congress policies and programs designed to ameliorate the problems relating to Federal taxation and regulation of private foundations; and

Fourth, establish and administer a comprehensive registration and reporting system for private foundations and to determine and centrally record the financial and other operations of such foundations in order to assist in the accomplishment of the foregoing objectives.

The agency would be self-sustaining by assessing against the foundations a registration and an annual maintenance fee to cover the agency's administrative costs. This fee would not be a substitute for the 7½-percent tax on net investment income contained in H.R. 13270 recently passed by the House.

Your support is solicited for consideration and speedy action on this legislation to cure this ever-growing problem.

THE ARMS TRADE—PART IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 15 minutes.

Mr. COUGHLIN. Mr. Speaker, last week week King Idris of Libya was overthrown by a small group of radical military officers. Whether or not this coup will ultimately prove to be beneficial to Libya's, America's, or the West's best interests remains to be seen. But what is certain at this time is that a regime friendly to the West has been overthrown by an unknown quantity armed with Western weapons. It is also certain that the unrestrained trade in conventional arms by the great Western industrial powers helped provoke this latest incident.

According to the Institute for Strategic Studies in London, Libya's military posture in the spring of 1966 was as follows:

LIBYA

GENERAL

Population: 1,610,000.

Voluntary military service; a conscription bill is to be introduced during 1966.

Total armed forces: 7,000.

Defence estimates 1965: £L5,000,000. ($14,000,000).
Total expenditure 1965: £L85,801,430.

ARMY

Total strength: 6,000.
1 armoured and 5 infantry battalions equipped mainly by Britain.
2 artillery battalions equipped by the USA.

NAVY

Total strength: 200.
1 corvette.
2 inshore minesweepers.

AIR FORCE

Total strength: 800.
6 light aircraft and a C–47 transport.
2 T–33 jet trainers.
Some more T–33s, about 6 C–47s, and 2 helicopters may be supplied by the USA.

POLICE

Total strength: 12,000.
In Cyrenaica the Police (CYDEF) is a stronger military force than the regular army. It has recently been given the responsibility of guarding oil installations against the threat of sabotage.

AID

Army personnel have had training from the British and US military missions in Libya, some Naval cadets have been training in the UK, and about 50 pilots in Germany and the USA. A few military personnel are also being trained in the Italian, Greek, and Turkish forces.

From all other indications, the Libyan defense posture changed little in the next 2 years.

But in 1968, Great Britain concluded a $280 million sales agreement with the Libyans which included supplying sophisticated Thunderbird and Rapier antiaircraft missiles, elaborate radar equipment, and various other air defense gear.

At the same time, the United States agreed to sell Libya 10 F–5 Freedom Fighter jets, despite the fact that Libya had—and apparently still has—no personnel capable of flying or servicing them.

In early 1969, Libya agreed to purchase a large supply of British Chieftain tanks and self-propelled cannon. All of this equipment, including the air defense missiles and jets, is estimated to cost the Libyans approximately $500 million.

What becomes obvious is that Great Britain, and to a lesser extent the United States, in their eagerness to sell weapons, have convinced Libya to spend nearly 36 times its entire annual defense budget—$14 million versus $500 million—on arms it cannot operate and certainly does not need.

As the New York Times of September 2, 1969, pointed out:

Many of the members of the revolutionary council (who overthrew King Idris) are believed to be air force officers who acquired stature recently with the conclusion of a large air defense agreement with Britain.

Stripped of all gloss about how such a sale adds to "the defensive strength of the West," the case of Libya's recent military buildup amounts to a clear attempt by Britain and the United States, both of which have crushing balance-of-payments deficits, to ameliorate their international monetary problems by selling arms to a nation with some ready gold. Ten years ago, when Libya was poor, no one wanted to sell or loan the country anything. Now that Libya is rich, suddenly it needs the most sophisticated military equipment in the world. The expansion of its oil industry requires a natural expansion of its border police, but certainly not to the tune of 36 times its entire defense budget.

Yet no one asks: Where is the war? Who is Libya's enemy? Where is the threat? Just sell them all the arms you can, take the money, and then show surprise when a group of military officers, puffed up by the inordinate infusion of arms you just sold them, makes a grab for power.

If the situation were not so serious, it would be ludicrous.

I believe it imperative that the great arms suppliers of the world—the United States, the Soviet Union, Great Britain, France, West Germany, Italy, Sweden, Canada, and the rest—must stop this kind of thing. That is why I have repeatedly called for the question of conventional arms control to be added to the agenda of the forthcoming strategic arms limitation talks in Geneva, and why I once again ask that our Government take the initiative and seek to have it included.

How many military coups must there be before the great arms suppliers learn that there exists a deadly relationship between both the quantity and the quality of arms in a country and the behavior of the military using those arms? And how long will it take before the great arms suppliers realize that the trade in conventional arms which they so assiduously promote is ultimately detrimental to their own interests?

FTC ORDERS FULL-SCALE INVESTIGATION, PROSECUTION IN MAGAZINE SUBSCRIPTION SALES FRAUDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 20 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, several months have passed since I last addressed my colleagues on the despicable methods by which magazine subscription sales frequently are conducted.

My silence has not been the result of any shortage of new evidence of deception, fraud, or intimidation in the sale of magazine subscriptions. To the contrary, this time has been utilized to explore various unscrupulous practices in depth and to press for effective corrective action by several means.

I am pleased to announce today that the Federal Trade Commission has now launched a full-scale nationwide investigation to gather evidence for legal action against magazine subscription sales companies which are continuing to use deceptive sales practices.

This investigation is the direct result of two inquiries by the FTC into evidence I was able to uncover to establish that an FTC-endorsed "code of fair practices" which supposedly controls sales activity in the subscription industry is not being observed by many magazine sales organizations.

The initial FTC inquiry was a limited field survey conducted primarily in Pennsylvania and New Jersey. It established that there are numerous abuses occurring in the two-State area, despite implementation of the fair practices code in January of 1968.

The second inquiry, conducted through the FTC's 12 regional offices around the Nation, was intended to determine what impact the fair practices code has had upon the deceptive and fraudulent sales tactics which have marked the magazine selling industry for decades.

FTC Chairman Paul Rand Dixon has advised me:

Our investigation of the impact of the PDS Code indicates that the Code does some good and that it probably has sufficient potential to justify continued Commission approval. I hasten to add, however, that the question of continued approval has not been decided by the Commission.

Although the PDS Code appears to be serving a useful purpose in assisting some consumers, it has not effectively stopped the flow of complaints regarding magazine subscription solicitors.

Accordingly, the Commission has now directed its staff to review the files and to promptly investigate all indications of law violation with a view to recommending issuance of formal complaints where justified. The staff has advised me that a further field investigation involving several of our field offices will be initiated in the near future.

This investigation will be given the highest priority.

Mr. Speaker, since February I have been identifying specific bad practices, naming names, and identifying companies. Although some steps have been taken by some companies to stop abuses, I find that in too many instances the company effort has been too little and too late.

Unless far more decisive steps are taken promptly, this industry risks its own destruction. It is still my contention, however, that more than self-regulation will be required to keep deceptive practices from gaining a new foothold, if in fact they can be rooted out. For that reason I will continue to submit evidence to the FTC to establish that the code of fair practices, now being administered by the magazine industry through its Central Registry of Magazine Subscription Solicitors, can never hope to provide the degree of protection against deception and fraud to which the American consumer is entitled.

In pursuing the new investigation to gather evidence for legal action against offending magazine sales companies, the FTC investigators have met with officials of some of the Nation's leading publishing houses which operate magazine sales subsidiaries—Hearst Corp., Cowles Communications, Inc., and Time, Inc. A similar meeting with the former Curtis organization is planned.

These meetings are not intended to imply that subsidiary sales companies of any or all of these publishing companies will be the subject of FTC action. However, they are being advised that past and present sales activities and practices are being examined closely.

I previously identified a subsidiary of the Hearst Corp., International Magazine Service of the Mid-Atlantic, and five

subsidiaries of Cowles Communications, Inc.—Home Reader Service, Home Reference Library, Civic Reading Club, Mutual Readers League, and Educational Book Club—as the sources of most of the complaints of sales abuses I have received from all parts of the country.

Abuses by Cowles subsidiaries have been the subject of so many complaints, I recently outlined some of these abuses in two letters to Gardner Cowles, chairman of the board, with an appeal that he intervene personally to correct them. Mr. Cowles has assured me of his concern and has outlined a series of specific steps he is taking to combat abuses within his own subsidiaries.

I include this exchange of correspondence, as well as a recent letter from Chairman Dixon relative to the FTC investigation, in the RECORD. I should also like to include a letter from Richard Maxwell, president of the National Better Business Bureau, Inc., as well as an article by Arthur F. Rowse, special writer for the Washington Star, which provides further proof that the deception and fraud continues.

In addition, I would like to insert in the RECORD a column I have prepared for the "Action! Express" public service feature of the Easton, Pa., Express newspaper in which I trace my investigation of magazine subscription sales abuses to the present time.

The above-mentioned material follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., August 12, 1969.

Re PDS Magazine Subscription Code, File No. 673 7038.

Hon. FRED B. ROONEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: This is in response to your letter of July 16, 1969, regarding the current status of the Commission's inquiry into the effectiveness of the PDS Code in stopping illegal practices of door-to-door magazine subscription solicitors. Your continued cooperation in this matter is greatly appreciated.

Our investigation of the impact of the PDS Code indicates that the Code does some good and that it probably has sufficient potential to justify continued Commission approval. I hasten to add, however, that the question of continued approval has not been decided by the Commission.

Although the PDS Code appears to be serving a useful purpose in assisting some consumers, it has not effectively stopped the flow of complaints regarding magazine subscription solicitors. Accordingly, the Commission has now directed its staff to review the files and to promptly investigate all indications of law violation with a view to recommending issuance of formal complaints where justified. The staff has advised me that a further field investigation involving several of our field offices will be initiated in the near future. This investigation will be given the highest priority.

I am sure that the information you refer to in your letter will be very useful in our continuing investigation and I have instructed the staff to take full advantage of your offer of assistance and cooperation. Thank you again for your helpfulness.

With best wishes, I am,

Sincerely yours,

PAUL RAND DIXON,
Chairman.

COWLES COMMUNICATIONS, INC.,
New York, N.Y. June 2, 1969.

Hon. FRED B. ROONEY,
U.S. Congress, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Thank you for your letter of May 22nd.

I want to assure you that I am just as concerned as you are by the evidence of some deceptive practices in the sale of magazine subscriptions.

I am initiating a thorough investigation so far as our own subscription subsidiaries are concerned, and I want to assure you that all of the executives here are determined to find a way to stamp out any improper sales tactics.

We take pride in the good reputation of this company and we do not propose to allow that reputation to be tarnished.

Sincerely,

GARDNER COWLES.

MAY 22, 1969.

Mr. GARDNER COWLES,
Chairman of the Board,
Cowles Communications, Inc.,
Des Moines, Iowa.

DEAR MR. COWLES: You are aware, I am certain, of my deep concern regarding the manner in which certain magazine subscription sales organizations are conducting their sales.

Enclosed is a statement from the Congressional Record in which I discuss practices which are being utilized by various Cowles subsidiaries. The statement is self-explanatory.

I know that the practices described are not limited to a few individuals or a few franchises in isolated parts of the country. I have polled the Attorneys General of every state and a number of them have singled out various Cowles subsidiaries for special comment regarding deceptive practices.

It appears to me that some basic policies of Cowles Communications are in need of revision and that effective action can best begin at the very top. I urge that you consider this matter seriously and that effective action be taken.

I am certain you share my view that the publications which are offered for sale by your subsidiaries can be sold in reasonable quantities on their own merits, without gimmicks designed to confuse or mislead the purchaser.

With kind personal regards, I am,

Sincerely yours,

FRED B. ROONEY,
Member of Congress.

JULY 15, 1969.

Mr. GARDNER COWLES,
Chairman of the Board,
Cowles Communications, Inc.,
New York, N.Y.

DEAR MR. COWLES: I thank you for your letter of June 2nd evidencing your personal concern regarding sales practices being used by Cowles' subsidiaries which are engaged in magazine subscription sales.

Naturally, I have no way of knowing what method of investigation you are employing. However, if you merely question top echelon personnel, you will receive the "propaganda" which has been supplied freely to me and which is readily offered for public examination. This material reflects great concern that fair sales practices be adhered to, etc.

There is no offer to disclose the sales practices which are recommended by word of mouth and through personal contacts by officials of the Cowles subsidiaries to franchised dealers. Nevertheless, my own investigation is producing these in quantity, along with testimony of personnel who have been instructed by directors to use a variety of deceptive and fraudulent practices, "because they are boosting production for this dealer or that dealer."

I have received reports from dealers that they were relieved of their franchises because they refused to follow the "suggestions" of directors (who earn their keep by commissions, incidentally) to employ sales pitches which were untrue. Further, despite denials by some of the corporate officers of Cowles' subsidiaries that dunning tactics are being used in collection, I continue to collect dunning letters under recent dates from a large array of your franchises around the country.

So-called "unauthorized" but identical 48-hour "Notices of Court Action" continue to flow from various franchise offices of Home Reader Service, Civic Reading Club and other subsidiaries to collect sums often amounting to less than $10. These are in direct violation of the code and are not to be found in the "collection letter series" supplied to me as evidence of fair practices employed by Civic, for example.

Recently, a quantity of Civic Reading Club contracts containing hidden gift subscriptions—outright fraud—came into my possession. I have contacted these subscribers in writing and have determined from a number of them they have no knowledge of persons identified on their contracts as having received free subscriptions to Look at their expense. This material is being turned over to U.S. Postal inspectors.

There are still other aspects of the operations of various Cowles subsidiaries I am investigating now which may prove even more serious.

What steps you personally take to stamp out these practices are, of course, your concern. I merely want to point out that Look magazine utilizes top flight investigative reporters to develop some of its enterprising exposes. If you were to turn some of these reporters loose on a confidential investigation of the manner in which your subscription sales subsidiaries are being run, and have been run over a period of years, I venture that your eyes will be opened.

Again, I do appreciate your concern and I sincerely hope you will be successful in identifying the upper echelon personnel who are responsible for the unsavory manner in which business is being conducted.

Incidentally, I have touched upon only a few of the abuses my own investigation is revealing. For example, even reports that unscrupulous sales personnel are dismissed prove to be shams—the personnel are simply transferred to other communities to carry on their productive but despicable practices.

I am enclosing several letters which will help to demonstrate that I'm not talking off the top of my head.

Further, it has come to my attention that some rather extensive personnel changes are occurring at upper echelons within the sales subsidiaries. This may be the result of reports circulating within the industry that two of the Cowles subsidiaries are being discontinued. Perhaps, however, this is evidence of steps already begun to correct abusive practices.

Certainly, I would be most interested to learn of any specific steps taken to insure that deceptive and misleading practices are being abolished.

Again, I am pleased to note your concern and wish you success in your efforts.

With kind personal regards I am,

Sincerely yours,

FRED B. ROONEY,
Member of Congress.

COWLES COMMUNICATIONS, INC.,
New York, N.Y., July 28, 1969.

Hon. FRED B. ROONEY,
U.S. Congress,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Upon receipt of your letter dated July 15th, I immediate-

ly called a meeting of the Executive Committee of Cowles Communications, Inc.'s Board of Directors to consider the serious charges made in such letter with respect to our subscription-selling subsidiaries. Due to vacations and other absences from the city, it was not possible to hold a meeting with all members present until July 22, 1969. I might explain that this five-man Committee includes the Chairman of the Board, the President, both Executive Vice Presidents and the Vice President and Controller of Cowles Communications, Inc. Immediately following this meeting here in New York at which your letter was fully discussed, all members of the Committee—other than myself—flew to Des Moines, Iowa, where our subscription subsidiaries are headquartered and met with top management of the subsidiaries and of the Look subscription department. This Committee has now reported back to me that improper sales practices, though greatly reduced in recent months, have not been entirely eliminated. It has also made specific recommendations on how to correct the situation and these recommendations are already being implemented.

Basically, our Executive Committee agrees with your conclusion that policing of the field operation by regional directors who report directly to the agency heads and whose emphasis is primarily on production has not proved as effective as we had anticipated. We believe that most of our agency officials have made a genuine effort to clean up both sales talks and collection efforts. Parent company representatives have also made continuing effor's—especially during the last few months—to tighten controls over franchise dealer practices. As you note in your letter, we have consolidated the management of Educational Book Club and Home Reference Library; also the management of Home Reader Service and Mutual Readers League. We have also earlier this month changed some of the agency top management to strengthen the operations.

Our Executive Committee now proposes to establish a task force, members of which will contact franchise dealers regularly to check the dealer's operation, his sales talks, his collection procedures and generally how he is carrying on his business. This task force will be a *Cowles Communications, Inc.* auditing group operating completely independently of the agency heads and the regional directors. Its responsibility will be to Cowles Communications, Inc. and its members will report to a Cowles Communications, Inc. official in New York City to be designated by the Executive Committee. Members of this task force will *not* be assigned to specific dealers or specific subscription-selling subsidiaries. They will not only be shifted as among dealers and agencies, but they will also from time to time verify subscription orders in the field and monitor telephone verifications made either by the dealer or by the agency. We would expect under this program to have our Executive Committee informed at all times as to sales talks and collection procedures being used in the field by dealers and their representatives and would be in a position to shut off the authorization of any dealer whose practices were not proper.

Although you can well appreciate that it will take some time to implement this program, I am sure you will agree that prompt and constructive action is being taken by Cowles Communications, Inc. to correct the situation described in your letter to me. We shall keep you advised as to our progress and would in turn greatly appreciate your permitting our representatives to meet with you or your assistants on a regular basis to ascertain what complaints may be continuing and the extent to which the same are justified. It certainly is not in our interest to permit improper sales practices. Business obtained that way obviously does not profit the subsidiary involved because it cancels out and does not renew. But even more important, we at Cowles Communications, Inc. have too much pride in our publications—principally LOOK—to permit what we believe is a very highly regarded image to be tarnished by the unauthorized practices of field-selling personnel.

Thank you for your most constructive and helpful letter. I assure you that we intend to cooperate most fully with your efforts to eliminate improper practices in the magazine subscription-selling field.

Sincerely yours,

GARDNER COWLES.

DECEPTION UNLIMITED IN MAGAZINE SALES

(By FRED B. ROONEY, Member of Congress)

Nearly seven months have passed since "ACTION! Express" turned over to me a two-inch-high stack of complaints about magazine sales practices and asked, "What can the federal government do about this?" Although I didn't realize it then, that was a loaded question.

It marked the beginning of an investigation, undertaken by my own office staff, which has grown to proportions I wouldn't have believed possible when it began last February. While "ACTION! Express" pursued means to correct deceptive and fraudulent practices in magazine sales in the Pennsylvania and New Jersey area, I began pressing for effective action in Washington. Today, after months of cooperation with "ACTION! Express," it is possible to report that magazine sales companies are faced with the alternatives of cleaning up their sales practices swiftly or of wrecking their own industry.

Since February, that two-inch-high stack of magazine complaints supplied by "ACTION! Express" has grown into an eight-foot-high record of deception and fraud, consisting of documented complaints, of signed testimony by magazine sales personnel, of actual magazine sales company records which contain hundreds upon hundreds of examples of deception, and copies of hundreds of documents which provide clear evidence of violations of a "code of fair practices" under which magazine subscriptions supposedly are sold.

Evidence of possible abuses of federal laws has been turned over to investigators of the Federal Trade Commission, the United States Post Office Department and the Internal Revenue Service. News wire services have dispatched a number of stories nationwide regarding the magazine sales investigations and hundreds of letters from victims of deceptive sales practices have poured into my office from every part of the country. Hundreds of daily and weekly newspapers in virtually every state have carried articles describing the deceptive and fraudulent tactics used to sell magazine subscriptions to the unwary.

I have surveyed the Attorneys General of all 50 of the United States and received detailed reports of magazine sales abuses within their own jurisdictions from virtually every one. Within the past few weeks, magazine sales practices have been the subject of columns by Senator Warren Magnuson, Chairman of the Senate Commerce Committee, and by nationally-known columnist Jack Anderson. World Wide Features Syndicate is preparing an article at the present time.

Several major business and industry newsletters have been carrying regular reports on progress of the investigation and some have even forecast that the very survival of the magazine sales industry may be at stake. I doubt that anything so extreme as the demise of magazine sales companies will result, although I am determined that if they are to survive it will be because they have learned to sell subscriptions honestly. There is no reason why the American consumer should tolerate the sales abuses which still are rampant in door-to-door sales of magazines, as well as various books and encyclopedias.

Throughout the nearly seven months that I and my staff have been working to uncover magazine sales abuses, one of my primary objectives has been to expose the abuses to public scrutiny. Through publicity, it is possible to alert the consumer to the pitfalls which may await him when he answers the telephone solicitor's call or responds to the salesman's knock at his door. This is not to suggest that all telephone solicitors nor all door-to-door salesmen are dishonest. It is intended to suggest that too few consumers take the time to make the distinction, or are able to do so. But by publicizing various sales abuses, consumers will learn to be wary and an educated consumer is this nation's strongest weapon against deception and fraud.

In the investigation of magazine sales practices, consumer education has been but one of the results of the excellent news coverage this effort has received. The publicity has prompted many consumers to write and describe their own experiences. A California housewife, for example, wrote to explain that she had had an unpleasant experience with one company which sells magazine subscriptions nationwide and that she had retained a complete file of all documents, letters and receipts. She sent along the complete file for use in the investigation. Scores of others sent their contracts—many of which clearly showed violations of the industry's code of fair practice—while others sent copies of high-pressure collection letters, including threats of lawsuits, bad credit reports and other forms of persuasion used to prod deceived consumers to complete payments on long-term subscription contracts.

The third and most important result of the publicity about the investigation of magazine sales practices was the first-hand descriptions of magazine subscription sales practices by people actually engaged in sales. Dozens of individuals, including franchised dealers, salesmen, solicitors, and contract renewal writers called my office or sent letters offering to help the investigation. Each of them agreed that the magazine subscription sales industry is thriving today on misrepresentation and fraud. They offered testimony and produced documented evidence of their own experiences. Some came to Washington from as far away as the New England states to discuss their experiences. Not a week goes by that I do not hear from others who have worked in the magazine subscription sales industry and who want to offer their help to clean it up.

Through the help of these sales personnel, many of whom have worked in magazine sales for 10 or 15 years or longer, it was possible to learn many of the intimate details about the internal operations of subscription sales companies. Their personal knowledge has helped bring into focus the degree of effectiveness of Central Registry of Magazine Subscription Solicitors—the magazine financed agency which is responsible for policing sales practices. I have described Central Registry as a "smokescreen behind which the fraud and deceptive practices flourish." Personnel in the industry regard Central Registry as a "joke" and are quick to cite its loose control of salesman registration and ineffective supervision of fair selling codes which are its prime functions.

Basically, three types of magazine subscription sales are conducted on a door-to-door basis. Two of these are the "cash" or "two-payment" types, the latter merely a variation of the former involving an initial cash payment at the door and a subsequent * * *. Generally, cash sales of magazine subscriptions are conducted by traveling crews of high school and college age boys

and/or girls, under the direction of a crew manager. They canvas neighborhoods door-to-door claiming to be students earning points toward college scholarships or to win trips to Europe, or purporting to be conducting research or surveys, or representing themselves as working for some charity, foundation or civil rights effort, to mention but a few of the standard sales pitches. A deputy attorney general for the state of Delaware told me he checked out magazine salesmen claiming to be college students and found that "none of them were in college, had been in college or really intended to go to college."

Cash crews transact their sales "on the spot," collecting payment-in-full immediately for the magazine subscriptions sold. Cash salesmen generally are recruited through classified ads which offer "travel to resort areas or major cities," hired on the spot with little or no regard to character, and sent out of town within hours (before they change their minds) as members of a traveling sales crew. Classified pages of large urban newspapers frequently contain such ads recruiting Negroes for crews to be sent into white suburban neighborhoods and instructed to use a civil rights sales pitch which often involves intimidation. Recently, an elderly woman in a Northeastern State collapsed and died after two members of a magazine sales crew threatened to "burn your house down" for refusing to buy magazines.

A fourteen-year-old New York State boy, describing his experiences during two weeks' work as a member of a traveling magazine crew, said youthful members of his crew often were mistaken for the "paper boy" and gladly accepted payment for newspapers at one door, then sold magazines at the next. A check of police records of 500 traveling salesmen who registered in Fairfax County, Va., during a 12-month period showed that more than 200 of them had committed crimes ranging from forgery to armed robbery and assault with deadly weapons. And a veteran magazine dealer who visited my office explained how cash crew leaders often carry guns to persuade disillusioned or disgruntled sales personnel to stay on the job.

Central Registry of Magazine Subscription Solicitors supposedly maintains a register of all cash and two-payment sales personnel and administers a code of ethics for these methods of selling magazines. Yet many of the complaints involving cash sales which I sent to Central Registry for action revealed that sales personnel involved were not registered. Nearly four months have passed since I sent a list of about 200 magazine salesmen to Central Registry with a request that I be advised how many of them were actually registered as salesmen. To this day I have not received a report, despite the fact I was told by Central Registry's administrator more than two months ago that the information would be supplied promptly.

Approximately 50 magazine sales companies are members of Central Registry. Of that number, about a dozen companies engage in "paid during service (PDS)" sales—that is, long term financing of multiple magazine subscriptions for four-year or five-year periods. Although Central Registry is the self-designated administrator of the code of fair practices for cash sales of magazines, it has a more official responsibility in administering a separate code of fair practices governing PDS subscription sales. The PDS code of fair practices has the distinction of having been formally endorsed by the Federal Trade Commission in May of 1967 by a 4 to 1 vote of the five-member FTC. Thus, since January of 1968 when that new Code took effect, Central Registry has had a quasi-official role as a "law enforcement agency" for the federal government.

Basically, I believe the FTC was wrong in delegating responsibility for enforcement of fair sales practices to a private agency which is financed by the very same industry it is expected to regulate. My own experience during the months of investigating magazine sales practices convinces me that the FTC is wrong to continue this relationship with Central Registry. I have urged in the past—and will continue to do so—that the FTC should dissolve its relationship with Central Registry and take over enforcement of fair practices for the benefit of the American consumer. It was my criticism of this relationship, coupled with my contention that Central Registry was not enforcing the PDS Code effectively, which convinced the FTC to reopen its investigation of magazine sales practices five months ago.

Beginning with a limited field investigation in the Pennsylvania-New Jersey area, the FTC found sufficient evidence of continued sales abuses to order a broader nationwide investigation through all 12 of its field offices in major population centers around the country. FTC Chairman Paul Rand Dixon has just advised me that this nationwide field investigation "indicates that the Code does some good and that it probably has sufficient potential to justify continued Commission approval." But Chairman Dixon further explained, "I hasten to add, however, that the question of continued approval has not been decided by the Commission. Although the PDS Code appears to be serving a useful purpose in assisting some consumers, it has not effectively stopped the flow of complaints regarding magazine subscription solicitors."

Thus, the FTC now recognizes that the Code has not lived up to expectations. "Accordingly," Chairman Dixon advised, "the Commission has now directed its staff to review the files and to promptly investigate all indications of law violations with a view to recommending issuance of formal complaints where justified. The staff has advised me that a further field investigation involving several of our field offices will be initiated in the near future. This investigation will be given the highest priority. In short, the FTC now is gathering evidence to begin prosecuting misrepresentation and fraud in the sale of magazines. Of course, all of the material in my files has been offered to the FTC and the Chairman has acknowledged he instructed the FTC staff "to take full advantage of your offer of assistance and cooperation."

Throughout my investigation, my files on magazine sales abuses have been open to any and all official investigations. Information as well as photostatic copies of complaints and documents have been supplied regularly to investigators for the FTC and the Post Office Department. Some material has been supplied to individual members of the FTC. Investigators also have spent many hours with myself and members of my staff in discussing magazine sales practices and abuses with the various sales personnel who have come to Washington to assist the investigation.

I have exchanged correspondence with the United States Chamber of Commerce and have met several times with representatives of the Mazagine Publishers Association. I discussed various abuses with the President of the National Better Business Bureau, Richard Maxwell, and just recently received a report from him that 13 crew managers and 113 magazine salesmen have been dismissed as the result of complaints of bad business practices. Dozens of individual complaints of misrepresentation have been sacrificed by the sales companies involved, but of all the complaints I submitted to Central Registry, I have yet to receive any report of a single punitive action taken against the offending companies, despite repeated requests for such information and repeated assurances from CR that I would be kept informed.

I have discussed directly with top management of the nation's leading magazine sales companies the specific abuses attributed to their organizations. In almost every instance, I was assured the particular company in question was doing its utmost to root out misrepresentation but that its competitors are the offenders who need to be dealt with. A high corporate official of one leading publishing company insisted his company is "the church" among magazine sales organizations. Yet, weeks ago, a New Jersey judge issued a temporary injunction against the use of certain deceptive sales practices by a sales subsidiary of that same "church." Another cited the "integrity" of his nationally prominent publication and insisted his organization has too much at stake to tolerate sales abuses. Yet, company documents from some of his subsidiaries show that his publication's high circulation figures have been maintained in part by overcharging unsuspecting subscribers to pay for magazines sent to individuals unknown to the subscribers.

Invariably, these corporate officials insist their policies do not permit deceptive practices and they place full blame on individual sales personnel for any misrepresentation or fraud. With few exceptions, they insist that parent sales organizations cannot be held accountable for abusive actions by what they describe as "a few overly-aggressive salesmen." They are quick to point out that unscrupulous salesmen, when identified, are promptly terminated. When a salesman offered a member of my staff "free magazines—you pay only the wrapping charges" several months ago, I promptly filed a complaint. The company proudly announced a short time later that the offending salesman had been discharged. But my sources within the industry reported that the same salesman was back working for the same company in another city the following week and a short time later turned up in a third city, still selling magazines for the same company.

In dismissing any burden of responsibility for the sales tactics utilized by their sales personnel in the field, these corporate officials disregard the fact that the parent corporation sets production quotas, sends regional directors into the field to pressure its dealers to maintain the production quotas, and seizes entire dealerships when production falls off, plunging longtime, dedicated personnel into virtual bankruptcy. My investigation indicates the degree of pressure applied by the parent organization to maintain high subscription sales quotas is largely responsible for deceptive practices in the industry. The production quotas often are unattainable, unless consumers can be tricked into becoming subscribers.

The tricks, of course, usually involve offers of xx magazines "free of charge" but "of course, you'll have to pay a small sum for postage (or handling, or wrapping, or editing, as the case may be)." One woman reported she was asked to "sign a receipt for 200 free green stamps" and after signing discovered that she had signed a contract to buy magazines.

Obviously, we have just begun to penetrate the surface of shoddy business practices in the magazine subscription sales industry. The complaints continue to pour in. The investigation goes on.

NATIONAL BETTER BUSINESS BUREAU, INC.,
New York, N.Y., August 22, 1969.

Congressman FRED B. ROONEY,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROONEY: Further following your letter of August 11th, I wanted to tell you of our continuing action program.

1. Since my visit with you in May, I have held a series of meetings with individual publishers to acquaint them with our activities and furthermore, to enlist their efforts with respect to their own organizations.

2. When I was in your office, I indicated that some nine crew managers and sixty-eight solicitors had been terminated by their individual employers after the records of bad business practice collected through the auspices of Better Business Bureaus and local Chambers of Commerce had been pointed out. Since then, four more managers and forty-five solicitors have been terminated.

3. Some of those terminated for cause, namely, bad practices, have gone to other agencies who are not a part of the self-regulatory programs. As this has occurred, some publishers have withdrawn their authorizations for agencies who would employ this type of people to sell their magazines.

4. We are having another review meeting in mid-September with local Bureau managers and the industry to discuss first of all, the progress since our last meeting in cleaning up these problems and secondly, to turn our attention to the matter of sales talks and advertising for prospective employees.

While not directly bearing on the magazine selling industry, I thought you should know about our efforts in promoting higher ethical standards for direct selling in general. One of our landmarks has been the adoption by the Direct Selling Association of a code of ethics entitled appropriately "The Right Thing To Do". I am attaching a copy of this brochure. This was released to the press and to the companies in June. Since then, we have distributed over 40,000 copies to people engaged in direct selling.

I really feel, Congressman Rooney, that this is a tangible expression of the concern of business, as well as its willingness to maintain and improve high ethical standards in the public interest.

Kindest regards,

RICHARD MAXWELL,
President.

[From the Washington (D.C.) Evening Star, Sept. 7, 1969]

HOW MAGAZINE SOLICITORS CAN HOOK YOU

(By Arthur E. Rowse)

The charming female voice on the other end of the telephone said she was making a survey (where did I hear that one before?) and wondered if I would answer a few questions about TV advertising.

What a beautiful hooker. Who wouldn't like to give a polling firm some choice comments on the quality and taste of TV commercials? So I lost no time responding to such questions as "What do you think of TV commercials?"

While I was trying to find appropriate words to answer the last question, the voice thanked me very graciously and then got down to the real business behind her call.

NUMEROUS FEATURES

"In appreciation for answering these questions," she said, "we are going to send you a brand new Webster's Encyclopedia Dictionary without charge." She said it had 1,500 pages and beautiful color pictures, plus many other wonderful features too numerous to mention here.

My, how generous she was, I thought, just for a few minutes of my time. Before I could even catch my breath to reply she added:

"In addition, with our compliments, we will send you 60 issues of Holiday, Sport, True, Look and Venture."

I knew, of course, that such unbounded generosity was too good to be true, so I asked who she was representing and what the gimmick was.

"The only favor we ask," she explained, "is that you send us 57 cents a week to pay the cost of mailing the magazines to you. You will get a written guarantee verifying what I have said to you. Just give me your complete name and address and I'll have our field representative deliver it to you."

NICE NAME

Pressed further for the company involved, she said it was the Educational Book Club—isn't that a nice name?—and that it was a subsidiary of the Cowles Publishing Co., publishers of Look and Venture magazines.

She said I would be billed $2.45 a month (57 cents a week times an average of 4⅓ weeks per month). A little hasty figuring showed that $2.45 a month times 60 months comes to $147.

When I complained that such an amount was quite a lot for postage for magazines that pay the low-lov· second-class rate, she said that was not her "department" but the representative would explain it.

Sure enough, a nice man visited my office the next day with the dictionary and the "guarantee." He said he would have a dictionary sent, then explained that it would be better for both of us to pay the whole thing in 2½ years instead of five, only $4.90 monthly.

The "guarantee" turned out to be an order form. But when I asked if I could check with my wife and mail it with my signature to him, he suddenly turned curt, crossed off my name and walked away.

His reason of course, was to avoid getting anything into the mail and thus make him liable under the laws on postal fraud. By avoiding the mails, this scheme has flourished for years, hooking countless thousands of people on a deal many may regret later.

WORLD PEACE DEMANDS POSITIVE U.S. NONALINEMENT ANNOUNCEMENT ON MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, attempting to take sides in the Middle East is impossible to an impartial American because the events of the case have been too confused by the usual sources of information which have, seemingly, in the past several days turned handsprings as if to explain away the essential facts by calling aggression a "deterrent" and military escalation "defensive" in the long boiling tension areas of northeast Africa.

Yet the provocative utterances of the U.S.-born Prime Minister of Israel, Golda Meir, that Arab leaders "should not be surprised if they are hit sevenfold in response" must be considered in any evaluation of the latest series of events.

Can any thinking American conceive of the wrath of world opinion should the President of the United States threaten sevenfold reprisals against the Communists of North Vietnam for the terrorist acts of the Vietcong? Or the frantic world censureship should Prime Minister Ian Smith announce similar policy measures against African states from whose territory guerrilla terrorists stream into Rhodesia. What about South Africa or the Portuguese?

The recent events in the Middle East must be considered the most serious threat to peace in the world which, if major powers participate or allow themselves to be drawn in, could evolve into a nuclear showdown.

The abbreviated policy statement by the U.S. Department of State is that our Government "deplores and regrets cease-fire violations by either side by regular or irregular forces." This weak official announcement by our diplomatic spokesmen will not even convince the American people of a nonpartisan position by our Government. How can it be expected to vindicate our image of suspect involvement in the eyes of the world community?

Under unanimous consent I submit a newspaper clipping for inclusion in the CONGRESSIONAL RECORD, as follows:

[From the Washington (D.C.) Post, July 1, 1969]

GOLDA MEIR WARNS ARABS OF "SEVENFOLD" RETALIATION

JERUSALEM, June 30—Israeli Prime Minister Golda Meir warned the Arabs today that if they continued attacking Israel they "should not be surprised if they are hit sevenfold in response."

"Anybody who fails to honor the cease-fire agreement and shoots at us cannot claim immunity from the results of his aggression," she told the Israeli parliament, the Knesset.

"Arab leaders should make a correct appraisal," she said, "of what their aggression achieves and our inevitable reply. They should realize the suffering they are inflicting on their own people."

Mrs. Meir's stiff warning in Jerusalem followed the explosion of a parked, stolen jeep loaded with more than 100 pounds of explosives in the heart of Tel Aviv early this morning.

The Israelis said 10 persons were wounded in the first significant terrorist attack in Tel Aviv this year. Police set up roadblocks all over the country and picked up 20 to 30 Arab suspects, mostly from Jaffa, the city south of Tel Aviv.

[The Al Fatah Arab guerrilla organization issued a statement in Amman, capital of Jordan, claiming credit for the bombing.]

Israeli jets strafed and bombed Arab guerrilla positions in Jordan south of the Sea of Galilee early this morning, a military spokesman announced in Tel Aviv. The Jordanians mentioned no casualties.

Mrs. Meir referred to an Israeli commando raid last night in the Upper Nile Valley in which the Israelis claimed to have destroyed a 500-kilowatt high-tension power line linking Cairo to the Aswan High Dam.

She said the raid deep inside Egypt proved Israel's potential to strike back.

"Although the acts of aggression along the Suez Canal have multiplied," she said, "we once again appeal to the rulers of Egypt to change their minds and their policy." Unless they do so, she said, they may create a situation "more unbearable for them than it would be for us."

The Egyptians denied that any such raid took place.

Mrs. Meir complained of hundreds of violations of the cease-fire. She said there had been 111 cases this month of firing into Israel from Jordan, 16 of them involving regular Jordanian forces. She said there had been dozens of cases of attempted infiltration from Jordan by would-be saboteurs.

She accused Egypt of having used artillery 333 times and light arms 121 times across the Suez Canal in the last month.

Mrs. Meir's words were the latest in a series of warnings to the Arabs apparently designed to convince them that Israel means business.

Deputy Prime Minister Yigal Allon warned in mid-June that "Israel will stop drawing the distinction between the terrorists and the Arab regular armies" if Arab guerrilla attacks did not cease.

In mid-May, Defense Minister Moshe Dayan warned that Israel would not restrict itself to purely defensive action if the Egyptians kept up their military activities along the Suez Canal.

CURING A VIRUS BY KILLING THE PATIENT

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

Mr. PODELL. Mr. Speaker, the administration has slashed new Federal construction contracts in order to curb inflation. Cutbacks could total anywhere from $2 to $4.5 billion during the remainder of this current fiscal year. All Federal agencies have been ordered to immediately put into effect a 75-percent reduction in dollar value of new contracts for Government construction financed entirely by Federal funds. Some States already are freezing awarding of new highway contracts and advertising for bids. Such an action is like amputating a leg to cure a barked shin.

Our national leaders have put on a great show of sorrow and indignation in recent months over inflation. They beat their breasts and rend their political garments, claiming labor is the villain because it requires wages to match rising prices. This latest catastrophic decision is supposed to save us from the brink of economic catastrophe. Humbug, nonsense, and flapdoodle. Our patient has measles, and the doctor is about to attempt brain surgery.

Usurious interest rates charged by banks cause inflation. Our leaders pretend not to notice. Price hikes by steel, aluminum, copper, and auto industries cause inflation. No Republican voice is raised against this herd of sacred cows.

Instead, Government construction is halted, and all States are encouraged and almost commanded to halt projects partially covered by Federal financing. And what is their excuse? Out of the economic dark ages comes their reply. This cutback is supposed to take public housing and homebuilding out of its present depression, mainly caused by the 19th century economic policies of this administration. We are informed by our reigning economic oracles that contractors who build flood control projects, dams, small watersheds, bridges, roads, post offices, and other Federal works, will because of the cutback, turn with eager cries to building of private homes and apartment buildings. Blinding logic. Let us examine it a little more closely.

Almost all contractors engaged in such major Federal projects are specialists in several ways. Their massive capital investment is sunk into earthmovers, road graders, steam shovels, cranes, and similar units. They are as different from most housing contractors as cucumbers are from hoot owls. It would be fascinating indeed to see them immediately switch to construction of homes suited to an average American family. Unless subdivisions are shortly to consist of multistory buildings poured out of concrete and supported by bridge beams, it is not likely to occur in this century.

Perhaps houses should have foundations 100 or more feet deep. Maybe our apartment houses should have corridors more suited to four-lane truck traffic. Carpets might make a difference, though. Instead of back yard wading pools, an average home would be sold complete with a small watershed project or a diversion dam. Wonderful when it rains. Is this what the Government meant when it solemnly assured us that the cutback would divert construction efforts into housing? Soon an average workingman would not have capital at going mortgage and interest rates to afford a well-furnished and laid-out chicken coop.

This disastrous decision will complete the devastation of our entire construction industry. Already its unemployment figures are at recession levels. Minorities in our midst who hold so many positions in this sector will be economically devastated, pouring more oil on already smouldering social situations throughout the Nation. Essential projects will slide down the drain for years. But we should be consoled by knowing that our housing industry will revive. I imagine that tomorrow Mao Tse Tung will announce his candidacy for the office of mayor of Moscow.

We must halt inflation at its source. Bank interest rates; steel industry price hikes; price rises by aluminum, copper, and auto firms; these are basic building blocks of our economy. When they raise interest rates or prices, it heaves a huge boulder of inflation into our national economic pond. As long as this administration stands paralyzed on dead economic center, not daring to protest such greedy actions, we shall have disastrous inflation in tandem with other signs of impending economic collapse. And the average worker with a few hard-earned dollars will not be to blame. The tail does not wag this dog. Certainly not in this case.

Is our patient curable? Definitely. But cancer does not yield to poultices. Warts are not banished by stump water and dead cats in a cemetery at night. Correct diagnosis and skillful action will do the job. Right now a first-year medical student is at work rather than an experienced physician. The patient may expire while the student learns basic anatomy. They are sowing the wind. We shall all reap the whirlwind.

ERRONEOUS INTERPRETATION OF A COLLEAGUE'S REMARKS

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

Mr. PODELL. Mr. Speaker, a few days ago, when Ho Chi Minh's death was announced, our distinguished colleague, Mr. KOCH of New York, had the occasion to make a series of comments bearing on the war in Vietnam. He spoke of the possibility of utilizing the occurrence of his death to seek yet another peace initiative. Simultaneously, he described in general terms the overall role this man had played in the affairs of his own country. I was present on the floor of this House when Mr. KOCH made these statements, and can attest to their content.

Several other Members of this body, who were not present when Mr. KOCH took to the floor, heard of his comments second or third hand. Most regrettably, they misinterpreted what he said, thinking that his description of Ho Chi Minh's activities was meant as praise. Mr. KOCH described Ho Chi Minh as a "patriot" in the eyes of the people of North Vietnam. In no way did he give the impression that he himself shared that opinion. I hold no brief for Ho Chi Minh, a man who murdered so many of his own people so brutally and callously. Nor did Mr. KOCH's comments in any way imply praise of him or his works.

We all know our distinguished colleague from New York is an avid, utterly sincere, and dedicated seeker for a solution to the Vietnam conflict. He was merely exploring the possibility of another initiative which conceivably could have been opened or precipitated by an event which no one could have accurately predicted or anticipated. It is ungracious and unfair to place an interpretation upon his remarks which not only does him an injustice, but impugns his motives and casts a cloud over the very floor of this House.

It is to be fervently hoped that Members will ascertain the exact content of remarks made before mounting attacks upon those who utter them.

SECRETARY FINCH ASKED TO REOPEN SCHOOL

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

Mr. THOMPSON of Georgia. Mr. Speaker, it will come as no surprise to the Members of this body that I am greatly concerned over the unreasonable activities of the Department of Health, Education, and Welfare regarding the requiring of racial balance in our school system. Mr. Speaker, let me make one point clear, and that is, discrimination in our schools because of race, creed, or color should not and cannot be allowed, and it will be my purpose to attempt to assure all persons regardless of race, creed, or color their basic right to achieve a quality education. However, Mr. Speaker, I cannot accept the absurd actions in requiring racial balance through school closings, pairings of schools, and busing of students.

An American child has a basic right to attend the school closest to his home. To deny him this right and force him through either pairing, closing, or busing to attend a school more distant is nothing short of Hitleristic or Stalinistic tactics.

In College Park, Ga., there is a 6-year-old school of which the students are very proud. Without a single exception every child attending this school lives closer to it than any other school. No discrimination whatsoever was present in student assignment. There were more library books and textbooks per pupil at this school than any other. The salaries of the teachers were higher on the average than at other schools. Yet, the Department of Health, Education, and Welfare has insisted on destroying the school as an entity through trying to force its pairing with another school or through

the gerrymandering of student districts or the closing of the school. After confrontation with HEW, wherein I advised the local school board not to accede to threats or intimidations of HEW and to assign students to the school they live closest to, court action was initiated. The court has ordered the 6-year-old high school closed and the students bused and distributed to four other schools. The students who last year won the State basketball championship do not want to give up their school. They have been picketing, staging sit-ins and refusing to attend the new schools to which they have been assigned. Mr. Speaker, my sympathy lies with these black students who want to attend the school closest to their home but are being denied this right because of the absurd racial balance requirements.

Mr. Speaker, in Vietnam, President Johnson stated over and over that our only purpose in being in Vietnam was to assure the South Vietnamese of the right of free choice as to the type of government they would have. Forty thousand Americans have died in trying to assure the South Vietnamese this right of free choice. Yet, we are denying to our own students the basic American right to attend the school closest to their home and are forcing them against their will to attend schools more distant simply in order to achieve what some people deem desirable, a racial balance. Mr. Speaker, I repeat that these are Hitleristic and Stalinistic tactics and must cease.

I have today written the Secretary of Health, Education, and Welfare, Robert Finch, and have urged him to petition the Federal court, asking that the Eva Thomas High School be reopened on the basis of allowing the students who live closest to it to attend their beloved school and to forget about the absurd remarks of racial balance. I hope there will be some humanitarian and Americanistic spirit evidenced by the Secretary of Health, Education, and Welfare, and he will allow these students to go back to the school closest to their home.

PERSONAL ANNOUNCEMENT

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

Mr. ROGERS of Florida. Mr. Speaker, because of a most important meeting with Secretary of the Army Resor, concerning the welfare of a soldier in Vietnam who is a constituent, I was not present on Monday when the vote was taken to recommit the bill, H.R. 11039, to amend the Peace Corps Act.

If I had been present, I would have voted "yea" for the motion to cut $11.1 million from the bill. I favor the program, but object to the recommended funding level.

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. CHAPPELL), to revise and extend their remarks and include extraneous matter:)

Mr. ROONEY of Pennsylvania, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. PATMAN, for 15 minutes, today, to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. DENNIS), to revise and extend their remarks and include extraneous matter:)

Mr. SNYDER, for 5 minutes, today.

Mr. COUGHLIN, for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)

Mr. HARVEY in two instances.
Mr. ASHBROOK.
Mr. FINDLEY.
Mr. CLANCY.
Mr. STEIGER of Wisconsin.
Mr. BLACKBURN in five instances.
Mr. SANDMAN.
Mr. SHRIVER.
Mr. MCEWEN.
Mr. PELLY.
Mr. WEICKER.
Mr. HASTINGS.
Mr. GROVER.

(The following Members (at the request of Mr. CHAPPELL) and to include extraneous matter:)

Mr. POWELL in two instances.
Mr. OTTINGER.
Mr. ROONEY of Pennsylvania.
Mr. HAYS in two instances.
Mr. JONES of Tennessee.
Mr. OBEY in four instances.
Mr. DENT in four instances.
Mr. EDWARDS of California in two instances.
Mr. HAWKINS in two instances.
Mr. JACOBS.
Mr. TEAGUE of Texas in eight instances.
Mr. RARICK in two instances.
Mr. ANNUNZIO in five instances.
Mr. SYMINGTON.
Mr. CELLER.
Mr. STEPHENS.
Mr. GALLAGHER.
Mr. VANIK in four instances.
Mr. MOLLOHAN in three instances.
Mr. REUSS in 10 instances.
Mr. HECHLER of West Virginia in two instances.
Mr. BINGHAM in two instances.
Mr. COLMER.
Mr. OLSEN in two instances.
Mr. HAGAN in two instances.
Mr. GONZALEZ in two instances.
Mr. EDMONDSON.

ADJOURNMENT

Mr. CHAPPELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Thursday, September 11, 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:

1129. A letter from the Deputy Secretary of Defense, transmitting a report of support furnished from military functions appropriations in Southeast Asia for the fourth quarter of 1969, and cumulative fiscal year amounts through June 30, 1969, pursuant to the provisions of section 537 of the Defense Appropriation Act, 1969 (Public Law 90–580); to the Committee on Appropriations.

1130. A communication from the President of the United States, transmitting an amendment to the 1970 budget for the Legislative Branch, Architect of the Capitol (H. Doc. No. 91–154); to the Committee on Appropriations and ordered to be printed.

1131. A communication from the President of the United States, transmitting an amendment to the requests for appropriations transmitted in the budget for fiscal year 1970 for the Department of Defense-Civil, Corps of Engineers (H. Doc. No. 91–155); to the Committee on Appropriations and ordered to be printed.

1132. A letter from the Comptroller General of the United States, transmitting a report of the examination of the financial statements of the Federal Housing Administration, fiscal year 1968, Department of Housing and Urban Development (H. Doc. No. 91–156); to the Committee on Government Operations and ordered to be printed.

1133. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1 to June 30, 1969, pursuant to the provisions of section 519 of Public Law 90–580; to the Committee on Appropriations.

1134. A letter from the Comptroller General of the United States, transmitting a report on U.S. assistance programs in Tunisia, Department of State, Agency for International Development; to the Committee on Government Operations.

1135. A letter from the Comptroller General of the United States, transmitting a report on enforcement of sanitary, facility, and moisture requirements at federally inspected poultry plants, Consumer and Marketing Service, Department of Agriculture; to the Committee on Government Operations.

1136. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend section 13a of the Interstate Commerce Act, to authorize a study of essential railroad passenger service by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1137. A letter from the Assistant Attorney General, transmitting a request that the Department of Justice be authorized to include certain documents of the House of Representatives in its application for a court order; to the Committee on the Judiciary.

1138. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to improve and clarify certain laws affecting the Coast Guard; to the Committee on Merchant Marine and Fisheries.

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. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 13369. A bill to extend for 2 additional years the authority to set interest rates necessary to meet the mortgage market for guaranteed and insured home loans to veterans under title 38 of the United States Code and for other loans; with an amendment (Rept. No. 91–484). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 13713. A bill to provide for the refund of certain duties and taxes with respect to exported articles, and for other purposes; to the Committee on Ways and Means.

By Mr. CAHILL:

H.R. 13714. A bill to require the Secretary of the Army to make a feasibility study of providing a dredge exclusively for use in the North Atlantic region; to the Committee on Public Works.

By Mr. DULSKI:

H.R. 13715. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself and Mr. CLARK):

H.R. 13716. A bill to improve and clarify certain laws affecting the Coast Guard Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. HALL:

H.R. 13717. A bill to establish a cropland and water restoration program, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of Pennsylvania:

H.R. 13718. A bill to provide for a preliminary examination and survey of the Allegheny River and French Creek and their tributaries; to the Committee on Public Works.

By Mr. KOCH (for himself, Mr. BLATNIK, Mr. CAHILL, Mr. ESHLEMAN, Mr. FULTON of Pennsylvania, Mr. MCCLOSKEY, Mr. MCDADE, and Mr. WHALEN):

H.R. 13719. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. MCKNEALLY:

H.R. 13720. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MACDONALD of Massachusetts (for himself, Mr. TIERNAN, Mr. PODELL, Mr. HARVEY, Mr. ST. ONGE, Mr. ROSENTHAL, Mr. LEGGETT, Mr. BURLISON of Missouri, Mr. ECKHARDT, Mr. OTTINGER, Mr. BURTON of Utah, Mr. BOLLING, Mr. MURPHY of New York, Mr. DANIELS of New Jersey, Mr. ESCH, Mr. HATHAWAY, Mr. GONZALEZ, Mr. REID of New York, Mr. SISK, Mr. BUTTON, Mr. MOSS, Mr. ADAMS, Mr. BINGHAM, Mr. DENT, and Mr. HOWARD):

H.R. 13721. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MACDONALD of Massachusetts (for himself, Mr. THOMPSON of New Jersey, Mr. MEEDS, Mr. KARTH, Mr. SANDMAN, Mrs. MINK, Mr. RIEGLE, Mr. MCCARTHY, Mr. MOORHEAD, and Mr. MIKVA):

H.R. 13722. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MESKILL:

H.R. 13723. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 13724. A bill relating to mortgaged Indian land redeemed by a tribal member or tribal organization; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN (for himself, Mr. EVINS of Tennessee, Mr. ADDABBO, and Mr. BUTTON):

H.R. 13725. A bill to provide for the study and investigation of private foundations, to establish a Private Foundation Control Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 13726. A bill to provide for special programs for children with specific learning disabilities; to the Committee on Education and Labor.

By Mr. ST. ONGE:

H.R. 13727. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

By Mr. SISK:

H.R. 13728. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. SLACK:

H.R. 13729. A bill to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas:

H.R. 13730. A bill to direct the Administrator of the National Aeronautics and Space Administration to erect a monument commemorating the lunar landing of the Apollo 11 mission, and for other purposes; to the Committee on House Administration.

By Mr. CAHILL:

H.R. 13731. A bill to require an investigation and study of improved and additional means of protecting the coastal waters of the United States from further pollution; to the Committee on Public Works.

By Mr. OLSEN:

H.R. 13732. A bill to provide for loans to Indian tribes and tribal corporations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROSENTHAL:

H.R. 13733. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 13734. A bill to amend section 3 of the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

H.R. 13735. A bill to increase the participation of small business concerns in the construction industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; to the Committee on Banking and Currency.

H.R. 13736. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

By Mr. SIKES (for himself, Mr. DINGELL, Mr. FOUNTAIN, Mr. FASCELL, Mr. REUSS, Mr. MOORHEAD, Mr. WRIGHT, Mr. ST GERMAIN, and Mr. HORTON):

H.R. 13737. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

By Mr. ESHLEMAN:

H.J. Res. 892. Joint resolution proclaiming week of September 21 to 27, 1969, as "National Y-Indian Guide Week"; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.J. Res. 893. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the 25th anniversary of the Battle of Bastogne; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H. Con. Res. 329. Concurrent resolution declaring the sense of Congress on the depressed domestic mining and mineral industries affecting public and other lands; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Pennsylvania:

H. Con. Res. 330. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. MARSH (for himself, and Mr. TALCOTT):

H. Con. Res. 331. Concurrent resolution calling on the interim leaders of the government established at Hanoi, North Vietnam, to provide for free and open elections to choose a successor to the late chief of state of such government; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 13738. A bill for the relief of Carl Gilles; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 13739. A bill for the relief of Radha Majumdar; to the Committee on the Judiciary.

By Mr. DELLENBACK:

H.R. 13740. A bill for the relief of Kimball Brothers Lumber Co.; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 13741. A bill for the relief of Dr. Clara Satanowsky Becker; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

263. By the SPEAKER: A memorial of the Legislature of the State of California, relative to cooperative federalism; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

234. By the SPEAKER: Petition of Kathryn E. Worden, et al., Granger, Wash., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.