HOUSE OF REPRESENTATIVES—*Thursday, September 18, 1969*

The House met at 12 o'clock noon.

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

O magnify the Lord with me and let us exalt His name together.—Psalm 34: 3.

Almighty God, who art the source of all our blessings and the fountain of flowing love, help us to realize that Thou art always with us—seeking our good, forgiving our sins, and endeavoring to lead us in the ways of justice and peace. Prosper us in our work, guide us through our difficulties, and reward with the joy of living those who extend a helping hand to others who have lost their way in the world.

We invoke Thy blessing upon us as we labor for the good of our people and upon our Nation in these crucial times. Let not our adversaries triumph over us but let the glory of a just people increase from year to year.

Sustain with Thy power those whom our people have placed in positions of authority and all who are entrusted with our safety and with the guardianship of our rights and our freedom. May peace and good will live in the hearts of our citizens and may our faith exalt our Nation in righteousness; to the glory of Thy holy name. Amen.

THE JOURNAL

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

BARBARIC TREATMENT BY NORTH VIETNAM OF PRISONERS OF WAR

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

Mr. PRYOR of Arkansas. Mr. Speaker, ever so often, and much too seldom, an issue comes before this great representative body which transcends party lines, political philosophy, or the differences which sometime seem to divide North and South, East and West, or urban and rural. Such an issue was presented to this House yesterday afternoon concerning North Vietnam's inhumane and barbaric treatment of hundreds of American men who are now prisoners of war.

Yesterday's special order, which devoted itself to this great issue, presented most vividly the deep and unanimous concern that this Congress feels about our fighting sons who are now prisoners in North Vietnam.

In the gallery yesterday was no organized lobby group. Rather, there were hundreds of wives, parents, children and loved ones of the men who have gone above and beyond the call of duty in their country's service. It was both a beautiful and noble experience to see the manner in which this issue was presented to the Congress.

Now, we must do our duty—in causing not only national but world concern and condemnation for the Hanoi government in their violation of every conceivable standard of moral conduct and treatment of those they now hold captive.

The gentleman from Alabama (Mr. DICKINSON) has performed a worthy and noble service in providing the forum for all of us to express our concern. This Congress and the American people owe him a debt of gratitude—and owe to those men now in North Vietnam our every human effort to achieve their freedom as soon as possible. These courageous men have done their duty. To their families, this Congress is saying that we shall do ours.

CHARGES OF MURDER AGAINST GREEN BERETS

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

Mr. RODINO. Mr. Speaker, the announcement this morning by Secretary of the Army Resor that it would be "unwise and unjustified" for him to interfere with the normal course of proceedings in the Green Berets court-martial cases is unconscionable and a surrender of civilian authority to the military.

Secretary of the Army Resor was urged by me and my colleagues, Representatives CARL ALBERT, PAUL ROGERS, TOM GETTYS, BOB STEPHENS, CLARENCE LONG, and JOHN FLYNT, in a letter addressed to him last week to assert civilian authority over the case, in accordance with the law and in the interests of justice.

I have no evidence that the accused Green Berets will receive fair and impartial treatment. This is based on my knowledge of the mishandling of the case up until now. Let us not forget that these men of distinguished background in the military were in solitary confinement in 5- by 7-foot cells even before an investigation was completed. And the appalling fact is that this information was not known to any responsible officer at the Pentagon for a month or more—in violation of the Blue Bill proceedings initiated by President Eisenhower.

Secretary Resor has failed to fulfill his responsibility in this case, and I do not intend to stand by and see these men who have acted in accordance with orders and with the highest patriotic motives sacrificed to save the careers of military commanders or South Vietnamese political leaders.

Let us not forget that this case centers around the alleged killing of a Vietnamese double agent—and that these servicemen were acting under orders.

Mr. Speaker, law and order with justice must triumph—even for members of our Armed Forces.

THE ARMY'S DISPOSITION CONCERNING THE EIGHT GREEN BERETS

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

Mr. ROGERS of Florida. Mr. Speaker, this morning I, also along with Congressman PETER RODINO and other colleagues, received a letter from the Secretary of the Army regarding his position and the Army's disposition concerning the eight Green Berets.

I am extremely concerned by the statement of the Secretary and do not agree with it.

In about 3 weeks, according to the statement, some of these young men will be tried for murder and conspiracy to commit murder. I think the Army may be establishing a precedent where any American fighting man could be charged with murder for carrying out an order which resulted in the death of an enemy.

The entire situation has an air of unreality. I do not think the American public has any idea of what really has transpired. And I am concerned that if the way this case has been handled so far is any indication, we may never know what happened.

The lack of protection of these men's rights is intolerable. They have even been subjected to solitary confinement in 5 by 7 cells with only 1 hour a day out.

I, along with my colleagues, plan to take this matter up with higher authorities, starting with the Secretary of Defense, in order to insure that these men are provided their constitutional rights under law.

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

Mr. ROGERS of Florida. I yield to our distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding. He knows that he and I, as well as the gentleman from New Jersey, have constituents who are involved in this case and who are apparently going to be tried in the near future. The American people will be shocked if it is determined that the decision to try these boys is influenced in the slightest particular by the wishes of any foreign government. Such a decision would be inimical to our entire concept of criminal law.

Mr. ROGERS of Florida. I certainly agree with that, and I share the same concern with relation to how much influence the Government of South Vietnam is exerting in the handling of this case.

ADMINISTRATION IS NOT CONSUMER ORIENTED

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

Mr. HANNA. Mr. Speaker, I noted in the paper yesterday an expression from a member of the administration to the effect that the tax reform bill passed by this House was too consumer oriented.

Mr. Speaker, this brought to my attention the fact—the unhappy fact, I think—that the present administration does not feel a concern for those people who can be categorized as the consumers of the United States. I think if I were

going to err in any judgment I would make in this House, I would err, I hope, on the part of the consumer.

It seems to me the people of the United States are a little ahead of this Congress and certainly miles ahead of this administration. I find in my district a willingness for us to move toward a program even of wage and price controls. When we look at the sorry spectacle and the performance of what has been happening in terms of inflation, we certainly must admit we have not been doing anything for the consumer.

I think any Member of this body could talk to his own wife or to the wives in his district, and he would find there is a rising, rising, rising concern over the fact that when these wives go to buy anything for their family, they find the prices soaring. I think it is not surprising to find they are willing to go to price controls, bargaining whatever risk there lies in wage controls. In the race between prices and wages, the average American is losing the race as a consumer. I think it high time for Congress to become consumer oriented.

THE CASE OF THE GREEN BERETS

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

Mr. STEPHENS. Mr. Speaker, I have asked for this time because I would like to take the opportunity of associating myself with the remarks made by the gentleman from New Jersey (Mr. RODINO) and the gentleman from Florida (Mr. ROGERS) in respect to the decision of the Secretary of the Army to have the court-martial proceed through the field commander in the Green Beret case.

As I have said on a number of occasions, I cannot believe anyone is going to win by the procedure that has been decided upon. I am very disappointed that the Secretary of the Army has not taken it upon himself to bring this matter to America for further consideration before allowing the court-martial to be convened by the field commander.

PRESENT CONGRESS PASSES LEGISLATION OF HIGH QUALITY

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

Mr. HAYS. Mr. Speaker, sometimes the further one is away from the scene, the better his vision. While some of the newspapers in this country have not given this Congress much credit, I was much interested in an article in the London Economist of a couple weeks ago, which pointed out in its foreign section that this Congress is being criticized. It said while this Congress has not produced a great quantity of legislation, the quality has been exceedingly high. The article went on to point out that this Congress had pushed the Nixon administration into two things it never intended to do: One was tax reform and the other was a considerable amount of additional money for education.

Mr. Speaker, I attach hereto the article from the Economist:

CONGRESS ON ITS OWN

The fact that Congress is now adjourned, enjoying a three-week recess and discarding the obsolete notion that a session should run continuously until its work is completed, unfortunately enhances the false impression that Capitol Hill this year has been a place of somnolence. Using the normal but totally misleading measuring stick of the number of Bills passed, the 91st Congress, with a substantial Democratic majority in both houses, does seem laggard. Even some high members of the Nixon Administration have toyed with the idea of going to the country in the 1970 mid-term elections by compaigning against the "do-nothing" Democratic-controlled Congress, turning inside out the Truman campaign of 1948.

In truth, however, the first eight months of the 91st Congress, while skimpy quantitatively, are most impressive qualitatively. It has pushed President Nixon into two courses that just a few months ago he had not the slightest intention of following: comprehensive tax reform and substantial reduction in defense expenditures. The tax reform Bill, the only major legislation with a chance of final passage this year, is almost entirely a creation of Congress—a rarity over the past 36 years when the executive branch has drafted almost all major legislation. Emboldened by these successes, Congress promises to go its way without paying much heed to the White House.

GREEN BERET CASE

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

Mr. GETTYS. Mr. Speaker, I rise to join in and associate myself with the remarks of Majority Leader ALBERT, the gentleman from Florida (Mr. ROGERS), the gentleman from New Jersey (Mr. RODINO), and the gentleman from Georgia (Mr. STEPHENS), in connection with the poor handling of the so-called Green Beret case in Saigon by the Secretary of the Army.

Mr. Speaker, I believe the Secretary has rendered a disservice to the American people and to the image of our military forces by not convening the court in this case under his jurisdiction rather than under the military commander. The interests of dedicated Army officers are being sacrificed for apparent political considerations. Respect for military justice is being seriously jeopardized.

THE NEWS MEDIA SHOULD FOCUS WORLD OPINION ON THE TREATMENT OF PRISONERS OF WAR BY THE NORTH VIETNAMESE

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

Mr. WAGGONNER. Mr. Speaker and Members of the House, at the close of regular business yesterday afternoon the gentleman from Alabama (Mr. DICKINSON) took the lead in providing a forum here in the House, under the mechanism of a special order, for Members of the U.S. Congress to make an effort to assist our prisoners of war held by the North Vietnamese and their families, their wives and loved ones back home, by trying to influence world opinion against the inhumanity of the North Vietnamese and their violation of every moral concept man knows anything about in the treatment of American prisoners of war. I commend him again for this action.

Mr. Speaker, I believe it needs to be said that if we are going to influence world opinion, to bring some pressure to bear on the immoral North Vietnamese, we are going to have to have some real help from the news media and from every segment of the news media both at home and abroad.

I do not know how many Members are aware of it or not, but the Washington Post this morning, the morning paper here in our Nation's Capital, so far as I can determine, did not see fit to even mention what happened yesterday even though nearly half the membership of the House participated. The gallery was packed with families of our prisoners.

I call now upon every segment of the news media of this country to try to take this cause to the news media of the world, and let us influence worldwide opinion in an effort that has to be undertaken to bring some pressure to bear on the North Vietnamese to at least provide humane treatment for our prisoners of war. It is unconscionable that something of this gravity, so serious in nature, could be totally ignored here at home.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The gentleman is incorrect in one aspect. The Washington Post did in fact report it. I was dismayed to find that it was on the society page. If anything is going to get to Hanoi, I am sure it will be from the society pages of the Washington Post.

Mr. WAGGONNER. I believe the gentleman has really accented the problem. I thank him for that statement. I am not accustomed to reading the social columns of the Washington Post.

SOUTHERN SCHOOL DISTRICTS

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

Mr. EDWARDS of Alabama. Mr. Speaker, Vice President AGNEW, in a speech before the Southern Governors Conference, stated what many of us in the South have been saying for a long time. A southerner himself, he is probably more keenly aware of the great difficulties the southern school districts are experiencing.

He clearly voiced his opposition to "artificially contrived integration" saying:

I'm against busing those children to other neighborhoods simply to achieve an integrated status of a larger geographic entity.

He also dispelled the notion that this administration is offering a special favoritism to Southern States saying that the administration's so-called southern strategy is "no more than one of just recognition and equitable treatment." Our measures do not favor the South, he

said, but ask that all States achieve exactly equal standards.

I hope that the Vice President is able to convey his definitions of "just" and "equitable" and "artificially contrived integration" to the Secretary of Health, Education, and Welfare. And it would mean much more to those troubled communities in the South if some of Mr. AGNEW'S words were translated into court decisions and administrative rulings.

It is easy to say "no busing," Mr. Vice President. But it is hard to explain to a child who is being hauled halfway across the county to satisfy the bureaucratic dreamers over at HEW.

THE NIXON DOMESTIC PROGRAM

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

Mr. MACGREGOR. Mr. Speaker, it is seldom that a President's domestic proposals receive the wide acclaim accorded President's Nixon's group of messages that make up his "new federalism" package.

In the few weeks since the President spoke to the Nation outlining the new federalism, every major newspaper in the country and hundreds of smaller ones have editorialized on his proposals.

Out of over 400 editorials only 30 were opposed. Surprisingly only five considered the proposals inadequate. Another 25 thought that he was increasing the size and scope of the welfare state.

But, Mr. Speaker, the Nation's newspapers were overwhelmingly in favor of the President's program. In general, they looked on it as a practical alternative to the colossal failure of the current welfare programs.

Mr. Speaker, one thing seemed to concern the newspapers more than anything. Their concern is that the Congress will drag its feet on the legislation the President will send up to implement his program.

I do not believe we can afford to do this. Too much is at stake. Too many people, not only the newspapers, but also the poor, and the people who pay the bills—the taxpayers—are watching carefully.

We cannot let them down.

PRESIDENT'S SPEECH TO THE UNITED NATIONS

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

Mr. GERALD R. FORD. Mr. Speaker, if the United Nations is to be more than a debating society and a propaganda forum, the members of that organization must respond meaningfully to President Nixon's urging that they persuade Hanoi to engage in productive peace negotiations at Paris.

I would like at this time to commend President Nixon for going before the United Nations to make this eloquent appeal for peace, this plea that member nations of the U.N. seek to use their good offices on behalf of an early peace in Vietnam.

Mr. Speaker, there is no problem facing this Nation that is more pressing than the Vietnam war. Any effort, therefore, that the President makes which may have beneficial results is very much to be applauded.

I mentioned yesterday during House discussion of the prisoner-of-war issue that world opinion counts for something even among Communist nations. I believe that to be true, and it is for that reason I feel that President Nixon's appeal to the United Nations may have some impact on North Vietnam.

If all 126 members of the U.N. were to pressure North Vietnam for more meaningful peace negotiations, I believe the result would be beneficial in the cause of peace.

If only a fraction of the U.N. members but a sizable number were to raise their voices in protest against the unyielding position of North Vietnam at Paris, the result might be to move the other side to some degree.

Mr. Speaker, I believe President Nixon's initiative in going before the United Nations on behalf of world peace will have a salutary effect. I feel he deserves the commendation of this entire House.

SEATS IN THE HOUSE CHAMBER SHOULD BE RESERVED FOR MEMBERS ONLY

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

Mr. ABERNETHY. Mr. Speaker, Tuesday was a great day in this Chamber when Members of the House and Senate were afforded an opportunity to honor our brave astronauts who walked on the moon.

Naturally, this was a day when thousands of people wanted to be in the Chamber, to see and hear these brave young men and pay to them an honor they were justly due.

Mr. Speaker, during the years I have been here I do not believe I have ever seen the Chamber more crowded. Regrettably, some of the Members of the House did not have a place to sit. This was due to the fact that quite a number of unauthorized adults and children—and I love children as I have three of my own—were occuping seats which were actually the seats of the Members. We frequently bring our young children here. And as a rule they can usually be taken care of on such a day as last Tuesday by having them occupy seats with the Members. But certainly unauthorized adults should not be in these seats or even in this Chamber as some were last Tuesday. I counted nine Members of the House of Representatives who were standing against the wall to my right and to my left with no place to sit.

Now, Mr. Speaker, these Members did not mind standing. However, there are rules of the House regarding admission to the Chamber and occupancy of the seats. I trust that henceforth upon occasions of this kind that the rules are enforced and the seats of the House of Representatives will be reserved for the occupancy only by authorized personnel.

Mr. Speaker, I am sure you are not responsible for what happened Tuesday. I know you share my views about this matter.

A NEW HIGH REACHED IN INTEREST RATES ON GOVERNMENT BONDS

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

Mr. ALBERT. Mr. Speaker, yesterday, the Treasury Department announced that it was offering $8.9 billion of Government securities at the fantastically high interest rate of 8 percent.

This is the highest interest rate paid on Government securities since the dark days of 1859.

Mr. Speaker, this 8-percent interest rate on securities backed by the full faith and credit of the U.S. Government should make it clear to everyone that something must be done and done quickly about these destructively high interest rates. It is unconscionable that the Federal Government must pay 8 percent on its borrowings.

It is time that the Federal Reserve System perform its function and support the Government bond market. We have a Federal Reserve System to prevent the American people from being gouged in this manner. Yet, the Federal Reserve is not acting to support the bond market and as a result the taxpayers are being struck with an unnecessary and heavy burden of high interest on Government borrowings.

Mr. Speaker, this is an emergency situation and it is a firm test of the Federal Reserve's willingness to act in a responsible manner and in the public interest. I suggest that the Federal Reserve take whatever action is necessary to reduce the interest rate on Government securities well below this 8-percent level.

INTEREST RATES WILL CONTINUE TO RISE UNTIL WE STOP SPENDING

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

Mr. GROSS. Mr. Speaker, I share the distinguished majority leader's concern about high interest rates, but let me say to the gentleman from Oklahoma (Mr. ALBERT) that we got that way, at least in part, by virtue of the fact that through the years Congress and this Government has been spending money that it did not have. This Government has been borrowing money in fantastic amounts. It has been asking for the inflation that produces 8-percent interest rates. Only a few days ago the House went so far as to approve a 10-percent interest rate on Government-guaranteed loans and the gentlemen voted for it.

Until we stop spending money that we do not have, interest rates will continue to go up and up and up.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 175]

Blatnik	Gray	Pepper
Bolling	Griffiths	Poage
Cahill	Gubser	Pollock
Clark	Hansen, Wash.	Powell
Clay	Hathaway	Price, Tex.
Corman	Holifield	Purcell
Dawson	Jones, Tenn.	Railsback
de la Garza	Kee	Roybal
Dent	Kirwan	Sisk
Devine	Lipscomb	Stuckey
Diggs	McDade	Sullivan
Edwards, Calif.	Morton	Teague, Calif.
Fascell	O'Hara	Teague, Tex.
Fulton, Pa.	O'Konski	Utt
Gallagher	Olsen	Whalley

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

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

EFFECTS OF IMPORTS

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

Mr. ST GERMAIN. Mr. Speaker, recently, I overheard a 10-year-old girl say that some houses should have a sign on the outside reading, "This house fully equipped and supplied by Japanese made goods." "Out of the mouths of babes," is a quotation that is particularly applicable here, and I say we should pay heed.

The worsening import situation is creating ever darker clouds over certain sections of this country. Woonsocket, R.I., in my district, for example, is being hit particularly hard by the good fortune of foreign manufacturers.

Four weeks ago Uniroyal, Inc., employing 880 persons, announced that it is closing down operations. The mass imports of inexpensive footwear are responsible for this serious loss to the city's economy.

A week ago the president of the French Worsted Co. in Woonsocket—Rhode Island's largest wool spinning operation—confirmed "a serious cutback and layoff due to lack of business." Textile imports are taking their toll. The company work force which normally numbers 550 persons is down to 300.

An equally serious situation prevails at many of the dye houses because of the imports of dyed yarns, dyed fabrics, and completed garments.

The manufacturing done by Woonsocket's industry is being replaced by products from abroad. But Woonsocket's industries are not the only ones in this country which are being adversely affected.

When are we going to wake up about the import situation? A strong beginning has to be made while the Japanese delegation is here to discuss textile imports.

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 further 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 motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday the joint resolution was subject to amendment at any point. Are there any amendments?

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Colorado: On page 2, line 20, after "least" strike out "40" and insert "45".

Mr. ROGERS of Colorado. Mr. Chairman, my amendment increases the amount of votes necessary to be declared elected President, from a plurality of 40 percent to that of 45 percent. I offer this amendment with the thought in mind that we in America have learned that we do not like to elect individuals to public office unless they have a sufficient mandate from the people.

Mr. Chairman, most of us know that in many municipalities where there are nonpartisan elections the candidates must receive at least 50 percent of the vote in order to be elected, or if they fail to get the 50 percent, then there is a runoff election.

In the history of the Nation from 1856 until the last election, there were only three instances where a candidate running for President failed to get at least 45 percent of the vote. I feel that if a man is to be elected President of the United States, it should be by a vote of more than 40 percent of the people. This is especially true in order to assure a mandate to the new President to move forward and to govern effectively.

As I indicated a moment ago, there have been only three instances since 1856 when the candidate failed to get as much as 45 percent of the popular vote. The objective of bringing about a runoff to the people would be more readily accepted if we had a higher plurality requirement.

It is my thought that there should be a complete and full opportunity by the voters of the Nation to express their choice of President.

The resolution now pending before us provides for a popular vote. It also provides that the candidate who receives the most votes in excess of 40 percent is elected President. But if he receives less than 40 percent and all other candidates fail to get 40 percent, then the two highest candidates would have to participate in a runoff.

I believe that if we require a plurality of at least 45 percent, rather than 40 percent, we will assure a more representative form of government for the people, while also guaranteeing the fullest opportunity to the people to express their will in the election of the President.

I, therefore, urge the members of the Committee to adopt this amendment, and thereby aid in the approval of this resolution.

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

Mr. Chairman, I rise in opposition to the amendment, although I do so reluctantly, because the gentleman from Colorado (Mr. ROGERS) performed yeoman service in the many hearings which were held on this important constitutional proposal.

Mr. Chairman, the Nixon administration and the Electorial College Reform Commission of the American Bar Association both gave careful consideration to the question of what should be the minimum required percentage of the popular vote to elect the President. Both, the administration and the ABA concluded that it should be 40 percent.

The 40-percent figure is obviously a compromise. A higher figure would encourage third parties and thus increase the possibility of a runoff which no one really desires. A lower figure would provide a very small mandate for the man elected President and would, more importantly at this stage of the amending process, jeopardize chances for ratification.

The 40-percent figure is historically sound. Popular vote election totals have been tabulated as far back as 1824. In those 37 elections, only once did all the candidates fail to reach 40 percent. That one time occurred in 1860, when Abraham Lincoln just barely missed receiving 40 percent of the popular vote. His name did not appear on the ballot in 10 States.

Mr. Chairman, I urge the rejection of this amendment, and I yield back the balance of my time.

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

Mr. Chairman, I share with the distinguished minority leader of the Committee on the Judiciary, my eminent and esteemed friend, the gentleman from Ohio (Mr. McCULLOCH), his opposition to this amendment. I do that reluctantly also because we have an abiding affection for the gentleman from Colorado (Mr. ROGERS). He has been one of the mainstays of the Committee on the Judiciary, and has stood by our side throughout the very arduous and lengthy hearings that we have held on this very important constitutional amendment.

The committee considered the question of whether the minimum plurality should be 40 percent or 50 percent, or whether it should be 45 percent. It also considered whether a simple plurality is appropriate. After full deliberations the

committee concluded that it would be far better to provide for a 40-percent plurality requirement.

But it is not merely 40 percent. This must be distinctly understood. It is not that alone. The proposed new bill requires that the individual who is elected must win the most votes. He must get the plurality of the popular vote and at least 40 percent.

You and I and Governors and superintendents of education if they are elected, and most other public officials in the States, counties, and the cities, are elected by a plurality. We provide for a plurality in the new article of amendment, but we also add the other condition of a 40-percent minimum. There must be some minimum because if we had a simple plurality it is possible that a President could be elected with only 20 percent of the popular vote, or only 30 percent of the vote.

The President must be in a position to unify the Nation. He must be in a position to lead the Nation. If he only gets that small and minuscule number of votes behind him, he is not necessarily the leader of the Nation. He will have his troubles. Therefore, we set the required amount at least 40 percent because, as has been repeatedly stated here today, some 15 Presidents were elected with less than 50 percent of the vote and all but one received more than 40 percent. Lincoln was elected with less than 40 percent of the vote.

So we set it at 40 percent. Now if we increase the amount over 40 percent, we have to consider whether or not the increased number will give encouragement to splinter parties and will make more likely a runoff election. We do not want a runoff if we can avoid it.

Runoffs are costly. They mean a repetition of the irritations and the frustrations and the vast expenditures of money involved in elections. We do not want to increase the possibility of a runoff if we can avoid it.

But if you increase the amount above 40 percent, then to that degree you increase the chance that spoilers and splinter parties may come into the picture and try to make deals. That was exemplified in the last election when one candidate, as you may remember, came forward and tried to make a deal with either Mr. Humphrey or Mr. Nixon. He said, "If you will agree with me to give me the choice of some members of the Cabinet and if you will not enforce unduly the civil rights laws, I will throw the weight of my influence and power and prestige to you."

Happily neither candidate fell for that kind of intrigue and they rejected that kind of deal. But nobody knows what the future can bring forward. It may be that we will have candidates that might be weak enough in the moment of stress and strain to make a deal. We do not want those deals. We have tried to discourage such deals by making the required plurality high enough to prevent spoilers from getting into the picture and making possible deals.

Therefore, we say that 40 percent is sufficient. It is not too high and it is not too low. We, members on the Committee on the Judiciary, have spent hours on this matter. We did not reach our judgment on this proposition in an arbitrary manner. We went into it thoroughly. The members exercised their intelligence and we finally came forward with a 40-percent figure.

I do hope, therefore, that the amendment offered by the distinguished gentleman from Colorado will fail.

SUBSTITUTE AMENDMENT OFFERED BY MR. WAGGONNER FOR THE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. WAGGONNER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Colorado (Mr. ROGERS).

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER as a substitute for the amendment offered by Mr. ROGERS of Colorado: On page 2, line 20, strike out "40" and insert in lieu thereof "50".

Mr. WAGGONNER. Mr. Chairman, if you paid particular and close attention to the three Members who preceded me in the well, first the gentleman from Colorado who offered the 45-percent amendment to the committee resolution, you will recall, said that whoever is elected President of the United States ought to have a mandate from the people and that in his opinion a 40-percent plurality did not constitute a mandate. I could not agree more.

The gentleman from Colorado (Mr. ROGERS) was followed in the well by the distinguished gentleman from Ohio (Mr. MCCULLOCH).

Mr. MCCULLOCH took the position that we should not increase the percentage from 40 percent for two rather spurious reasons, neither of them having any value. First of all, the American Bar Association thought that 40 percent is what we ought to have. The American Bar Association does not make decisions here in this Congress for me. The people elected me to the Congress, not the appointed officials of the American Bar Association.

He further attempted to justify not increasing the percentage, as the gentleman from Colorado recognizes ought to be done, by stating that we did not want to do anything to encourage third parties—and he specifically made reference to third parties. This in itself really should tell you why we have this legislation. They are trying to tighten or increase the strength of the two-party system to the detriment of any dissent that a free American might want to voice.

Then the gentleman from Ohio (Mr. MCCULLOCH) was followed in the well by the distinguished chairman of the House Committee on the Judiciary, and he made the statement, if you paid attention to his remarks, that the President of the United States ought to get a vote sufficiently large to be able to unite the people of this country. Certainly he is correct but I would ask you how many of you really believe that a 40-percent plurality is a vote which would be sufficiently a mandate to bring about the uniting of the people of this country under the leadership of any President who does not get any more vote than that?

Let me say this: During the course of the consideration of this resolution in committee and during debate the people have been misled into believing that this resolution provides for a majority vote.

I am going to do what I did once before. I am going to make reference to three pieces of correspondence. The first is by the National Federation of Independent Businesses, which produced a poll showing that an overwhelming majority of our people favor the election of the President by a direct vote. But listen to what they said. They did not tell the people they were talking about a plurality of 40 percent. They will not tell you that. The specific question asked was in these exact words:

Do you favor presidential elections by majority of the popular vote of the people?

My friends, I agree with the gentleman from Colorado. The President should have a mandate. It is only by a majority vote that a President would have a true mandate from the people.

Again I refer to a news report from the United Automobile Workers dated September 11. They refer to the subject of electing the President and the importance of having a majority President. This is the title of this paragraph in this United Automobile Workers report. They state exactly this, in support of a majority, not a plurality:

Direct popular election would give victory to the majority candidate and is the only forthright, foolproof answer to this problem.

I also quote from the United Automobile Workers Washington Report dated September 15. Listen to what they have to say again:

Certainly an overwhelming majority according to polls agree on the majority approach to presidential elections.

My friends, if you want your President and my President to have a mandate and be one who can unite the people—and we want a true democracy and not a raw democracy—then let us forget the idea of plurality Presidents, if we are going to a direct vote, and let us elect majority Presidents who do have a mandate from the people.

What is wrong with that? Not a thing in the world. Do not kid the people. If we are going to have a direct vote we should require a majority, not a plurality.

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

Mr. BIESTER. Mr. Chairman, the substitute would aggravate the problems which were referred to by the chairman of the committee, the gentleman from New York (Mr. CELLER), when he addressed himself to the figure of 45 percent, for obviously by each percentage point we rise above 40, we increase the chance and likelihood of splinter parties throwing the Nation into a runoff election.

As one rises above 45 percent, this opportunity increases, and it increases, I submit, almost in geometric progression.

If one looks at the hearings on page 1009, he will find listed the Presidents of the United States who, since we kept records on the subject, have served even

though they received less than 50 percent of the total popular vote in the country. They include Presidents Adams, Polk, Taylor, Buchanan, Lincoln—who received less than 40 percent, Mr. Chairman, but I think it is proper to point out that President Lincoln was not even on the ballot in 10 of the States of the then Union—and Presidents Hayes, Garfield, Cleveland, Harrison, Cleveland again, Wilson twice, Truman, Kennedy, and Nixon.

In all of those circumstances—and I believe that is 15 out of 37—had a majority been required, we would have had a runoff election.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for one brief comment?

Mr. BIESTER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman from Pennsylvania makes reference to the fact that only President Lincoln was elected with a vote which totaled less than 40 percent.

Mr. BIESTER. It is not only Lincoln, but I mentioned that point when I referred to his name.

Mr. WAGGONNER. But when we are talking about uniting the country, would the gentleman not say that President Lincoln failed to do just that?

Mr. BIESTER. I might say the President who received the largest mandate in this country, ever, was a man who declined to run for a second term, in part because of national disunity.

Mr. Chairman, I do not believe it is necessary to elaborate on the very cogent observations and arguments of the chairman of the committee. I simply point out that the substitute amendment aggravates the chance and encourages the country to go into splinter parties and increases the likelihood that we will have a runoff election—which, of course, all of us would not like to see happen under any circumstances.

I think the committee's position of 40 percent is a thoroughly rational position. Forty percent is a figure below which only one President in the last 100 years has gone, and that was President Lincoln, and I have explained those circumstances somewhat. It is a figure which prevents and is intended to preclude the effectiveness of third parties in their desire to wheel and deal in choosing the ultimate winner.

Mr. Chairman, I earnestly urge the House to reject the amendment and the substitute.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the substitute and the amendment to the substitute.

Mr. Chairman, I rise reluctantly to speak against the substitute and against the amendment to it, because I think almost everything that the able gentleman from Colorado and the able gentleman from Louisiana have said is correct—except their conclusions.

Of course, this leads to the reason why the general change that is sought here seems to me to be so undesirable. The amendments themselves, I think, are undesirable and would make the change worse than if the committee resolution were enacted.

It is popular today to say we should "throw away tradition, respect, and ceremonious duty," and adopt some new method which on its face appears to solve a problem. But I suggest here that the problem which is addressed by these three choices of percentage emphasizes the existence of a problem that is not solved by the basic resolution and would not be met by the amendments.

The important thing about the system that exists today is that when a President is elected, history has shown us he is nearly always elected by a sweeping electoral vote. This may not appear important to people today, but it has unified this Nation for 180 years. For some reason—and I think it is a reason closely akin to the intelligent pragmatism of the common law—the electoral vote magnifies the popular vote majority.

Mr. Chairman, it is that fact which gives the people a feeling of finality in our presidential elections, a feeling that the election was a valid determination by and for the Nation. It seems to me we make a mistake if we argue over a number of different percentages and come out with a conclusion that a man elected by, say 35 or 40 or 45 percent thus receives a mandate of the people to lead the Nation.

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

Mr. Chairman, we have, up to now, I believe, done away with most of the evils we have sought to do away with.

Everyone with whom I have talked seems to be of an opinion that perhaps the best way to do this is by a direct election. I believe we have accomplished that.

I am prepared, as most people here are, to vote for almost any plan that will guarantee the direct election of a President in preference to the system we now have.

I do not expect the amendment of the gentleman from Colorado to be adopted, although I would rather have his amendment adopted than I would a 50 percent plus one majority rule adopted because I am also of an opinion that the next thing we want to accomplish is that kind of an election of the President which will leave no doubt as to any further proceedings. The biggest thing we want to do away with here, I believe, is the horror of the election to the highest office resolving itself under the present system to the House of Representatives. This I am sure everybody wants to do away with.

If this is what we hope to accomplish, then I believe we should address ourselves to that contingency which would throw the election either to this body or under some other process. This is the next largest problem.

Many people are also of the opinion that we should restore and maintain a strong and healthy two-party system. This I certainly favor, also. We have great fear, obviously, judging from all the speakers who have spoken, that various plans will encourage the third-party system. Well, this is important, and this, I believe, we should direct our attention to at this moment. I know of no other way to encourage third parties, I know of no other way to make a man like George Wallace more powerful, than to demand that the President of the United States must have a vote equal to 50 percent plus one. This would have been tantamount to having that man practically name the President of the United States in the year 1968, and I am sure nobody here wanted that to happen.

I do not see any real significance to the magic figure of 40 percent, and I am not persuaded to adopt that just because the American Bar Association thinks it is a good idea. In this instance I share the opinion of my friend from Louisiana. We were elected to make the laws, not the bar association.

I am sure my theory is not going to be adopted, either. I was going to put in an amendment to the effect that the President of the United States should only be required to get a plurality of the vote by direct election. This would do away with any possible contingency of having some other election.

If we go through the records it is quite obvious that no splinter group, no third party, is going to win, anyway. I believe that this way we are presenting a simple constitutional amendment to the people that they can buy. The lower we make this requirement the better it would work.

For this reason I am prepared to vote for almost any measure that is going to guarantee the election of the President by a popular vote, but if we want to make it a perfect legislative measure. I believe we have got to take out the 40-percent requirement.

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

Mr. SANDMAN. Yes. I yield to the gentleman.

Mr. FEIGHAN. Mr. Chairman, any reduction below 40 percent would be undesirable because it would undermine the two-party system. An elimination altogether would result in numerous splinter parties. Under such a circumstance, a President could be elected with a small percentage of the popular vote and lack the type of popular mandate necessary to govern effectively. The two-party system has helped to unify the United States and has enabled Presidents to provide necessary leadership.

By increasing 40 percent to a majority, the number of elections resulting in a runoff could be too numerous. Historical experience indicates that a 40-percent plurality requirement would make the need for contingent elections extremely remote. Splinter groups would very rarely, if ever, be able to secure enough votes to force a runoff election.

I urge defeat of this amendment.

Mr. DOWDY. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, during this debate I have stated my firm opinion that a President-elect should have a majority vote mandate from the people somewhere down the line. The proposal before us provides for election of a President by 40 percent of the vote. I support the amendment to require 50 percent of the vote for election.

The ranking minority member of the Judiciary Committee has just stated during the debate on the pending amend-

ment that the 40-percent figure is a compromise. It is a compromise all right. It compromises the integrity of the vote. It compromises the popular one-man, one-vote concept by substituting therefor the concept of one man, 1½ votes. It would provide that a President-elect could take office, having received only two out of five of the votes cast, meaning that he would have only a 40-percent mandate—that he could be bitterly opposed by the other 60 percent of the votes. It would make possible the election of a President who is not supported by the people. It would make it possible for the voters of the 12 largest cities to elect a President who would completely disregard the remainder of the Nation. It would mean campaigns would be directed to those cities, ignoring the voters of the other areas.

We call this a nation ruled by the majority. The amendment of the gentleman from Louisiana should be adopted, in order that the will of the majority might prevail.

If we are to abolish the electoral vote concept, which provides a majority election, we surely should preserve the majority concept in the proposed new method.

Mr. Chairman, I urge adoption of the substitute.

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

Mr. DOWDY. Yes. I yield to the gentleman.

Mr. MIKVA. Would the gentleman also be for his 50-percent requirement for the election of Congressmen?

Mr. DOWDY. Certainly.

Mr. MIKVA. But you are aware no Member of Congress at this point is subject to such requirement?

Mr. WAGGONNER. Will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Could I correct the gentleman's erroneous statement? It requires 50 percent plus one, a majority, to be elected in a primary as a Member of Congress from the State of Louisiana, and I think it should remain that way.

Mr. DOWDY. I do, too. Thank you.

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

Mr. DOWDY. Yes. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I rise today in support of House Joint Resolution 681, the proposed constitutional amendment which would abolish the electoral college system and provide for the direct popular election of the President and Vice President of the United States.

Chairman CELLER has correctly pointed out that it is "downright uncivilized" to perpetuate a system which could make winners losers and losers winners. The continued survival of our political system is based upon the ability of the people to choose their leaders. In my estimation, over the years, the wisdom of the electorate has been proven.

In one of the most perceptive analyses of American politics that has ever been written, De Tocqueville's "Democracy in America," it was pointed out:

> In the United States, the majority governs in the name of the people . . . the people therefore are the real directing power.

Today we exist with an electoral system that has, within its archaic mechanics, the ability to deny the rights of the majority. This amendment will help insure the fact that regardless of in what city, State or section of the country a voter resides, his ballot will be counted on an equal basis with all others.

Last year we saw tremendous examples of the benefits of involvement and participation in the democratic process. The direct election of the President and Vice President will not only lead to greater participation on the part of hundreds of citizens, but also, and more importantly, it will heighten the effectiveness and equity of our electoral process.

House Joint Resolution 681 is not a haphazard move aimed at eliminating a third party threat, but rather a well-planned, well-thought-out amendment that seeks to insure the responsiveness and effectiveness of our democracy. With our present system we have seen how power brokers can be born, we have seen how sectionalism can arise, and how the intentions of the majority can be ignored by the electors of any given State.

Mr. Chairman, the people and only the people should be power brokers. The deadlocks and bargaining that could well become reality under our present system must be eliminated. House Joint Resolution 681 would remove these threats by returning power to the electorate, the people of this great country. In my estimation, this is exactly where it belongs.

Mr. WATSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana.

Mr. Chairman, what is the magic in 40 percent? Why not 39? Why not 41? All of these would specifically legalize election of a President by less than a majority vote. Now, as I understood the proponents of the direct popular vote system, they believe in pure democracy. Have you stopped to think that the present system provides for the election of your President and your Vice President not by 40 percent, but it provides for these officers to be elected by a majority vote? Granted not a direct majority vote of the people but a majority vote of the electors elected by the people. So we presently have a majority vote requirement for the election of the President and Vice President.

Really, do we want to provide a method whereby we tell the American people that we want their No. 1 and No. 2 administrative officers elected by a minority vote?

Now, let us be honest with the people. As the gentleman from Louisiana pointed out, the three polls that he cited, the question presented to the people was whether or not they would like or prefer to have the President elected by a direct popular vote—that is by a majority of the popular vote.

Now, Mr. Chairman, various speakers have stated anywhere from 70 percent up to 81 percent of the people are in favor of such a direct vote system. The only question I ask is this: Why was it not 99 percent? If you ask the people on the street whether or not they are in favor of electing the President by a majority of the people voting, why would it not be 99 percent responding affirmatively? Because most of the people feel that that is exactly the way it is done right now. So, it is surprising to me that the response was not 95 percent or 99 percent.

Mr. Chairman, we have heard these figures cited from the various polls over and over again but somehow we forget the form of the question propounded. If we would be honest with the people and try to enact legislation in line with the specific question presented to them, then we should be in favor of electing the President and Vice President by a majority popular vote.

One final thing which I would like to point out: Repeatedly have the advocates of change—and I can see the imperfections of this system and I personally believe that the district system is best—but over and over again they have said we must do something, because if there had been a shift of 1 percent in the vote this would have resulted in utter confusion; if there had been this occurrence, chaos would have resulted, and if this other thing had occurred, we would have faced a catastrophe. But these "ifs" never developed, Mr. Chairman.

Well, may I say to you, Mr. Chairman, is it not just as logical—in fact, more logical—to argue that since these "ifs" did not eventuate such fact is in favor of rather than against? It is a fact that it did not happen. We were not thrown into this confusion. We were not thrown into a state of utter chaos as some have said could have happened.

Mr. Chairman, I am not using that as a basis for stating that the present system is perfect. Oh, no. I remember the statement made by the distinguished gentleman from California, the ranking minority member of the Committee on Rules, when he said as he heard the arguments presented before the Committee on Rules and, also, as I have heard the arguments presented here over the past several days here on the floor of the House, I am convinced that those who wrote the Constitution did a rather magnificent job in devising the present system.

I believe, if I recall history correctly, only 39 of the delegates to the Constitutional Convention remained to sign the final document. But as we look at it in retrospect, I believe that they came up with the best possible system for a government not just for America, but a government for the United States of America.

So, those who would advocate—and I endorsed and supported the district plan—but those of you who are so insistent that the people must speak out and those who are so insistent upon the democratic principles, then I ask you how can you argue against the basic principles of a pure democracy; namely, election by a majority rather than a minority vote. Not 40 percent, not 39 percent, not 41 percent or any other

percentage, but the majority must govern.

Mr. Chairman, I hope that the members of the Committee of the Whole House on the State of the Union will favorably consider the amendment which has been offered by the gentleman from Louisiana, if you truly believe in a democracy.

The CHAIRMAN pro tempore (Mr. ROSTENKOWSKI). The question is on the substitute amendment offered by the gentleman from Louisiana (Mr. WAGGONNER) for the amendment offered by the gentleman from Colorado (Mr. ROGERS).

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 43, noes 33.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman pro tempore (Mr. ROSTENKOWSKI) appointed as tellers Mr. WAGGONNER and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 71, noes 91.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ROGERS).

The question was taken; and on a division (demanded by Mr. ROGERS of Colorado), there were—ayes 51, noes 68.

Mr. WAGGONNER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ROGERS of Colorado and Mr. MIKVA.

The Committee again divided, and the tellers reported that there were—ayes 67, noes 87.

So the amendment was rejected.

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

Mr. HUTCHINSON. Mr. Chairman, on ratification of the Constitution, the United States was created a Federal Republic. Citizens of the States at once became citizens of the United States, but they did not thereby lose their State citizenship. Instead, we are at the same time citizens of the United States and of the State wherein we reside.

In our Federal Republic, with powers divided between the State and the Nation, our people vote in their role as citizens of their States. The Constitution directs the apportionment of Members in this House to the States and the people of the State elect the members of that State's delegation here. Likewise, in the other body it is the people of a State who choose the two Senators from that State.

And as our presidential electoral system has evolved, the people of each State direct how the electoral vote of that State shall be cast. There is not and never has been any Federal election machinery. Elections are conducted by the States. It is the people of the States who participate in them. The concept of voting as a function of State rather than National citizenship is one of the marvelous checks and balances within our federal system. It is one of the powers reserved to the people of the States by the largely ignored 10th amendment. I conceive it to be the duty of the Congress, even in writing constitutional amendments, to preserve the fundamental federal structure of our governmental system.

I said a moment ago that as our presidential electoral system has developed, the people of each State direct how the electoral vote of that State shall be cast. The presidential electors appointed by the several States under the original Constitution were admittedly free agents and I concede that they continued to be free agents under the 12th amendment as that amendment has been interpreted, the latest instance being last January by this Congress in the case of the North Carolina faithless elector. But I submit that it need not have been so, and a good case could be made for holding that the 12th amendment binds electors to carry out the trust imposed by the people who elected them. To make out that case, we need only remember why it was that the 12th amendment became necessary. Had the electors remained truly free agents, as the original Constitution intended them to be, the circumstances which necessitated the 12th amendment would not have arisen. It was only because the electors were no longer free agents but were bound by party loyalty that the 12th amendment was made part of the Constitution. Since the adoption of that amendment back in 1804, presidential electors could have been restricted to the ministerial duty of casting their votes for the presidential and vice-presidential candidates of the party which elected them. Because of those infrequent occasions when the issue has arisen, the electors continue to be respected as free agents, the Constitution now needs to be amended to abolish presidential electors as persons.

The oft-expressed theory is that the will of the people might be thwarted in the electoral college by men who can betray their political trust. The recitation of 180 years of history apparently fails to allay those fears, although that history reveals no real cause for alarm, the half dozen isolated cases of faithless electors notwithstanding. The electoral college has always been faithful to its trust, casting the electoral vote in each State as the people of that State have directed.

As the electoral system has evolved, the States have adopted a unit rule system whereby the voters determine statewide for which party all of a State's electoral votes will be cast. The argument is made that this winner-take-all system denies any weight to those sometimes very large percentages of the electorate who cast their votes for the presidential ticket which did not carry the State. Well, let us look at that argument a minute. It is equally valid to argue that those voters who do not vote for the winning candidate for U.S. Senator in their State have lost their vote. Everyone who voted against us who are Members of this House likewise can argue that they lost their vote. If we choose those who are to occupy public office by the greater number of votes, then all of those who would have chosen some other candidate in a sense do lose their votes. If, under our federal system, the people of a State are to determine how that State's participation in the choice of a President shall be made, it is true that those who vote for some other ticket likewise lose their vote. But it is no different than in the case of electing any other official.

Next, it is contended against the present electoral system that it is possible for a presidential ticket to win a majority of the electoral votes without obtaining a national plurality of the popular vote. It can also be pointed out, though, that it is possible for a party to win control in this House of Representatives although the total number of votes cast for congressional candidates of the other party nationwide may exceed the total cast for the winning party. I have seen voting statistics, which I do not have presently at hand, showing that in some elections my political party had received a larger percentage of the total vote cast for congressional candidates than was reflected by its membership in the House. These circumstances have not greatly alarmed the people of the country, but they are equally as valid criticisms as the argument that a President might be elected who failed to receive the greatest number of popular votes. Eighty years ago that happened. But not since Cleveland won the popular vote and Harrison the electoral vote in 1888 has the top runner in the vote of the people failed to receive a majority in the electoral college.

The 20th century has been without blemish in that regard although we have experienced as many elections with significant third party challenges in this century as in the 19th. Recall the third party threats in 1912, 1924, 1948, as well as in 1968, yet in each of those cases as well as in the close two-party elections in 1916 and 1960, the electoral system elected the candidate who also received the most popular votes. Having disposed of that one election 80 years ago when the candidate who got the most popular votes failed to win in the electoral college, we have to go back to 1876 and to 1824 to find the only other instances. That this should have occurred but three times in our history and not at all in this century presages no real cause for alarm.

Turning now to another point, it is clear that the writers of the Constitution expected presidential electors to be chosen by districts within each State. James Wilson of Pennsylvania initially proposed an electoral college, and his proposal described the electors as being chosen by districts within each State. In the end, that detail was omitted from the Constitution and each State was empowered to appoint electors in such manner as the legislature thereof shall direct. The States already have it within their power to provide for the choice of presidential electors by districts and no constitutional amendment is requisite to accomplish any change from the winner take all to the district system of choosing electors. A constitutional amendment is necessary, however, to abolish the electors as persons and, I repeat, that change should be made to remove the threat of the faithless elector.

The abolition of presidential electors

as persons will also accomplish another reform. Since there would be no electors, it would be impossible for any State to list a slate of electors on their ballots in lieu of the names of the candidates of the political parties and we would no longer have any independent electors.

As I see it, there are only two changes that need to be made at the present time in the constitutional provisions for the election of our President. The first is the abolition of personal electors, and the second is the problem of the contingency election when no ticket shall have received a majority of the electoral votes. It has been 144 years since the House has been required to choose a President, and since that time our two-party political system has developed. We may cite some close elections and say that the electoral system almost failed, but the point is, it has not, suggesting that our present political system is stronger than some are willing to acknowledge. But even if the electoral college should fail to deliver the majority of the electoral votes some time, because the people by their suffrage direct no majority, the House upon which the choice of a President will then devolve, will have also been elected by the people directly answerable to them within a 2-year period, chosen through the same political parties, a politically responsible party capable of reflecting the people's will. The framers of our constitutional system had no fear of the House as an electing body. On the contrary, they expected that most Presidents would be chosen in the House. The college of electors, meeting in their respective State capitols, with no coming together nationally, were not expected to produce a choice nationwide. In effect, the electors were expected only to nominate the candidates from whom the House should choose a President. As our political system has developed, however, the contingency of House election has proven to be quite remote. There is no empirical evidence that the contingency will arise more frequently in the future than in the past.

But the procedure for contingency election put forth in the 12th amendment gives to each State one vote, with a majority of the States necessary to elect. This procedure would be wholly unacceptable to the American people today and is in need of change. It is also possible, if the House is in control of one political party and the Senate is in control of the other, at a time when the House is called upon to choose a President and the Senate to choose a Vice President, that we could end up with a split administration, a President of one party and a Vice President of the other. That happened only once in our history back in 1796 when John Adams, a Federalist, was elected President and Thomas Jefferson, a Democratic-Republican, was chosen Vice President in the electoral college. In order to provide an acceptable method of contingency election, the most reasonable change, it seems to me, would be to provide that when no presidential ticket receives a majority of the electoral vote of the States, then the Senate and the House, meeting as a single body in a national assembly, should proceed to choose a President and a Vice President from among the top two presidential tickets with every Senator and every Representative having one vote. A simple majority of the whole number of votes cast would make the choice. We would then be assured that both the President and the Vice President would be of the same political party and there would be as many votes cast in the contingency election as there were electoral votes cast in the general election, the vote of the District of Columbia only excepted.

To accomplish these changes, that is, to abolish the electors as persons while retaining to each State and to the District of Columbia its electoral vote, and to provide for a more acceptable method of contingency election, I introduced House Joint Resolution 825. Within the spectrum of alternatives, my proposal is an automatic plan, automatic because the electoral vote would be cast without the existence of presidential electors. The proposal does not reach the matter of how a State shall cast its electoral vote, whether statewide or by district, because the constitutional power to make those determinations already exists in the States. House Joint Resolution 825 also would provide that if a ticket receives a majority of the electoral vote, the House and the Senate would ascertain that fact after counting the electoral vote and would then immediately act as a single-bodied national assembly to choose a President and Vice President from among the top two tickets.

I believe that desirable reforms can be accomplished within our federal system and that it is not necessary to destroy the system. The committee proposal, House Joint Resolution 681, instead of strengthening our familiar system, destroys it, in my opinion. The committee proposal has been promoted on the grounds that it provides for the direct election of the President by the people. The truth is that the people already elect our President directly but they do it through a federal system where their role as citizens of their States is also preserved. Though I am not enamored with the committee approach, I am no less dedicated to the proposition that the people shall elect their President. They do that now.

As has been explained by earlier speakers in this debate, the committee proposal is a very simple plan. It would have the people go to the polls in a national election and cast their votes for President and Vice President. The ticket which receives the greatest number of votes will be declared elected, so long as the winning ticket receives at least 40 percent of the total vote cast. In case no ticket received the 40 percent minimum, a runoff election would be held in which the people would choose between the top two tickets. The Congress would be given reserve authority to define uniform residence requirements to vote for President and Vice President, Congress would also be authorized to make uniform the manner of holding the presidential election and the Congress would provide for counting the vote and ascertaining the results. The Congress would also have power to provide for the inclusion of any ticket on the ballot throughout the United States. Some of these powers vested in Congress by the amendment are broadly enough phrased so that we can reasonably expect presidential elections to be conducted according to Federal law rather than State law.

Wholly in the spirit of improving and perfecting the committee proposal and without any purpose of obstructing it whatever, I would offer four amendments: First, under our present system, it is necessary for the President and the Vice President to come from different States. I would amend the committee proposal to provide that no candidate shall consent to the joinder of his name with that of a resident of the same State as himself. This would assure that there would be a diversity of State citizenship on each ticket in the future as in the past.

The original Constitution did not define any qualifications for the office of Vice President. The 12th amendment, however, specifically states that no person constitutionally ineligible to the office of President shall be eligible to that of the office of Vice President. The committee proposal, House Joint Resolution 681, repeals by necessary implication all of the 12th amendment, except, hopefully, the last sentence of that amendment, which requires the Vice President to have the same constitutional qualifications of eligibility as the President. Committee counsel states that in his opinion, nothing in the committee proposal would of necessity repeal that last sentence. But the sentence is so clearly part of the electoral process of the 12th amendment as to raise doubts and in my opinion, it should be stated again in this direct election proposal in order to make sure that it survives. I would, therefore, propose to amend the joint resolution to specifically require the Vice President to have the same constitutional qualifications as the President.

The present Constitution directs that the day on which the presidential electors shall give their votes shall be the same throughout the United States. The committee proposal provides that the day for presidential elections shall be uniform throughout the United States. I would amend it to provide that the day for presidential elections shall be the same throughout the United States. I believe that the word "uniform" and the words "the same" are not necessarily synonymous. I would prefer that we retain the original phraseology of the Constitution so far as possible.

My other effort to improve the committee proposal would rephrase the rather inelegant language of section 3 in order to remove reference to "a pair" of persons. The Committee on the Judiciary was not pleased with this wording and in my opinion efforts should be made to improve it on the floor.

Before concluding my remarks, I desire to discuss the provisions of House Joint Resolution 825 introduced by me. Section 1 provides that the States no longer appoint electors of President and Vice President but each State shall continue to have a number of electoral votes equal to the whole number of Senators and Rep-

resentatives to which the State shall be entitled in the Congress.

Section 2 provides that the people of each State shall cast the electoral votes of that State in elections for President and Vice President. The times, places, and manner of holding such elections would be prescribed in each State by the State legislature but the Congress might at any time, by law make or alter such regulations. The voters in each State would have the qualifications requisite for electors of the most numerous branch of the State legislature, but a State may reduce or waive its residence requirements for eligibility to vote in presidential elections. That would, however, be left entirely to the States.

The third section provides that the District of Columbia would have a number of electoral votes equal to the electoral vote of the least populace State. Congress would provide by law for elections at which the people of the District of Columbia would cast the District's electoral votes and the Congress would designate by law the officer in the district whose responsibility it would be to transmit the results of such elections to the President of the Senate.

Section 4 provides that, following every presidential election, the Governor of each State would transmit to the President of the Senate of the United States his certificate listing the names of all persons voted for as President and Vice President in his State, the number of popular votes received by such persons, and the number of electoral votes, if any, received by each. The President of the Senate would, in the presence of the Senate and House of Representatives, open all the certificates and the votes would then be counted. The person having the greatest number of electoral votes for President would be the President if that number be a majority of the whole number of electoral votes cast for President, and the person having the greatest number of electoral votes for Vice President would be the Vice President if such number be a majority of the whole number of electoral votes cast for Vice President.

If no person received such a majority of the electoral votes, then the person who received the greatest number of popular votes would be the President if such number be at least 40 percent of the total popular vote cast and the person who received the greatest number of popular votes for Vice President would be the Vice President if such number be at least 40 percent of the total popular vote cast. I would abolish the electors as persons but retain the electoral vote. I would require a ticket to obtain a majority of the electoral vote or if that failed to obtain the greatest number of popular votes so long as that number represented at least 40 percent of the popular vote cast.

But if no ticket received either a majority of the electoral vote or at least 40 percent of the popular vote, I would then let the Congress decide, meeting as a national assembly in a single body with every Senator and Representative entitled to one vote. At the present time, that national assembly would be made up of 535 men and women, 435 of whom had been elected to the House of Representatives and 100 Senators. A quorum of that national assembly would be a majority of the whole number of Senators and Representatives. That majority would be 268, assuming no vacancies. They would vote between the two top contenders for President and the winner would be the candidate who received the most votes. The national assembly would then proceed to choose a Vice President from among the two top contenders for Vice President and the candidate would be elected who got the most votes in the national assembly.

Consider for a moment what the situation would be when this necessity for choice of a President and Vice President by the Congress should arise. The people would be so divided politically in the country that no ticket would have received as much as 40 percent of the popular vote. No one would have received a majority of the electoral vote. A new House would have been elected and one-third of the Senate would have been elected in that same decisive election. That new Congress would have convened on the 3d of January, only 17 days before a new President is to be inaugurated. Under those circumstances, the urgency of a selection would be paramount. The selection of a President and Vice President under those circumstances should be made as simple as possible. The party which elected the largest number of the Members of Congress, House and Senate, would choose the President.

The retention of an electoral vote system with a fallback to the popular vote winner, so long as he obtains at least 40 percent of the total vote cast, would have placed the election of the President in the House only once in our history, the election of 1800 which resulted in an electoral vote tie. The provision for a second contingency calling upon the Congress to choose a President only when the people have failed to do so is extremely remote. It is, however, necessary to provide for such a remote happening occurring as it would only in circumstances of great political instability. The electoral vote system, on the other hand, has promoted political stability, has promoted a strong two-party system in this country and without exception during the past 144 years, it has worked. Section 5 of my proposed substitute would specifically spell out that the President and Vice President, shall not, when elected, be inhabitants of the same State and that no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

In concluding, Mr. Chairman, let me say once again that, in my opinion, the committee set out to correct some shortcomings in our presidential electoral system and ended its labors by destroying the system. I am for reforming of the present system. I am not for destroying it.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 1, line 6, strike all after the word "Constitution" down through line 8 and insert in lieu thereof the following: "when ratified by conventions in the several states, as provided in the Constitution, within seven years from the date of its submission by the Congress:",

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

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. McCLORY. Mr. Chairman, my amendment is intended to give effect to what I believe is in the minds of everyone in this Chamber, and that is that the direct popular vote is popular. I have in my hand an article which appeared in Nation's Business, September 1969, entitled exactly that: "The Popular Vote Is Popular."

The amendment would take advantage of that provision in article V, which is the article which authorizes amendments to the Constitution, so that the direct popular vote amendment could be submitted to State ratifying conventions instead of to the legislatures of the 50 States.

When the original Constitution was adopted in September 1787, George Washington, who was president of the Constitutional Convention, directed that the original Constitution be submitted to a convention of delegates chosen in each State by the people thereof. In other words, the original Constitution was ratified in this manner. When the original amending authority was placed in the Constitution, article V as originally drafted provided for the ratification of amendments to the Constitution only in this way: by ratification of State-ratifying conventions and not the State legislatures.

The original Constitution was ratified by the State-ratifying conventions. It is true that in the course of subsequent amendments to the Constitution, they have all been submitted to State legislatures for ratification with the exception of the 21st amendment, and it seems to me the 21st amendment provides a precise parallel and is interesting for us to consider at this hour.

The 21st amendment, you may recall, provided for the repeal of prohibition, repeal of the 18th amendment, and the Democratic and Republican Parties in their national conventions in 1932 provided that they would support repeal of prohibition and urged the submission of the proposition to the people for the ratification.

And this was done. The interesting debates that were conducted in the Senate at that time are, of course, a part of the CONGRESSIONAL RECORD of that day and disclose the many reasons in support of this method as well as arguments in opposition to it.

But may I just submit this: That the 21st amendment when submitted to the people for ratification, when submitted to State ratifying conventions, was ratified in the period of 10 months—one of the speediest ratifications which has ever occurred.

The principal arguments, it seems to me, which have been made against the direct popular vote method of electing the President and the Vice President of the United States have been that the State legislatures will not approve this

change and that all we need is rejection or inaction by 13 legislative bodies out of the 99 and all our work will have been for nought.

That argument has a very sound basis, may I say. The UPI poll which was conducted in May of this year and which is referred to in the additional remarks which I have included in the committee report, showed that only 12 State legislatures of all those polled would support the direct popular vote plan or would ratify it, 10 were opposed, and 28 were undecided.

This is the last poll which has been conducted by UPI.

May I say further that while our colleague on the other side, the gentleman from Michigan, Senator GRIFFIN, has conducted a nationwide poll of the State legislatures of the 27 smallest States, which showed that 20 would support the plan, and seven would oppose it, seven rejections out of 27 certainly indicates at least 13 of the 50 State legislatures would reject it. I might say also that only 44 percent responded, which is an indication that the 56 percent which did not respond would be opposed to the amendment.

This, of course, is further proof of the fact that the State legislatures would not ratify the amendment if submitted to them. Yet we know that the direct popular vote is popular. I believe it is popular. With all the arguments that have been made against the direct popular vote plan and in support of the district and the proportional plans, the professional polls indicate that nationwide 80 or 81 percent of the people support the direct popular vote plan.

In my own district, where I believe the people do understand what they are voting for, the returns were over 75 percent in support of the direct popular vote, and 15 percent, I believe, for the proportional plan, and a smaller number in support of the district plan.

Let me say this: I have gone on radio in my district and I have had news conferences, and I have talked to a number of clubs and organizations, and I have explained to them many reasons for supporting the district plan, and why I thought it was a valid plan. But, nevertheless, despite all the explanations, when the people were given a chance to vote on it, they knew what they wanted. They want the right to vote for the President and the Vice President of the United States.

So I say this: Why not let the people decide this issue? Why leave it up to the legislative bodies? The State legislators are elected not on the basis of whether they are going to ratify or reject this particular proposal but are elected on a great many other issues, and many of the legislators have served in the State legislatures for a long time, and we can understand that. But if we give this opportunity for ratification to the State ratifying conventions, the delegates will run on the basis of whether they are going to support the direct popular vote or vote against it.

That issue would be decided by the people and would be decided in the State ratifying conventions.

It seems to me this is one time particularly—as I suppose it was also in the case of the repeal of prohibition—when the people are asking for an opportunity to express themselves, and this is the time when we can do that.

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

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

Mr. RAILSBACK. I should like to ask the gentleman what he envisions would be the timetable in the event his amendment becomes a part of this resolution?

Mr. McCLORY. Well, I know that next year there are not too many legislative bodies which will meet, so that the chances of ratification under either system next year are perhaps a little remote.

It was argued at the time of repeal of prohibition that it would take a long time for the State conventions to be assembled and organized. They gave estimates of two and a half or 3 years or something like that. As a matter of fact, the ratification occurred in 10 months.

The opportunity to set up the State conventions and to operate them was given entirely to the States, even though I believe Congress could develop this mechanism. Nevertheless, the States assumed that responsibility and carried through their responsibility very promptly.

Mr. RAILSBACK. If the gentleman will yield further, it seems to me in the State of Illinois that this would require, first of all, action by the State legislature. I believe my recollection is correct that it would require a two-thirds vote of each house.

Mr. McCLORY. No; the gentleman is wrong. It is a majority vote of the legislative body, I believe, on ratification, which would be sufficient.

Let me say that a number of States set up the machinery for ratification by State conventions at the time of repeal of prohibition. I believe 16 States still have statutes on their books for State ratifying conventions. The machinery for doing this is very simple, and it is very easy to carry out.

I am sure there would be no impediment insofar as the State legislative bodies are concerned. If there were an impediment, there is substantial authority—and I support this position—that the Congress can establish the mechanism and provide the machinery for establishing and conducting such State ratifying conventions.

Let me say further that 25 of the States which did ratify the repeal of prohibition recognized that the Congress also had this authority.

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

Mr. McCLORY. I yield further.

Mr. RAILSBACK. I am not sure I am opposed to the amendment. What I am trying to do, really, is to show every Member what would be the likely timetable. I wish to point out it is my understanding that if the amendment became a part of this resolution it would require, first of all, action by each body of a bicameral State legislature, and we now have 49 bicameral assemblies in our 50 States. Then there would have to be delegates selected. In the case of Illinois they would have to run in the senatorial district, and two would be elected from each senatorial district. Then they would have to meet in convention.

Mr. McCLORY. No, I disagree with that. I think the machinery is very simple.

Mr. RAILSBACK. Would it have to be ratified by the people?

Mr. McCLORY. No. There is no ratification by the people. There is an election by the people of delegates. The delegates are elected on the basis of whether they support or reject the constitutional amendment. It is done very easily, very simply, very inexpensively and very promptly. We had a demonstration of that in the adoption of the 21st amendment.

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

With all due deference to my distinguished colleague and former colleague in the State Legislature of Illinois, I rise in opposition to this amendment on two major points.

First, there is a substantial cost figure involved here in calling for these convention elections within the States. For instance, Illinois currently has a vacancy for a Member of this body which is not being filled by a special election because the Governor says that the cost of that special election is prohibitive. So for 18 months the people of the Sixth District of Illinois will be without representation in the House of Representatives in Washington, D.C., because of the cost of a single election in one district. This amendment will require elections throughout 50 States.

More important, it seems to me, we are adding fuel to the charge that the Federal Congress has no faith in State legislative operations. I know that the sponsor of this amendment does not feel that way, since he himself is a former member of the State legislature and a very distinguished one. I know he recognizes the very useful and important role the State legislatures play.

I think if we made this proposal a part of the electoral reform package we would simply be enhancing the opposition to the general proposition because it could be used as a further argument that the Federal "octopus" in Washington did not trust State and local governments. Now, I know that is not so and it is not the motivation of the gentleman who sponsored the amendment, but it would have that effect. We would be better off trusting State legislatures which, despite their other responsibilities and other preoccupations, would recognize the important responsibility for ratification and carry it out accordingly.

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

Mr. MIKVA. Of course.

Mr. McCLORY. The gentleman will not deny that the UPI poll indicated ratification by the State legislative bodies leaves ratification very much in doubt.

Furthermore, may I point out that either a special session of the legislature or the extended time which the legislature might take with regard to this subject, of course, both involve the question of expense.

These arguments which the gentleman is making are the same arguments presented at the time of the submission of the 21st amendment. The fact of the matter is, however, when that amendment was submitted it was promptly ratified. As far as I know, it was relatively inexpensive.

Mr. MIKVA. May I say to the gentleman first of all that I think the prospect of voting "wet," which was the concern about the 21st amendment, was much more politically dangerous than voting for direct elections. We need not worry here that the State legislatures will worry about their feet being put to the fire.

Second, on the Griffin poll that you mentioned earlier, I find it interesting that out of the 27 States polled, in 25 States the legislators said they personally favored direct election but predicted somehow that in five of those States electoral reform would not be approved.

As is the case in this body itself, many of us felt direct elections could not go through the committee or go through the Congress. I feel we ought to trust the State legislatures to do their job.

Mr. McCLORY. Will the gentleman yield further?

Mr. MIKVA. Yes. I yield to the gentleman.

Mr. McCLORY. I would like to point out the fact that many of the State legislators who are for the direct election nevertheless predict that their legislative bodies will not support it. That is a further indication that you have to give the people an opportunity to decide this issue through the election of delegates to State ratifying conventions. Since we are providing for a direct popular election system, we ought to let the people decide the issue, we should not authorize legislative representatives elected on other issues decide the issues for us and for the people themselves.

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

Mr. Chairman, I will not take the full 5 minutes, but I do regretfully rise in opposition to my very good friend's amendment. I believe, however, it should be defeated by the committee.

First of all, it is necessary for the State legislatures in the various States to implement the results of this amendment to the Constitution. It is imperative from the outset that they be involved in the entire process, and their confidence be received through it.

Second, with respect to time, I do not believe that the convention system will be faster, since in fact it will be necessary for many State legislatures to take action to create the conventions in the first place. When they meet to do that they might just as well meet to ratify the amendment.

Third, with respect to the approval of the amendment, it does seem to me in the course of the passage of the 17th amendment the same objection was raised; namely, that the State legislatures would not have given up the power they had to select Senators to the U.S. Senate. But, in fact, they did. A convention system was not necessary, and the State legislatures in fact did ratify the 17th amendment and did divest themselves of that extraordinary power. I think they did so because they recognized their obligation to do so and because the pressure of public opinion upon them was considerable.

The same two circumstances will obtain on this occasion, and I think we should trust the individual State legislatures. We will need their help in the ratification of the amendment and in its implementation.

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

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

Mr. McCLORY. I would like to point out to the gentleman that in the committee report the additional views of the gentleman from Michigan (Mr. HUTCHINSON) reproduces portions of an article from the U.S. News & World Report in which it is indicated that only 15 of the 50 States will gain from the direct popular vote amendment. It seems to me that the pressures on the legislatures in the 34 States which will lose voting strength will result in opposition so tremendous that the legislatures of those States may be inclined to reject ratification.

Mr. BIESTER. I think if the gentleman from Illinois will refer to that article he will find that the mathematical conclusion reached in that article flies in the face of the very expert, thoughtfully prepared data offered us by Professor Banzhaf, and I must say that I agree with the professor's mathematical findings.

Second, I think we in this Chamber should not assume that we are the only ones capable of recognizing and realizing that the people want a direct election. Our colleagues in representative government, I believe, will join with us in achieving the long-sought goal of direct election.

The legislatures of our several States are capable of the same responsibilities as we are. We ought not to commit the sin of presumption.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, does the gentleman have any information beyond that which was produced in the UPI report or the poll conducted by Senator GRIFFIN which would give some assurance of ratification by 38 legislative bodies?

Mr. BIESTER. Only the Nation's Business poll which was cited by the gentleman, I believe, and also the earlier poll of 3 years ago which was taken by the Senator from North Dakota.

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

Mr. BIESTER. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, I am wondering as I have listened to the debate now since last Tuesday, how much longer are we going to listen to this, day after day, when everyone in this Chamber understands the position that he is going to take and also knows how he is going to vote. Let us get started and let us vote on this issue, one of the most important issue facing the Congress, the presidential election process. Let us get going on it. What do you say?

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

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Illinois which calls for the ratification of the electoral reform amendment by State-called constitution conventions. I would also like to say that I support the direct election of the President by the people—this being by popular election.

Over the past few days, I have listened intently to those discussions as to which proposal would have the best chance of being ratified by the State legislatures. I think that we must not forget that this electoral reform is taking place because of the demands of the people which have been made directly to us and not through the State legislatures. I do not, in any way, want to take away from the capabilities of the State legislatures; but, I feel that the people of this Nation should have the opportunity to decide how they would like to elect their President. It is, therefore, my opinion that the electoral reform amendment should be placed before State-called constitutional conventions for ratification. This is a government of the people, by the people, and for the people; and I believe that this method for ratification would best represent the feelings of the people.

I do not believe that a vote for this amendment and a vote for the direct popular election is a conservative vote, a liberal vote, a Republican vote, or a Democratic vote; but a vote for the people to elect their President and Vice President by the direct method. I urge the adoption of this amendment, and the passage of the proposal which would give the people the chance to select their President and Vice President through direct elections. I am going to cast my vote for the people.

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

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

Mr. McCLORY. Mr. Chairman, I want to compliment the gentleman from North Carolina and express appreciation for his very helpful and constructive remarks.

I would also like to point out that when the drafters of the Constitution were faced with this issue they decided that they wanted to submit the original Constitution to State ratifying conventions, and not to the State legislatures.

Anybody who thinks that this is just a technical change is certainly mistaken. This in my opinion is going to depend upon whether we get ratification of the people's right to vote, or we do not get ratification.

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

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

Mr. TAFT. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with his remarks.

I would like to comment upon one earlier point that was made in the debate which I believe the House should consider. The gentleman from Iowa (Mr. MAYNE) a few days ago discussed his position favoring the district plan, and against the direct plan. He said that he was motivated in part in making his de-

cision by the fact that he did not want to find himself in disagreement with State legislators running in future elections because of a position he or they might take with regard to the power the State might lose from the ephemeral lesser proportional representation that it has been said that some of the smaller States might lose under the direct plan. I myself doubt this is an actual fact.

But I would point out that the argument of the gentleman from Illinois (Mr. McCLORY), which I think is an excellent one, in proposing this amendment would avoid this difficulty that each of you may have, and may face in supporting your stand on the issue that we have before us here, since it could become an issue in your State legislative branch. I believe that while the State legislature could consider such an issue, but the basic question is a national question.

Thus this is a question, as it has been said earlier, that the people properly should be asked to decide.

Again, Mr. Chairman, I want to commend the gentleman for his remarks, and point out that voting for this amendment will have the effect of avoiding putting the State legislature on the spot, and avoid putting each of us in conflict with the position of the State legislatures.

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

Mr. Chairman, despite my personal respect for the gentleman from Illinois (Mr. McCLORY), for whom we have indeed an abiding affection, I must take this rostrum and oppose the amendment the gentleman has offered.

There is no basis for the assumption that the State legislatures are not responsive to the wishes of the electors. A recent survey conducted by the junior Senator from Michigan, Mr. GRIFFIN, discloses that there is sufficient support for the ratification of the direct election plan among the legislatures in the smaller States. There is no warrant also in departing from the almost uninterrupted practice of State legislative ratification. The repeal of prohibition is not a parallel situation. The 21st amendment involved repudiation of an amendment adopted only 14 years earlier.

Conceivably, a referendum was suitable under such circumstances. I remember I was a member of the Committee on the Judiciary when we proposed the repeal amendment. It might interest the Members to know that at that time I supported in the committee the convention method. But I also want to indicate that word came from the White House from Mr. Roosevelt personally that he was very anxious to have the convention method used for ratification.

Mr. Roosevelt was very astute. He wanted to take advantage of the excitement that permeated the whole Nation with reference to prohibition. He had his eye on the next election, and wanted to capitalize on it.

I am free to confess I was a coconspirator with him in that regard. But that instance was highly different from today. Almost all of the amendments were adopted by ratification by the State legislatures.

As was pointed out by the gentleman from Pennsylvania, the 17th amendment providing for the direct election of Senators was approved by the State legislatures. Here were the State legislatures giving up a very great prerogative and, yet, the Congress provided that they should ratify. The 19th amendment that concerned itself with the vote for women was ratified by the State legislatures.

The question of the Presidential and succession term, the 20th amendment, was ratified by the State legislatures.

Prohibition repeal, was the 21st amendment.

The 22d amendment, having to do with the terms of the President was ratified by the State legislatures.

The 23d amendment, extending the presidential vote to the District of Columbia, was ratified by the State legislatures.

The 24th amendment abolishing the poll tax in Federal elections, was ratified by the State legislatures.

The 25th amendment, having to do with Presidential inability, was ratified by the State legislatures.

So I do not see any reason why we should depart from the tradition and the custom that has prevailed; namely, ratification by the State legislatures.

Now, the State legislatures, if they are going to be using the convention method, have to adopt first a procedure for the holding of a convention. They have to decide on procedures to select those who will be delegates to the convention. That is a cumbersome process and procedure.

They must determine the qualifications of the electors and the salary of the members of the convention. They must determine what shall be done at the time of the convention, and the time for holding the convention and where it shall be held.

If the legislatures go through that intricate process, in the first instance, why can they not just simply accept or reject the amendment we are offering them?

Thus, I see no reason why we should go through the cumbersome procedure provided for by the convention method. We only provided for the convention method in the case of repealing prohibition in the Roosevelt administration, and there were political reasons for that.

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

Mr. CELLER. I yield to the gentleman.

Mr. McCLORY. I just want to point out that I think the impatience that the pepole felt at the time of the repeal of prohibition is the kind of impatience that the people feel now with respect to their right to vote to elect a President and Vice President of the United States.

Might I point out further that the machinery has already been set up in 16 of the States as a result of the repeal of the 21st amendment.

May I say further that we should not be afraid. If we are not afraid to let the people vote to elect a President and Vice President of the United States, we should not be afraid to let the people decide through the election of delegates and by a State convention whether they want to ratify or reject this proposal.

Mr. CELLER. I certainly am not afraid. I certainly have worked hard to get this amendment perfected.

You know there is an old saying—if you are afraid of the forest, you will never see the wolves. I want to know the wolves. I want to know all the dangers and the facts and circumstances and weigh all the facts and circumstances. I am not afraid. I am not afraid of the State legislatures. I think they will ratify this proposal directly. That is what I believe.

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

Mr. CELLER. I yield to the gentleman.

Mr. McCLORY. I certainly want to indicate to the gentleman my strong support of the direct popular election principle.

I further want to indicate to the gentleman that I believe this amendment will strengthen the proposal and will assure its ratification.

I am very fearful, on the basis of what I have read and on the basis of polls that have been conducted that the State legislatures will not ratify it.

I think there is a direct corollary between the repeal of prohibition where the State legislatures were elected as drys—that is voting dry and drinking wet. In this case I think the State legislatures may adhere to the bonus vote principle or the State interest which they have in this subject, and not the right of the people to vote to elect a President and Vice President.

Mr. CELLER. I remember the prohibition era very well. Let me illustrate what was happening in the country and the desire of the people for a change. I had inherited some 600 acres of land in the vicinity of Cimarron, Kans. I went out there to see the property.

I got off the Santa Fe Railroad there in Cimarron. It was a cold night. A blizzard enfolded the area. I said to the conductor of the car, "Where can I get something strong to drink?"

He said, "You have to ask the stationmaster."

I went to the stationmaster, and I said, "Where can I get something strong to drink? I am very cold."

He said "Are you a stranger here?"

I said, "Yes."

He said, "I'll tell you. Go across the railroad track, and a block below is a schoolhouse. That is the only place in Cimarron where you can't get it."

That is what happened. That was the situation throughout the length and breadth of the land. The whole Nation wanted repeal of prohibition. That is why Roosevelt took advantage of it.

(On request of Mr. McCLORY and by unanimous consent, Mr. CELLER was allowed to proceed for 1 additional minute.)

Mr. CELLER. The gentleman has asked for additional time, but I should advise him that I do not have any more stories to tell.

Mr. McCLORY. I just want to point out that in the State of Kansas, to which the gentleman made reference and where

the incident occurred, the State Legislature of the State of Kansas would not vote to repeal prohibition, whereas the other forces or other interests may have been involved so far as the people themselves are concerned.

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

Mr. Chairman, article V of the Constitution as we know provides for two forms of ratification of amendments to the Constitution—one by State legislature and the other by State convention. There are presently 25 amendments to the Constitution. Only one amendment was ratified by State convention. The traditional manner is clearly ratification by State legislature.

Ratification by State legislature has several advantages. A State convention would have to be chosen and assembled. This would obviously take a substantial amount of time. State legislatures are already constituted.

Once a State convention had been called together, there is presently no requirement that would bind them solely to consideration of electoral reform. It is unclear whether Congress could limit them to consideration of this one issue.

State legislatures are presently chosen in each State by a thoroughly democratic process. They clearly are representatives of the public's choosing.

There is no established manner of choosing a State convention. Thus, such a convention might not in all States represent the people to the extent that the State legislature does.

I urge rejection of the amendment by the gentleman from Illinois.

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

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

Mr. McCLORY. I would like to point out to the gentleman that the drafters of the Constitution put this provision into the Constitution for a purpose. It is not a meaningless, useless device. It is an available device which the drafters knew they should put into that instrument. In fact, the original draft of the Constitution provided only for this method of ratification.

The argument has been made that where the people's rights are concerned, so far as voting or depriving people of the right to vote or things of that nature, this method is the preferred method, and I think that is a very strong argument.

Mr. FEIGHAN. It is obvious there are two methods. The question is, which is preferable? I believe that ratification by the State legislatures is preferable.

Mr. McCLORY. If the gentleman will yield further, I think the State legislature method is preferable in some cases, but I think in this case, where the popular vote is so strong and the legislative support is very questionable, the State-ratifying convention is far preferable.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I wish to limit debate on the amendment and all amendments thereto. I move that all debate on the McClory amendment and all amendments thereto conclude in 15 minutes.

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

The motion was agreed to.

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

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the McClory amendment. I must admit the fact that the dean of the House and the very distinguished gentleman from New York has a great deal over me. I am not old enough to remember prohibition, nor the repeal of prohibition. I do, however, believe it would be appropriate to use the alternative route granted in the Constitution to ratify this amendment. I do so for two reasons.

First, I think a State ratifying convention with all that it entails and recognizing all the problems that may be in its path, nevertheless, can bring about a greater degree of public understanding of the issue of the reform of the electoral college.

Second, it does seem to me even though I served in the State legislature for 6 years and have great respect for the State legislative process in my State, I would like to see this kind of historic debate take place in the halls of a ratifying convention and not necessarily in the halls of the Assembly and Senate in Wisconsin. Let us encourage delegates to such a State convention to run solely on this issue and be judged accordingly.

For these reasons, I urge adoption of the McClory amendment.

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

Mr. JACOBS. Mr. Chairman, it seems to me the question has now come down to whether people are more interested in drinking or in voting, as to whether there should be a convention. My chairman has mentioned the politics of Franklin Roosevelt, and so I want to quote Mr. Roosevelt about an incident that occurred during his incumbency.

A fellow named Uncle Jed was asked by his nephew whether he was getting hard of hearing. He said, "Yeah, I am afeared that I am getting a mite deef." Whereupon, Uncle Jed went to Boston to see an ear doctor, and he said "that doctor asked me if I'd been drinking any. And I said I drink a mite." The doctor then said to Uncle Jed, "I might as well tell you now, that either you cut out drinking or you are going to lose your hearing altogether." "Well," said Uncle Jed, "I thought it over." "And I said, 'Doc, I like what I have been drinking so much better than what I have been hearing that I reckon I'll just keep on getting deaf.'"

I suspect people were more interested in the subject of drinking early in the century than they are in the subject of the direct election.

As a former member of the Indiana Assembly, I can assure my colleague, the gentleman from Wisconsin, that the assembly is regarded as a public body. And it is regarded as representative. And it is badly in need of public recognition for the dignity that State government deserves.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of the McClory amendment which I believe has a great deal of merit. I support it for three reasons.

First of all, I believe this method will assure the passage and ultimate ratification and adoption of the amendment to the Constitution now under consideration. The American people have indicated in poll after poll their strong preference for the direct popular election of the President. The best way to assure the ultimate ratification of the direct election amendment is to grant to the people the right to make the final decision through conventions in the States.

Second, in my judgment it will also provide a mechanism for the direct expression by the people of this country of their own wishes in the matter of the election of the President and the Vice President of the United States. The adoption of this amendment will give the people a direct means to manifest their desire on how they should exercise the right to vote that is basic to every American.

Third, it is also my strong belief that because of the sense of urgency that is felt across the country and the growing recognition of the need to act promptly to amend the Constitution before the next presidential election, final ratification will come more quickly by State conventions than by action of the State legislatures.

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

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment. I must take issue with the statements which are being made here today that a constitutional convention held in the various States would be more responsive to the wishes of the people than would the State legislatures. The fact of the matter is that most of our State legislators are elected on a 2-year term, just as are the Members of this House. I am confident that they will be responsive to the wishes of the people in their States, perhaps to an even greater degree than those people who would be elected as delegates to a constitutional convention.

In addition, my own State had a recent experience with a constitutional convention called to revise some parts of our State constitution. The organizational difficulties, the confusion, and the expense which resulted from that State constitutional convention were almost unbelievable.

We have the State legislatures. We should have confidence in them. Let us use them.

I urge the defeat of this amendment.

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

Mr. McCLORY. Mr. Chairman, what we are deciding here at this time on this amendment is whether or not we want to respond to what is the popular will, it seems to me, of the people of America, because we know that the popular vote is popular among the people.

I suggest that delegates elected to a State ratifying convention, being elected by the people on the issue whether they want to ratify or reject the popular vote principle, are going to be most responsive to the people and are going to be knowledgeable with regard to this issue.

I suggest that the State legislative bodies, where legislators are elected on other issues and many will have been elected before they come to this issue, are not going to reflect the popular will in the same way.

That is why I believe this amendment perhaps is unique insofar as constitutional amendment is concerned, perhaps unique in the same sense that repeal of prohibition was unique.

Ths is a subject in which the people have a vital, articulate and outspoken interest, which they have demonstrated. It seems to me we must give them the opportunity to give expression to that interest.

I suggest that this amendment is good for both supporters and opponents of the direct popular election. If Members feel the people in their States would reject it, they have an opportunity to have delegates elected who would reject the proposal.

Whether the Members support it or oppose it, this provides an opportunity for them to reflect the will of the people of their States. I urge the adoption of this amendment.

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

Mr. HUNGATE. Mr. Chairman, I rise in support of this amendment because I believe it represents the best path to see this constitutional amendment become effective, requiring as it does the approval of 37 of the 50 States.

On May 19, in cooperation with the chairmen of the House and Senate Judiciary Committees of the State of Missouri, we had public hearings on this question in the Missouri Statehouse at Jefferson City, Mo.

I really believe the best chance for this to be approved by 37 States is the convention method proposed here.

One other question has arisen. It was debated in the committee. I should like to ask a question of the gentleman from Michigan (Mr. HUTCHINSON). As I understand it, the convention can be limited to the sole question of ratification; is that not correct?

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

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

Mr. HUTCHINSON. It is clear in the fifth article of the amendment that there are two types of conventions.

One is a ratifying convention. When the matter is submitted to a State for ratification by convention, it can deal only with that question so far as the Constitution of the United States is concerned.

The other type of convention would be the type where a convention was called nationally to propose amendments to the Constitution. That type is an altogether different convention, which would not be encompassed in the gentleman's amendment.

Mr. HUNGATE. I thank the gentleman for his remarks. When I need a constitutional lawyer, I know where to go.

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

Mr. MCCULLOCH. Mr. Chairman, I regret that I find myself in opposition to this amendment which is supported by one of my very best and ablest friends on the floor of the Committee.

I am of the opinion, though, that the conclusions of the Chairman of the Committee and, for instance, the gentleman from Pennsylvania (Mr. WILLIAMS) are accurate and that this amendment, if adopted, would not serve the purpose which is intended by the gentleman from Illinois.

I noted the statement of my colleague from Ohio (Mr. TAFT). Of course, you all know that I was the minority leader of the Ohio House and then the speaker. I am convinced after that long service in the Ohio House that the members of the House of Representatives in my State are courageous and responsive to the will of the people.

It has been mentioned a number of times that we tried this convention method in a condition and under a state of affairs which are totally unlike those today. We are inviting trouble. We will gain nothing by adopting this amendment, and I trust it is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CELLER) to close debate on the amendment.

Mr. CELLER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The question was taken; and on a division (demanded by Mr. MCCLORY) there were—ayes 9, noes 63.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FISH

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

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 2, line 20, strike "40" and inser. in lieu thereof "35".

Mr. FISH. Mr. Chairman, I can sympathize with the gentleman who earlier this afternoon said, "When are we going to wrap this up and get on to a vote?" As a member of the Committee on the Judiciary, I wish the members of the committee this afternoon would also reflect that what has been said this week and last week on the floor was also said and listened to by members of the committee during several weeks of testimony and executive sessions last winter and spring. There are at least two amendments that I favor, although I am thoroughly in favor of the resolution for the direct popular vote. I believe one calls these perfecting amendments, which I understand is the name that one gives to an amendment you are in favor of.

Mr. Chairman, this amendment deals directly and simply with the issue giving Members the most concern. It is not surprising that a runoff contingency does concern the Members. No issue before the Judiciary Committee was considered as long as the runoff election contingency provided for in House Joint Resolution 681. No part of the direct election approach caused us to search harder for an alternative. The entire range of alternatives was presented and discussed fully in committee. To avoid a runoff the committee considered adopting a different method of counting the vote such as the district plan. We considered the contingency of the House and Senate in joint session. We considered election by a simple plurality.

The reason for this concern was real, justifiable uneasiness over a runoff election which we need not belabor here—cost, delay and uncertainty.

The gentleman from Michigan (Mr. FORD) has graphically illustrated the disadvantages of a contingency election in the House of Representatives.

Enlargement by inclusion of the Senate in the contingency is not an improvement of any substance.

Application of the district plan as the contingency would only resurrect the evils of the present system: The winner take all and the chance that the popular vote loser can be the winner. In the last analysis the committee rejected all alternatives to the runoff.

I favor returning to the people in a runoff election—if a runoff is necessary. But, let us here today make sure that a contingency is so remote as to remove the genuine concern shared by so many Members of the House. This can be accomplished by reducing the 40-percent requirement to 35 percent.

The gentleman from Illinois (Mr. MCCLORY) will explain to the House how dramatically the odds rise against a runoff when the 40-percent requirement is lowered to 35 percent. The contingency would never occur at the 35-percent requirement based on our Nation's experience of frequency of third-party candidates. Assuming twice the frequency of third-party activity as we have experienced in the past, the odds are one in over 160 elections of a runoff under the 35-percent requirement.

Mr. Chairman, the 40-percent requirement does not provide the needed margin of safety against a runoff. Four men have been elected President within a few percentage points of 40 percent. It was clear in the deliberations of the Judiciary Committee that the prospects of even stronger third-party challenges than have been known to date are real and present.

Third- and fourth-party candidacies would be discouraged by the lower figure. Why? Clearly, the higher the requirement—the greater the incentive for a third-party challenge. A strong challenge by a third-party candidate under a 40-, 45-, or 50-percent requirement could prevent there being a winner and make a runoff necessary. But, the lower the requirement, the more likely it is that a major party candidate with all the advantages of party machinery, party membership, and party loyalty would prevail.

To cause a runoff election under a 35-percent requirement—to keep no candidate from winning—the third-party

challenger would have to garner at least 30 percent of the popular vote—a remote prospect.

To be a contender in the runoff, under a 35-percent requirement, the third-party challenger would have to garner more than 30 percent of the popular vote—an even remoter prospect.

I do not believe that there is any magic in a 40-percent mandate. In fact the historical evidence is on the side of the proposition that a President with a plurality of votes under 40 percent can be just as effective in leading our Nation as a landslide winner.

My amendment should expel the fear and justified concern many have over the runoff contingency.

My amendment should be more acceptable than the 40-percent requirement to those who favor a plurality President.

This amendment should also be acceptable to those who feel there should be a stated mandate, a minimum vote if you will, for the election of our President.

I ask my colleagues to support this amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Fish amendment and all amendments thereto close in 10 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, at the offset I want to give notice here that being from Texas, I will not go below 27.5 percent on this amendment under any circumstances.

Seriously, Mr. Chairman, I do wish to make here this point: Suppose this amendment had been in effect in the 1932 election, and let us change the cast of characters and have the third-party candidate, instead of being the Socialist candidate, say, Mr. Townsend or, even better, Governor Long, someone who would make a really strong appeal to the American people of that time. Remember, 35 percent is barely over one-third. That means that if the election had been evenly divided between Mr. Hoover and Mr. Roosevelt and, say, a Mr. Townsend, it would have been entirely possible for a third party, on a sweep of demagogic appeal, to have gotten the plurality in that election even though the Democrat and Republican Parties at large, or about two-thirds of the Nation, opposed such minority candidate.

Mr. Chairman, I am opposed to the amendment.

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

Mr. MCCLORY. Mr. Chairman, I support the amendment offered by the gentleman from New York (Mr. FISH).

This is perhaps the first time in our experience that we have been able to apply a systems analysis method to a major legislative problem. However, we do have that type of credible data available to us today.

We have had strong third-party candidates in the past. We have had elections decided in the House of Representatives. We have had 14 elections where the candidate who received the greatest popular vote—nevertheless had less than 50 percent of the total. In fact, we have one election where the winning candidate, Abraham Lincoln, received less than 40 percent of the total vote.

In addition, we have two elections where third-party candidates have received a total of 30.8 percent of the vote, one case where the third party received 26 percent, and another instance where third parties received 21 percent of the total.

As a matter of fact, the third party candidate of the Bull Moose—or Progressive Party—received more votes than the candidate of the second party—the Republican Party candidate, William Howard Taft.

Based on the experience of these third-party efforts—since 1824, and multiplying their frequency by five—in other words, considering that such third party strength shall occur five times as often—and running 500 random election results through the computer—based again on our part experience—we find that the winning candidate will receive less than 40 percent of the total vote in and out of every 11 elections. But the chances of a runoff is reduced to one out of every 100 elections—if the popular winner is required to receive not less than 35 percent of the vote.

In fact—if we would double the frequency of third-party candidates—a runoff would occur in only one out of every 167 elections—if we reduce the minimum required vote of the popular winner to 35 percent. The chance of a runoff with the required 40 percent would be 8 times greater (or one out of every 19 elections).

Great apprehension has been expressed concerning a nationwide popular runoff—in the event no candidate receives the required 40-percent plurality as established in the committee bill.

This apprehension was expressed frequently throughout the hearings of the Judiciary Committee. It was expressed to the president of the American Bar Association, William T. Gossett, who testified before the committee in behalf of the 40-percent minimum. Indeed, Mr. Gossett said, in part, at page 193:

> We picked the 40 percent as being somewhat conclusive, somewhat significant as a plurality. That is not to say that 35 percent or even 30 percent would not be significant, or would not be sound.

Indeed, Mr. Gossett admitted that with all of the problems of election contests, recounts, election tabulations, a runoff campaign and the imminence of inauguration in January—not to mention the need for orderly transition to which the Congress has given its earnest attention at earlier sessions—Mr. Gossett conceded that—

> It might be necessary in that event (of a runoff) to advance the first election to a date early in October, rather than November.

Changing the election date would not seem to pose too serious an obstacle but this would also entail advancing primary dates in some states—probably the holding of national conventions at earlier dates and a myriad of other changes which have not been considered or thought out in reviewing the entire complicated, complex and alarming subject of a general nationwide popular election runoff.

Contingency proposals to avoid the runoff were proposed in the committee with substantial support for a plan which would permit a joint session of the House and Senate to decide the election in the event no candidate for President received as much as 40 percent of the vote. Of course, such a contingency system would deprive the people of the right to elect their President and the candidate with 39 percent of the popular vote against his nearest opponent who would receive only half as many votes could nevertheless be the loser, while the popular loser could end up as the contingency plan winner.

Other alternatives were considered but were not approved. Indeed, the amendment which I proposed and in which I was joined by my colleague from New York (Mr. FISH) ended in a tie vote which means of course that the amendment was lost. In presenting this proposal it has been my intention to retain the popular vote plan intact, and yet to make a runoff election as remote as possible. As I have endeavored to indicate, with a 35-percent minimum requirement the chances of a popular election runoff are about one in every 167 elections, certainly not greater than one in every 100 elections. By retaining the 40-percent figure we increase the chances of a runoff 10 times—or more. This I have tried to demonstrate scientifically and mathematically according to the most modern techniques available to us. I see no reason why we should reject such techniques and take all the chances and run all of the risks which are inherent in the general popular runoff with a 40-percent minimum vote required. Let us not provide here if a candidate such as Abraham Lincoln again receives 39.8 percent of the popular vote that he should be faced with a runoff—possible defeat and at least frustration of the efforts which we are endeavoring to give effect in this critical and basic amendment to our Federal Constitution.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had agreed to the conference report on the bill H.R. 6508 entitled: "An act to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters."

The SPEAKER. The Committee will resume its sitting.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, the author of the amendment knows how deeply I share his concern about the mischief a popular runoff would work. Yet, I am obliged to oppose his amendment. I do so because it will not solve the problem to which it is addressed. On the contrary, I fear it may compound the problem and have a contrary consequence.

The lower the minimum plurality permitted, the greater incentive a minority party candidate has to enter the field and greater the prospect he has, in combination with a number of other minority candidates, to fragmentize the total popular vote and deny the front-runner the minimum required.

In addition, if it is true, and I contend that it is, that the 40-percent factor in the committee bill tends to guarantee that most future Presidents will be minority Presidents, or more accurately plurality Presidents, then clearly a 35-percent factor would enlarge the hazard.

True, there is nothing magical or sacrosanct about the figure 40 percent. It was chosen after much debate within the American Bar Association and in the bosom of the Committee on the Judiciary, because it was considered a happy mean, low enough to reduce the likelihood of runoffs and high enough to discourage a breakdown of the two-party system. And it is a figure which if applied to presidential elections of the past, would not have changed the results that were achieved under the present system.

Personally, I would rather have some system which would guarantee absolutely and always that the President which the system chooses would be the President who also won a majority of the popular vote. This cannot be done except at the expense of increasing the likelihood of a runoff in every presidential race.

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

Mr. CELLER. Mr. Chairman, I yield back my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 2, line 10, strike out section 2 (lines 10, 11, 12, 13, 14, 15, 16, and 17) and insert in lieu thereof: "The Congress shall establish uniform qualifications for electors of President and Vice President."

The CHAIRMAN. The gentleman from New York (Mr. RYAN) is recognized to speak on his amendment.

Mr. RYAN. Mr. Chairman, I believe the Congress should establish uniform voter qualifications. I believe section 2 of the resolution before us really avoids the problem which will inevitably arise as long as there is a direct national election with varying age, residency, literacy, and other qualifications among the 50 States.

The outcome of a national election could well be affected by the difference in eligibility in the various States.

Section 2 would leave the reserve power in the Congress to set uniform residence qualifications, but it specifically omits the matter of age, literacy, and other restrictions.

Certainly, at least we should extend the reserve power to include all qualifications. But I believe it is preferable to have Congress initially set the qualifications rather than leave the matter in the first instance to the States.

Yesterday, if I recall correctly, the gentleman from Oklahoma (Mr. BELCHER) raised a question—and a very good question—about the difference in age qualifications in the various States. He pointed out that he was concerned that under this proposed amendment, the Congress would not have the power to set uniform age qualifications. That is true. Nor would it have the power to set qualifications, other than residency, under the reserve power. I agree with the gentleman from Oklahoma that we should not leave it to the State legislatures to bid against each other.

If the States are permitted to set widely divergent voter qualifications in national elections, then each citizen will not have an equal voice in the selection of the President and Vice President—and after all, that is the premise of the resolution before us.

In a direct national election, why should an 18-year-old in the State of Georgia be able to vote when an 18-year-old or a 19-year-old or 20-year-old in the State of New York cannot vote?

Or in a direct national election, why should a person who has lived in Maryland for 45 days be allowed to vote, when a person who has lived in Mississippi for 45 days, or indeed for less than 2 years, is not able to vote?

We know that in Maine and New Hampshire, for instance, there is a 30-day residence requirement, and in New York it is 90 days.

It would be much more democratic and more in keeping with the spirit of the direct election principle, which we are hopefully establishing through this constitutional amendment, to establish national qualifications.

We also know there is wide discrepancy among the States in residency requirements. Texas and Utah require residency in the State for a year. Texas requires residency in the county for 6 months; Utah requires it for 4 months. So it goes through the various States. Each one of these different qualifications destroys the concept of voter qualifications being equal in a national election.

The resolution before us does grant a reserve power to Congress, but I believe we cannot anticipate when, if ever, that will be exercised or what abuses it will take to bring Congress to the point of exercising the power. The only method of really assuring that there will be an equalization of voter qualifications in national elections is through a constitutional amendment which sets forth specifically that the Congress has that responsibility.

More than half of the States have adopted "new resident" statutes which permit newly arrived residents to vote in presidential elections dependent upon a variety of schedules. These, of course, partially alleviate residency requirement inequalities between settled and newly arrived residents, but they are not uniform, and there is no assurance that all States will reduce residency qualifications for presidential elections.

As respects age, all States but Alaska, Georgia, Hawaii, and Kentucky require 21 years to vote. Alaska requires 19; Georgia, 18; Hawaii, 20; and Kentucky, 18.

A study of State action in recent years on the requirement of age indicates the possibility of an enlarging inequality. In New Jersey a question of lowering the voting age to 18 will be submitted to the voters in November. In Connecticut, Minnesota, Montana, and Wyoming, the question of lowering the voting age to 18 in Connecticut and to 19 in each of the other States will be submitted to their respective voters in November 1970. In Massachusetts and Nevada the question is awaiting repassage in the legislatures before being placed on the ballot.

Growing activity in this area in recent years presages an increase in propositions for a change, and each time that a State adopts a change the greater will be the inequality among voters as respects qualifications for voting in a national election.

The foregoing demonstrates that there exists considerable present and potential discrepancy among the States as respects the right to vote. Movement toward equality in voting is slow and halting. Between 1890, for instance, when the first State granted women's suffrage, and ratification of the 19th amendment in 1920, only 14 States had granted suffrage to women.

Any disparity in voting qualifications in a national election is a deviation from the concept and spirit of such an election. Only the Federal Government can create national standards. That many Members are in accord with this premise is demonstrated by the bills introduced by which Congress would establish a national standard for residency in voting by new residents in a State in presidential elections.

During the last two Congresses and this one, there have been introduced, respectively, 26, 61, and 55 joint resolutions amending the Constitution to establish a nationwide voting age of 18 or 19 for all elections or for Federal elections.

These resolutions did not grant a reserve authority to Congress as is the case with residency requirements in House Joint Resolution 681. They set the qualification itself.

To authorize Congress to establish uniform requirements in national elections is in the spirit of such resolutions and in keeping with the tenets of democracy and of direct elections.

I urge support for my amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. CONYERS FOR THE AMENDMENT OFFERED BY MR. RYAN

Mr. CONYERS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New York (Mr. RYAN).

The Clerk read as follows:

Amendment offered by Mr. CONYERS as a substitute for the amendment offered by Mr. RYAN: Page 2, beginning on line 16, strike out "'residence."

Mr. CONYERS. Mr. Chairman, without in any way attempting to minimize the substance and purpose of the amendment offered by the gentleman from New York, I bring forth, nevertheless, a substitute amendment that I think will fulfill the purposes of his amendment, but at the same time raises consideration that I think will meet with the approval of a majority of my colleagues. My amendment in effect would give the reserved power to the Congress to make national uniform qualifications for the right to vote for the President and the Vice President. It would leave to the States the initial and primary consideration of this matter. It seems to me that this is a rational and important amendment that we should consider here today.

I would like to offer very briefly some of the reasons in favor of this.

Let me make one thing clear: It is not impossible that the States might not pass rules that would require us to act upon this reserved power authorization. In other words, we are leaving this open to the States for their initial control, and then, if and when a contingency arises when we might find it necessary the Congress would have the power to establish some uniform national voting qualifications.

It might be in our judgment that we determine to eliminate the literacy requirement across the board. The same might apply to uniform voting age qualifications or any other points. I think it would do no harm to the resolution before us and I think at the same time it would serve a great purpose were the Congress to have this very important reserve power.

This is really not that much of a change from the committee's language. The committee version of the constitutional amendment provides that the qualifications for voting for President and Vice President shall be the same as the qualifications for voting for the larger branch of the State legislature, except that the reserved power is given to the Congress to establish uniform residence qualifications.

This amendment would merely extend that reserved power by authorizing Congress to make nationally uniform all other qualifications to vote for President—age and literacy being the two most important.

The purpose of this perfecting amendment is to more fully implement the basic rationale of House Joint Resolution 681, to insure that each vote for President is equal. If each vote should be counted equally, then the rules for access to the vote should also be equal and uniform.

There are four specific considerations which argue in favor of this amendment which I would like to discuss:

First. The most fundamental application of the 14th amendment's guarantee of "equal protection of the laws" is equal qualifications for voting for the officials who make and enforce the laws.

Second. We must have nationally uniform presidential voting qualifications guidelines if we are to preserve equity among the States in changing from the electoral college system to the direct popular vote. If the States are to have influence in electing the President strictly in proportion to how many of their residents turn out and vote in any particular election, then the right to vote should be governed by the same rules regardless in which State a person resides.

Third. Much has been made of the distinction between the rights of State citizenship as contrasted to the rights of national citizenship and that the privilege of voting flows from this right of State citizenship and, therefore, should be governed by State laws. But the underlying thrust of House Joint Resolution 681 is to make the right to vote for at least the President, a right of national citizenship. In fact, that principle has already been embodied in the Constitution with the adoption of the 23d amendment. Residents of the District of Columbia were empowered to vote for President because they are citizens of the United States, though not of any particular State. That is certainly logical since the President and Vice President are the only officials for which all citizens of the United States vote.

Fourth. Simple equity requires adoption of nationally uniform voting qualifications guidelines. Why should 18-year-olds vote in Tennessee, but not in New York? Why should literacy be a requirement in 13 States—and even within some of these States not uniformly—but not a requirement in 37 States—including six which have a literacy requirement that the Federal Government has suspended through the Voting Rights Act? Why should illiterates be prohibited from voting in New York and California, but be allowed to do so in Mississippi, Alabama, and Michigan? The Nixon administration, through Attorney General Mitchell, has already announced its support for abolition of the literacy tests nationwide because of this inequity.

In conclusion, I urge my colleagues to support this perfecting amendment so that this proposed reform of the system for electing American Presidents will fully insure equality for all citizens. Only if uniform qualifications to vote are appliable to all American citizens in addition to having each vote counted equally, can we claim to be providing full voting equality to all.

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

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

Mr. WHITE. Mr. Chairman, I commend the gentleman from Michigan for this particular phrasing. I think it is superior to the amendment which was presented to us before. It preserves the federal system. It is permissive. I understand Congress could legislate on any one of these qualifications without legislating on every one of them.

Mr. CONYERS. On any one of them or none of them, as might be deemed necessary.

Mr. WHITE. And, of course, Congress would reserve the power to act.

Mr. CONYERS. That is correct.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan (Mr. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I compliment the gentleman in the well for the effort he has made to clear up this question. It has bothered students of the Constitution in this country for many years. I think it would be indeed an unhappy shortsightedness on the part of this House if we failed to take advantage of an opportunity which is before the House now to address ourselves at least to providing the residual power in the Congress to meet the problems that should be anticipated with the movements of our population, the increased mobility of our people, and the changes in our living patterns that we foresee in the immediate future.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. The amendment offered by the gentleman from Michigan (Mr. CONYERS) would enable the Federal Government to preempt the power of the States to set qualifications to vote for President, and the so-called Ryan amendment would require such preemption. I believe the approval of either of these amendments would be fatal to the chances of ratification of the constitutional amendment before us.

The amendment is highly controversial. Regardless of how we may feel about the suggestions made by these two gentlemen, the gentleman from New York and the gentleman from Michigan, it would give rise to many doubts and many fears on the part of the State legislatures. Since great powers are being taken away from the States, I think it would be suicidal—if I may use that term—to adopt either one of these amendments.

By saying that, I do not express a view in disapproval of the theory of these two gentlemen, but just as oil will not mix with vinegar and just as chalk is different from cheese, I do not think the two ideas could be put together. I think they ought to be considered separately—and separate and distinct from this constitutional amendment.

The committee was of the opinion that such extension of Federal authority unnecessarily deprived the States of their traditional role. The proposed amendment contained in the instant resolution, House Joint Resolution 681, will not modify or limit other constitutional powers the Congress may presently possess—for example, under the 14th amendment in the area of voting qualifications. I believe the approach taken in House Joint Resolution 681 is more consistent with our federal system and will help insure speedy ratification of the direct election proposal.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Michigan (Mr. CONYERS) for the amendment offered by the gentleman from New York (Mr. RYAN).

The substitute amendment was rejected.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. COUGHLIN

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

The Clerk read as follows:

Amendment offered by Mr. Coughlin: On page 2, line 21, strike all after the period down through line 25 and insert in lieu thereof the following: "If no pair of persons receives at least 40 per centum of the whole number of votes cast for such offices, then the Congress sitting in joint session shall on or after the 3d of January following the election choose from between the two pairs of persons joined as candidates for President and Vice President who received the two highest numbers of votes. A quorum for this purpose shall consist of a majority of the Members of each House of Congress, and a majority of the whole number of Senators and Representatives present and voting shall be necessary to a choice."

On page 3, beginning on line 1, strike out "such elections" and insert in lieu thereof "elections under section 1."

On page 3, line 13, strike out "elected" and insert in lieu thereof "chosen."

Mr. COUGHLIN. Mr. Chairman, while I agree with the direct popular election of the President and Vice President, there is another aspect of House Joint Resolution 681 which I consider divisive, dangerous, and impractical. That is the provision for a runoff election.

The amendment which I have offered would eliminate the runoff election and substitute a choice between the two top candidacies by the Congress sitting in joint session. A majority of the Members of each House would constitute a quorum, and a majority of those present would make the choice.

Mr. Chairman, our two-party system has been a major factor in providing stability for this Nation. We have been free of the problems of coalition government in which the politicians make the decisions instead of the majority of the people.

In my judgment, the runoff election presents the most serious threat possible to the stability of our two-party system. This is particularly true when we look at it from the standpoint of the individual voter who will know that he may have two bites at the apple, who would say, "I can vote for my factional candidate or my regional candidate the first time around, because I may get a second chance if he does not make it."

No longer can we say to the voter, "Do not support a Wallace-type candidacy because you are throwing your vote away." The voter may get a second chance.

Splinter parties or candidacies depend for their strength on their appeal to the voters. The runoff procedure gives them another appeal, "Support me the first time around."

Last week we were visited here in Washington by a number of French Deputies, French Congressmen, and it gave me an opportunity to probe this question in some depth. The French Congressmen agreed that without question in the last elections in France, in the runoff, if the Communist Party had decided to support President Pompidou's opponent they could have swung the election. The third and fourth parties could hold the balance of power.

That is what we would create here. In France they are trying to get rid of their runoff election, because of what it has done to their political system.

The complaint is made that to have a presidential election decided by the House of Representatives means wheeling and dealing, but I would rather see that question decided by 535 Members from both of our major parties than by three or four or five candidates wheeling and dealing among themselves.

In addition to this, there are practical objections to the runoff; namely, the expense both to the communities and the candidates.

During all of the hearings that we had on this bill no one really showed great enthusiasm for the runoff. It was there more or less by default as the way to decide the question. There is another way to do it, and that way is to have it go to the House and the Senate sitting in joint session as provided by my amendment.

Mr. Chairman, I ask support for the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

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

Mr. POFF. Mr. Chairman, reserving the right to object, I am advised that we have several here who will want to make brief statements on the pending amendment. I wonder if the distinguished chairman might withhold his request temporarily.

Mr. CELLER. I will gladly do so.

Mr. POFF. Mr. Chairman, I rise in enthusiastic support of the pending amendment.

First of all I want to pay tribute to the gentleman for the quality of his comments. They were incisive, eloquent, and sincere. They reflect genuine concern about one of the essential features of the committee resolution, that is, a concern shared by all who have addressed themselves to the total package. It is one thing to favor a direct election. It is altogether another thing to favor the contingency mechanism which becomes operative if the direct system fails properly to function. The contingency mechanism proposed in the committee resolution would become operative if the candidate in the general election with the most votes failed to receive a plurality of at least 40 percent. At that point, as the gentleman from Pennsylvania has so well explained, if the two candidates who survived the general election are facing the runoff with any degree of political reality, there will come a season of wheeling and dealing the like of which this country has not known since the last time the election fell into the House of Representatives. More than that, if the general election should be fraught with fraud challenges or if there should be vote contests in a number of precincts or States based upon simple errors in tabulation of the total popular vote, there would be the prospect first of administrative appeals and, once that route had been run, the prospect of lengthy litigation. More significantly, that same process of administrative appeal and litigation could be repeated in the runoff election. I suggest realistically that it is impossible to expect that such a process could be repeated in the brief interval of time that exists between the general election in early November and the meeting of the Congress in early January.

This leaves only two potentials. One, the Congress itself will assume the burden of writing the statute which defines the procedures by which voting contests will be resolved; or, two, the Congress under its power provided in section 4 of this resolution will change the date of the general election and fix it earlier in the year.

It may be necessary to fix it as early as the month of August in order to be certain that enough time will elapse after the general election to make a proper resolution of both contests before the runoff and then make a proper resolution of both contests after the runoff and before the Congress meets. For that reason, I think we must give serious consideration to the contingency mechanism that is proposed in this amendment. There is nothing radical under the proposal. It follows old patterns and yet it removes the foibles and imperfections, the shortcomings, and weaknesses of the present system .

The present system requires that the election of the President be held in the House Chamber and that during the voting process the delegations will assemble by States and decide by a majority vote how the State vote will be cast. If the State delegation happens to be evenly divided or if it becomes evenly divided by the abstention of one or more of its members, then the vote of that State is lost to the people of that State. And, then, finally in the other body the Vice President will be chosen under a cumbersome procedure, a procedure which makes it possible that the one chosen could be of a party different from the party of the President chosen in the House of Representatives.

The CHAIRMAN pro tempore (Mr. O'HARA). The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. POFF was allowed to proceed for 1 additional minute.)

Mr. POFF. Mr. Chairman, the mechanism provided in the amendment which has been offered by the gentleman from Pennsylvania will solve all of those shortcomings so that there no longer need be any fear about the election falling into the House. It, perhaps, would not be as perfect as some would like it to be, but can anyone suggest a perfect system? I submit no one can devise such a system. Personally, I do not find it philosophically offensive that the elected Representatives of the people be entrusted with the responsibility of once again reflecting the will of the people. It seems to me that this is the most functional mechanism, the one least freighted with the potential for mischief, the one which will make it plain the day after the general election who the next President will be. Under the direct system, if there is a runoff, there will be a period of uncertainty about who the next President will be. Under this system the people will know the day

after the popular votes are counted who the next President will be.

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

Mr. Chairman, it is proposed by the amendment which has been offered by the gentleman from Pennsylvania (Mr. COUGHLIN), that in lieu of the popular runoff election, Congress—I repeat—Congress make the choice as to who shall be President and Vice President. I regretfully, yet strongly, oppose such an amendment for the following reasons—regretfully, because the gentleman from Pennsylvania (Mr. COUGHLIN) has been such an able workhorse in all of the days that we have been considering this important and many times difficult legislation.

First. Today, there is a near crisis in Government. More and more people are losing faith in the political process. We in the Judiciary Committee recommended House Joint Resolution 681. We hoped of restoring somewhat the faith of the people in their Government. We wished to bring the President closer to the people. We wanted to take the final decision as to who would be President out of the smoke-filled rooms. We wanted the choice of the President to reflect popular will and not a deal or corrupt bargain, such as the one that allegedly occurred the last time the House of Representatives chose a President.

Second. The proposed amendment is not only a procedural evil, but a substantive one. Under the proposed amendment it is still very much possible for the popular vote loser—the man who ran second—to become President of the United States. In fact, a man with only 20 percent of the popular vote could be chosen by the Congress over a man who received 39 percent of the popular vote. In contrast, House Joint Resolution 681 provides a method whereby a man must receive a majority of the popular vote in a runoff to be elected President. The last time the House of Representatives made a choice for President this very problem occurred. John Quincy Adams, who received 30.54 percent of the popular vote was chosen, although Andrew Jackson received 43.13 percent of the popular vote.

Third. Under the proposed amendment, the people of the District of Columbia would lose their voice—direct or indirect—in selecting a President. I do not believe that there is any merit in depriving the District of its voice. I realize that the people of the District, under the present system, do not have a say when an election is thrown into the House of Representatives. However, I consider this an evil in the present system. It is certainly inconsistent to allow the people of the District to vote for President in the first phase, but to deny them that right in the second phase.

Fourth. Although the administration does not support any particular electoral college reform, it has repeatedly indicated its support for the popular run-off such as that embodied in House Joint Resolution 681. On February 20, 1969, the President sent a message to the Congress in which he said the following:

> Next, I consider it necessary to make specific provision for the eventuality that no presidential slate receives 40% or more of the electoral vote in the regular election. Such a situation, I believe is best met by providing that a run-off election between the top two candidates shall be held within a specified time after the general election, victory going to the candidate who receives the largest popular vote.

On March 13, 1969, the Attorney General testified before the House Judiciary Committee. He stated the following:

> Third, there remains the need to deal with the possible situation where no candidate obtains even 40 percent support, be it in popular or electoral votes. In that case the President has proposed a run-off election between the top two candidates, victory to go to the popular vote winner. The District of Columbia would participate in the run-off just as it participates in the general election.

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

Mr. Chairman, Members here know by this time that I am opposed to the committee bill providing for the direct popular vote amendment.

I would like to take this opportunity to advise the membership that at the appropriate time I will submit a motion to recommit with instructions to embody the Dowdy-Dennis amendment which, as the House knows, embodies the district plan, abolishing the electors as individuals and retaining the electoral vote for the State and providing for the assigning of two of those votes to the candidate who gets the most votes in the State and the others to the candidate who carries each of the electoral districts into which the State is divided, which districts can be the same as congressional districts if the congressional districts can meet the requirements for compactness, contiguity, and equal population.

However, our contingency provision in the Dowdy-Dennis amendment, which will be incorporated in the motion to recommit, is the same as the contingency provision which the gentleman from Pennsylvania now proposes to the committee bill.

I will say that I feel the contingency provision is better than the runoff election contained in the committee bill, and while I am on my feet—I do not want to take such a narrow position that I would not be in favor of improving the committee bill, and doing something useful, if we can, to make a poor bill less bad.

There is no one in favor of the committee bill who has yet suggested how you are going to bear the cost of two national elections and how you are going to handle two of them in the time available and how you are going to get over the emotional strain and all the other strains and troubles of two national elections.

That is not the only thing wrong with the committee bill but it is one of its bad features.

While, as I say, I will submit a motion to recommit embodying all of the features of the district plan as proposed by the gentleman from Texas, the gentleman from Virginia, and myself, I certainly do submit regardless of your views on that, that the amendment proposed by the gentleman from Pennsylvania is a meritorious one.

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

Mr. Chairman, we are drawing to a close in the debate on this proposed constitutional amendment. I would like to direct your thinking for just a moment or two to March 20, 1956, at which time there was occurring in the other body of the U.S. Congress a debate on Senate Joint Resolution 31.

At that time one of the Senators from the State of Massachusetts was the then Senator and later President of our great land, Senator John F. Kennedy. In introducing his position, he had these exact words to say and I quote:

> Mr. President, Senate Joint Resolution 31, concerning which there has been little, if any, public interest or knowledge, constitutes one of the most far-reaching—and I believe mistaken—schemes ever proposed to alter the American constitutional system. No one knows with any certainty what will happen if our electoral system is totally revamped as proposed by Senate Joint Resolution 31 and the various amendments which will be offered to it. Today, we have a clearly Federal system of electing our President under which the States act as units.

There was a colloquy during that debate on March 20, 1956, on Senate Joint Resolution 31 by Senator Langer, a colloquy between the distinguished Senator from Texas, Mr. Daniel, and the then Senator Kennedy. Mr. Daniel asked of Senator Kennedy this question:

> Does the Senator from Massachusetts object to the direct election of the president and vice president?

Mr. Kennedy in response replied, simply and directly, "I do."

Mr. Daniel then engaging further in the colloquy propounded another question to the Senator from Massachusetts in which he said—

> In other words, the Senator from Massachusetts would be opposed to an amendment which provided that the people themselves shall have the right to vote directly on who shall be their president and vice president?

And Mr. Kennedy responded—

> I would object to it, and I would do so on the practical ground that once again the smaller States, having very small populations, would have a disproportionate power in the counting process. The distribution of the population of the country is such that a relatively small percentage of the country could either defeat or ratify a constitutional amendment. Thus while some States might be shortchanged in some regards in the matter of governmental power, they would receive their just deserts in other regards.
>
> But in answer to the Senator's question, I maintain that on practical grounds the people in the smaller States would be deprived of their electoral vote on the basis put by the Senator, that is, if they were included in the direct vote as proposed by Senator Langer, a proposal which would never be adopted. On theoretical grounds, it seems to me, it would be a breach of the agreement made with the States when they came into the union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

My friends of the House of Representatives, I suppose that there are some of you who would say that even the distinguished Senator from Massachusetts was wrong once in awhile, and there are others who would say that the distin-

guished Senator from Massachusetts was right once in awhile. But he spoke directly and eloquently on the issue which should determine how you are going to vote today. Are you going to destroy the federal system, which has as its cornerstone the States? If you do you will provide for a raw democracy.

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

Mr. Chairman, I draw your attention to the fact that the substance of the pending amendment was involved in the Dowdy amendment, the so-called district plan, which was rejected in the Committee of the Whole yesterday. I call your attention to the fact that the substance of this very amendment was involved in the Poff amendment, the proportional plan, which we likewise rejected yesterday. Both provided for the contingent election in a joint session of the House and the Senate. And I hope we will reject this procedure again.

It is possible, if we adopt this amendment for the candidate who trailed in a popular election to be actually elected President by a joint session of the House and the Senate. That would be unfair, and contrary to the will of the people, The provisions for a national runoff election in the proposed new article which we have offered are not merely collateral to the direct election plan; they are an essential part in confining potential splinter parties and their candidates. Although changing the present contingency election system so each Member of Congress will cast a vote for President and Vice President is an improvement—it still falls short of optimum reform.

Election in the Congress carries forward the small State advantage which is reflected in the composition of the Senate. It perpetuates the hazard that the people's choice will not be elected. It opens the door to the appearance, if not the reality, of "deals" and "trade-offs." It opens the door to the same deals and trade-offs that occurred when the election was thrown into the House in 1800, and when the election was thrown into the House in 1824, and when the Congress involved itself in the contest between Tilden and Hayes.

The experience of 1870 should be remembered by the gentlemen of this Committee. It was replete with all manner and kind of skulduggery and all manner and kind of dastardly intrigue. There were involved the scandals of the Grant administration. Many Members of the Congress and the Senate did not want to make those scandals public. Samuel J. Tilden, who had been Governor of the State of New York, had exposed the so-called Tweed ring in New York and had threatened in his campaign to expose those who were guilty of the so-called scandals of the Grant administration.

Tilden won the popular vote by a quarter million votes. Despite the fact that he was the choice of the Nation, the Congress maneuvered things so that Tilden was euchred out of the Presidency.

As I said yesterday, once bitten, twice shy. We do not want the joint session of the House and the Senate to determine who shall be the President of the United States.

There is the principle of the separation of powers, and when a joint session of the House and the Senate determines who shall be President and Vice President, we violate the spirit of that principle.

If the people under this amendment are to elect the President and Vice President in the first instance, there are no convincing reasons to deny them the right to elect their Chief Executive under all contingencies. President Nixon, himself has said that in a contingent election the most desirable reform would be a nationwide popular runoff; not selection in the joint session of the House and the Senate.

When we contemplate our history, we know that serious things happened in 1800 and in 1824. I am not going to recite again that sordid history.

For all these reasons I do, indeed, hope the amendment will be decisively defeated.

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

This is a highly undesirable amendment. If we elect the President and Vice President in the first instance we should elect them in all instances. The people need no agents to express their will on the election of the Chief Executive. The Congress should not decide, who the Chief Executive shall be.

I urge the rejection of this amendment.

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

Mr. Chairman, the gentleman from Louisiana (Mr. WAGGONNER), referred to remarks made by then Senator John F. Kennedy in the U.S. Senate debates in the 1950's. I believe that should be put in context.

Senator Kennedy's remarks were put very much in context recently when Mr. Theodore Sorenson testified in January before the Senate Judiciary Constitutional Amendments Subcommittee. Mr. Sorenson at that time said, commenting upon the position Senator Kennedy took in the 1950's.

Senator Kennedy, as a Senator from a populous State, was defending the big State preference inherent in the present system; that he felt obliged to oppose all changes in order to maximize the opposition he was leading to the proportional and district division schemes which had a real prospect of passage that year, whereas direct election had none anyway; that he spoke of maintaining the balance of an entire "solar system" of advantages and disadvantages in our political system, in which the urban advantage in the Electoral College was needed to offset the rural advantage in the House of Representatives, the latter not then having been emasculated by the Supreme Court's one-man, one-vote decision; and, finally, that he spoke before the 1960 and 1968 elections provided us with not only examples of faithless and unpledged electors, but electoral vote results so close as to bring us to the brink of constitutional crisis.

In other words, at that time Senator Kennedy argued that the present electoral college system was balanced, while the district or proportional plans would disadvantage the big States. By adopting direct election, we are instituting a one-man, one-vote system which gives no advantage to any section of the country. Therefore, I should think it would be more appealing to the gentleman from Louisiana.

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

Mr. RYAN. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. I should like to advise the gentleman I was reading from the CONGRESSIONAL RECORD of 1956, not 1950. I was quoting directly Senator Kennedy. The gentleman is utilizing hearsay when he refers to what Mr. Sorenson said about what Mr. Kennedy thought in 1950.

Mr. RYAN. I am merely stating what the counsel to President Kennedy said was the position of Senator Kennedy in 1956.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DULSKI

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

The Clerk read as follows:

Amendment offered by Mr. DULSKI: Page 3, insert after line 14 the following:

"SEC. 6. In each State entitled in any Congress to which this section applies to more than one Representative under an apportionment of Representatives, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled; and Representatives shall be elected only from districts so established, no district to elect more than one Representative. Each such district so established shall at all times be composed of contiguous territory, in as compact form as practicable; and no district established in any State shall contain a number of persons excluding Indians not taxed, more than 2½ per centum greater or less than the average obtained by dividing the whole number of persons in such State, excluding Indians not taxed, as determined under the then most recent decennial census, by the number of Representatives to which such State is entitled under the apportionment made upon the basis of such census. There shall be not more than one redistricting between decennial censuses."

Page 3, line 15, strike out "Sec. 6." and insert in lieu thereof "SEC. 7.".

Page 3, strike out lines 17 and 18, and insert in lieu thereof the following:

"SEC. 8. The first five sections of this article shall take effect one year after the 21st day of January following ratification. Section 6 of this article shall not apply to any Congress beginning prior to one year after the date of ratification of this article or to any Congress prior to the 93rd Congress."

Mr. CELLER. Mr. Chairman, I raise a point of order that the amendment offered by the gentleman from New York (Mr. DULSKI) is not germane to the resolution under consideration.

House Joint Resolution 681 relates to the election of the President and Vice President. The Dulski amendment prescribes standards for congressional redistricting and is not germane to the purposes of the resolution under consideration.

The CHAIRMAN. Does the gentleman from New York (Mr. DULSKI) desire to be heard?

Mr. DULSKI. I do, Mr. Chairman.

Mr. Chairman, House Joint Resolution 681 relates to the method of electing the President and the Vice President, pre-

scribes the qualifications of electors and authorizes each State to prescribe the times, places, and manner of holding elections for electors.

My amendment adds a section relating to the method of electing Representatives to the House of Representatives by setting guidelines for establishing congressional districts to comply with the one-man, one-vote edict of the Supreme Court of the United States.

For this reason, I believe my amendment is germane to the resolution now under consideration.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from New York (Mr. DULSKI) offers an amendment to which the gentleman from New York (Mr. CELLER) makes a point of order that the amendment is not germane to the resolution before the Committee.

The amendment offered by the gentleman from New York (Mr. DULSKI) relates to the establishment of congressional districts in those States entitled to more than one Representative in the House of Representatives. It would require congressional districting to be contiguous and approximately equal in population.

The joint resolution presently under consideration relates to the method of selecting the President and Vice President of the United States. There is no reference therein to the apportionment of Representatives or to their election.

Therefore, the Chair holds that the establishment or description of congressional districts is not a matter that is within the scope of the pending joint resolution and the amendment is not germane.

Therefore, the Chair is constrained to sustain the point of order made by the gentleman from New York (Mr. CELLER).

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 3, after the word "prescribed" strike the remainder of the first sentence of section 4 on lines 3, 4, and 5, and insert in lieu thereof "by the Congress".

Mr. RYAN. Mr. Chairman, I am very much concerned about one aspect of House Joint Resolution 681 which may permit the disenfranchisement of voters in some States by the device of preventing a candidate from appearing on the ballot.

Under section 4 the access to ballots is to be determined in the first instance by the State legislatures, Congress keeping a reserve power.

My amendment would give the Congress the direct responsibility to set requirements for inclusion on the ballot, making them the same in every State as well as in the District of Columbia. That is the only way in which to insure uniformity. Access to the ballot should not depend upon whim or caprice or intra-party conflicts.

Inasmuch as in section 5 we give the Congress the power to take care of a situation where a candidate dies or withdraws, it is perfectly consistent to give the Congress the power to set requirements for inclusion upon the ballot.

I fear that under the resolution in its present form, as we seek to avoid one constitutional crisis, we may create the possibility of another.

Imagine a situation under the proposed amendment in which there are three candidates for the Presidency. One major party nominates a person called Don Democracy and the other nominates Allen Astronaut. The States Rights or the American Independent Party nominates Lon Order.

After a very long and arduous campaign it is declared that "Al Astronaut" wins by 10,000 votes. "Democracy's" supporters are outraged. "Democracy" has been kept off the ballot in Alabama or, not to be sectional, New York—where he would easily have received enough votes to be elected. And, thereupon a constitutional crisis confronts the country as the supporters of "Democracy" refuse to recognize the legitimacy of "Astronaut's" election. I am sure each one of us can write his own ending within the recesses of his own mind.

Fantasy? I regret to remind you that major party candidates have been kept off State ballots in the past.

Mr. Chairman, let us remember that Abraham Lincoln was kept off the ballot in 10 States. Republicans may recall that a U.S. President, William Howard Taft, in 1912 was kept off the ballot in California. Democratic memories need not be so long. Another U.S. President, Harry S. Truman and the Democratic Party were not on the ballot in Alabama in 1948.

Mr. Chairman, the purpose of the resolution now pending before us is to insure the direct popular election of the President. I think we should also make sure that, in achieving this objective, we make it possible for candidates and parties to have equal access to the ballot in all parts of the country.

We will do both ourselves and the country a disservice if we write into the Constitution a provision which might effectively disenfranchise a significant class of voters. Yet that could be the effect of section 4 of the present resolution, which reads as follows:

The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

This provision would apparently allow any State legislature to keep a party or a candidate off the ballot. While it would theoretically be possible for Congress to require uniform standards if a national catastrophe seemed imminent, the failure of the Congress to act swiftly on matters of equal time for television debates, campaign financing and the like suggests that Congress might well be immobilized in the face of that kind of political crisis.

While I candidly admit that my present concern is prompted by the crisis which the Southern States have created for the National Democratic Party, my concerns should be shared by every Member of this House. Even those in this Chamber who supported Governor Wallace will recall how restrictive State election laws were used against their candidate. Indeed, it was Governor Wallace who most recently made constitutional history by obtaining a U.S. Supreme Court decision stating that the qualifications required for inclusion on the Ohio ballot were unconstitutionally restrictive.

My proposed amendment would lead to national legislation assuring that the candidates of the major parties would be placed on the ballots of all States in direct, popular elections and, at the same time, make certain that minor party candidates whose parties meet minimal standards would also appear on such ballots.

Some recent constitutional history of State qualification standards for minor party candidates may be instructive.

References to State requirements particularly in terms of signatures on petitions as a percentage of votes in a previous election were referred to the case of Governor Wallace referred to above—*Williams* v. *Rhodes, Governor of Ohio*, 393 U.S. 23; decided October 15, 1968, by the Supreme Court. The case dealt with challenges by Wallace's American Independent Party and by the Socialist Labor Party to the constitutionality of the Ohio laws governing the selection of electors for President of the United States. Plaintiffs argued that it was virtually impossible for any party to qualify on the ballot in Ohio except the two existing major parties. These are permitted to retain their positions on the ballot in Ohio by obtaining 10 percent of the votes in the last gubernatorial election and need not obtain any signature petitions.

New parties, to qualify in Ohio had to file petitions signed by voters totaling 15 percent of the number of ballots cast in the last preceding gubernatorial election, 90 days before the Ohio May primary, which filing date was February 7, 1968. The 15-percent requirement equaled 433,100 signatures. In addition, however, new parties had to create State and county organizations, nominate candidates for President and Vice President in national conventions to which delegates and alternates from Ohio have been elected at the May primary, which delegates and alternates must not have voted as members of a different party at a primary election in the previous 4 years, and who must be endorsed by petitions signed by voters who themselves did not vote for any other party in the last preceding primary. Finally the new party must convene a State convention of 500 delegates apportioned throughout the State on the basis of party strength, to choose the party's presidential electors.

Somewhat ironically, these provisions were placed in the Ohio code after the 1948 campaign of former Vice President Henry Wallace and now they were being applied against a candidate from the opposite side of the political spectrum.

The American Independent Party secured over 450,000 signatures to its pe-

titions in Ohio but could not file them within the statutory period, nor could it meet many of the other requirements.

The Socialist Labor Party was formally organized with a State executive committee but only possessed 108 members and could not fulfill the filing requirements.

Rejecting the State's contention that article II, section 1, of the Constitution gives each State absolute power to regulate the selection of electors, the Supreme Court held that the complex of Ohio statutes were unconstitutional in that they burdened the right of individuals to associate for the advancement of political beliefs and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively, a rationale based upon the equal protection clause of the 14th amendment and the guarantee of right of association from the first amendment.

The Court denied that Ohio had a sufficiently compelling interest in promoting the two-party system as an element of stability, or that there would be an alleged proliferation of parties if its standards were reduced, or in the development of party leadership through primaries, to justify the statutes.

The Court further noted the State's policy of alleged interdiction against all but candidates of the two major parties in the absence of legislation permitting independent candidates to get on the ballot.

It ordered the American Independent Party to be placed on the ballot along with its candidates for President and Vice President and authorized write-in voting for the Socialist Labor Party.

The Court noted that in the 42 States which require third parties to obtain the signatures of only 1 percent or less of the electorate in order to appear on the ballot, no significant problem had arisen about the proliferation of parties.

In his opinion concurring in the result, Mr. Justice Harlan noted that the other 49 States could be grouped in the following categories with regard to the size of the barriers they raise against third-party candidacies—page 47, footnote 10.

Signatures required as a percent of electorate	*No. of States*
De minimus to .1 percent	16
0.1 to 1 percent	26
1.1 to 3 percent	3
3.1 to 5 percent	4

These figures are the lowest percentages required either on petitions to form new parties or petitions of independent candidates. Lowest percentages for other States are: Arkansas, 15 percent of total votes cast for Governor in preceding general election; Georgia, 5 percent of voters eligible to vote in next election for presidential electors; Maryland, 3 percent of the registered voters eligible to vote for presidential electors; Massachusetts, 3 percent of total vote cast for Governor at last biennial election, not more than one-third of such to be from one county; Nevada, 5 percent of the total vote for Member of Congress at last preceding general election; South Dakota, 2 percent of total vote for Governor at last general election; Wyoming, 5 percent of total vote for Member of Congress at last general election.

These are not, however, the only requirements to be met. Some States require a specified number of signatures to be obtained from a specified geographical area. New York, for instance, requires 12,000 signatures of whom at least 50 must come from each county, the counties of Fulton and Hamilton to be considered as one.

The requirement for independent candidates for presidential elector in Illinois, which was the signatures of 25,000 voters of which 200 had to come from each of at least 50 counties, was struck down by the Supreme Court in *Moore* v. *Ogilvie*, 394 U.S. 814, decided on May 5, 1969, as violative of the equal protection of laws clause of the 14th amendment.

Burdens may arise in the nature of other requirements. Colorado, for instance, requires only 300 signatures to qualify statewide by petition, but each signature must be individually notarized, Pennsylvania requires early filing, that is, on or before the seventh Wednesday before the primary—filing date in 1968 was March 6—and so on.

The decision in Williams against Rhodes, left, however, grave ambiguities as pointed out by Chief Justice Warren in his dissenting opinion. He stated the question raised in the decision, thusly:

> To what extent may a state, consistent with equal protection and the First Amendment guarantee of freedom of association, impose restrictions upon a candidate's desire to be placed upon the ballot? (Page 69.)

He found no real guidance, only an intimation. He said:

> The opinion of this Court leave(s) unresolved what restrictions, if any, a State can impose. Although (the) opinion treats the Ohio statutes as a 'package', giving neither Ohio nor the courts any guidance, (it) contains intimations that a State can by reasonable regulation condition ballot position upon at least three considerations—a substantial showing of voter interest in the candidate seeking a place on the ballot, a requirement that this interest be evidenced sometime prior to the election, and a party structure demonstrating some degree of political organization.

In other words, a State should be able to require certain reasonable demonstrations as to the seriousness of candidacy, but precisely what they are and to what extent remains undefined.

Other decisions came out of the 1960 election evidencing possible additional State barriers to third parties.

Idaho had repealed from its statute books provisions relating to new political parties and independent candidacies. In *America Independent Party in Idaho, Inc.* v. *Cenarrusa*, 92 Idaho 356, 442 P. 2d 776 (1968), the Supreme Court of Idaho held that a State statute defining a political party for the purpose of nominating elections as an affiliation of electors representing a political organization, only which had received at least 10 percent of the voters cast for a State office at the last general election, was unconstitutional as applied to a political organization or affiliation of electors not in existence at the time of the last preceding general election since to apply such a statute would make it impossible to form a new political party in the State and deny the right of suffrage. The court went on to hold further that a former statute, providing, among other things, that an affiliation of not less than 1,500 voters who properly file written notice with the secretary of state shall have all the rights of a political party whose ticket was on the ballot at the preceding general election, was still in force and effect.

Mr. Wallace's party was forced to go into court in Oklahoma also. The American Party convened in Oklahoma in March 1968, chose presidential electors and filed a petition with the secretary of state containing more than three times the number of signatures required by Oklahoma law for the placing of the candidates of a new party on the ballot. The secretary of state issued a certificate of approval but the State election board issued letters to the county election boards stating that the American Party was not a political party until approved by the State supreme court and ordered the county boards not to accept voter registrations in the party.

It was essential to secure such registrations by June 15, 1968, the last day for registration in the State until October, if the party candidates were to appear on the November ballot and in the State primary. An appeal from the decision of the secretary of state had been filed too late for a full hearing to be held before the June 15 deadline passed.

The Supreme Court of Oklahoma issued a writ of mandamus to the State election board on June 11 ordering it to rescind its letter to the county boards about not registering members of the American Party. Basing its decision on the right of suffrage, the court found that it had not been established that such registration would jeopardize, or prejudice the rights of anyone. *American Party* v. *State Election Board*, (Okla.), 442 P. 2d 291 (1968).

On July 30, 1968, the State supreme court affirmed the order of the secretary of state approving the American Party—*Application of American Party*, Okla., 444 P. 2d 465—against contentions that the party, because of its presidential nomination, was seditious and should be refused recognition as a political party in the State.

Another case involving Governor Wallace occurred in South Carolina where two political organizations nominated presidential electors for Mr. Wallace and sought to use his name at the head of their respective tickets. Mr. Wallace brought the action against the secretary of state seeking to enjoin the use of his name on the ballot by other than his own organization. In *Wallace* v. *Thornton*, (S.C.) 162 S.E. 2d 273 (1968), the South Carolina Supreme Court granted the injunction, pointing out that the use of Mr. Wallace's name on the ticket of two sets of electors would split the vote for him and prevent rather than enhance the possibility of voters voting for him making their voice heard in the electoral college.

The so-called new party for the election of Senator McCarthy as President

was engaged in a number of lawsuits. In *Sullivan* v. *Grass* (D.C., Conn.) 292 F. Supp. 411 (1968), the U.S. District Court for Connecticut dismissed a request for injunctive relief against the Connecticut secretary of state seeking more write-in space on voting machines for "Electors for McCarthy." The court held that the alleged McCarthy-Lindsay slate of presidential electors had not been duly nominated either by a major or minor party or by petition, nor had any acceptance by either candidate been obtained or filed.

In *Ginsberg* v. *Lorenzo*, 23 N.Y. 2d 94, 295 N.Y.S. 2d 425 (1968) a request for a place on the ballot by a similar group of committed electors was denied where the presidential candidate, Senator McCarthy, had declined to give consent to his candidacy. The New York Court of Appeals did not pass upon the question which might arise in cases where electors are not committed.

In *Clement* v. *Stark* (Sup. Ct., New Hampshire) 246A. 2d 824 (1968), the Supreme Court of New Hampshire declined to issue a writ of mandamus to the secretary of state to place the names of Senator McCarthy and Mayor Lindsay on the ballot after they had informed the secretary of state of their declination to run. The same conclusion was reached by the Supreme Court of Wisconsin in *Lemieux* v. *Zimmerman*, 40 Wis. 2dl, 161 N.W. 2d 129 (1968).

Other minor parties were engaged in lawsuits relating to the 1968 campaign. In *State ex rel. Chave* v. *Evans*, 79 N.M. 578, 446 F. 2d 445 (1968), the Supreme Court of New Mexico denied a place on the ballot to the candidates for President and Vice President of the People's Constitutional Party on the grounds that two of the electors on the slate filed were unqualified. On the other hand, in *Application of Horowitz*, 57 Misc. 2d 1037, 294 N.Y.S. 2d (1968), the Supreme Court of Albany County, N.Y., permitted the Socialist Workers Party to file the names of 10 candidates for presidential electors in New York rather than 43, on the grounds that by refusing the filing the voters of the Socialist Workers Party would be denied the opportunity of voting for their candidates on the voting machines, as voters of the major parties could do, with a resulting discrimination between the major party voter and the independent voter.

In *State ex rel. Socialist Labor* v. *State Election Board* (Sup. Ct., Ind.) 246 N.E. 2d 69 (1968), the party was refused a place on the ballot because its affidavit of nonadvocacy of the overthrow of government by force was deemed not broad enough in the specification of the media of advocacy.

These are problems that can or have arisen in regard to entitlement to inclusion on the ballot of both major and minor parties. The disparity in treatment under State law is demonstrated, for instance, by the experience of the so-called New Party backing Senator McCarthy. As we have seen it was denied a position on the ballot in several States. In others, that is, Arizona, California, Colorado, Minnesota, and Oregon, it was placed on the ballot with the name of its presidential candidate. In Montana, and Vermont it was placed on the ballot without the name of its presidential candidate.

Surely such a description of the vagaries of State law aptly demonstrates the need for granting the power directly to Congress.

It might be possible to argue that, as a consequence of the Supreme Court decision in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Congress may legislate positively to set standards for entitlement to inclusion on the ballot of candidates for the Presidency when it finds State variances so broad as to deny equal protection of the laws. This argument is questionable because the Court, in Williams against Rhodes, emphasized both the equal protection of laws clause of amendment 14, and the 1st amendment, and Justice Harlan, in his concurring opinion would have rested the decision on the due process clause.

Granting the authority solely to Congress now will not, in this direct, popular election amendment, deprive the States of an authority that they can claim justifiably belongs to them. That variances among State laws currently exist and cause difficulties has been demonstrated. Williams against Rhodes left open the question of acceptable standards on entitlement to inclusion on the ballot.

In a nationwide election where all things should be as equal as possible for candidates as well as for voters, the only reasonable legislative body to set such standards is the Congress.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. PUCINSKI

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

The Clerk read as follows:

Amendment offered by Mr. Pucinski: On page 2 strike the last sentence in Section 3 and insert:

"If no pair of persons has such number, each State shall have presidential votes, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, and these presidential votes shall be apportioned proportionately according to the popular vote within each State among the pairs of persons who are candidates for the offices of President and Vice President within that State. The pair of persons who have the greatest total number of presidential votes thus apportioned in the 50 States and territories shall be elected."

Mr. PUCINSKI. Mr. Chairman, this amendment does not alter the main thrust of House Joint Resolution 681, and that is namely to elect a President and Vice President by popular vote. Nor does it alter in any way the 40-percent formula.

What this amendment does do though is to set up in my judgment better machinery through which to elect the President and Vice President in the event no candidate receives the required 40 percent of the votes.

I have no quarrel with the Chairman's basic thrust in this legislation. I think we all agree that we ought to have a better way of electing a President, but I am deeply bothered and disturbed by the runoff provision.

I said earlier in the debate that under the Supreme Court decision in Ohio last year ordering the American Independent Party on the ballot of that State, the Supreme Court had broadened very widely the method of independent parties gaining a place on the ballot. And, even if this Congress took no action, I am sure in 1972 there will be many more political parties seeking expression in the presidential election.

So we can expect as the country grows that there are going to be more political parties, and my judgment is that it is going to be very difficult to get 40 percent to elect the President in the first instance.

What my amendment does is, if a candidate fails to get 40 percent in the first instance then each State will have as many presidential votes as it has Members in Congress, and Senators in the Senate. Those presidential votes then would be apportioned on a pro rata basis, based on the popular vote that each candidate got in that State.

The presidential votes would then be added up, and the one with the largest number of votes would be President, and the same with the Vice President.

Mr. Chairman, I am mindful of the fact that there will be a great number of those who will argue that this means that a President could be elected without getting a majority of the votes, but I should like my colleagues to reflect on what we did here a couple of years ago when we adopted the 25th amendment. We can actually see a person become President of the United States without having a single vote ever cast for him, because under the 25th amendment we provide that in the event the President dies the Vice President moves up to the Presidency. He then names his successor as Vice President. Should the Vice President who became President then die, the Vice President becomes President of the United States, and it is conceivable that the President could have selected a Vice President who has never had a single vote cast for him.

So, Mr. Chairman, I am not disturbed over the prospect that we might see a man become President of the United States who might not necessarily have a majority of the votes, nor am I disturbed, Mr. Chairman, with this principle, because on this amendment that we have now before us, when it gets to the other body two Senators will be voting on this amendment representing 275,000 people in the State of Alaska, and their two votes will carry the same weight as the votes of the two Senators from the State of New York, with a population of 17 million people, or the two Senators from the State of California with a population of 19 million people, or the two Senators from the State of Illinois with a population of 10.5 million people.

So I say, Mr. Chairman, that as we get ourselves all tied up in this argument as to a majority that we should remind ourselves that throughout the Constitution there are many provisions that do not require a majority.

I am disturbed about the runoff provision for many reasons. No. 1, because I believe it does introduce into our system the system that has been proven very in-

effective in many European countries, such as in France, where they have 26 different political parties, and they are wheeling and dealing and trying to put together a government; or in England, or in various other parts of the world.

Another strong objection I have to this runoff provision—and it has not been discussed at all, granted that the costs of the runoff election will be borne by the taxpayers and the Government—but I ask you, my colleagues, where are the two principal parties going to get the funds in so short a time for the runoff election? Last year both major candidates had difficulty meeting the rising costs of the campaign, and the Democratic Party is still trying to pay off a $7 million deficit.

So it seems to me, Mr. Chairman, that we are introducing here in this runoff procedure a second election which is going to require a tremendous expenditure of money by the two top candidates, or their political parties. I seriously question whether they are going to go back to their supporters and try to raise the kind of money that they are going to need to handle the financing of a runoff election.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. So, Mr. Chairman, it would be my hope that we would accept this amendment as a method of assuring that the President and Vice President will indeed be elected on election day, without injecting into this whole proposition another runoff election in the event that no candidate receives 40 percent.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HUTCHINSON

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

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON: On page 2, line 9 after "person" insert: "Nor with that of an inhabitant of the same State as himself".

Mr. HUTCHINSON. Mr. Chairman, this amendment will not take much time, but it brings into focus a provision in the present Constitution which for better or for worse has not been carried forward in the amendment now before us.

I think, however, the provision is something that should be carried forward.

Under the 12th amendment of the Constitution it is provided that presidential electors vote for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves.

Those words effectively prevent any presidential ticket from having a presidential and vice presidential candidate from the same State. In other words, we are assured under the present system that there will be a diversity of State citizenship in every presidential ticket.

But suppose we adopt this amendment without some kind of words in the present proposal to carry forward the assurance of the diversity of State citizenship? It is very likely that in the future the President and Vice President can come from the same large State.

For that reason, I have offered this language which would simply add the few words at the end of section 1 and the last sentence of section 1 of the proposal before us with my amendment would read as follows:

No candidate shall consent to the joinder of his name with that of more than one other person, nor with that of an inhabitant of the same State as himself.

Mr. Chairman, I think there is merit in this proposal. I think it improves the proposed amendment, and I would ask the House to support it.

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

Mr. HUTCHINSON. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I do not want to consume additional time, but may I simply say that I support the gentleman's amendment for the very reasons that he has so well expressed.

Mr. HUTCHINSON. I thank the gentleman.

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

Mr. Chairman, very briefly the present article of the Constitution does not preclude the President and Vice President coming from the same State. It is discouraged, but as President Nixon pointed out in the last campaign, it was entirely possible for the vice presidential candidate to come from New York State as did President Nixon.

All that would have resulted from such a situation is that the electors from New York State would not have been able to vote for the vice presidential candidate. That is the only effect of the present article.

Now the amendment offered by the gentleman from Michigan will make a firm and absolute prohibition against the two candidates ever coming from the same State. Obviously, the political parties take that into account when they make up their candidacies. So it seems to me it would be unwise to forbid constitutionally the political parties and the people from making up a ticket whereby the President and Vice President come from the same State.

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

The question was taken; and on a division (demanded by Mr. HUTCHINSON), there were—ayes 40, noes 53.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

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

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 2, line 4, after the period strike out "each" and lines 5, 6, 7, 8, and 9, and insert in lieu thereof: "Each elector may cast a vote applicable to President and may cast a separate vote applicable to Vice President."

Mr. RYAN. Mr. Chairman, I offer this amendment, which would provide a separate vote for President and Vice President, because I believe this debate would not be complete without some serious discussion about the manner in which we select our Vice President, particularly under a direct election constitutional amendment. So far there has been no discussion on this matter under the 5-minute rule. I did raise it during general debate.

The present resolution provides that a single vote would be cast for the President and Vice President jointly. It deprives the American people of the opportunity to make an independent judgment on Vice President, and this fact should not be glossed over.

If the Vice President were only an assistant to the President, there might be no objection. But we know from tragic events in history that the Vice President is often called upon to succeed to the Presidency. If so, should he be independently selected by the voters, or should he be elected as part of a slate?

If he is part of a slate, he will probably have been selected by his presidential running mate. He may well be the unexpected beneficiary of the bargaining over the presidential nomination. He may not necessarily have been selected on his own merits, but to achieve some kind of balanced ticket. He may have been selected because he is the least controversial person who was available. All of these are prevalent political reasons for the selection of candidates for Vice President.

So I simply ask the question, Should the American people be compelled to accept a package, or should they have the opportunity to make an independent judgment on the person who is only a heartbeat away from the Presidency?

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

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

Mr. CONYERS. As a member of the committee, and one who does not recall how this was handled in the committee, I am sorry to say, I think the proposal has a great deal of merit. I remember very well at my first convention—I hope not my last—how the disarray, the confusion, and the controversy made it difficult for many important decisions to be made. I think the gentleman's point that the Office of Vice President should be given the honor and dignity of being voted for separately is a very sound proposal, and I would urge the Members who might be inclined to treat this as a frivolous amendment to seriously consider that there would be very little harm done to the rest of the elective process if we were to vote individually on these two offices. I think it is time that we recognized that the Office of Vice President is far too important for us to have it merely selected by the presidential nominee under the pressures of the convention, and I commend the gentleman for coming forward with this amendment. I for one will vote for it.

Mr. RYAN. I thank the gentleman for his support on this amendment, and point out that we should not forget that

under the present Constitution the 12th amendment provides for a separate vote for President and Vice President—not a joint election—although that fact may be easily forgotten because of the method by which they are selected. The electors vote for President and cast a separate vote for Vice President.

I recognize the argument that there would be problems if the President and Vice President were of different political parties.

Perhaps that is a reason to provide for an interim presidential election shortly after a vacancy. Then the people would make the decision directly.

However, I do not believe that Congress should structure a constitutional amendment to prohibit the election of a President and Vice President of different political parties or even of different political philosophy if the voters so decide.

If the platforms and programs of the parties and candidates are clearly defined, then I do not think it very likely that the President and Vice President will be of different parties.

Furthermore, knowing that the vice-presidential candidates must stand on their own merits, the political parties will be more careful in their decisions and select highly qualified candidates.

It is interesting to note that 40 States have both a Governor and a Lieutenant Governor. In 30 States they are separately elected, in 10 jointly.

In a direct popular election for President, I think we should not ignore the method of selecting the Vice President, and I urge my colleagues to give serious attention to the basic problem which I have raised by offering this amendment. In my judgment it is not heresy to think about separating these two elections.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment, which I devoutly trust will be the last amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 3, line 11, after the word "death" insert a comma and the word "inability".

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

Mr. POFF. I will be glad to yield to the gentleman from New York, but first if I may, I would prefer to make a statement on the amendment.

Mr. Chairman, this amendment addresses the question of presidential candidates rather than the question of the system by which they are elected. The candidate problem has three parts: First, the possibility of withdrawal; second, the possibility of death; and third, the possibility of physical or mental inability to discharge the powers and duties of the office the candidate is seeking.

Section 5 of the bill deals with the first two. Congress is specifically empowered to write a statute covering the case of withdrawal and the case of death. The case of inability is conspicuous by its omission. The omission is particularly consequential because some legal scholars feel that in the absence of section 5, Congress would have the power to deal with all three cases, under the theory that Congress has the inherent power to protect, foster, and nourish the Federal voting right which the committee resolution grants directly to citizens. If these scholars are right, the inclusion in section 5 of only two parts of the three-part candidate problem would have the effect of eliminating specifically the power of Congress to deal with the third.

Under the present posture of the law, political parties have assumed the power to deal with all three parts of the candidate problem at all times prior to the time the candidate becomes the President-elect, including the interval following the general election. Some feel that the political parties should retain that power, and I am reluctant to deprive them of it. However, if they are to retain it, there must be some mechanism by which they can be required to exercise it and some contingency apparatus must be fashioned for the possibility that they may fail to do so. The hypothesis which best illustrates my point is the case of paralysis the day before the general election or the day before the runoff election. That mechanism should apply equally to all candidates of all political parties. The mechanism should be uniform and standard. Such a mechanism can be fashioned only if Congress is given the power to legislate. That is what my amendment would do. My amendment does not fix the rules and procedures in cases of candidate inability. My amendment simply empowers Congress to write a statute fixing the rules and procedures. When Congress sits down to do so, it can decide as a matter of policy whether it is better for the political parties to retain jurisdiction over candidate disability and if so, whether that jurisdiction should be limited to the interval preceding the general election or should include the interval between the general election and runoff election. In the latter interval, most would agree that the two candidates who survive the general election assume a higher dignity and a greater importance in the interval preceding the runoff election than they had prior to the general election. More than political party property, they become public property, property in which the Nation, its people, and those who govern the Nation and its people have a priority interest.

We do no violence to the election system by granting Congress this power, but it seems to me that it is essential to the stability of the system that we give Congress the power to decide what will be done when the presidential candidate becomes physically or mentally disabled.

Mr. Chairman, I yield now to the chairman of the committee, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, we do not on this side object to the amendment offered by the gentleman from Virginia.

If the gentleman from Virginia will yield to the gentleman from Ohio, then after the statement which may be made by the gentleman from Ohio, I would like to ask one or two questions.

Mr. POFF. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I am pleased to say we accept the amendment offered by the gentleman from Virginia.

Mr. CELLER. Mr. Chairman, may I ask the gentleman from Virginia what in his opinion is an inability to accomplish? I notice the word "inability" is used elsewhere. Does it mean the same as used in other parts of the Constitution?

Mr. POFF. Mr. Chairman, in response to the gentleman from New York, I will say I intend the word "inability" to take its meaning from the Constitution.

Section 1, article II refers specifically to the inability of the President to discharge the duties of his office.

The 25th amendment refers to the case where the President is unable to discharge the powers and duties of the office.

I intend the word "inability" to be the kind of inability that would make the President unable to deal with the powers and duties of his office.

More definitely, I intend the word "inability" to have the same definitive association given to that word during the course of the debate on the 25th amendment.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, will the gentleman give us some idea as to what he envisions the processes would be that Congress could take to determine inability?

Mr. POFF. Mr. Chairman, in response to the gentleman from New York, I would say my amendment does not presuppose that the Congress itself would determine the inability. The thrust of my amendment simply is to empower the Congress, if it sees the need so to do, to write a statute fixing the rules and regulations. I trust the Congress would do that and have the statute apply uniformly to all presidential elections in the future.

Mr. CELLER. If I may ask one more question, would it be possible under this amendment for a hostile Congress, say a Democratic Congress, to take some sort of action against a Republican nominee and hold that the nominee had an inability?

Mr. POFF. In response, Mr. Chairman, I will say that once the statute is enacted by the Congress, although it might be intended to apply uniformly to all future elections, it is possible that some future Congress might, during the course of the presidential election, undertake to amend that statute and in that process it may be argued there may be unworthy motives. But, Mr. Chairman, it is my deep conviction that somewhere, sometime, the people of the country must repose a confidence in the people who manage the affairs of government.

We cannot assume, we dare not assume, that elected officials will be rogues and scoundrels. Rather, we assume that they will be honorable and responsive to the will of their people. When we can no longer make such an assumption, then the very existence of the Nation is imperiled.

Mr. CELLER. Does not the gentleman

believe also the political parties themselves in convention would be likely to pull back, as it were, any candidate who would be disabled? They have their rules and regulations whereby they could put somebody else in his place.

Mr. POFF. The gentleman makes a good point.

I might add that the Congress under the power granted in section 5 would be able to authorize the political parties to do precisely that.

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

I asked for this time so that the RECORD may show from the author of this amendment a response to a further inquiry along the line of the inquiry propounded by the chairman of the Committee on the Judiciary.

May I say to my good friend from Virginia that the chairman of the Committee on the Judiciary posed a hypothetical question concerning a situation where, if the amendment to the article became law, a hostile or capricious Congress may seek to take advantage of this grant of authority to single out an individual candidate of the opposition party and by statute declare him unable, within the phraseology of section 5. The gentleman responded in a very excellent fashion to that question.

I should like to ask this question. Let us assume the existence of the same capricious or hostile Congress. The language of section 5 would require not only action by the Congress but also action by the President?

Mr. POFF. The gentleman is eminently correct.

Mr. MACGREGOR. The President would have to approve the action by the Congress, should there be such a hostile or capricious Congress in the future, because the language reads, "the Congress may by law provide." The words—"by law"—necessarily oblige the Congress to submit any action it may take to the President for signature or for rejection.

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

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

Mr. POFF. The gentleman, of course, is eminently correct.

To expand on the point I made a moment ago, I certainly hope the time will never come when the people will assume that the President of the United States, whatever his party, would be a rogue or scoundrel who would sign such a law.

Furthermore, I might suggest that any political party represented in the Halls of this House which undertook such an unworthy act would very likely lose its political life in the next election.

Mr. MACGREGOR. I appreciate the answer of the gentleman very much. I believe it helps to strengthen the reasons why both the chairman of the committee and the ranking Republican were pleased to accept the amendment. I am glad they have seen fit to do so.

I am also glad that this seems to be the one amendment, of the great many offered to this proposed article, which appears to be on its way to adoption by the Committee of the Whole.

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

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

Mr. HUTCHINSON. I thank the gentleman for yielding.

I should like to propound this further question to the gentleman from Virginia. The gentleman's amendment, as I understand it, places the word "inability" only in line 11. I would appreciate it if the gentleman would respond with the reason why the word "inability" has not been inserted in line 13?

Mr. POFF. I shall be glad to respond, if the gentleman will yield.

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

Mr. POFF. The word has not been included in line 13 because the 20th amendment already makes provision for the inability of the President-elect.

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

Mr. Chairman, I am so flabbergasted that I scarcely know how to express myself at this time. Here we see the gentleman from Virginia (Mr. POFF) in the waning moments of the consideration of this bill breaking through the trust composed of CELLER and MCCULLOCH to win approval of one amendment. I think we should compliment our friend from Virginia for being something of a trustbuster. This is the first of numerous amendments that he has offered on which to use the colloquial expression, he has been given the time of day. Most of the time he has gotten the back of several hands. I want to personally compliment the gentleman from Virginia for finally emerging as the trustbuster on this legislation.

Mr. LLOYD. Mr. Chairman, for many months I have given studious consideration to the proposal to amend the Constitution of the United States to provide for the election of the President and Vice President by a means other than the electoral college. The overwhelming majority of the American people and the great majority of the people of my district, the second congressional district of Utah, favor a change. This is verified by the Gallup and other polls on a nationwide basis and by my own polling of my constituents. As a matter of fact, for the past several weeks I have had staff members and volunteers go beyond the usual mailing poll of my constituents and go door to door in selected representative areas within my district, and I find that while many of our most thoughtful citizens do support the electoral college, the great majority favor change.

The conditions which prevailed in Philadelphia over 180 years ago no longer prevail. Neither I nor the majority of the people I represent now consider it necessary for the people's vote to be cast by an elite group who will presumably shield the voters against their own folly. An interesting indication of the opinions held by some of the Founding Fathers at Philadelphia in their own day was an expression George Mason made at that time against the proposition of direct popular vote as advocated at that time by James Madison. George Mason's comment was:

> It would be as unnatural to refer the choice of a proper magistrate to the people, as it would, to refer a trial of colors to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge . . . the candidates.

The electoral college, like that statement made at Philadelphia, which appears so startling in 1969, has become outmoded. Nor is it necessary in 1969 for the States, rather than individuals, to report their vote because of the mechanical difficulties of poor transportation and poor communication. The key consideration is whether States rights are improperly violated and small States damaged.

There is the accompanying issue of whether the electoral college should be replaced by a direct vote of the people or whether the district or proportional plans are preferable. Early in my examination, I preferred the proportional plan, but as I lived with this preference over many weeks of study, my judgment changed as many members of the Judiciary Committee stated their judgment also changed over the period of their deliberations and study. I would still favor the proportional plan over the electoral college, but the cleanest most acceptable and natural decision is the direct, popular vote. If in the end, the direct, popular vote does not prevail, either by defeat in the U.S. Senate or defeat of ratification by the States, I would then support the proportional plan as the preferred alternative.

I represent a so-called small State. The figures show that Utah leads the Nation in the percentage of its eligible voters who actually vote in presidential elections. Published figures reveal that Utah's voters represent 0.58 percent of the Nation's voters in the last presidential election. With our four electoral votes we have 0.74 percent of the electoral college, that is, four votes out of 538.

There are few in this body, I believe, whose consistent record over the years has shown more respect for the integrity and responsibility of the individual States than has my own record. I do not take lightly, therefore, the judgment of respected citizens of my district who feel that elimination of the electoral college will somehow infringe upon the State's fundamental rights. However, I do not believe it logically follows that we are undermining the integrity of the States. I have asked many supporters of the district plan and many supporters of the electoral college to give me their judgment on what the small States actually lose by changing to a direct, popular vote. It is difficult to receive a clear answer except the statement that the voice of the State is diluted. Many feel that one who votes for the President of the United States should do so first as a citizen of the State rather than a citizen of the United States. I simply do not agree with that point of view. Nor do I believe that my State with four electoral votes in an electoral college of 538 has a voice so significant that the influence of our State will be diluted by the direct vote. The electoral college completely eliminates the voice of the minority voter. The winner-take-all result de-

stroys the vote and influence of the individual minority citizen. It also makes it possible for one who receives a minority in the popular vote to be elected President by the electoral college, and in 15 presidential elections it has been shown that a shift of 1 percent in the popular vote would have allowed a minority candidate to be elected President in the electoral college. There is no longer any justification in my view for this great Nation to labor constantly with that threat.

The district plan does not eliminate that possibility. Furthermore, the district plan continues the winner-take-all philosophy but merely spreads it over a more divided, flexible, ever-changing area. It does not eliminate the basic defects of the electoral college in 1969. The district plan obviously fragments and multiplies the present complications and inequities of the winner-take-all objection of the electoral college.

Utah, with 0.58 percent of the Nation's presidential voters and 0.74 percent of electoral college votes, loses on its face 0.16 percent of its so-called effectiveness. This is infinitesimal even if granted for the sake of argument that something is lost. I am told by opponents of the popular vote that presidential candidates will be less inclined to go to small States during presidential campaigns. With our four electoral votes in Utah out of 538, the presidential candidate now comes to our State to campaign not because of the number of electoral college votes, which is so small, but out of a sense of courtesy, decency, and responsibility, and those conditions will not be changed in the future. Actually, the electoral college system seriously impairs the influence of the vote of the individual citizen in the small States in many ways. For example, the claimed voting frauds in large urban areas can be the difference in the winner-take-all electoral votes of a large State with a great many electoral college votes. Bloc voting of special interest groups in the great cities can work a similar result in other large States. The influence of the individual citizen in the small States thus becomes even less than now prevails under the electoral college.

Finally, it is said we are acting hastily because of George Wallace's third-party efforts during the 1968 election. Of course, it can often be charged by opponents that such and such an action was taken in haste, thus avoiding the hard choice of meeting the issue. The fact is, of course, that amendment of the electoral college has been a subject of continuous debate for many, many years with the more intensive study and preparations being made in recent years. So our action, rather than being labeled as hasty and made because of the George Wallace campaign, can in more accuracy be said to be the result of the most extended and thoroughgoing deliberation, the George Wallace incident being merely a footnote to the day in which our action is taken.

Utah is a rapidly growing State, as are many small States, and although this is certainly not a governing factor, any supposed diminution in influences in my judgment will be made up by population increases in the years ahead.

Senator GRIFFIN has reported in his poll of Utah legislators—40 percent responded and 69 percent of that 40 percent favored the direct vote. In candor and in the interest of accuracy, my own inquiry indicates that this poll may not accurately reflect the opinion of the entire body. As a matter of fact, my own inquiry reveals that as of today Utah's legislators may not ratify the direct vote, although that is far from clear. There is still a continuing study being made of the complications and the alternatives, and I believe it cannot be said with finality at this time what the ultimate action of the Utah Legislature may be in ratifying the direct vote.

There are two daily newspapers in my congressional district. They are the Salt Lake Tribune and the Deseret News. The Salt Lake Tribune has published an editorial supporting the direct popular vote which I append to these remarks. The Deseret News has not expressed an editorial opinion. I asked my representative in Salt Lake to communicate with the editors of this newspaper and he was advised that the Deseret News did not plan to express itself editorially on the subject. My personal polls in Salt Lake County reveal 84 percent of those interviewed expressed preference for the direct vote over the electoral college. I recognize that the many complicating factors of the amendment add to imprecise interpretation which might be made. Also, for the record, I received a communication on September 16 from the Salt Lake Chamber of Commerce stating they favored electoral reform on the district basis. This letter was received on the first day of the House vote on the district system. The Utah Farm Bureau has expressed opposition to the direct, popular election, stating the same principle should be followed in the election of a President which now gives each State two Senators. I was concerned about the possibility of a direct, popular vote for the President having an influence on the basis on which we now elect U.S. Senators. I, therefore, researched the legal implications of article 5 of the Constitution which provides that no State shall be deprived of equal suffrage in the U.S. Senate without its consent. The opinion of legal scholars in this House is that article 5 is not subject to amendment, and I specifically refer to a colloquy on this point and the opinion of the distinguished lawyer and member of the Judiciary Committee from Virginia (Mr. POFF) in the CONGRESSIONAL RECORD.

The Salt Lake Tribune editorial follows:

HOUSE HOLDS KEY TO REFORM

As the House debates a new system for electing a president, only one thing is certain. Some kind of electoral reform appears to be in the works.

The proposed constitutional amendment, drafted by the House Judiciary Committee, would abolish the Electoral College and substitute direct election by popular vote. But before the House gets to the committee's amendment, sometime during the next week, two alternatives will have to be acted upon. One is the district plan under which a candidate gets one electoral vote for each congressional district he carries and two for each state. The other is the proportional plan which divides the electoral vote of a state on the basis of percentage of the popular vote received by each candidate.

Either of these plans is better than the present "winner take all" system under which a candidate, who carries a state by the slimmest of margins, receives all that state's electoral votes. This could prevent the candidate with the most popular votes from becoming president. Neither alternative is as good as direct election by popular vote.

A survey by the U.S. Chamber of Commerce shows 67 percent of the House members either supporting the committee plan or leaning toward it. That would seem to assure the two-thirds majority needed for approval of a constitutional amendment. Moreover, although some congressmen prefer one of the alternatives, they are believed ready to accept the popular vote plan rather than have no electoral reform at all.

Even if the House approves reform, the fate of the amendment will still be in doubt. The Senate must give its assent by a two-thirds majority, then three-fourths of the state legislatures must concur.

Electoral reform is not a political issue. President Nixon favors the popular vote plan, but does not think it would be accepted by the states. However, the decision of the House, with its large membership, should provide a good reading of public sentiment across the country. We again urge favorable action on reform, and give special emphasis to the popular vote amendment.

Mr. FUQUA. Mr. Chairman, it is with regret that I feel I must vote against passage of the pending legislation affecting the election of the President.

I feel very strongly that we need to reform the electoral system, but the measure which is being presented will leave too much to be desired for me to cast my vote for its passage.

In voting against the measure, I do so in the hope that it will be defeated and we will see another proposal considered at a later date which would do away with the provision that would allow 40 percent of the people to elect a President. If a man only receives 40 percent, then 60 percent may well be against him and it continues allowing for the election of the President by less than a majority of the American electorate.

The President and the Vice President are the only elected officials responsible to the entire electorate and I think if we are to abandon the electoral college, with all of its faults, I think it should be a system that will insure that a majority make the determination as to the man who will serve.

In casting my vote against passage I wanted to make it clear that I do not like the present system and feel that change is needed. But, if it is to be changed, then let us go to a system that will insure that a majority of the voters will make that determination.

Mr. BUSH. Mr. Chairman, I favor reform of our presidential election process. I am opposed to the status quo because it condones the actions of faithless electors, perpetuates an unrealistic voting procedure when elections are thrown into the House of Representatives and is clearly unresponsive to the wishes of the American people. Ideally, I would have preferred to have seen this reform come along the lines of the district or proportional plans. And yesterday I supported amendments that would have provided for such substitutes. But these amendments were defeated and the choice before us now is the acceptance or rejec-

tion of the bill calling for direct election of the President and Vice President.

Frankly, I think this legislation has a great deal to commend it. It will correct the wrongs of the present mechanism because by calling for direct election of the President and Vice President it will eliminate the formality of the electoral college and by providing for a runoff in case no candidate receives 40 percent of the vote it eliminates the unrealistic ballot casting in the House of Representatives. Yet, in spite of these drastic reforms the bill is not, when viewed in light of current practice, one that will be detrimental to our federal system or one that will change the departmentalized and local nature of voting in this country.

In electing the President and Vice President the Constitution establishes the principle that votes are cast by States. This legislation does not tamper with that principle. It only changes the manner in which the States vote. Instead of voting by intermediaries, the States will certify their popular vote count to the Congress. The States will maintain primary responsibility for the ballot and for the qualifications of voters. In other words, they will still designate the time, place, and manner in which elections will be held. Thus, there is a very good argument to be made that the basic nature of our federal system has not been disturbed.

On the walls of the Jefferson Memorial are written these words that we might well consider today:

> I am not an advocate for frequent changes in laws and constitutions, but laws and constitutions must go hand in hand with the progress of the human mind as that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change. With the change of circumstances institutions must advance also to keep pace with the times.

The world has changed a great deal since the 12th amendment was approved and the system it perpetuates is one fraught with a history of fraud, leaves our country open to constitutional crisis and is clearly unresponsive to the desires of the American people. I do support the proposal before us today because I believe it combines the best features of our current practice with the desirable goal of a simpler, more direct voting system.

Mr. DULSKI. Mr. Chairman, my amendment which was ruled out of order would make the following changes in the pending resolution:

It puts into law what has been needed for some time now—provide specific guidelines to cover congressional redistricting.

Several of the States—New York in particular—have been plagued with harassing court challenges as a result of the so-called one-man, one-vote decision by the Supreme Court of the United States.

The Court did not lay down any guidelines—and this is understandable. It is not up to the Court to set guidelines. It is up to Congress.

This puts States, like my own State of New York, for instance—in the utterly ridiculous position of having to reapportion this year and use census figures that are 10 years old. New York has not had a statewide census since 1960, although there have been special censuses taken in certain areas of the State.

The data from these more recent local censuses cannot be used in a statewide redistricting because you have to use the same base throughout the State. That means sticking with the 1960 census figures.

My proposal in this amendment is to lay down guidelines—reasonable guidelines that the States can work with and avoid the continual harassment which I fear will be even more prevalent around the country after the reapportionment for 1972 on the basis of the 1970 census.

I am proposing to set a leeway of 2½ percent in population above or below the mean average for the districts in a State. In New York State, for example, the mean average under the 1960 decennial census was 409,324.

As the court decisions stand today, new congressional districts must have zero variance from the mean average. I repeat, this is ridiculous and completely unrealistic—yet this is the way the court decisions have left the situation in the absence of legislative or other directive.

Why do I say this is unrealistic?

First, the census figures are already 6 months old before they are prepared for use in setting the reapportionment base. The first election based on the decennial census figures is 18 months after the head count is made. That is one reason.

Second, the Census Bureau itself concedes that its figures in the last two decennial censuses were only 97 percent accurate. So my figure is even tighter than the Census Bureau itself claims its own accuracy to have been in the recent past.

Third, with the mobility of today's population, census figures are really accurate only on the day they are taken. I do not mean to say they are worthless, but I do say that it is only right and proper to take into account the facts of life in this transient economy of today.

In refusing to consider any slight variations in districts, the courts are attributing greater validity to the census figures than does the Census Bureau itself.

The court's call for "absolute equality" actually is unattainable. Setting a 2½-percent variation allowance on redistricting is within the range of census data accuracy and will permit the States to have slight leeway which can avoid much disruption to normal geographic lines.

The Supreme Court's ruling last April invalidated New York State's reapportionment which had been approved by a Federal court last year. The order for the new reapportionment is going to cost the State a million dollars. Indeed, a million dollars wasted, because the redistricting is going to make the situation worse, not better.

Let me give you an example of what I mean by using the figures for the three districts that involve my home city of Buffalo, N.Y.

Back in 1961 the State legislature established new lines for the State's congressional districts. The three districts were set very close in size. The widest variation was just a little over a thousand in population.

My 41st District was redrawn to include a population of 435,858. The neighboring 40th District was allocated a population of 436,022. The 39th District was figured at 435,077.

I think this is pretty evenly dividing three districts which together serve the two counties of the Niagara frontier, Erie and Niagara.

These three districts were not changed in the 1968 redistricting by the State. But the new Court order would require a change for the 1970 election because all three districts exceed the 1960 mean average for the State.

Today, my district is estimated to comprise only about 375,000 persons—nearly 61,000 less than in 1960. This is because of a loss of population as a result of urban renewal and major superhighway projects which have cut through my district. In contrast, the 39th District is now estimated to contain 515,000 persons.

Yet, when the State follows the Supreme Court's edict and redraws the district lines for next year's election, it will be on the basis of a 1960 average of about 410,000 per district.

Inasmuch as there has been no statewide census since 1960, that means my district will be reduced by about 26,000—down to an actual total of about 349,000 persons as of today. The 39th District will be cut by about 25,000 from its 1960 figure to an estimate as of today of about 490,000. Our districts will be actually 140,000 difference in population. Similar distortions will occur elsewhere in the State.

So where is the practicality of a no-variation redistricting based on 1960 census data when it is simply going to compound the distortion rather than solve it?

The Congress cannot do anything about the ridiculous situation in New York State this year. But Congress can do something to lay down guidelines for future decades.

In December 1967, Congress did take a step in the right direction by barring statewide at-large congressional elections because of challenges of State apportionments. That action was necessary at the time to prevent chaos in States where lines were challenged and a deadlock developed on redistricting.

Can you imagine the chaos that would result if the 41 New York seats were filled by statewide election?

Congress cannot leave the vague legal basis that now exists in view of the one-man, one-vote edict. The Congress must exercise its responsibility and put guidelines into law so as to cut off harassment and nuisance challenges in courts after a State makes a good-faith and responsible reapportionment.

If a State fails to meet the guidelines set by Congress, it still would be subject to court challenge, as is proper and necessary.

Mr. Chairman, the thrust of my amendment is very simple.

It is intended simply to put into law

guidelines that the States and the courts can use in future redistricting.

I hope sincerely that the Committee will adopt my amendment.

Mr. DIGGS. Mr. Chairman, the House Committee on the Judiciary on May 16, 1969, reported a proposal to amend the Constitution to provide for the direct popular election of the President. I will attempt to assess how the proposed amendment may affect or alter the electoral influence which urban minorities and the smaller, less populous States both in the South and in other regions of the Nation have on the outcome of presidential elections under the existing electoral college system. The discussion which follows approaches this question in terms of the historic discussion of the likely consequences of such a change in the current method of electing the President for the relative voting power of the larger and the smaller States of the Union.

Under the prevailing electoral system, which is governed by article II, section 1 of the Constitution, and by the 12th, 13th, and 23d amendments, the President and Vice President are chosen by electors elected by popular vote as the State legislatures direct. Each State has a number of electors equal to the whole number of Senators and Representatives to which it is entitled in Congress. Although it is not required by the Constitution, each State's electoral vote since 1892 has been cast under the unit, general ticket or winner-take-all system, whereby each State delivers its entire electoral vote to the candidates that receive the highest popular vote. The winning candidates must receive a majority of the electoral vote, and in the event of no majority, a "contingent" choice is made by the House of Representatives, with the representation from each State having one vote.

The proposed amendment, as reported by the House Judiciary Committee, abolishes the electoral college and provides in its place for the direct nationwide popular election of the President and Vice President. If no candidate receives at least 40 percent of the popular vote cast in a presidential election, a runoff election is to be held between the two candidates with the highest number of votes. Voters in a presidential election are to have the same qualifications as are required by each State for persons voting for members of the most numerous branch of the State legislature. The States may adopt "less restrictive residence qualifications" for the electorate, and "the Congress may establish uniform residence qualifications." [1]

It is particularly noteworthy for the purposes of this analysis that opposition to the direct popular election scheme historically has come from both the larger and smaller States. This opposition has been based upon the belief held by both groups of States that under this method of election each would lose advantages which they have under the electoral college system. This belief obviously involves some measure of speculation that is not subject to factual proof. There is, however, in addition, both evidence and logic in support of these arguments against a direct election plan which in the past have helped to defeat the proposal every time it has been considered by Congress.

The large-State small-State debate over the best manner of electing the President dates from the Constitutional Convention of 1787. American politics today quite obviously differ radically from anything contemplated by the framers of the Constitution. Yet the compromise at which they arrived on the manner of electing the President remains of relevant interest to current proposals to change the system they established. This system was, in the words of James Madison, "the result of compromise between the larger and the smaller States."

Despite early disagreement among the delegates of the Convention on the issue, they reached agreement that the President should be chosen by a vote of the people. But only a few of the framers favored a direct vote, and how the people should choose the President was of particular concern to the smaller States because they feared their influence in national elections would be nullified by the combined votes of a few populous northern States. This fear was aggravated by disparities among the States in their respective suffrage requirements which resulted in a larger number of qualified voters in the North. The intermediate elector plan retained the principle of popular choice, but was a major concession to the smaller States because first, it provided for a number of electors chosen by the people on the basis of each State's population—thus overcoming the disproportion of qualified voters in different States; second, it gave them a bonus of two extra electoral votes corresponding to the number of Senators allowed each State irrespective of its population; and third, it provided for the contingent election of the President by the House of Representatives where, because each State had one vote, the influence of the small States would be the same as that of the large.

These general observations have an immediate relevance for assessing the possible results of the direct popular election of the President for the relative voting power of particular States and groups of the national electorate today. This probably is more true for the voting influence which various minority and ethnic groups located in metropolitan areas of the larger States now have under the current electoral system than for any other part of the voting public. While this influence has been widely recognized for many years by informed observers and politicians alike, it recently has been given new and persuasive support by an analysis made by Mr. John F. Banzhaf III, a member of the New York and District of Columbia bars. Mr. Banzhaf's analysis measures by advanced mathematical techniques the chance that each voter has under the present electoral system—as well as under the three most commonly considered alternative systems—to affect the election outcome in his State, and in turn, the outcome of a national election.[2]

As it recently has been conveniently summarized by Prof. Alexander M. Bickel of Yale University, Banzhaf's analysis shows that:

"States like New York and California have over two and one-half times as much chance to affect the election of the President as residents of some of the smaller states." Pennsylvania, Ohio, Michigan, Illinois, and even lesser industrial states, are also in advantageous positions. The reason is that while a voter in a large state has less chance of influencing the result in his state (because there are, of course, more people voting) he potentially influences a larger number of electoral votes; and so, despite the apparent dilution of his vote, he actually exercises much greater control over the outcome of the national election. This power he derives directly form the electoral college system.[3]

Professor Bickel also observes that the electoral college system requires that the parties and the presidential candidates "make the large industrial States the decisive battleground of national elections." These States, he concedes, would be of substantial importance in any case, but the fact remains that "the electoral college as it has evolved is so rigged that the big States count disproportionately." [4]

This advantage accruing to the large States under the electoral college system, then, is the basis of the voting power which minority groups enjoy under this system, and which is threatened by the direct election plan. Under the present electoral method, as frequently has been observed, minorities in the larger States may act as a crucial swing vote in those cases where only a few thousand or a few hundred votes separate the leading presidential candidates in States with large electoral votes that under the winner-take-all rule all go to the winning side. It is clear, for this reason, that in most presidential elections since the 1930's national candidates have tended to focus their campaign appeals on the larger States, thus giving organized minority groups special attention and a potential, if not always actual, influence they would not have under the direct election scheme. As was recently stated in an editorial of February 22, 1969, issue of the New Republic:

Direct popular election of Presidents would diminish what is now the disproportionate influence of the large industrial states in Presidential politics, and thus diminish what often, even if not always, turns out to be the influence of cohesive minority groups in these states. . . . By virtue of the unit rule, relatively small blocs of votes in closely divided big states can make the decisive difference in an election.[5]

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[1] "Direct Popular Election of the President," U.S. Congress House of Representatives, Report of the Committee on the Judiciary, 91st Congress, 1st session, May 16, 1969, pp. 1–2.

[2] John F. Banzhaf III, "Reflections on the Electoral College, One Man, 3.312 Votes: A Mathematical Analysis of the Electoral College," *Villanova Law Review* (Winter 1968), reprinted in U.S. Congress, House of Representatives, Hearings before the Committee on the Judiciary Relating to Electoral College Reform, 91st Cong., 1st sess., February and March 1969, pp. 307–352.

[3] Alexander M. Bickel, "Is Electoral Reform the Answer," *Commentary*, (December 1968), p. 42.

[4] *Ibid.*, pp. 42–43.

[5] "Electing Presidents," *The New Republic* (February 22, 1969), pp. 9–10.

Much of the data and reasoning which supports the view that direct election of the President would deprive minority groups and the more populous States of voting advantages which they have under the electoral college system also often is said to support the view that this system works to the detriment of the smaller, less populous, rural States, whether of the South or of other regions of the country. Mr. Banzhaf, for example, states that under the existing system:

Citizens of the small and medium-sized states are severely deprived of voting power in comparison with the residents of the few very populous states who have far more voting power than the others. The present electoral college system, in conjunction with state imposed unit-vote (winner-take-all) laws, in effect in all the states, greatly favors the citizens of the most populous states and deprives citizens of the less populous state of an equal chance to affect the election of the President.[6]

These inequities, Banzhaf further states, would be eliminated by a direct vote system since under this system, where—

No distinction whatever is made between votes cast by residents of different States or congressional districts, it is obvious that all voters would have an equal chance to affect the outcome of the election and, therefore, would have equal voting power.[7]

The fact is, however, that representatives of the smaller, more thinly populated States have continued to resist the direct election alternative. This doubtless has been true in part because of the attractiveness to them of other plans of electoral reform, particularly the proportional and district plans. Under both of these schemes, as most observers have agreed, voters in the smaller States would gain disproportionate voting influence at the expense of the larger States.[8] Yet there are other reasons for the opposition of the smaller States to direct election of the President, nearly all of which can be traced to the apprehension that direct elections would destroy the identity and voting power of the States as self-contained units of the American federal system. Even if it is conceded, as Banzhaf and others have argued, that the existing electoral system reduces the voting influence of the individual citizens in the smaller States, this does not take into account the influence which under the electoral college system the States may at least potentially exert as States with and on behalf of their own "communities of interest."[9]

First of all, the direct election plan would eliminate the two electoral votes which each State receives for its two senatorial seats without regard to the size of their populations. This gives the small States an immediate and obvious bonus in presidential elections which they naturally are reticent to surrender. In addition to these votes, of course, the remaining number of electoral votes assigned to each State corresponding to the number of its Representatives in the House involves an apportionment based upon population rather than upon voting numbers. This not only gives an advantage to States whose voting turnouts tend to be relatively low, as often has been especially true of States in the South. It also means that the identities and interests of the several States as distinct communities in the federal system are preserved and brought to bear upon the political strategies of the parties and national candidates and upon the outcome of presidential elections. This consideration is reinforced by the equally obvious and special advantage which the smaller States derive, at least potentially, from their votes in contingent elections decided by the House of Representatives.

When the Federal rule on theory of representation in the electoral college is taken into account, moreover, the direct election system may quite simply and conclusively be shown to reduce the voting influence of the smaller States relative to that of the larger as it is presently exercised under the electoral college and general ticket systems. If it is true, as it is, that the existing electoral system gives the larger States, voting as units, greater relative weight in election outcomes, the direct election plan, because it eliminates the intermediate electors, would both increase the voting power of the larger States and reduce that of the smaller States to a significant degree. This shift of voting power among the States participating as units of the federal system which would result from a change to direct popular elections has been demonstrated by a mathematical computation published in the May 12, 1969 issue of U.S. News & World Report.[10] This analysis shows that under the proposed change to direct elections, 15 larger States would gain and 34 medium-sized and smaller States plus the District of Columbia would lose in relative voting power based upon the results of the 1968 election. This analysis also shows that while under a system of direct elections, States of the Northeast and Midwest regions would gain in relative voting power, those of the Far West, South and Border regions would lose influence which they now have by virtue of the votes they cast under the unit rule in the electoral college.

These changes which a direct election system would effect in the relative electoral influence of various States and regions have been written off as "illusory" by some observers because the unit or general ticket rule distorts election results by failing to count voters in the minority of the States popular votes for presidential electors.[11] But this rebuttal on behalf of the direct election plan again fails to take into account the Federal principle whereby under the present system a State's presidential vote is cast by electors who, because they represent a State's population, also represent a community of interest shared by voters and nonvoters alike. In support of this principle and in opposition to the direct election proposal Senator SAM J. ERVIN, of North Carolina, recently has stated:

Adherents of direct popular election would substitute the concept of having the President and Vice President represent those who happen to vote on the particular election day, for the principle established by the framers of having them represent population and States regardless of how large or how small the actual vote might be on that election day. In erasing the concept of electoral votes representing population—including nonvoters—within States, direct election would replace it with a theory of representation based solely upon a percentage of voters who happen to vote at a particular election.[12]

Mr. SMITH of Iowa. Mr. Chairman, much has been said during the extended debate on this bill about the adverse reaction to be expected if a nominee for President is elected who receives less popular votes than his opponent. I agree that avoidance of that occurrence or insurance against that contingency alone is enough reason to pass a constitutional amendment; however, I think there are other reasons almost equally compelling.

I believe strong and accepted leadership is so important in our more complicated society that it would be most difficult for a President to provide that leadership if he had received less than 40 percent of the total vote, I believe avoiding that possibility alone is enough reason to amend the Constitution and could save this country suffering through 4 years where the majority do not approve of the leadership and never did.

I personally believe the bill which it is now evident will emerge may not be as satisfactory as a proportional plan of casting popular votes from each State because that would help avoid the possibility of a national recount and give more flexibility to States to set requirements for eligibility without penalizing States which diligently prevent "graveyard" votes; however, this bill is certainly superior to the present provisions of the Constitution and I hope the Senate will improve it.

Although I think changes of the Constitution should be few and far between and only made when it is obvious the need will be long lasting, I believe this is one of those cases and urge adoption of the resolution.

Mr. CHAMBERLAIN. Mr. Chairman, as one who for some 8 years has sponsored legislation to bring about electoral college reform, I commend the Committee on the Judiciary and the House leadership for the action that has finally brought this subject to the House floor for consideration.

I am satisfied that the election of 1968 convinced the great majority of Americans that remedial action to secure the future from the prospect of a constitutional crisis should not be postponed any longer.

The road of constitutional reform includes many rigorous tests, and rightly so. With the right vehicle, however, the

[6] Banzhaf, *op. cit.*, p. 319.

[7] *Ibid.*, p. 320.

[8] *Ibid.*, pp. 324–327. See also Edwin D. Eshelman and Robert S. Walker, "Congress and Electoral Reform," *The Christian Century* (Feb. 5, 1969), pp. 178–181.

[9] See Lucius Wilmerding, Jr., *The Electoral College* (Boston: Beacon Press, 1958), pp. 107–108.

[10] P. 58.

[11] Neal R. Peirce, *The People's President* (New York Simon and Schuster, 1968), pp. 262–263.

[12] CONGRESSIONAL RECORD, Jan. 15, 1969, p. 862.

route may be accomplished with relative dispatch, perhaps even within 1 year. Regardless, it is time we got moving.

It was the crowning genius of our Founding Fathers to have authored a Constitution capable of orderly growth and the ability to adapt to new challenges and conditions. It achieved what the Articles of Confederation could not, the forging of a nation out of the conflicts and jealousies of individual excolonies. It is hardly surprising that the method adopted to overcome these conditions and make the election of an effective National President possible should itself become out of joint with the Nation that it helped to form.

During the greatest part of our history we have, as we all know, not elected our Presidents strictly in the manner the Founding Fathers had formulated.

At the Constitutional Convention in 1787 some argued that the Chief Executive should be elected directly by the people while others believed that the choice should be made by Congress or even the Governors of the States. It was finally resolved that a special body of electors, holding no public office and independent of the three branches of our Government as well as the State governments, should make the selection. These electors, equal to the number of U.S. Senators and Representatives of each State would be chosen it was presumed, from among the most knowledgeable and respected citizens of each State. Meeting at the State capital on a designated day they would nominate, debate, and cast their ballots. The votes of the electors of all the States would then be sent to Washington and counted by the President of the Senate before a joint session of Congress. If no person received a majority of votes the House of Representatives would then meet immediately to make the choice.

As originally conceived, then, the electoral college embraced both the functions of nominating and electing the President. With the unforeseen development of our strong political party system, however, and the introduction of partisan slates for choosing the electors, the election of the electors became tantamount to electing the President. Consequently, without benefit of a constitutional amendment the political parties simply assumed the determining role in the selection of nominees for the highest office of the land.

The concern many are expressing today is directed both at the way our Presidents are nominated as well as the way they are elected. In the first instance some feel that political conventions should be replaced by a national primary election. In the second instance many seek to abolish or reform the electoral college because, for example, under the present system it is possible for a candidate without the most popular votes to be elected President if he wins sufficient electoral votes. Three men have, in fact, become such so-called minority Presidents: In 1824 Andrew Jackson received more popular votes—43 percent—than John Quincy Adams—30 percent—but with no candidate receiving a majority of electoral votes, the choice went to the House of Representatives which ultimately selected Adams; in 1876 Rutherford B. Hayes—48 percent—edged out Samuel J. Tilden—50.9 percent—by one electoral vote after a special Electoral Commission examined the contested returns of four States; and in 1888 Benjamin Harrison—47.8 percent—was elected over Grover Cleveland—48.6 percent. Some 11 other Presidents have been elected who, though receiving more popular votes than their opponents, failed to attract more than 50 percent of the total vote. This has occurred in two of our last three elections. In 1960, John F. Kennedy received 49.48 percent and Richard M. Nixon 49.32 percent of the popular vote, although the electoral votes were 303 and 219, respectively. In the 1968 election, Richard M. Nixon received 43.40 percent, Hubert H. Humphrey 42.72 percent, and George C. Wallace 13.53 percent of the popular vote, with the electoral vote distribution being 302, 191, and 45, respectively.

It might also be recalled that Lincoln in 1860, faced by three other opponents, won a majority of the electoral votes while receiving only 39.79 percent of the popular vote.

Others question the fairness of the winner-take-all rule whereby a candidate who wins 51 percent of the popular vote wins 100 percent of that State's electoral votes while the candidate receiving 49 percent of the votes receives no electoral votes. It is also urged that electors should be pledged to the party candidate and not be permitted to disregard the mandate of their election by voting for some other candidate.

There have been a number of basic plans proposed to change the present system. One plan retains the electoral votes of the States, abolishes the office of elector, and automatically awards the electoral votes of a State to the popular winner in that State. A second, the district plan continues both the office of elector and a State's electoral votes but provides that the electoral votes are to be spread among equi-populous districts—equal in number to the number of Representatives in the House—plus two at-large districts. The winner of each district automatically would receive its electoral vote. A third plan abolishes the office of elector but retains the State's electoral votes which are divided among the candidates in proportion to their shares of the popular vote within the State. And a fourth plan proposes that the President be elected by the direct vote of the people. Under this plan, the present electoral college system would be abolished.

In a message to the Congress on February 24, 1969, President Nixon made known his views with respect to electoral college reform. He stated that although he personally preferred the direct election of the President by popular vote, he doubted whether this method would be ratified by a sufficient number of State legislatures. Consequently, he recommended to the Congress the elimination of the office of the elector in order to avoid the problem of the "faithless elector"; the distribution of each State's electoral vote proportionately among the candidates according to their popular vote; and the provisions that if no candidate receives 40 percent of the electoral vote a runoff election, rather than Congress, would decide the winner.

While there has been some new evidence suggesting that the direct method may be gaining ground in some State capitals, I, too, share the President's concern in this regard because I believe it is so important that successful action be taken now to remove the principal defects in our electoral system.

I strongly support the elimination of the problem of the "faithless elector" as well as the present procedure whereby, on the basis of one-State, one-vote, the House elects the President when no candidate wins an electoral vote majority in the general election.

To contend today that individual electors are chosen to exercise their independent judgment, when their very existence is unknown to many voters and their name does not even appear on the ballot in many States, is to try to resurrect a system long dead and without public support.

To maintain that the Congress should vote by State delegations is to disenfranchise the voters of those States whose delegations are politically, evenly divided and to distort the value of all other votes. Then, there is the further spectre of the House electing one party's candidate as President and the Senate a different party's candidate as Vice President.

Consequently, I would support any of the current proposals so long as they remedied these particular defects. In addition, while I recognize that the winner-take-all feature of the present system has probably helped to promote our two party system, it is because I am such a firm believer in it that I am satisfied that this essential feature of our political institutions is now such an ingrown part of our national character that the votes of all citizens should now be counted in the final tally and not just those of the winning candidate of each State. Our political institutions have grown up around and in some ways in spite of the present system. They are strong enough, I am satisfied, to continue to grow and prosper now under a different, more viable procedure.

The bill reported by the Committee on the Judiciary provides for the direct election of the President and a runoff election in the event no candidate receives 40 percent of the popular vote. As I said in my statement during the Committee hearings, I could support such a proposal even though I recognize that the other plans have their merits as well. We must sweep away the confusion and uncertainty that invites political mischief and perhaps disaster through the continuance of archaic mechanisms which promise only to frustrate rather than to serve the public interest.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of House Joint Resolution 681 to reform the present system of electing the President and Vice President of the United States.

When the electoral system was devised 182 years ago, the drafters of the Constitution had little confidence that the people were capable of actually choosing a President. They devised a system

whereby the people would indicate their preference to a college of electors who would be free to make a choice as they saw fit. The rise of the political parties as a permanent institution, however, transformed the electoral college into an impotent imprimatur of the popular vote.

Under the party system, electors were no longer free to make their own choice and, in some States, became bound by State law to follow the popular vote. Thus, today we are encumbered by a system which satisfies neither the plan of those who drafted it nor the requirements of a popular democracy.

Under normal circumstances, the college merely remains a friendly curio from the past, an old, once comfortable but now broken old chair, which we have been loathe to be rid of. But, like such a chair, the electoral college system is perilous under pressure.

We are well aware that it is possible for a popular vote winner to be the electoral voter loser, thus denying to the people their rightful choice of candidates. The only electoral process which would guarantee that the choice of the people would rightfully claim the Presidency is the direct election plan.

I respectfully submit that the two alternative plans, namely, the so-called district plan and the proportional plan, would still permit a popular vote loser to become an electoral vote winner. I am unable to support either alternative. Like the present system, even in the best of circumstances they are unfair. In the worst of circumstances they are dangerous. When the popular vote is so close as to result in a disparity between the popular and electoral vote, it can only mean that large segments of the populace are disaffected and opinion has become hardened and highly polarized. We have seen in American history, notably in the last few years, that disaffected and alienated citizens will take to the streets, take over public buildings, strike, and riot when they become convinced that the system which governs them also consistently ignores them—193 years ago we fought against another government for the same reasons. It is not my desire to give cause for another such revolt against an American Government.

A major argument against the direct election plan seems to be that the small States are against it, thus dooming any proposal which requires ratification of three-quarters of all the States. I do not agree. Polls taken as late as 1968 indicate the preference of a majority of State legislators, including those in small States, for the direct election plan. These legislators, and a substantial majority of the people throughout the country understand that their common interests are not regional; that geography does not confine problems to a single area of the country; that problems of people in the South are shared by those in the North and West; that the people of the Midwest express many of the same demands as those living in the East. In a Federal election, it is these common problems which find expression in the vote for a President.

I strongly believe that the American people are capable of choosing their President. I shall vote for the direct election plan as proposed in House Joint Resolution 681.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of House Joint Resolution 681 as it has been reported by the Judiciary Committee.

There are few issues which have been debated during my seven years here which could have more far-reaching consequences for the Nation. Certainly, the method of electing our Presidents and Vice Presidents has needed discussion and reconsideration for many years. There is no doubt that the Electoral College, as an institution, no longer reflects the requirements of our times. In fact, its existence has involved a continuing and calculated risk which the American people have viewed with considerable patience. That patience, I believe, would soon vanish if a crisis of leadership should occur in the choice for President of the American people were frustrated because of the creaking and outmoded electoral system we have been reluctant to change.

I have great respect for my colleagues here as well as for other spokesmen who advocate variations of the present Electoral College system. However, as our colleague from Ohio (Mr. McCULLOCH) has so eloquently pointed out, all of the indirect election plans have one great flaw. That is that they could well allow the election of a presidential candidate who is not, in fact, the choice of the American people.

We have long since embraced in this Nation the concept of majority rule. In fact, in no other election for public office would an election contest be awarded to a candidate who loses in the tally of popular votes. If we will not tolerate this possibility in the deciding of lesser offices, it should surely not be tolerable in the filling of the country's highest office.

The inadequacies and dangers of the present system have been known for many years. It is time that action be initiated for the kind of formal and national debate which this resolution will, in effect, start. Although our decision here today will only be the opening act in this great dialogue, it is of historic importance that we discuss whether we should make certain that the will of the people is carried out as they choose in future years who is to lead them.

Mr. MIZELL. Mr. Chairman, for the past few days, we, as a body, have been considering legislation of the utmost importance. Electoral reform would require an amendment to the United States Constitution, and that in itself makes it a vital issue that deserves the most serious consideration by all Members of Congress.

Electoral reform is an issue which affects each and every voting American and should be looked upon with nonpartisan objectivity. We must concern ourselves with only what is right and fair for the people.

I want to say that I feel very strongly that a change is necessary in the method we use to elect our President and Vice President. I feel that our electoral college system is wrong for a number of reasons. It is a "winner-take-all" policy which allows a candidate to take 49 percent of the vote in a State, but none of that State's electoral votes. This is, in my opinion, not expressing the true feeling of the people. The present system also allows the election of a President even though he fails to get a plurality of the votes. It allows the election to go to the House of Representatives where strong bargaining sessions take place, and the will of the people might not be expressed. The present law allows the elector to vote against the will of the people if he so desires; and we must not have a system which would allow such activity.

During the past few days, I have listened intently to my colleagues as a number of reform proposals were presented. After serious thought and consideration, I have concluded that only one of the proposals offered would eliminate all of the bad points I have mentioned which exist in the present electoral college system of electing our President. It is the popular, or direct vote system which eliminates the "unfaithful elector," the "winner-take-all" policy, the election without plurality, and the electoral bargaining in the House of Representatives. The popular vote system of electing our President would, in my opinion, give the American people their true voice in the election of their highest officials. I hope that my colleagues in the Congress see the virtue of the popular vote proposal and approve it accordingly. I call on all of the gentlemen of the House to join me in casting a vote for the people of this great Nation. Our government is a government of the people, by the people and for the people, and a vote for this amendment would truly be a vote for the people.

Mr. WRIGHT. Mr. Chairman, the American people desire this reform. It is long overdue. In replies to a questionnaire mailed just last month to all of the voters in my district, approximately 4 out of every 5 responding express approval for the change embodied in this proposed constitutional amendment.

The electoral college has long since outlived any useful purpose. It is a relic of a bygone day. It has no more relevance to the modern age than powdered wigs and snuffboxes and goose quill pens.

At best, it is a quaint, clumsy appendage awkwardly interposed between the people and their chosen leaders. At its worst, it can be a positive menace to the free elective process.

When the electoral college was ordained, its creators no doubt had a rational purpose in mind. Perhaps that purpose was valid 180 years ago. Communications were poor, sometimes nonexistent. Transportation was tortuous. The average citizen could never know much, if anything, about a presidential candidate.

The electoral system sprang from the belief that the typical voter simply would not have the information available upon which to base an intelligent choice, that he would need someone else to exercise that judgment for him. Each community, therefore, would choose an elector, someone in whose good sense the rest had confidence. The electors would come to-

gether, talk it over, learn what they could, and finally select a Chief Executive for the Nation.

That philosophy may have made sense once. Today it has not even a semblance of reality. The average citizen knows the most intimate things about presidential candidates—almost embarrassingly intimate things. He knows of their families, the names of their pets, their personal mannerisms, their favorite foods, what they wear, where they go to church, even their personal health problems. He has an opinion not only upon their public philosophy but on the way they choose to express it—their accents, their choice of words, their facial expressions—their style if you please.

But what, pray tell, does he know about the elector? Nothing. Easily 90 percent of the voters could not even identify their "Elector" by name. And why should they? They feel they are choosing a President—not some intermediary to do their picking for them.

The point, however, is not merely that this creaky electoral machinery is out of date, unnecessary and ridiculous. The point is that it can be positively dangerous. It has bred abuses which in a free and enlightened society should not be tolerated.

Perhaps the most common of those abuses is that it contrives to make voters unequal. It is the very antithesis of one man, one vote. By lumping all of a State's electoral votes into the column of that candidate who ekes out the barest margin of victory in that State, it gives undue emphasis to some States and to some voters at the expense of others. In the electoral college, the minority in each State—however near it may be to a majority—is wholly disenfranchised.

This naturally results in each party's giving special attention to those machine-type organizations in the close States which, by just a little extra effort, can turn the tide from a narrow loss to a narrow win. And each party simply crosses off some States as not worth the effort. The whole thing amounts to a negation of the basic equality of voters.

Even worse, we know that in several instances the system has inaugurated a President preferred by less than a majority of voters—and in one case by less than a plurality. Who can say this will not happen again? It is at least theoretically possible—given a certain mixture of circumstances—for a candidate to be elected with fewer than 40 percent of the popular votes even though his opponent might receive more than 60 percent.

Or, in a close election with active third-party participation, the present system could throw the election into the House of Representatives. There is the additional possibility that this in turn could result in stalemate.

Or, as we have recently had occasion to ponder, the failure of either major candidate to receive a majority of the electoral votes could place in the hands of some cynical third-party candidate, if he could control his electors, the leverage of a power broker to make private deals for the electoral votes needed to tip the scale.

This possibility becomes frighteningly apparent in the arrogance recently displayed by the faithless elector from North Carolina, one Dr. Bailey, who crassly betrayed his trust and cavalierly substituted his own judgment for that of the people. The Congress, in its debate over this issue last January, determined that under the present electoral system the people are powerless to do anything about such a betrayal. The people have no remedy and no recourse.

This particular elector, testifying before the Senate committee a few days ago, declared his conviction that the electors should be absolutely free to disregard the will of the people and substitute their own will whenever it pleases them. "Then," he boasted, "we'll have elections by informed people." In other words, the public is too stupid to be trusted.

Well, I do not believe that. I do not think the American people believe that, or that history would so indict us. But—let us face it—that is the original rationale of the electoral college system.

For the past 14 years, I have been introducing proposed constitutional amendments in the hope of getting some action started in the direction of reform. Now, at long last, it appears to be on the way. It is high time that we abolish the antiquated electoral college and replace it with a simple, workable, 20th century system of direct election of the President and Vice President, by the people themselves. This is the opportunity which confronts us today.

And why not? What is there to fear? The new plan has been formally endorsed by the American Bar Association. According to nationwide polls, it is desired by fully 80 percent of the public. Certainly it would be better than the present system with its undemocratic inequities and its open invitations to abuse. If we trust the majority, then there is nothing to fear from direct elections. What most people cannot understand is why we have waited so long.

Mr. VANIK. Mr. Chairman, I rise in support of the constitutional amendment reported by the House Judiciary Committee and being considered today. In the long sweep of American history, this legislation will probably be the most important measure that this Congress considers. I am proud to be one of the early cosponsors of the original resolution introduced by the distinguished gentleman from New York (Mr. CELLER). It is a measure that is a hundred and seventy years overdue.

The past winter has seen one of the most orderly transfers of power and responsibility of Government in our Nation's history.

During the last several months, I think that we have seen the most orderly and effective transfer of responsibility of Government in our Nation's history. The events of recent weeks reflect great credit on both former President Johnson and on President Nixon. Our Nation has stood forth to the world as the ideal working model of peaceful democratic government.

Yet, I am sure that we are all aware of what might have happened under the existing provisions of the Constitution.

The election of a President could have been thrown into the House of Representatives. There, five of our colleagues representing 1.7 million people in the least populous States would have had an equal vote with 154 Members representing 64 million persons—35 percent of the Nation.

It is hard to conceive of a more undemocratic process of electing a national leader.

In addition, the 2 months of uncertainty between the popular election and the election in the House could have been disastrous to the process of transition, to the economy, and to our international relations.

Last fall's election, under our present electoral college system, could have been determined by a largely sectional, third-party candidate. In addition, the man who received the most electoral votes might not have received the highest number of popular votes. This happened in 1876 and 1888. In 20 elections, because of the electoral college system, a shift of 1 percent in the popular election could have changed the electoral and final outcome. The difficulties which such a minority President would have in governing would be most dangerous to the Nation.

The idea of one man, one vote is accepted. It is just.

Yet, this democratic concept finds no place in the electoral college. In fact, the electoral college is unique in seeming to make nearly every man's vote unequal.

In my State of Ohio, 10 million citizens control 26 presidential electors. But if you add up the 16 least populous States you find that they have a total of 10 million persons—but 58 electoral votes—over twice the representation of Ohio's 10 million people. This is caused, of course, by the fact that each State gets two Senators—and thus two extra electoral votes—regardless of how small its population is.

I also took a look at six medium-size States which have the lowest percentage of their eligible citizens voting. Now in Ohio in 1964, two-thirds of the people voted—this was nearly 4 million voters who decided the fate of the State's 26 electors. But in the six States with low turnout, 4 million voters determined the vote of twice as many electors; 52 exactly.

Further, as the 1968 meeting of the electoral college again revealed, electors can vote any way they want to. On their personal whim or purposeful defection, these single individuals can ignore—and destroy—the will and studied choice of hundreds of thousands of voters.

The proposal before us will not only provide for the justice of one man, one vote, but it will:

First. Help revive tow-party politics in present one-party areas;

Second. Remove the complications that could arise between the day of the popular election and the day the President is legally elected;

Third. Prevent third parties from using electoral college votes as levers on the major parties; and

Fourth. Encourage each State to liberalize its voting laws, so that the maximum number of people vote.

I would like to point out, however, that if the proposal is approved without voting procedure changes, the Nation could be subject to long delay in knowing the outcome of an election. In addition, in a close election, the outcome could be decided by fraudulent votes.

The spectacle of the electoral votes of a State being decided by different regions and counties of the State holding back and inflating its returns is bad enough. To have the President of the United States being determined by such a method on a national scale would be totally unconscionable. The legitimacy of such a President's right to govern would always be in question.

The chance for fraud in close elections, such as the 1960 and 1968 elections, is very great. Each of our 50 States has different regulations and methods for voting and counting ballots. Elections and counting procedures within the States vary. In America's 3,000 counties there are approximately 175,000 polling places. Of these polling places, 100,000 still use paper ballots. Only eight States require the use of machines statewide. Thirteen others have installed machines at a majority of their polling places. The other 29 have machines only at some locations. Obviously, when it comes to counting votes, we are still in the horse and buggy days. Too many ballots are capable of being miscounted or altered.

It is my hope that the Judiciary Committee will also report legislation to guarantee honest elections by providing:

First. A requirement that all States move to the installation of fraud-proof voting devices by the 1976 election.

Second. That a grant in aids program be established to assist the States in obtaining these devices—currently, voting machines cost about $1,600 to $2,000.

Third. Research for the establishment of centers for rapid or instantaneous computer tabulation of election returns.

Fourth. And research into ways to prevent "graveyard voting" through the use of a voter registration card or other method.

Fifth. To establish a revolving, nonpartisan commission of distinguished Americans into either a national committee or State committees to which all major questions of contested votes would be referred and decided on election day.

I view the approval of today's constitutional amendment as the first step in what must be a series of important election laws insuring, once and for all, an honest democracy in America.

Mr. CONYERS. Mr. Chairman, in the 1968 presidential election, the American Nation received a serious warning. We have experienced close elections before: John Kennedy's 1960 electoral vote margin over Richard Nixon—303 to 219—was smaller than Richard Nixon's 1968 margin over Hubert Humphrey—301 to 191. What made the 1968 election more serious, however, was the continuing possibility that neither Nixon nor Humphrey would have a majority of the electoral votes, throwing the election into the House of Representatives.

Under these circumstances, the Constitution requires that the elected Representatives from each State vote as a unit and by majority vote cast just one vote for one of the three candidates with the highest electoral votes. The candidate with the votes of a majority of the States—26—becomes President. While the people have elected 435 Representatives, it would theoretically take only 59 of them to elect the President since 59 represents the number it takes to make a majority of the Representatives elected by the 26 least populous States.

In 1968, the Nation faced another possibility, however, the frightening possibility that the President could have been elected by just one man—George Wallace. That one man controlled enough electoral votes to name either Nixon or Humphrey President had neither of the two received an apparent majority of the electoral votes. There was no necessity for an election by the House of Representatives: Wallace made it known that he would bargain before committing his electoral votes.

This possibility posed a different crisis than the Nation has faced on earlier occasions when the election was decided by the House of Representatives. The Nation has survived those crises, and possibly would have survived the last. Yet, each of these has left a mark upon the Nation because of the compromises they have produced—compromises which often seriously affected America's minorities, compromises the Nation could often ill-afford.

For example, consider the effects the compromises stemming from the Hayes-Tilden election, compromises agreed to so that Hayes could be elected by one electoral vote over Tilden, who had polled some 3 percent more of the popular vote. Because of those compromises, the civil rights bills of 1866, 1870, 1871, and 1875 were virtually negated when the Federal Government—Congress and the Supreme Court—stopped enforcing the Civil War amendments, causing a sharp decline in the number of black representatives in Congress and the amount of black participation in State and local government in the South, and pushing the Nation into the era of Jim Crow. Because of this, America was forced to wait until 1954 to discover that the 14th amendment prohibited racial segregation in the public schools.

Today, the American people are no longer willing to stand by silently and elect a man President who has polled fewer votes than his opponent. This has happened three times before in the history of our Nation. The time has come to eradicate the possibility of its ever happening again.

I do not think that we should ever again subject the American people to the possibility that between election day in November and the meeting of the electoral college in December, they might be forced to wait while two candidates bargain with a third for the Presidency.

I do not think that we should continue to subject our citizens to a system under which we face the possibility of a deadlock, prolonged vacancy, the possibility of a bargained election where votes are traded for future policy commitments, and the possibility of bargaining with individual electors.

I do not think that we should continue to subject any of our people to a system under which their votes for one candidate can be cast for another candidate whose ideas and principles they cannot accept.

And I do not think we should ever again place candidates in the position that might have developed in 1968—when the temptations to mortgage their souls for the office might have been quite strong.

Providing for the direct election of our President is not the only way to avoid many of the problems I have outlined above. But if democracy is to change effectively, if we are to continue to make progress toward the goal of full and equal rights and privileges to all Americans, if we are to insure that no President is ever again elected without a mandate from the majority of the people, if we are to guarantee that the Presidency be truly representative of the democratic process, and that citizen participation in the governing of this Nation be a reality and not a source of frustration, then it is time to provide for the direct popular election of our Nation's highest office.

To advocate a direct popular election of the President, as outlined in House Joint Resolution 681, was not an especially easy decision for me to make. As a black Representative from a populous State with a significant block of black voters, I have considered the arguments that a direct election would deprive my constituents, especially my black constituents, of an advantage they now possess under the electoral system.

Many remind me of the "small-State advantage." They point out that a State like Alaska, with one-tenth of 1 percent of the Nation's population, controls six-tenths of 1 percent of the Nation's electoral vote. They are more impressed, however, by the fact that the vote of one black man in Michigan can swing 21 electoral votes, while one man in Alaska can swing only three electoral votes. They feel that a direct popular election will be especially harmful to the black citizen, since he will lose his power to swing an election.

But there are other facets to this problem, and I am more impressed by their significance.

I am more impressed by the fact that in the 1968 election, the eight electoral votes that Humphrey won by polling 616,000 votes in Connecticut were offset by the eight electoral votes Nixon won by polling only 261,000 votes in South Carolina.

I am more impressed by the fact that over 7 million people voted in California for 40 electoral votes while just 2½ million voters massed 42 electoral votes in the combined totals for Alaska, Delaware, the District of Columbia, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

I am more impressed by the fact that if, in 1968, the same man had won each of the least populous States with the same number of votes cast for the winners of those States, he could have received 271 electoral votes for just under 14½ million popular votes. In the same election, it required some 20½ million votes to win 271 electoral votes in the most populous States.

This means to me that the small-State advantage outweighs the swing-vote factor. And if any black American is concerned about losing the swing vote, I point to the fact that under the current system, the most one black vote can swing is the 43 electoral votes of New York. In a direct popular election, however, one black vote can determine the Presidency.

The principal flaw in the electoral college, whether you use the winner take all system or divide each State's electoral vote under the district or proportional plan, is that the votes of some people count more than others. And it is impossible for me to believe that there can be any advantage to the Nation's black population in a system which departs so far from the one-man, one-vote rule.

If the one-man, one vote rule is a sound one, and we know it is, it must be extended to our presidential elections, just as it has been extended to the election of the House by adopting effective and constitutional standards for congressional districting.

The advantages of this system to America's minority citizens have been proven. Since the one-man, one-vote decision, for example, the number of black elected officials in this country has increased from approximately 200 in 1962 to approximately 2,000 today. Since that decision, the number of black Members of the House of Representatives has nearly doubled. Because of it, the First Congressional District of Michigan was created in 1964, which I gained the honor to represent. And in 1968, the 12th District of New York was created, represented by the Honorable SHIRLEY CHISHOLM. And the First District of Missouri, represented by the Honorable WILLIAM CLAY. And the 21st District of Ohio, represented by the Honorable LEWIS STOKES.

The one-man, one-vote rule has effectively enfranchised black Americans and other minority-group members in voting for Congress. In a similar way, the direct election of the President will effectively enfranchise black Americans and others where they now may vote, but where their vote does not really count.

The direct election of our President will insure that a black person's vote will count in those States where it is currently ineffectual, will mean that the people will vote for the President as a citizen of the United States rather than a citizen of a State, and will allow the vote of each person—black or white—to carry equal weight. It will mean that the black vote in the South—nearly one-half of the Nation's black population resides in 11 Southern States, while only 57.2 percent of the potential black vote is registered in those States—will be empowered, that because of this, more blacks will begin to exercise their voting rights in the South, making the southern black vote a force in all elections, and ultimately negating the current southern strategy, causing greater competition for that vote. Rather than being a disadvantage, this is a distinct advantage, and an opportunity of special significance to our Nation's black voters.

I have certain misgivings about House Joint Resolution 681. I have misgivings, for example, about establishing a system for direct popular election while the Federal Government has no control over the qualifications governing each voter. House Joint Resolution 681 provides that the electors of the President shall have the qualifications required for electors of the most numerous branch of the State legislatures. Save for the restrictions embodied in the 14th, 15th, 17th, 19th and 24th amendments, the States are completely free to establish these qualifications.

If it is to represent the democratic process of government, if it is to work to the full advantage of all Americans regardless of race, color, or creed, the direct popular election must be accompanied by uniform standards.

Is it fair, for example, that the people of New York and California have to pass a literacy test before they can vote, while the people of Michigan do not?

Is it fair that at the present time, two States permit voting at the age of 18, one at 19, and one at 20, while all the rest deny that right to citizens under 21? Under the current system, with each State competing for a fixed number of electoral votes, a State's influence on the presidential election is unaffected by the number of people who come to the polls. The fact that a State permits its 18-year-olds to vote does not enlarge the State's voice in the election of a President. But in a direct popular election, with each individual vote counted into the national total, the State permitting its 18-year-olds to vote exercises a larger voice than does a State which excludes this portion of its citizens.

I do not anticipate that House Joint Resolution 681 will precipitate any great rush by the States to lower their voting age, residency, and other voting requirements and restrictions. I do suspect, however, that it will encourage them to in a careful and considered manner to adopt more realistic and less restrictive qualifications on the right to vote. However, I feel that since the Presidency is the one elected office that all Americans vote for, there should be laws establishing uniform voter qualifications. To this end, I offered an amendment this afternoon which would have given to Congress the reserve power to establish such uniform voting standards. I regret that the amendment was not adopted and hope that the other body might decide to include it.

Let me state that a change from the existing system to a direct popular election will operate somewhat as a disadvantage to the black people of America. But we must remember that there is a strong community of interest among America's black citizens, North and South, in all groups of society, a determination to better the conditions of and opportunities for every black American. If this proposed change presents a slight disadvantage to the black voters of the North, let us remember that such a disadvantage will be offset by the increased numbers of blacks voting in the South, giving power to a heretofore powerless segment of our society, and working toward bettering the condition of all black Americans.

Only with the adoption of the direct popular election can our minority resident of America look forward to the day when he is just as free as is his white counterpart to vote for the candidate of his choice, and without race emerging as a primary consideration.

I strongly urge passage of House Joint Resolution 681. I point out that the 14th, 15th, 17th, 19th, 23d and 24th amendments to our Constitution were aimed in the same direction as is this current resolution—to broaden and equalize the right to vote. House Joint Resolution 681 will operate to the advantage of our Nation's white and black citizens, because it will eliminate the chance that the popular vote winner will not become President, the inequalities resulting from the allocation of electoral votes and the winner-take-all principle, the possibility of an election being thrown into the House, and the office of the presidential elector.

I feel that the advantages of a direct popular vote for President for all Americans are clear. The advantage to our Nation's minority residents is an opportunity for them to possess a full and equal share in the democratic process by which this Nation is governed, and by which so many of its past wrongs can be righted. Passage of House Joint Resolution 681 is a step toward greater freedom, dignity, and an opportunity for all of our Nation's citizens, and for this reason, I strongly urge its passage.

Mr. RANDALL. Mr. Chairman, this is a historic day for Members of the House to have the opportunity to support House Joint Resolution 681, the joint resolution which proposes an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

I support this resolution because I believe a majority of the American voters should be able to pick their President as someone has said, without any constitutional bypass, detour or stoplight. Today is historic because after years of apathy and false starts the House today is in a position to do something about changing a system which the Chairman of the Judiciary Committee and the Dean of the House described in his opening remarks as "horrendous, dangerous, unsportsmanlike, and unconscionable." What he meant was that in at least three cases in our history, in 1824, 1876, and in 1888 the winners became the losers and the losers became the winners.

There is no time left to dally. To amend the Constitution requires a two-thirds majority in the House and Senate and then must be ratified by at least three-fourths of the State legislatures. Even now there is a good chance this long process could be completed and direct elections become the law of the land in time for the 1972 presidential election. Not only has the electoral college resulted in the election of three Presidents who received fewer in the popular vote than the men they defeated, but the system has in the past, twice thrown the election into the House, 1800 and in 1824. In 1968 it came fairly close to happening again.

Now we have a golden opportunity. We are now presented with a clear chance

for reform. If we continue on with the present system it is sort of like playing roulette with a loaded weapon. The next pull of the trigger could fire the cartridge that may push us into a constitutional crisis. We have been warned; we must act now.

It is a privilege to join with dozens of my colleagues who over the past week have expounded on the electoral college and its failures to meet the needs of 20th century America. I cannot quarrel with such great men as George Washington, James Madison, and Benjamin Franklin who believed they had a useful tool in the electoral college. They did for the times in which it was proposed. Electors were the elite of the population and the best informed, most literate and articulate citizens. It was intended that the job of the elector was to become informed as to what men were available for the job of President and from this list of possibilities to select the man they believed was best qualified. Communications at the time our Constitution was adopted were difficult and sometimes impossible. Newspapers were not of wide circulation. There was no mass media of communication. It is true that the mass electorate were just not very well informed. They were not intellectually inferior but were without the means of communication. Today, however, the historical reason or theory for the electoral college no longer exists. When the electoral college was agreed upon it took longer to send a message from the lower reaches of our Nation to its Capital which was then in New York or Philadelphia than it took us last July to send three men to the moon.

The subject of presidential election reform is so broad it is difficult to indulge in a brief or simple analysis of the evils of the present arrangement, the need for reform or the benefits of a change. One way would be to cite the reasons why electoral reform is so urgently needed. Another way would be to simply enumerate the arguments for and against direct election plan. Yet another procedure would be to list the instances in our history where the existing plan has not only done some mischief but also actual damage to our country.

As to need, electoral reform is badly needed because, first, at present the value of a person's vote depends on where he lives. With a minimum of three electoral votes for each State there is a disproportionate vote weightings built into the system. The three-vote minimum means a built-in disproportionality. Second, we should have a majority President. If a minority President is sworn in the choice of most voters is ignored and the basic democratic principle of our Constitution which is majority rule is negated.

Third, the unit rule which is nothing more or less than a winner-take-all system means that when a State's electoral votes go to the candidate who receives a majority of the votes in that State this cancels out all of the other votes for the other candidates.

Fourth, it is dangerous. It is not only unpredictable and uncertain but history proves it is a dangerous thing to elect the President in the House of Representatives. Who can forget what has been called the corrupt bargain made between John Quincy Adams and Henry Clay, to exclude Andrew Jackson.

This has been called a "scurvy" deal whereby Clay threw his support to Adams. These machinations made a minority candidate, President of the United States. It all happened in the House of Representatives where Clay made the deal that he would become Secretary of State under John Quincy Adams. During the remainder of his term Adams was called a President made of Clay.

Fifth, the possibility of unfaithful electors. Even though an elector may be pledged he can vote against his party candidate. He may become a maverick notwithstanding the fact that the voters who elected him who were in reality voting for the Presidential candidate and not a faceless and nameless elector.

Sixth, there is no way except under a direct election process that is democratic. The district and proportional plans are each less democratic than the popular vote method of direct election.

To reflect upon what has not been right with the present system and how it can continue to do mischief is to recall that under the present system it is possible for the wills of the electorate in 38 States to be ignored and the President elected by the votes of as few as 12 States. We should all feel a shudder at even the mere prospect that such a situation might come to pass. While such a situation may never actually happen it is a possibility. A system which will perpetuate such a possibility should be abolished.

The mistakes of the past have been bad enough. But there is nothing truer than the thought that those who forget the mistakes of the history must live them all over again.

The first Senator from the State of Missouri in which is located the district which I am proud to represent in the House, was Thomas Hart Benton. In 1824 he said of the electoral college:

> To lose votes is a fate that all minorities must suffer. Under our existing system it is not a case of votes lost but votes taken away by the electoral college.

Well, then, if there are so many things wrong with the present system, what is it that is so right and so good or beneficial about the direct election of our President? First and foremost the American people would actually elect their President. Any individual could rightfully believe his vote would be more meaningful. Perhaps more people would participate in elections. The one-man, one-vote doctrine would come to life. A Vermonter's vote would count as much as a New Yorker's and a Nevadian's as much as a Californian's. Presidential candidates would have a better chance to come from smaller States whereas under the present system nearly all of them come from our larger States.

During the several days devoted to general debate and amendments of this resolution, consideration was given to alternative plans of other than the direct popular election plan. There was extensive debate also on the provision for a runoff election in the event no candidate receives 40 percent of the vote. Quite appropriately, there were questions raised about this figure. Today, I supported in the Committee of the Whole, the amendment offered by the gentleman from Colorado (Mr. ROGERS) to raise that figure to 45 percent. It should be remembered that a candidate who polls only 40 percent of the vote may receive the approval of a plurality of the voters but it does not alter the fact that 60 percent of the people voted against him. A figure higher than 40 percent to be required before a runoff election would, of course, increase the likelihood of runoffs. We all realize that election campaigns are expensive. A runoff election would cost money. But I cannot help but believe that the cost of a runoff election would be a small price to pay to insure the leadership of our Government rests in the hands of the candidate preferred by a higher percentage of our electorate. To me, this more than overbalances the worry that the requirement of 45 or 50 percent would give rise to a proliferation of political parties. But we should all bear in mind that the line had to be drawn. Some figure had to be fixed. Our Judiciary Committee has assured us they sifted all figures from 40 to 43 percent and concluded that 40 percent was the most acceptable figure.

As the resolution was read for amendments the Committee of the Whole had to reach its decision on the so-called district plan and on the proportional plan. I opposed both because both of these alternatives retained the elector principal which holds that geographic regions, rather than people, should elect the President. These alternatives perpetuate the proposition that the value of a vote goes up or down depending on where it is cast. These plans in my opinion were defective because they asked the large States to surrender the advantage they have under the electoral college but did not provide that the small States give up their bonus votes. The direct and proportional plans in my opinion fail because they retain the evil possibility that winners could be losers and losers could become winners which is the worst feature of the present status.

A Member of Congress should not support a particular measure simply because it is popular with the electorate. This fact taken alone should not be a sufficient reason to support this resolution. There are ample, valid reasons to support it without taking into account its popularity. Notwithstanding, all of the national polls have shown the people favor a direct popular vote over any of the other alternative proposals. The Gallup poll says 81 percent favor a direct popular vote and the Harris poll showed 80 percent in favor. In a statewide Missouri poll the National Federation of Independent Businesses showed that 76 percent of our people favored the presidential election by the popular majority of the people. In our own congressional district late this spring I mailed out 40,000 opinion polls. One question asked whether the present system of the electoral college should be, first, replaced with a simple popular vote; second, no change; or third, the so-called district

plan. The result was that 77 percent favored replacing the system, 15 percent preferred no change, and only 8 percent were for the district plan.

Mr. Chairman, there are so many things that have been demonstrated over the years to be evil and unacceptable under the present system and so many reasons why the direct election plan as contained in House Joint Resolution 681 should be adopted that I shall not take the time to further emphasize either the faults of the old or the benefits from the new proposals.

The objection that the larger States will lose leverage if the electoral college is done away with misses the point. The question of individual voter equity is far more important than whether one party or the other can win an election under the outmoded electoral system.

Some of my constituents have written that I should first consider whether Missouri will gain or lose. Well, Missouri now has 12 electoral votes or 2.23 percent of the total electoral votes in the United States. Under the direct plan on the basis of 1,810,000 votes cast for President in 1968, Missouri would have 2.31 percent of the total votes cast for President in 1968. So, I suppose some of my people would argue that I should support the direct plan because Missouri would gain eight one-hundredths of 1 percent and thus our State would be better off under the direct plan. But those who worry whether one State or the other gain or lose from the elimination of the electoral college should take another look at something much more important than whether a State loses or gains political heft. What we should be looking at is the adoption of a process that will put the selection of our national leaders firmly in the hands of the individual voters. If we adopted House Joint Resolution 681 we will put to a long belated rest the electoral college. If we eliminate the anachronistic electoral college and elect the President directly by popular vote, we will enhance participatory democracy and increase public confidence in our national political institutions. We will be saying to the world that we believe in the principal of majority rule and that we are going to make democracy work.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of House Joint Resolution 681 proposing an amendment to the Constitution of the United States to modernize the manner in which we elect the President and Vice President. At the opening of the 91st Congress, one of my first actions was a call for electoral reform. The legislation which we have before us would accomplish this most worthwhile goal.

Under our present electoral system, the majority of the voters technically abdicate their power of decision to a group of strangers. I would wage that not one voter in a thousand knows, or even ever heard of, the people he asks to select for him the men who would be President and Vice President of this Nation of ours.

But those voters who find themselves in the minority, regardless how close the vote may have been in their own States, find themselves in an even worse plight. Their voices are silenced completely.

By strange quirks of fate, the voices and votes of even the majority have been discarded by the electoral college system. This has happened on three occasions.

There must be a way more responsive to the desires of the people, more equitable for all people. I believe that the provisions of House Joint Resolution 681 provide this way.

One can appreciate the concern held by the draftsmen of our Constitution about conducting national, direct presidential elections two centuries ago. Communications were slow and scarce. Can you imagine waging a presidential campaign with the candidate mounted on horseback, trying to build a constituency among the people of your own State, much less in 13.

Today, things are different.

Today, a candidate reaches millions of voters in a single television appearance. He can attend a breakfast in New York, a luncheon in St. Louis, dine in Los Angeles, and be ready for another breakfast in Miami the following morning, and have everything he does and says reported almost instantly in every daily newspaper and on every radio and television station in the Nation.

Today, a favorite Sunday afternoon pastime is the television interview shows which not only expose the candidates, but equally important, their advisers, to public interrogation on their views and policies.

Not only are these events reported in detail by the press and other news media, but each of the news gathering and reporting activities does a tremendous job of studying the candidates in depth.

As a result, never has any people been more informed, more knowledgeable, and more better qualified to select by direct election their own President and Vice President than they are today.

The strength of this Nation of ours comes from its people. I say the people must have the opportunity to vote directly for their Chief Executive. Our present electoral college system is archaic and cumbersome. It outlived its usefulness long, long ago. Let us in the House of Representatives today take that next step in replacing it with direct popular elections by giving our overwhelming approval to House Joint Resolution 681.

These words of the Greek philosopher, Plato, have been put to the test in this Nation as in no other. Our land has been continuously striving toward a more workable democracy. The history of the United States has demonstrated that this struggle can be won. The consideration of House Joint Resolution 681 is another vital step in the evolution of our democratic form of Government. Today we must once again decide whether to place our faith in the people or continue to shield them from full participation in the electoral process.

I intend to vote to abolish the archaic and dangerous electoral college system and replace it with a system of direct popular vote. We must give the voter an actual rather than a preferential vote for his President. Under the present system, unless he is an elector, no one votes directly for the President of his choice but for electors who generally are free to vote as they please regardless of the popular mandate. Under the present system, in Alaska, one electoral vote represents 75,380 people, while in California one electoral vote represents 392,930 people. This inequitable ratio can hardly be said to encourage greater public participation in the political process.

Our democratic system of government is based on rule by the majority, and it is time to rid ourselves of outmoded institutions which might compromise the ideal upon which our Government rests. The last presidential election should serve as a warning that this change in our system of electing the President is urgently needed. We all recall the public apprehension that resulted from the possibility that the election would be thrown to the House or that a President would be elected with less than a plurality of the vote.

In view of this possibility many Representatives, including myself, pledged to vote for the candidate who received the most votes. The enactment of this amendment will eliminate this undesirable possibility and insure that the people have the first and the last word in choosing their President.

As the committee report points out:

> In the 46 Presidential elections held to date under the electoral college system, three popular vote losers were elected President—; two Presidents were selected by the House of Representatives—; one Vice President was chosen by the Senate—; and one President was elected as the result of a vote of a special electoral commission appointed by Congress . . . .
>
> Within the past 25 years both Democratic and Republican electors have sometimes defected and voted against the nominees of their parties—and in two elections voters in one State were not afforded an opportunity to vote for the national candidates of one of the major parties.

The enactment of direct popular vote will solve these problems. The proposed amendment requires a plurality of 40 percent for election. If no candidate receives 40 percent of the vote, a runoff election would be held among the two pairs of candidates with the highest vote totals. Only two Presidents in history, Lincoln and John Quincy Adams, have been elected by less than 40 percent of the popular vote. At the same time many Presidents have won elections with less than a majority of the votes cast. These include Wilson, Truman, Kennedy, and Nixon. The requirement of a 40-percent plurality not only insures a sufficient national mandate for governing the Nation, but also would tend to preclude splinter parties from acting as power brokers in a presidential election.

The American people have a right to elect their own President without the possibility of the new President's actions being inhibited by preelection compromises or bargains. A splinter party would be forced to strive for a national political base and seek to win elections rather than act as a spoiler or a power-broker. Most splinter parties would be discouraged because they would have little to gain from a runoff between the top two votegetters.

There have been many proposals to reform the electoral college rather than abolish it completely. If we are to demonstrate our faith in democracy rather

than our fear of it, I see no course but the adoption of the amendment for direct popular vote.

Alexis de Tocqueville once said of Americans:

They have all a lively faith in the perfectibility of man, they judge that the diffusion of knowledge must necessarily be advantageous and the consequences of ignorance fatal. They all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be permanent: and they admit that what appears to them today to be good, may be superseded by something better tomorrow.

I feel that this faith in man and in progress has been justified in America and must be continued. Boldness has been our fame and bold we must continue to be to secure our future. It is time to act and to prove that de Tocqueville's vision of a people is alive.

Although I intend to vote for this amendment, it does contain certain deficiencies which I must comment on. At the present time millions of mobile Americans are systematically disenfranchised because of diverse and varied elections laws. The Presidency is a truly national office. Therefore, I feel that at least in presidential elections, the Congress should establish national age and residency requirements. The proposed amendment instead permits the States to enact voting qualifications thus continuing the unfortunate disenfranchisement of many Americans. I see no reason why age, residency, and other voting requirements should not be uniform in order to vote for a presidential candidate.

Mr. DOWDY. Mr. Chairman, the debate on the joint resolution to amend the constitutional provision relating to election of the President has been most interesting and enlightening. As a result, the people will be better informed on the intent and consequences which would ensue, were the joint resolution finally passed by the other body and ratified by 38 of the States.

The Dallas, Tex., Morning News of Friday, September 12, 1969, carried a fine editorial regarding House Joint Resolution No. 681 entitled "Wrong All the Way," which I quote for the RECORD as follows:

WRONG ALL THE WAY

For the first time in nearly 150 years, the House is seriously considering submission of a constitutional amendment to the states that would let Americans elect the president by popular vote. Whether the measure passes the House and survives the Senate, it is bad on several grounds.

As a practical matter, it's unlikely that three-fourths of the states would ratify such an amendment. Too many of the smaller and less populated states would lose their proportional voice in the election of president.

So would big states like Texas with a proportionately low turnout of eligibles.

That is an immediate political consideration. But there is also the less-well-known fact that direct election would dismantle the federal system, under which the states—not the national population—elect presidents.

Naming the president is the last of the remaining states' rights. To say that this last right should be dismantled because the electoral college is "dangerous and outmoded" is to say that the states are no longer needed in the federal scheme. That is saying too much.

It is true that an electoral college deadlock is always possible. It is also true that the present custom of swarming all of a state's electoral vote to the winner of the popular vote within each state is unfair. But that is a state custom, not a constitutional provision. And both these drawbacks can be remedied.

More than a few proposals, beginning with the Lodge-Gossett plan, would restore fairness and avert any possible deadlock. Under the various reform plans, electoral votes could be apportioned within the states according to the popular vote each candidate receives.

Or, since each state's electoral vote is the sum of its representation in Washington, the top man in each congressional district could be awarded its electoral vote, while the two electoral votes representing the state's U.S. senators might go to the candidate carrying the popular vote of the state.

There are other, equally fair reform proposals. The deadlock that might still result under a reformed college could be averted, as some suggest, by declaring president the winner of the popular national plurality or by setting a percentage of the total vote as the winning one in case of a deadlock. Forty per cent is most favored.

Proponents of 1-man 1-vote may oppose any of these plans as "un-popular," and they may laugh at federalism or states' rights as outmoded along with the college. But what they are really laughing at is a practical power and retard its centralization in Washington.

Too much political power in any one place is bad. A popular election because of the monumental task of making certain each candidate got every one of the 75 million or more votes that he had coming, could well mean that every precinct would become a federal polling unit watched over by the federal government. Disputes would be settled in federal court.

Significantly, the House amendment would also set federal voter qualifications.

The present winner-take-all system is unfair. Every man wants his vote to count. It would—within the state, as is right—under the reforms outlined.

But if each vote were only a drop in a sea of national votes, individual votes would count proportionally less in smaller and less-populated states. Conservative issues would suffer. The action would be in the big, urban liberal centers. That's where the candidates would spend their time—making promises to suit that decisive electorate.

Mr. EDWARDS of California. Mr. Chairman, as a nation and as a republic we have survived for almost 200 years because our system has included the ability to change when necessary and desirable. Today we are considering a necessary and fundamental constitutional change because of basic problems within our constitutional system.

The present electoral college system of choosing a President has numerous and serious flaws. Under the present system we have selected losers three times, men who received less votes than their opponents as Presidents, and twice we have seen the Presidency thrown into the House. Repeatedly men selected as electors in the name of one presidential candidate have been faithless and voted for another candidate. And in 1968, because of a third party, we faced again the threat that the electoral college would break down and the election would have been decided in the House of Representatives. There is, I believe, a concensus on the need for change. Our citizens no longer want their vote filtered through electors of the electoral college.

The elimination of the electoral college, as proposed in this amendment is a fundamental, but not unique change in the Constitution. A similar change was made following the election of 1800 because of flaws in the Constitution which almost saw Thomas Jefferson cheated of the Presidency by Aaron Burr. Today we face a similar threat that the American people could be thwarted in their choice of a President.

In considering this amendment we also should consider the change in the world and in the American people since our Constitution was adopted almost 200 years ago. Then, with limited communications and limited literacy, an electoral college may have been a wise and prudent institution for the protection of the Republic. Such is not the case today. We have instant communications and our citizens are literate.

Of all the systems suggested to change the Constitution, I believe this amendment provides the best and simplest solution. With the elimination of the electoral college every vote will carry equal weight. It would require the successful candidate to receive at least 40 percent of the vote, or a runoff election would be held between the two top candidates. Congress is granted additional powers to oversee the election, including powers over the State in setting the time, place, and manner of the election and in establishing uniform residence qualifications.

This amendment makes easier the complicated process of electing a President. It allows for an orderly election and it eliminates the present flaws in our constitutional system. At the same time, through the runoff provision, the amendment protects our two-party system. And the 40-percent requirement, remembering that 15 times we have elected a minority President, makes certain such runoff elections will not be held unnecessarily.

The basis of our success as a nation, and as a republic, has been the selection and judgment of our public officials by the citizens of the Nation. This amendment clarifies and simplifies that process. I would hope this House will adopt it, not because it is politics, but because it is sound and because it will strengthen the Republic.

Mr. GALLAGHER. Mr. Chairman, I rise first to congratulate the distinguished chairman and members of the Judiciary Committee for their diligent work in shaping this major amendment to our National Constitution which provides for electoral reform.

Mr. Chairman, I was pleased to join in voting for House Joint Resolution 681. There seems to be little doubt that the vast majority of the American people are extremely anxious to reform our system of electing the President and Vice President of the United States.

However, while the desire for reform is real, my vote in favor of House Joint Resolution 681 was not without reservations.

There are serious questions in my mind as to the potentially disagreeable, indeed dangerous, side effects which the House-

approved amendment may produce for our Nation.

I am concerned that our debate on electoral reform may have focused too long on the appearance of reform and too little on substance.

Let me be specific. I am increasingly disturbed by the effects which a direct election of the President might very well have on the very stability of our Republic. While the rhetoric of "popular election" carries a pleasant tone, does it not also carry with it the threat of a fragmented party structure in which the splinters are everywhere scattered?

One of the great tragedies of the European democracies is that they too often succumbed to multiparty factionalism. Our own founders, in the Federalist Papers, warned mightily against the evils of factionalism, and supported a constitutional democracy designed to, at least, dissipate the effects of factions.

But, if we now are to provide for a grab bag popular election, with no tempering forces, then we may actually encourage the formation of numerous splinter parties. In other words, in our current rush to prevent the election of a minority demagog, we may in reality be paving the way for the election of such an individual.

We may, in fact, be encouraging power to flow to restricted, regional candidates with no real national constituency, and no need to even look toward a national constituency. The net effect of this phenomenon on the presidential election would certainly filter down to elections for the legislative branch as well. Again, this seems to be exactly what we are trying to prevent through electoral reform; but the reform we have endorsed appears to go contrary to our own intentions.

Mr. Chairman, under the current electoral structure, our great national political clashes occur under the umbrella of the major parties. Personalities and issues meet in vigorous confrontation; the end result is the nomination of a national candidate. Such a process tends to prevent the possibility of heated clashes spilling over into the Government itself, thus yielding constant instability and perpetual inaction.

This is not to say that our Government is calm or reticent in its approach to divisive issues. But our Government is and ought to be generally free from the gut clashes which are fought out in the major party structure. Once the parties have resolved their choice of candidates, there is a modicum of agreement to disagree on the issues and accept the November results.

But, in a system of fragmented splinter groups, this agreement to disagree is never present. Rather, there is a hopeless stalemate as numerous factions engage in bitter ideological warfare, as numerous factions each see a chance to attain victory in November through a popular vote breakdown which puts them on top—perhaps not by much, but by enough to at least gain a spot in the runoff.

What better example of how this unfortunate series of events may have occurred than our most recent national election. The conflict in Vietnam and the conflict in the urban streets had produced heated passions and many personal animosities. Imagine, if every group which represented a different Vietnam or domestic policy had been encouraged to enter the field of candidates. There then would have been no filter for the raw passions generated by an ugly war in Asia and an ugly war here at home. The benefits of preliminary primaries to define the real issues and designate the real contenders would have been totally lost.

Let us take it one step further. Though Senator McCarthy was unable to put together the necessary votes for a nomination, neither his supporters nor the position which he represented could be or were ignored in the final selection of a nominee. Compromise—that special genius of American democracy—produced broad agreement within the party. Factional rivalry was largely put aside as all viewpoints had the opportunity to make a case.

But, if we were to remove the unifying element of the two major parties, then the clashes would have persisted through and beyond November. Splinter party States are States ruled by coalition government. I do not think this is the direction in which we want to move.

We are not a country that has ever desired ideological absolutism in the conduct of our political affairs. Although our major parties fight long and hard for their candidates, there is no actual terror on one side lest the candidate of the other side be elected. When there have been candidates who represented the political extreme, they have been soundly rejected.

I submit, Mr. Chairman, that by establishng a system of total popular control over our presidential contests, we may be flirting with the grave dangers here discussed. We may be courting a society split among fundamentally contrary ideologies so much in conflict that compromise would be impossible. The resulting instabilities would have been removed from the filter of national parties and injected into a government composed of instant, highly parochial parties without broad interests.

These "instant parties" could not have been a real threat in the slower paced days prior to the advent of television, computers, and instantaneous communication. But today, they would be a very significant threat.

While the present electoral procedure has certain obvious defects, it may yet be prudent to maintain its basic structure and reform the external apparatus.

I fear that while we are discussing percentages, we are ignoring people, forgetting the human element in elections. There seemed to be a sense of confused urgency about our debate on electoral reform; much of the time, we seemed involved in a game of mathematical gymnastics which could only be played in and umpired by a computer.

Our existing system has one definite advantage over all the others proposed: it has worked for nearly 200 years. Thus, perhaps there is still time to consider a means of reforming that system before taking it completely apart.

As I stated when I began this presentation, Mr. Chairman, my vote was cast in favor of the House-adopted amendment on electoral reform. However, the questions and problems which I have raised today seem worthy of continued consideration and penetrating analysis. Perhaps the process of amendment will bring these issues clearly into focus and will, hopefully, provide for their resolution.

Mr. MESKILL. Mr. Chairman, for many years I have felt that the American people should elect their President in the most democratic manner—by direct popular vote. I shudder to think how close this Nation came in the election of 1968 to a situation whereby the will of the people could be frustrated by having the election thrown into the House of Representatives. All of this was possible because we had steadily clung to the ancient and out-lived method of electing our President by the electoral college system.

The House of Representatives took a giant step forward in the action which it took last week in passing House Joint Resolution 681. I am proud to be a member of the Judiciary Committee which devoted so many hours to the preparation and debate which led to the successful passage of this resolution by a vote of 339 to 70.

While I have always favored the direct election of a President, I shared the doubts of many of my colleagues about the ability to garner two-thirds votes of the Members of both Houses of Congress and to achieve the required ratification of three-fourths of the State legislatures.

At the beginning of this session, I introduced a bill providing for the election of the President by the district plan, the plan which was so capably debated and explained on the floor of this House. During the hearings which followed, I became convinced that the Judiciary Committee could produce a bill which came closer to a direct election. Consequently, I shifted my support toward the proportional plan which more nearly represented pure democracy and which plan was contained in the substitute offered by the distinguished gentleman from Virginia (Mr. Poff).

As the witnesses continued to testify and I studied the problem more thoroughly, I was convinced that the Judiciary Committee, the House of Representatives and the Senate should go all the way and provide for the election of the President by direct popular vote. I was proud to cosponsor House Joint Resolution 681. I was even more proud of the manner in which my colleagues conducted the debate on this vitally-needed constitutional amendment.

It was a great day for the House of Representatives and for the United States when this body overwhelmingly approved House Joint Resolution 681. I wish to commend Chairman Celler and all of the other members of the Judiciary Committee who played such a vital role in the passage of this resolution. And I wish to commend the Members of this body who contributed to the debate and who supported this excellent resolution.

Mr. WILLIAM D. FORD. Mr. Chairman, once again this legislative body of

our great Nation is considering reform of our unique method of electing the President and Vice President of the United States. Once again we offer proposals, the echoes of which have been heard in these Halls since 1797 and repeated in various forms nearly 500 times since that date. It is time to end the debate once and for all.

The electoral college has long been alien to our democratic ideals and has never served the purpose for which it was intended. The framers of the Constitution envisioned this institution as something far different from what it has become.

A COMPROMISE MEASURE

Many electoral proposals were considered by the framers of the Constitution, including direct popular election of the President, and election by Congress. Election by the Congress was rejected because of the fear that the President would be subservient to the legislative body that elected him. Direct election was opposed because the founding fathers did not consider the average voter informed or knowledgeable enough to select the most capable man for the office of President. This lack of confidence was due in part to the lack of effective communications and low literacy rate of American citizens in the late 18th century. Many feared that a State or local political demagog might assume power at the expense of an uneducated and unsuspecting public. In the final weeks of the Convention, the electoral college was decided upon as a compromise measure. It was thought that the electors would be made up of the most responsible and well informed men from each State who would meet and cast informed and independent votes for the man best qualified to assume the responsibilities of leadership for our Nation.

In order to minimize the small States' fears of domination by the larger States, each State was granted a minimum of three electoral votes, regardless of population. When neither candidate received a majority of electoral votes, the election was to be decided in the House of Representatives, with each State having but one vote, again, regardless of population.

It was not long before it became obvious that the electoral college had not fulfilled the purposes for which it was designed. The Founding Fathers had failed to foresee the development of political parties and the various partisan means of selecting the most able men for the office of President. As the candidates became better known to the public, the electors became anonymous. A committee of Congress noted as early as 1826 that electors "have degenerated into mere agents, in a case which requires no agency, and where the agent must be useless if he is faithful and dangerous if he is not."

DANGERS OF THE ELECTORAL COLLEGE

Indeed, the inherent dangers of the electoral system have been realized several times in our history. Three times in the past, the electoral college has actually thwarted the will of the people and placed in office the man with fewer popular votes than his opponent. In 1824, 1876, and 1888 the popular vote loser was made President of the United States. In 15 other elections, a shift of less than 1 percent of the popular vote would have repeated this disturbing occurrence of the loser becoming the winner, and the choice of the people being denied.

Another threat inherent in the present system has come extremely close to being realized in several of our most recent elections. In 1948, 1960 and 1968 a shift of less than 1 percent of the popular vote would have thrown the election into the House of Representatives with the attendant risk of political intrigue and frustration of the popular will. If the election were decided in the House with each State having a single vote regardless of population the Michigan State delegation would have cast one solitary vote representing 3,295,715 voters from that State. In 1968, the Michigan congressional delegation was composed of 12 Republicans and 7 Democrats. Assuming the majority of delegates would have voted for their party's candidate, the one vote for the State would have been for the Republican candidate, even though the Democratic candidate, Hubert Humphrey, was the choice of the voters of Michigan. The opposite results are possible in different States and though either party can profit from similar occurrence neither party has justifiable advantages. It is time to destroy the possibility of an election predicated on such anomalies.

Inherent in the present system is the danger that the will of the people can be circumvented by "faithless electors" casting their vote for other than the popular choice. Under the present system there is no guarantee that electors will carry out the mandate of the people, and frequently they have not done so in the past. In addition to faithless electors, there have also been examples of unpledged elector movements, and of third-party electors instructed by their candidate to make deals with and vote for one of the other major candidates after extracting political promises. The third-party candidacy of George Wallace in 1968 brought this possibility distressingly close to home.

The electoral college also distorts our democratic principles in several indirect fashions. The voices of minority groups are completely suppressed by the winner-take-all aspects of the present system. The votes for a losing candidate are completely nullified and are in fact accredited to his opponent. The unit rule dictates that the winner of a majority of the popular votes in a State, no matter how small that majority might be, is entitled to all the electoral votes of that State.

It has become apparent that the deficiencies of the electoral college can no longer be tolerated. The best way of eliminating these evils is a system of direct popular election.

OBJECTIONS TO DIRECT ELECTION

The objections to direct election of the President have centered mainly around the questions of whether small or large States will lose advantages granted by the present system, and whether or not the two-party system will be adversely affected.

SMALL STATE ADVANTAGE ARGUMENT

Under the present system, small States are allotted a minimum of three electoral votes regardless of population. It has been assumed mathematically that votes from smaller States carry more electoral weight than those from larger States. For instance, according to a 1960 census, Alaska has one electoral vote for each 75,389 persons, while California has only one electoral vote for each 392,930 persons. It could be inferred that an Alaskan vote has five times the weight of a Californian. But this mathematical formula apparently does not impress the majority of presidential candidates who continuously skirt the smaller States and direct their attention to those with large electoral vote counts. Many small States themselves have expressed willingness to sacrifice the questionable advantages of the present system for the equality of direct election. Recent polls by several legislators have shown many of the smaller States willing to sacrifice the questionable advantages of the present system for the greater voter equality provided by direct election.

LARGE STATE ADVANTAGE ARGUMENT

Still other objections are raised by those who feel that it is the larger States who will lose advantages granted under the electoral college. A recent voter analysis survey conducted by Mr. John Banzhaf III for the Villanova Law Review 303, 1968, calculated that an individual voter in States like New York and California carries 2½ times the weight of a voter in one of the smaller States. A New Yorker votes for 43 electors, 14 times as many as the voter in Nevada. And again, it is the large States in which presidential hopefuls devote most of their efforts.

Though we can mathematically illustrate advantages to both large and small States under the present system, both arguments cannot be right, and neither stand can be justified as "good government." The importance of an individual's vote for President should not be determined on the basis of his geographical location.

THREATS TO TWO-PARTY SYSTEM

Some have expressed the fear that the direct election of the President and Vice President will weaken the two-party system. Actually, most influential observers feel that the two-party system will be strengthened by direct election of the President and Vice President. In States previously dominated by one party, thereby predetermining the electoral vote, minority votes will take on new importance and incite genuine two-party competition. No longer will candidates be forced to ignore whole States because an electoral college victory was previously impossible.

Regarding third-party organizations, the eletcion of 1968 showed the inability of the present system to handle such con-

tingencies. The possibility of a regional party obtaining enough electoral votes to play a balance of power role and play one major candidate against the other was disturbingly real. The chance of this recurring would be virtually eliminated under the provisions for direct election. The minority party would have to obtain 20 percent of the popular vote—in itself a difficult accomplishment—to even cause a runoff election between the two major candidates, and here its minimal role would be ended.

ADDITIONAL REFORM PROPOSALS

In addition to the direct election plan, two other major proposals for reform have been offered. Though these proposals do attempt to impove the present system, they are not nearly as comprehensive as the direct election plan, and leave many problems unsolved.

DISTRICT PLAN

The first alternative proposal is the district plan. This was one of the earliest reform measures proposed, being first offered in 1823. Under the district plan, basically, each congressional district would be assigned one vote, with each State having two additional electoral votes. The winner in each district would obtain that district's vote, with the statewide winner receiving the two additional votes. If no candidate receives a majority of electoral votes, the election would be settled by a joint session of the House of Representatives and the Senate, choosing from the top three candidates.

The district plan fails to solve the major problems existing under the present system. Minority groups without concentrated power in certain districts would still be unable to win the State electoral vote. The relationship between popular and electoral votes would still be dependent upon geographical location and party strength.

Under the provisions of the district plan, the popular vote loser may still be chosen President by the electoral college. The chart included below shows that if this plan had been in effect in the 1960 election, the popular vote winner, John F. Kennedy, would have been denied the Presidency.

The provision in this plan allotting at least three electoral votes to each State regardless of population causes 36 States—based on a 1960 census—to have greater weight than they would have if electoral votes were awarded solely on the basis of population. And under the district plan, as under the present system, the size of a State's popular vote is made completely irrelevant. A small voter turnout will determine the same number of electoral votes as a large turnout.

PROPORTIONAL PLAN

The second major reform proposal is the proportional plan, formerly known as the Lodge-Gossett plan. This proposal would eliminate the electoral college, but retain the electoral vote based on the present number of electors from each State. The electoral vote would be apportioned among the presidential candidates according to the number of popular votes they received. This plan abolishes the "unit rule" aspect of the present system, preventing the candidate with a larger number of votes from obtaining the entire bloc of electoral votes in a particular State. Several solutions are offered in the event of a tie between candidates. If 40 percent of the electoral vote is not received by either candidate, the House and Senate meeting in joint session would elect the President from the top two candidates. Another alternative would involve a runoff election.

Under the proportional plan, no assurance is provided that the popular will would prevail in every presidential election. The requirement for a minimum of three electors for each State regardless of population, still results in disproportionate influence among the smaller States.

Under certain circumstances, the chances of a candidate with fewer popular votes winning the election are greater than under the present system. This might happen if one candidate receives most of his electoral votes from States where the number of voters relative to electoral votes was low. Or it might happen where the vote in large States might be almost equally divided but one party has a greater number of small "safe" States than the other. In at least two elections since 1860, proportionate distribution would have given the Presidency to a minority candidate who was defeated under the present system. In 1880, Winfield S. Hancock had over 7,000 fewer votes than James A. Garfield, but he would have won by a margin of six to eight electoral votes if proportional distribution had been in effect. In 1896, William Jennings Bryan won less than 47 percent of the popular vote to William McKinley's nearly 51 percent, but proportional distribution would have given him an electoral vote margin of six.

The following chart illustrates election results that would have occurred had either of the two proposals been in effect in recent elections:

What happens under different systems—Presidential elections

1960	
Present system (electoral votes):	
Republican	219
Democrat (winner)	303
Unpledged	15
Popular vote:	
Republican	34,108,565
Democrat (winner)	34,221,349
Unpledged	609,870
Proportional electoral votes:	
Republican (winner)	263.632
Democrat	262.671
District electoral votes:	
Republican (winner)	278
Democrat	245
Unpledged	14
1964	
Present system (electoral votes):	
Republican	52
Democrat (winner)	486
Popular vote:	
Republican	27,177,873
Democrat (winner)	43,128,956
Proportional electoral votes:	
Republican	213.593
Democrat	320.042
District electoral votes:	
Republican	72
Democrat	466

What happens under different systems—Presidential elections—Continued

1968	
Present system (electoral votes):	
Republican (winner)	301
Democrat	191
American Independent	46
Popular vote:	
Republican (winner)	31,770,237
Democrat	31,270,553
American Independent	9,897,141
Proportional electoral votes:	
Republican (winner)	231.534
Democrat	225.362
American Independent	79.445
District electoral votes:	
Republican (winner)	289
Democrat	192
American Independent	57

Source: Legislative Reference Service, Library of Congress; House Judiciary Committee.

The shortcomings of the electoral college system have been made all too apparent in recent years. These inadequacies are not sufficiently avoided by the proposed district and proportional plans. Only direct election will guarantee the election of President and Vice President by a majority of the citizens actually voting in the election.

In the past several years, overwhelming support has been expressed for the direct election proposal. According to the Gallup poll of November 1968, 81 percent of the people responded favorably to direct election of the President and Vice President of the United States. This support can be broken down regionally showing all areas of the country in favor of this measure of electoral reform: East, 82 percent; Midwest, 81 percent; South, 76 percent; West, 81 percent.

Overwhelming support was expressed for the direct election of the President and Vice President in response to questions asked in my annual poll on material issues sent to the voters of the 15th Congressional District of Michigan. In fact, of those replying, 85 percent voiced approval for direct election as provided in House Joint Resolution 681.

Therefore, Mr. Chairman, I rise to support House Joint Resolution 681 proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

I realize that for this proposed amendment to become law it must be voted on and passed by two-thirds of the Members of the House of Representatives, and then passed by two-thirds of the Members of the U.S. Senate. If passed by both Houses of Congress it will then go to each legislative body of all the 50 States. Here the proposed constitutional amendment must be ratified by 38, or three-fourths of the States within 7 years after it has been submitted to them by Congress.

The proposed constitutional amendment contains the following provisions:

The primary purpose of the article of amendment is to abolish the electoral college and substitute the direct election of the 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 pro-

vides that the President and Vice President shall be voted for jointly only as candidates who have consented to the joining of their names.

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 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.

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.

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.

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

With the need for electoral reform so pressing and the demand for electoral reform so great, it remains the solemn duty of this legislative body to grant that last measure of representation that has been so profoundly needed and so long denied.

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

Mr. Chairman, I am pleased to say that sometimes in a debate that ranges for a period of 8 days the lamb should lie down with the lion at least once.

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

Mr. Chairman, we have come to an end of a very important debate, and I want to compliment the Chairman of the Committee of the Whole who, in a most fairminded way, has made decisions, as he has always done as the chairman of the Committee on Ways and Means and now as the Chairman of this Committee of the Whole.

I cannot let this occasion go by without paying tribute and respect and placing an accolade of distinction upon my colleague, Mr. McCULLOCH, who in painstaking manner in tandem with me has brought forth and rounded out and helped to get this bill in such a shape that I am sure it will pass this Committee of the Whole and hopefully pass the House.

I am grateful to many of the Members on the Republican side and I cannot name them all, but particularly Mr. MACGREGOR, Mr. POFF, Mr. McCLORY, Mr. HUTCHINSON, Mr. RAILSBACK, and Mr. BIESTER, and others who have valiantly and intelligently mustered their forces to enable this bill to go through arduous waters.

Many of the members on the Democratic side of the committee likewise have rendered yeoman service. I particularly point to Mr. FEIGHAN, Mr. ROGERS, Mr. MIKVA, Mr. KASTENMEIER, and Mr. RYAN, as well as other members who assisted in this measure. I cannot name them all, but I am very grateful to all of the members.

I believe that if this joint resolution passes, it will be a crowning achievement in my own life. I am approaching my 82d birthday. Fate has been kind to me in giving me many birthdays. The abyss awaits me. I have not too many years to live, and I am happy to know that the passage of this joint resolution, which I am hopeful will occur, is a real event in my own life.

I am very happy to stand here in this well and to acknowledge this and at the same time to pay a tribute of respect to all those members of the committee and the members of the Committee of the Whole who helped to bring about this result.

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

Mr. Chairman, as one who has been very much in opposition, as the RECORD will show, for 8 days to this committee joint resolution, I want to express from the depths of my heart the tenor in which this House has considered something of this magnitude.

I am happy to say and I fully believe that the RECORD and history will record that the debate which has occurred here has been of the highest order.

Lest someone be led to believe that already the lambs and the lions are in the same bed, I would like to simply remind you that before we do vote we are going to have, as the gentleman from Indiana has already said, a motion to recommit, and a majority vote will recommit this joint resolution to the House Committee on the Judiciary.

Failing the success of a recommittal motion, then we will have a vote on final passage at which time one-third of the Members present and voting could defeat this proposed resolution.

Looking forward to a motion to recommit and looking forward to what could be final passage as well as looking forward to that day when the State legislatures at least might have to consider ratification of whatever the Congress might do, I feel it would be in order, entirely proper, to quote the dean and foremost of our elder statesman living in America today, former President Harry S. Truman, who in his waning years has become more respected and appreciated than he was in his earlier years.

Mr. Chairman, I would like to quote directly something which former President Truman said in 1961 when he endorsed the district plan. I quote:

> The electoral college was first devised to protect the small States from dominance by the larger States, as for example, Delaware and Rhode Island from being dominated by Virginia and New York.
>
> The problem we face today is that of the emergence of the big cities into political overbalance, with the threat of imposing their choices on the rest of the country.

Gentlemen, if two-thirds of this body votes for this constitutional amendment and if two-thirds of the other body does likewise, and then we are finally through here in the legislative halls with this resolution and if three-fourths of the necessary States within the specified time ratifies this amendment, my desires will have been thwarted, but the American people will have through the democratic processes spoken and I shall abide by the wishes of these people, because I live by the laws of this land.

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

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

Mr. CORMAN. I thank the gentleman for yielding.

I, too, would like to quote something from the men who originally wrote this Constitution; the preamble says:

> We the people of the United States, in order to form a more perfect Union—

I suggest that in many ways this is a more perfect union, because of the efforts over many years of two Members of this House, the very distinguished gentleman from New York (Mr. CELLER) and the very distinguished gentleman from Ohio (Mr. McCULLOCH). I think it will be a more perfect union when this amendment is adopted.

Mr. WAGGONNER. I would only comment that the gentleman from California is entitled to his own point of view.

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

Mr. Chairman, I too want to quote. I want to quote a weapon that the Constitution written by the Founding Fathers for the greatest nation in the world provided that—although I do not quote it literally because I do not have it before me—it takes two-thirds of the Members of this House to amend this sacred document, the greatest document of freedom ever written on parchment.

We had a teller vote here yesterday on the district plan. A change of 17 votes of this House on a majority basis of passage would have passed the amendment. You are going to be called upon to vote on this on final passage as the gentleman from Louisiana (Mr. WAGGONNER) pointed out a moment ago, when it will take two-thirds of those voting, a quorum, of course, being present, to pass this resolution, and to amend this sacred document.

I, like most of you, feel that there is room for some reform or for some improvement, but I happen to be one of those who still adhere to the thought that pervaded the minds of those who wrote this immortal document—that there should be a combination of State and Federal provisions in the election of a President and a Vice President.

So what I am trying to say to you, I am trying to say to those 159 who said the other day they believed in the district plan that you and those who were not here, but who also subscribed to that plan, adhere to it on the final vote for passage of the bill.

If you believed in it yesterday, has

something happened since yesterday that has changed your mind?

I realize that there is always a tendency to say, well, I voted for the alternate plan, I voted for the amendment, I voted for the district plan, I voted for the proportionate plan, but we failed in that and therefore I think we ought to have some reform, and I am going to vote for the committee bill.

I repeat, if your vote was sound on yesterday, then why is it not sound today? What I am trying to say to you is: Why do you not use the weapon that the Constitution gives you, which is that a third of those who disagree with the committee amendment, or a third plus one vote, can still prevail. What happens if more than a third of the Members vote against the bill on final passage, assuming that the motion to recommit fails, and I rather think it will, and I hope not, then what happens? Then your Committee on the Judiciary, if they still want reform, go back into committee and report out a bill that would be more acceptable to the Members.

You know, I never have been one to just be so flexible that simply because I lose a skirmish I am willing to lose the battle, also, where a matter of principle is involved.

So I am saying to you that what you would do at the moment is possibly delay this for a month or two. Well, what is a month or two when the present system has sustained you for 170 years? You are tampering with the greatest document in the history of mankind.

I want to repeat what has been said from the well of this House time and time again during this debate, that it is going to take two-thirds of the other body and it is going to take three-fourths of the States to ratify; and I do not think you are going to get it.

If you really want reform, then do not be in haste to jump on the bandwagon. Stick by your principle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. POFF).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

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) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, pursuant to House Resolution 491, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

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

MOTION TO RECOMMIT

Mr. DENNIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. DENNIS. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The clerk read as follows:

Mr. DENNIS moves to recommit the joint resolution (H.J. Res. 681) to the Committee on the Judiciary with instructions to report the same back forthwith with an amendment as follows: Strike all after the resolving clause and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

" 'ARTICLE —

" 'SECTION 1. In each State and in the District constituting the seat of Government of the United States (hereafter in this article referred to as the 'District') an election shall be held in which the people thereof shall vote for President and Vice President. Each voter shall cast a single vote for two persons (referred to in this article as a 'presidential candidacy') who have consented to the joining of their names as candidates for the offices of President and Vice President. No person may consent that his name appear with that of more than one other person or as a candidate for both offices. Both of the persons comprising a presidential candidacy may not be residents of the same State nor may both of them be residents of the District. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

" 'SEC. 2. Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. Each State shall establish a number of electoral districts equal to the number of Representatives to which such State is entitled in the Congress. The Congress shall establish in the District a number of electoral districts equal to the number by which the electoral votes of the District exceed two. Electoral districts within each State or the District shall be, insofar as practicable, of compact territory, and shall be of contiguous territory, and shall contain substantially equal numbers of inhabitants. Electoral districts in a State or the District shall be reapportioned following each decennial census, and shall not thereafter be altered until another decennial census of the United States has been taken.

" 'The presidential candidacy which receives the greatest number of popular votes in a State or in the District shall receive two of the electoral votes of such State or of the District. For each electoral district in which a presidential candidacy receives the greatest number of popular votes, it shall receive one electoral vote.

" 'SEC. 3. Within forty-five days after the election, the official custodian of the election returns of each State and of the District shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all presidential candidates for which popular votes are cast in such State or in the District, together with the number of popular votes received by each presidential candidacy in such State or in the District and in each electoral district therein.

" 'SEC. 4. On such day between the 3d day and the 20th day of January following the election as Congress may provide by law, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. The persons comprising the presidential candidacy receiving a majority of the electoral votes shall be the President and the Vice President. If no presidential candidacy receives a majority, then from the presidential candidacies having the two highest numbers of electoral votes, the Senate and House of Representatives together, each Member having one vote, shall choose immediately, by ballot, a presidential candidacy. A majority of the whole number of Senators and Representatives shall be necessary to a choice.

" 'SEC. 5. The place and manner of holding any election under section 1 in a State shall be prescribed by the legislature thereof. The place and manner of holding such an election in the District shall be prescribed by Congress. An election held under section 1 shall be held on a day which is uniform throughout the United States, determined in such manner as the Congress shall by law prescribe.

" 'SEC. 6. The voters in such elections in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe less restrictive residence qualifications for voting for presidential candidacies Congress shall prescribe by law the qualifications for voters in the District of Columbia.

" 'SEC. 7. The Congress shall have power to enforce this article by appropriate legislation. The Congress may by law provide procedures to be followed in case of (1) the death, disability, or withdrawal of a candidate on or before the time of an election under this article, (2) a tie in the popular vote in a State or in the District or in an electoral district which affects the number of electoral votes received by a presidential candidacy, or (3) the death of both the President-elect and the Vice-President-elect.

" 'SEC. 8. This article shall take effect one year after the 21st day of January following its ratification.' "

Mr. DENNIS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. DENNIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 246, not voting 22, as follows:

[Roll No. 176]

YEAS—162

Abbitt	Baring	Brown, Ohio
Abernethy	Belcher	Broyhill, Va.
Adair	Berry	Buchanan
Anderson, Tenn.	Betts	Burke, Fla.
	Bevill	Burleson, Tex.
Andrews, Ala.	Blackburn	Burton, Utah
Andrews, N. Dak.	Blanton	Bush
	Bow	Cabell
Arends	Bray	Caffery
Ashbrook	Brinkley	Camp
Aspinall	Brock	Carter

Casey	Harsha	Rarick
Chappell	Hébert	Reid, Ill.
Clancy	Henderson	Reifel
Clausen, Don H.	Hogan	Rhodes
Cleveland	Hosmer	Rivers
Collins	Hull	Roberts
Colmer	Hunt	Rogers, Fla.
Conable	Hutchinson	Roth
Cramer	Ichord	Roudebush
Daniel, Va.	Johnson, Pa.	Ruth
Davis, Wis.	Jonas	Satterfield
Denney	Jones, Ala.	Schadeberg
Dennis	Jones, N.C.	Scherle
Derwinski	King	Schneebeli
Dickinson	Kleppe	Scott
Dorn	Kuykendall	Sebelius
Dowdy	Kyl	Shriver
Downing	Landgrebe	Sikes
Duncan	Langen	Skubitz
Edwards, Ala.	Lennon	Smith, Calif.
Edwards, La.	Long, La.	Snyder
Erlenborn	Lujan	Steed
Eshleman	McClure	Steiger, Ariz.
Evins, Tenn.	McEwen	Stubblefield
Findley	Mahon	Talcott
Fisher	Mann	Taylor
Flowers	Marsh	Thompson, Ga.
Flynt	Martin	Thomson, Wis.
Foreman	Mayne	Waggonner
Fountain	Melcher	Wampler
Frelinghuysen	Miller, Ohio	Watson
Frey	Mize	Watts
Fuqua	Montgomery	Weicker
Gettys	Morton	White
Goldwater	Myers	Whitehurst
Goodling	Natcher	Whitten
Griffin	Nelsen	Williams
Gross	Nichols	Winn
Grover	O'Neal, Ga.	Wold
Hagan	Passman	Wylie
Haley	Patman	Wyman
Hall	Pike	Zion
Hammer-schmidt	Poff	Zwach
	Quie	
	Quillen	

NAYS—246

Adams	Diggs	Johnson, Calif.
Addabbo	Dingell	Karth
Albert	Donohue	Kastenmeier
Alexander	Dulski	Kazen
Anderson, Calif.	Dwyer	Kee
	Eckhardt	Keith
Anderson, Ill.	Edmondson	Kluczynski
Annunzio	Edwards, Calif.	Koch
Ashley	Eilberg	Kyros
Ayres	Esch	Landrum
Barrett	Evans, Colo.	Latta
Beall, Md.	Fallon	Leggett
Bell, Calif.	Farbstein	Lloyd
Bennett	Fascell	Long, Md.
Biaggi	Feighan	Lowenstein
Biester	Fish	Lukens
Bingham	Flood	McCarthy
Blatnik	Foley	McClory
Boggs	Ford, Gerald R.	McCloskey
Boland	Ford, William D.	McCulloch
Brademas		McDade
Brasco	Fraser	McDonald, Mich.
Brooks	Friedel	
Broomfield	Fulton, Pa.	McFall
Brotzman	Fulton, Tenn.	McKneally
Brown, Calif.	Galifianakis	Macdonald, Mass.
Brown, Mich.	Gallagher	
Broyhill, N.C.	Garmatz	MacGregor
Burke, Mass.	Gaydos	Madden
Burlison, Mo.	Giaimo	Mailliard
Burton, Calif.	Gibbons	Mathias
Button	Gilbert	Matsunaga
Byrne, Pa.	Gonzalez	May
Byrnes, Wis.	Gray	Meeds
Cahill	Green, Oreg.	Meskill
Carey	Green, Pa.	Michel
Cederberg	Gubser	Mikva
Celler	Gude	Miller, Calif.
Chamberlain	Halpern	Mills
Chisholm	Hamilton	Minish
Clark	Hanley	Mink
Clawson, Del	Hanna	Minshall
Clay	Hansen, Idaho	Mizell
Cohelan	Hansen, Wash.	Mollohan
Collier	Harvey	Monagan
Conte	Hastings	Moorhead
Conyers	Hathaway	Morgan
Corbett	Hawkins	Morse
Corman	Hays	Mosher
Coughlin	Hechler, W. Va.	Moss
Cowger	Heckler, Mass.	Murphy, Ill.
Culver	Helstoski	Murphy, N.Y.
Cunningham	Hicks	Nedzi
Daddario	Holifield	Nix
Daniels, N.J.	Horton	Obey
Davis, Ga.	Howard	O'Hara
Delaney	Hungate	Olsen
Dellenback	Jacobs	O'Neill, Mass.
Dent	Jarman	Ottinger
Patten	Rostenkowski	Tiernan
Pelly	Ruppe	Tunney
Pepper	Ryan	Udall
Perkins	St Germain	Ullman
Pettis	St. Onge	Van Deerlin
Philbin	Sandman	Vander Jagt
Pickle	Saylor	Vanik
Pirnie	Scheuer	Vigorito
Podell	Schwengel	Waldie
Preyer, N.C.	Shipley	Watkins
Price, Ill.	Slack	Whalen
Pryor, Ark.	Smith, Iowa	Widnall
Pucinski	Smith, N.Y.	Wiggins
Railsback	Springer	Wilson, Bob
Randall	Stafford	Wilson, Charles H.
Rees	Staggers	
Reid, N.Y.	Stanton	Wolff
Reuss	Steiger, Wis.	Wright
Riegle	Stephens	Wyatt
Robison	Stokes	Wydler
Rodino	Stratton	Yates
Rogers, Colo.	Stuckey	Yatron
Rooney, N.Y.	Symington	Young
Rooney, Pa.	Taft	Zablocki
Rosenthal	Thompson, N.J.	

NOT VOTING—22

Bolling	McMillan	Sisk
Dawson	O'Konski	Sullivan
de la Garza	Poage	Teague, Calif.
Devine	Pollock	Teague, Tex.
Griffiths	Powell	Utt
Jones, Tenn.	Price, Tex.	Whalley
Kirwan	Purcell	
Lipscomb	Roybal	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Kirwan against.

Mr. McMillan for, with Mr. Roybal against.

Mr. Devine for, with Mrs. Sullivan against.

Mr. Pollock for, with Mr. Sisk against.

Mr. Price of Texas for, with Mrs. Griffiths against.

Until further notice:

Mr. Dawson with Mr. O'Konshi.

Mr. Purcell with Mr. Teague of California.

Mr. Teague of Texas with Mr. Utt.

Mr. de la Garza with Mr. Whalley.

The result of the vote was announced as above recorded.

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

PARLIAMENTARY INQUIRIES

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, in view of article V of the Constitution, am I correct in my calculation that it requires 289 Members voting for passage?

The SPEAKER. The answer to the gentleman's parliamentary inquiry is that it requires two-thirds of the Members present and voting thereon, a quorum being present.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is this consistent with article V which says:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution.

Would that be two-thirds of the total membership or two-thirds of those present and voting?

The SPEAKER. In accordance with the precedents of the House and decisions of the Supreme Court, it requires two-thirds of those present and voting thereon, a quorum being present.

The Chair's response to the gentleman's parliamentary inquiry is that it requires two thirds of those present and voting thereon, a quorum being present.

The question is on the passage of the joint resolution.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 338, nays 70, not voting 22, as follows:

[Roll No. 177]

YEAS—338

Adair	Dickinson	King
Adams	Dingell	Kluczynski
Addabbo	Donohue	Koch
Albert	Downing	Kyl
Alexander	Dulski	Kyros
Anderson, Calif.	Dwyer	Landrum
	Edmondson	Langen
Anderson, Ill.	Edwards, Ala.	Latta
Anderson, Tenn.	Edwards, Calif.	Leggett
	Edwards, La.	Lloyd
Andrews, N. Dak.	Eilberg	Long, Md.
	Erlenborn	Lowenstein
Annunzio	Esch	Lujan
Arends	Eshleman	McCarthy
Ashley	Evans, Colo.	McClory
Aspinall	Fallon	McCloskey
Ayres	Farbstein	McCulloch
Barrett	Fascell	McDade
Beall, Md.	Feighan	McDonald, Mich.
Belcher	Findley	
Bell, Calif.	Fish	McEwen
Bennett	Flood	McFall
Betts	Foley	McKneally
Biaggi	Ford, Gerald R.	Macdonald, Mass.
Biester	Ford, William D.	
Bingham		MacGregor
Blanton	Fountain	Madden
Blatnik	Fraser	Mailliard
Boggs	Frelinghuysen	Marsh
Boland	Frey	Martin
Bow	Friedel	Mathias
Brademas	Fulton, Pa.	Matsunaga
Brasco	Fulton, Tenn.	May
Bray	Galifianakis	Meeds
Brooks	Gallagher	Meskill
Broomfield	Garmatz	Michel
Brotzman	Gaydos	Mikva
Brown, Calif.	Giaimo	Miller, Calif.
Brown, Mich.	Gibbons	Miller, Ohio
Brown, Ohio	Gilbert	Mills
Broyhill, N.C.	Gonzalez	Minish
Broyhill, Va.	Goodling	Mink
Buchanan	Gray	Minshall
Burke, Fla.	Green, Oreg.	Mizell
Burke, Mass.	Green, Pa.	Mollohan
Burlison, Mo.	Grover	Monagan
Burton, Calif.	Gubser	Moorhead
Bush	Gude	Morgan
Button	Halpern	Morse
Byrne, Pa.	Hamilton	Morton
Byrnes, Wis.	Hammer-schmidt	Mosher
Cabell		Moss
Cahill	Hanley	Murphy, Ill.
Camp	Hanna	Murphy, N.Y.
Carey	Hansen, Idaho	Myers
Carter	Hansen, Wash.	Natcher
Casey	Harsha	Nedzi
Cederberg	Harvey	Nelsen
Celler	Hastings	Nix
Chamberlain	Hathaway	Obey
Chisholm	Hawkins	O'Hara
Clancy	Hays	Olsen
Clark	Hechler, W. Va.	O'Neill, Mass.
Clausen, Don H.	Heckler, Mass.	Ottinger
	Helstoski	Patten
Clawson, Del	Henderson	Pelly
Cohelan	Hicks	Pepper
Collier	Hogan	Perkins
Collins	Holifield	Pettis
Conable	Horton	Philbin
Conte	Hosmer	Pike
Conyers	Howard	Pirnie
Corbett	Hull	Podell
Corman	Hungate	Poff
Coughlin	Hunt	Preyer, N.C.
Cowger	Ichord	Price, Ill.
Cramer	Jacobs	Pryor, Ark.
Culver	Jarman	Pucinski
Cunningham	Johnson, Calif.	Quie
Daddario	Johnson, Pa.	Railsback
Daniels, N.J.	Jonas	Randall
Davis, Ga.	Jones, N.C.	Rees
Davis, Wis.	Karth	Reid, Ill.
Delaney	Kastenmeier	Reid, N.Y.
Dellenback	Kazen	Reuss
Denney	Kee	Rhodes
Dent	Keith	Riegle

Roberts	Smith, N.Y.	Waldie
Robison	Snyder	Wampler
Rodino	Springer	Watkins
Rogers, Colo.	Stafford	Watts
Rogers, Fla.	Staggers	Weicker
Rooney, N.Y.	Stanton	Whalen
Rooney, Pa.	Steed	White
Rosenthal	Steiger, Ariz.	Whitehurst
Rostenkowski	Steiger, Wis.	Widnall
Roth	Stephens	Wiggins
Roudebush	Stokes	Williams
Ruppe	Stratton	Wilson, Bob
Ruth	Stubblefield	Wilson, Charles H.
Ryan	Symington	Winn
St Germain	Taft	Wold
St. Onge	Talcott	Wolff
Sandman	Taylor	Wright
Saylor	Teague, Tex.	Wyatt
Schadeberg	Thompson, Ga.	Wydler
Scheuer	Thompson, N.J.	Wylie
Schneebeli	Thomson, Wis.	Wyman
Schwengel	Tiernan	Yates
Scott	Tunney	Yatron
Shipley	Udall	Young
Shriver	Ullman	Zablocki
Skubitz	Van Deerlin	Zion
Slack	Vander Jagt	Zwach
Smith, Calif.	Vanik	
Smith, Iowa	Vigorito	

NAYS—70

Abbitt	Eckhardt	Mahon
Abernethy	Evins, Tenn.	Mann
Andrews, Ala.	Fisher	Mayne
Ashbrook	Flowers	Mize
Baring	Flynt	Montgomery
Berry	Foreman	Nichols
Bevill	Fuqua	O'Neal, Ga.
Blackburn	Gettys	Passman
Brinkley	Goldwater	Patman
Brock	Griffin	Pickle
Burleson, Tex.	Gross	Quillen
Burton, Utah	Hagan	Rarick
Caffery	Haley	Reifel
Chappell	Hall	Rivers
Clay	Hébert	Satterfield
Cleveland	Hutchinson	Scherle
Colmer	Jones, Ala.	Sebelius
Daniel, Va.	Kleppe	Sikes
Dennis	Kuykendall	Stuckey
Derwinski	Landgrebe	Waggonner
Diggs	Lennon	Watson
Dorn	Long, La.	Whitten
Dowdy	Lukens	
Duncan	McClure	

NOT VOTING—22

Bolling	McMillan	Roybal
Dawson	Melcher	Sisk
de la Garza	O'Konski	Sullivan
Devine	Poage	Teague, Calif.
Griffiths	Pollock	Utt
Jones, Tenn.	Powell	Whalley
Kirwan	Price, Tex.	
Lipscomb	Purcell	

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Until further notice:

Mrs. Sullivan and Mr. Kirwan for, with Mr. Jones of Tennessee against.

Mr. Roybal and Mr. Sisk for, with Mr. McMillan against.

Mr. Devine and Mr. Price of Texas for, with Mr. Melcher against.

Mrs. Griffiths and Mr. Dawson for, with Mr. Pollock against.

Mr. Purcell with Mr. Utt.

Mr. Lipscomb with Mr. Whalley.

Mr. Teague of California with Mr. O'Konski.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD, and include therein extraneous material, on the joint resolution just passed.

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

There was no objection.

PRESIDENT AND VICE PRESIDENT—ELECTION REFORM

Mr. ALBERT. Mr. Speaker, the House in passing House Joint Resolution 681 providing for the direct popular election of the President and Vice President of the United States has attained a monumental milestone in the democratization of the American constitutional system and our political process. In taking this gigantic step to make this Government more attuned to the popular will, the House has given effective and dramatic answer to those who are endeavoring to label the 91st Congress a "do-nothing" Congress. This statement is motivated by no spirit of partisanship, for I believe this great victory for popular government is the product of a truly genuine patriotic bipartisan effort of the highest order. The brilliance and sincerity of the gentleman from Ohio (Mr. MCCULLOCH), are certainly deserving of high praise. Members of the Judiciary Committee on both sides have labored with energy and distinction to bring about this achievement. Nevertheless, the greatest accolade for this triumph must be reserved for the distinguished chairman of the Judiciary Committee, Congressman CELLER of New York. Passage of House Joint Resolution 681 was truly the culmination of his many years of labor to abolish the archaic electoral college and place the election of their President directly in the hands of the American people.

The record is clear. After the constitutional crisis which this country barely averted last November, it was the chairman of the House Judiciary Committee and not the executive branch—either the White House or the Justice Department—who took the initiative for reform. Congressman CELLER on January 6 of this year, introduced House Joint Resolution 179 to provide for the direct election of the President and Vice President. He commenced public hearings on February 5. President Nixon did not transmit his message on electoral college reform until February 24. The contents of that message were of little aid or guidance to the Judiciary Committee in its efforts to reform the electoral system. In it the President indicated a personal preference for the popular election method but suggested the Congress settle for the inadequate patchwork reform represented by the proportional and district plans. I am informed that Attorney General Mitchell on at least four occasions requested a delay in appearing before the Judiciary Committee on the grounds that he was as yet not prepared to set forth the administration's proposals. President Nixon's message failed to spark any sense of emergency in Mr. Mitchell. He finally appeared before the Judiciary Committee on March 13, over 5 weeks after the commencement of hearings and almost 3 weeks after the submission of President Nixon's message.

The constitutional amendment which the House has just passed is entirely the product of one of the most important arms of this body, the Judiciary Committee. It was the members of that committee, Democrats and Republicans alike, with no help from downtown, which formulated this historic proposal. I congratulate the gentleman from New York for his initiative, astuteness and courage. I salute the members of his committe for the arduous labor and high quality workmanship which characterized their deliberations. Their presentation of House Joint Resolution 681 on the floor was outstanding. Finally, I hail the House of Representatives for having discharged, in an exemplary manner, its responsibilities by giving the American people what they so earnestly and obviously desire, what they are entitled to—to elect those of their choice as their President and Vice President.

TRIBUTE TO CHAIRMAN EMANUEL CELLER

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

Mr. FEIGHAN. Mr. Speaker, I rise to compliment and pay tribute, richly deserved tribute, to the distinguished dean of the House, chairman EMANUEL CELLER.

All Members, I am certain, will agree that the outstanding debate which the House has witnessed on the constitutional amendment proposing the direct election of the President and Vice President was due in large measure to the efforts of the chairman of the Committee on the Judiciary.

Mr. Speaker, no other chairman in the history of this country has to his credit the shaping of three constitutional amendments. These include:

The 23d amendment, which granted the vote in presidential elections to the people of the District of Columbia;

The 24th amendment, which abolished the poll tax in Federal elections; and

The 25th amendment, which filled a constitutional gap in the matter of Presidential inability.

Today, he has shepherded through another proposed amendment to the Constitution. One which will have a marked effect on improving the future life of this Nation. If his record of success continues, this proposal will become the 26th amendment to the Constitution.

The members of the Committee on the Judiciary, as well as all Members of the House, hold great and abiding affection for their dean.

Congratulations, Chairman CELLER, on a job well done.

IN THE MATTER OF THE UNITED STATES AGAINST ELIO GASPERATTI, ET AL.—PRIVILEGE OF THE HOUSE

The SPEAKER. The gentleman from Kentucky (Mr. NATCHER) is recognized.

Mr. NATCHER. Mr. Speaker, on Saturday, August 9, 1969, the District of Columbia Council met to consider adoption of a resolution providing for implementation of the 1968 Highway Act on District freeways. Before the 6-to-2

Council vote adopting the resolution the meeting was disrupted by freeway opponents who had to be cleared from the chamber. There was fighting between the protesters and police, and 14 dissidents were arrested for unlawful entry after refusing to clear the room. Following this disturbance one of those arrested was quoted in the press to the effect that Mr. NATCHER of Kentucky would be summoned as a witness and he would be questioned about his stand on freeways and rapid transit. Today, Mr. Speaker, I was summoned as a witness to appear tomorrow, September 19, 1969, at 9 a.m. in the District of Columbia Court of General Sessions, Criminal Division.

Mr. Speaker, I ask unanimous consent to include the article from the August 10, 1969, Sunday Star pertaining to this disturbance entitled "District of Columbia Council Vote Follows Wild Melee" at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISTRICT OF COLUMBIA COUNCIL VOTE FOLLOWS WILD MELEE

(By Walterene Swanston and Ronald Sarro)

Freeway opponents met last night to map continuation of their fight against District expressways after a number of their members had been arrested at a wild City Council meeting during which the council voted approval of a bridge project and highway study it had previously opposed.

The Emergency Committee on the Transportation Crisis had already given some indication it would mount a court appeal against the council's action, taken to free subway funds and the federal payment which key congressional committees had withheld because of the freeway impasse.

Before the 6–2 council vote, the meeting was disrupted by freeway opponents who had to be cleared from the chamber. There was fighting between the protesters and police and 14 dissidents were arrested for unlawful entry after refusing to clear the room. No serious injuries were reported.

UP TO NATCHER

With the Three Sisters Bridge and other freeway projects cleared and a new study planned of the hotly disputed route of the North Central Freeway, clearance of subway money is now up to Rep. William H. Natcher, chairman of the House District Appropriations subcommittee. Natcher has vowed to hold up mass transit funds until the freeways were underway beyond recall.

City officials estimated that it would take five months to let contracts for the bridge without any legal barriers from possible court appeal.

The resolution on which the council voted called for compliance with the 1968 federal highway act, which requires construction of the Three Sisters Bridge and an 18-month study of an alternate route for the North Central Freeway.

MAYOR ORDERS ACTION

Immediately after the meeting, Mayor Walter E. Washington issued an order to the D.C. Department of Highways and Traffic "to proceed immediately to implement the 1968 Highway Act" on District freeways.

Council Chairman Gilbert Hahn Jr., received a telephone call from President Nixon shortly after the vote, thanking the council members for breaking the subway-freeway impasse. The President said he understood the decision was a difficult one, since the council had stood squarely with the freeway opponents.

Among the 14 persons arrested were Julius Hobson, civil rights activist and member of the D.C. School Board, and Bruce Terris, chairman of the D.C. Democratic Central Committee.

Also arrested were Reginald H. Booker, chairman of the dissident committee, and Sammie A. Abbott, the group's publicity chairman and most vocal spokesman.

After the two-hour meeting last night, Abbott said it was concerned only with defense strategy in behalf of those arrested. He declined to comment further.

The council action came in the wake of a unanimous vote Wednesday by the House District Committee approving a 1970 District revenue package banning the appropriation of a $105 million federal payment to the city until the city approved the freeways.

Councilman Stanley J. Anderson and Councilwoman Polly Shackleton were the only members who refused to vote for the roads.

Although the National Capital Planning Commission also has voted against the freeways, city officials said NCPC does not have to act again to move into harmony with the new council position. The bridge, to be funded with federal money, must be approved by Secretary of Transportation John Volpe. Swift approval is expected.

Fred Babson, chairman of the Washington Metropolitan Area Transit Authority, which will oversee the subway, said "The city council's decision is good news" and said he hoped Congress would proceed at once with subway fundings.

OTHER FREEWAYS APPROVED

The Three Sisters Bridge would be built near three rocky islands on the Potomac River just upstream from Key Bridge. It would be part of Interstate 266 which would go from Spout Run and Lee Highway in Arlington to the Georgetown waterfront, where it would link up with other freeways.

The city council has previously approved construction of the Potomac River Freeway, a tunnel along the Georgetown waterfront; the Center Leg Freeway terminating at New York Avenue; and the East Leg Freeway, ending at Bladensburg Road, northwest of RFK Stadium.

The City Council meeting started promptly at 10 a.m. As the eight council members took their seats the crowd booed loudly, shouting everything from "sellouts" to "whores."

After a barely audible roll call was read and answered, Chairman Hahn attempted to read a statement explaining the council's position.

The anti-freeway group didn't need Hahn's statement to be told what they already knew—that the council was about to approve the bridge.

"Subway, yeah! Freeway, no! Subway, yeah! Freeway, no!" the crowd chanted over and over led by Abbott, standing on a chair. They yelled in unison, "Mr. Chairman," repeatedly.

Four minutes after the start of the meeting, Hahn, who said later he saw no point in postponing what he felt he would have to do anyway, directed that the council chambers be cleared, except for the staff and the press.

This order was read on an amplifier.

As policemen and building guards started to clear the room, pushing and shoving started. There was some punching and several of those arrested were wrestled to the ground.

CHAIRS FLY, WOMEN SCREAM

Chairs flew. Women screamed. Men cursed. Someone threw an ash tray toward Hahn. An older woman screamed hysterically at the policemen. Nightsticks were used.

At least four persons were hauled bodily away including Abbott.

"The meeting is still in order," Hahn said after the chamber had been cleared. The resolution was read by Councilman Jerry Moore.

In the discussion that followed, Councilman Shackleton said she had to vote against the resolution because she believed it violated the Comprehensive Transportation Plan the council approved in December.

Councilman Stanley J. Anderson, who also opposed the resolution, said he had to vote no in reflection of the "will of the people" in his community.

Council Vice Chairman Sterling Tucker said afterward he shared the "anguish and frustration" the demonstrators felt. "The issue was very close to them. I understand how they felt," and said he had contemplated resigning but decided not to.

The 14 persons, all charged with unlawful entry, were arraigned shortly after noon before Judge James A. Belson in the Court of General Sessions. All pleaded not guilty, and all were released on personal recognizance for jury trial Sept. 19.

Arrested were:

Hobson, 47, of the 300 block of M Street SW; Terris, 46, of the 1800 block of Shepherd Street NW; Booker, 28, of the 1900 block of Savannah Street SE, and Abbott, 59, of the 7300 block of Birch Avenue, Takoma Park, Md.

Also, Miss Jenny Sterns, 18, of the 1700 block of Swann Street NW; Elio Gasperetti, 42, of the 1900 block of Kearney Street NW; Louis M. Robinson, 26, of the 3700 block of Jocelyn Street NW; Robert J. Coleman, 35, of the 3600 block of 12th Street NE.

Also, Floyd H. Agnostinelli, 29, of the 1800 block of Kearney Street NE; Leonard P. Siger, 40, of the 200 block of 5th Street NE; Bruce T. Weaver, 54, of the 4100 block of 13th Street NE; Merle J. Van Horne, 36, of the 3000 block Dent Place NW; Dennis R. Livingston, 21, of the 1700 block of Swann Street NW and Clarence S. Wiliams, 21, of the 2100 block of New Hampshire Avenue NW.

OTHER CHARGES PLACED

In addition to unlawful entry, Livingston was charged with assaulting special police officer William A. Ladson, a felony charge. He is to appear for a preliminary hearing on the charge on Aug. 18.

Booker also was charged with simple assault (a misdemeanor) on a person identified only as William Stewart.

In the courtroom yesterday, the defendants sat quietly throughout the arraignment. Afterwards, their attorney, Landen G. Dowdey, said he felt the matter amounted to a "police riot" in the city council chambers.

Mr. NATCHER. Mr. Speaker, I have been summoned to appear before the District of Columbia Court of General Sessions, criminal branch, to testify on the 19th day of September, 1969, at 9 a.m., in the case of the United States against Elio Gasperatti et al.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

The SPEAKER. The Clerk will report the summons.

The Clerk read as follows:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS, CRIMINAL DIVISION

The President of the United States to William H. Natcher, 233 Rayburn Building, Washington, D.C.:

You are hereby commanded to appear before the Criminal Branch of the District of Columbia Court of General Sessions at 9 o'clock a.m. on the 19th day of September, 1969 as a witness for defendants, and not depart the Court without leave thereof.

Witness, The Honorable Harold H. Greene, Chief Judge of the District of Columbia Court

of General Sessions, and the seal of said Court this 10th day of September, A.D. 1969.

JOSEPH M. BURTON,
Clerk, District of Columbia Court of General Sessions.

CONFERENCE REPORT ON H.R. 11582, TREASURY AND POST OFFICE DEPARTMENTS, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1970

Mr. STEED submitted the following conference report and statement on the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-497)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) "making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: "$107,551,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: "$48,838,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 7.

TOM STEED,
OTTO E. PASSMAN,
J. P. ADDABBO,
JEFFERY COHELAN,
GEORGE MAHON,
SILVIO O. CONTE,
HOWARD W. ROBISON,
JACK EDWARDS,
FRANK BOW,
Managers on the Part of the House.

RALPH W. YARBOROUGH,
ROBERT C. BYRD,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
GORDON ALLOTT,
JENNINGS RANDOLPH,
HIRAM L. FONG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—TREASURY DEPARTMENT

Bureau of Customs

Amendment No. 1: Appropriates $107,551,000 for salaries and expenses instead of $106,151,000 as proposed by the House and $108,110,000 as proposed by the Senate.

General provisions

Amendment No. 2: Inserts language concerning reimbursement for subsistence expenses of Treasury agents while on protective missions as provided by law, as proposed by the Senate.

TITLE II—POST OFFICE DEPARTMENT

Administration and regional operation

Amendment No. 3: Appropriates $133,069,000 as proposed by the House instead of $132,069,000 as proposed by the Senate.

Amendment No. 4: Deletes language proposed by the Senate to place limitation on payment of salaries and expenses of not more than twenty employees in the Office of the Executive Assistant to the Postmaster General for Congressional Relations.

Research, development, and engineering

Amendment No. 5: Appropriates $48,838,000 instead of $51,338,000 as proposed by the Senate and $46,338,000 as proposed by the House.

Operations

Amendment No. 6: Appropriates $6,141,711,000 as proposed by the House instead of $6,143,615,000 as proposed by the Senate.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment.

TOM STEED,
OTTO E. PASSMAN,
JOSEPH P. ADDABBO,
JEFFERY COHELAN,
GEORGE MAHON,
SILVIO O. CONTE,
HOWARD W. ROBISON,
JACK EDWARDS,
FRANK T. BOW,
Managers on the Part of the House.

PERSONAL EXPLANATION

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

Mr. LOWENSTEIN. Mr. Speaker, on September 4 and 5 I was out of the country on official business and consequently unable to be present on the floor. I should like the RECORD to note that had I been present on September 4 and 5, I would have voted in favor of H.R. 10105, amendments to the Motor Vehicle Safety Act; H.R. 7621, the Child Protection Act of 1969; and H.R. 12085, amendments to the Clean Air Act, and would have concurred in the Senate amendments to H.R. 11235, amendments to the Older Americans Act of 1965).

DISASTER RELIEF ACT OF 1969

Mr. JONES of Alabama. Mr. Speaker, I call up the conference report on the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters, and ask unanimous consent that the statement of the Managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume that since a considerable change has been made in this bill, as I understand from hearsay, the gentleman will take some time to explain the bill in lieu of reading the report?

Mr. JONES of Alabama. I would be delighted to comply with the gentleman's suggestion.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 17, 1969.)

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. JONES) for 1 hour.

Mr. JONES of Alabama. Mr. Speaker, I yield 30 minutes to the gentleman from Florida (Mr. CRAMER), pending which I yield myself 10 minutes.

Mr. Speaker, throughout our history, nature has struck devastating blows to the United States and to the citizens through floods, hurricanes, earthquakes, fires, and other disasters.

In the early days of the Republic, the Federal Government's responsibility to assist communities in times of great disaster was recognized. For example, in the early 1800's, the Congress extended the time for discharging customhouse bonds of the sufferers from the great Portsmouth fire.

However, it was not until 1947 that the framework for a general policy for disaster relief came into being. In that year Congress empowered the President to make surplus wartime supplies available in disaster areas.

The present policy for disaster relief was established by the Federal Disaster Act of 1950, Public Law 875 of the 81st Congress, which gives the President broad powers to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

Today, there are fully half a hundred Federal agencies, bureaus, and offices which have statutory responsibility for providing disaster assistance either under the provisions of the Federal Disaster Act or under statutes which give them specific authority in certain areas.

The continuing disasters which have struck with lightning fury in various sections of our Nation just since the beginning of this year have further emphasized the importance of the entire program of Federal participation in disaster relief. The Congress has firsthand knowledge of all of these disasters and several in particular were of major proportions including the catastrophes suffered by the State of California in January, the State of Ohio in July, the Southeastern States devastated by Hurricane Camille

in August, and the Midwestern States on several occasions during the year.

Mr. Speaker, on July 9 of this year, this body passed and sent to the Senate H.R. 6508, the California Disaster Relief Act of 1969. This bill was a comprehensive relief bill necessitated by extensive property loss and damage in the State of California as a result of storms, floods, and highwaters during the winter of 1968–69 and the spring of 1969, and the need for special measures to assist in the reconstruction and rehabilitation of these devastated areas. This was a good bill. However, we alerted this body on that day to several other disasters which had occurred and we specifically pointed out that the Subcommittee on Flood Control would be going out to Ohio the next week to investigate the extensive damages which had just occurred there.

The Senate later amended H.R. 6508 so as to change the bill into a general relief bill—the Disaster Relief Act of 1969—with application throughout the United States.

The House and Senate conferees met in August in an attempt to resolve differences in the legislation. The House conferees, although generally convinced that the Senate provisions had a great deal of merit, insisted at that time that additional hearings on a general bill should be held. However, during the period of our discussions, additional disasters occurred which convinced the House conferees that we could not wait for additional hearings. All the conferees were convinced that legislation was needed now—not at a later date. However, the conferees agreed that H.R. 6508 should have an expiration date of December 31, 1970, and that the affected interested committees of the Congress should hold hearings and act as expeditiously as possible upon legislation designed to be of permanent application with respect to the Federal aid and assistance for areas suffering major disasters.

The experience gained as a result of the administration of the provisions of this legislation will unquestionably be of value in making the determination of the type and content of permanent legislation.

Mr. Speaker, I shall not report on all of the details of the conference agreement since the full text of the conference report and the statement of the managers on the part of the House appears in House Report 91–495 and in the CONGRESSIONAL RECORD of September 17 beginning on page 25838. However, I would like to note several specific sections.

Section 2 authorizes the President to allocate funds to States affected by a major disaster for the permanent repair and reconstruction of permanent street, road, and highway facilities which are not on a Federal-aid highway system and which are destroyed or damaged as a result of a major disaster. Those funds are to be allocated on the condition the State pay at least 50 percent of the cost of the repair or reconstruction.

Section 6 of the conference substitute provides that in the administration of the disaster loan program under section 7(b)(1) of the Small Business Act the Small Business Administration, to the extent the loss or damage is not compensated for by insurance or otherwise, would, at the borrower's option, be required to cancel up to $1,800 of interest, principal, or any combination thereof and, in addition, would be authorized to defer any or all interest or principal payments during the first 3 years of the term of the loan without regard to the borrower's ability to make these payments. In addition, the SBA will be authorized by paragraph (2) to grant loans to repair, rehabilitate, or replace lost or damaged property without regard to whether the financial assistance is otherwise available from private sources, except that (A) a loan made under this authority would bear interest at a rate equal to the average interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum and (B) any such loan would not be eligible for cancellation or deferral as otherwise authorized in paragraph (1) of this section. In addition, the SBA is authorized by paragraph (3) in the case of total destruction or substantial property damage of a home or business concern to refinance mortgages or liens outstanding against the destroyed or damaged property if the refinancing is for the repair, rehabilitation, or replacement of that property with any such refinancing loan subject to the provisions of paragraphs (1) and (2) of this section.

Section 7 authorizes in the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961 the same benefits subject to the same conditions and limitations as are provided in section 6 in the case of SBA loans.

Section 10 of the conference substitute authorizes the President to provide dwelling accommodations for individuals and families displaced by a major disaster. These accommodations are to be made available only to individuals or families certified as having occupied as owner or tenant a dwelling destroyed or damaged to such an extent as to make it uninhabitable as a result of a major disaster. These accommodations are to be provided on a temporary basis and the President is authorized to provide these accommodations by, first, using unoccupied housing owned by the United States, second, arranging for the use of unoccupied public housing, third, acquiring existing dwellings through leasing, or fourth, acquiring mobile homes or other readily fabricated dwellings, through leasing, and placing them on sites furnished by the State or local government or by the owner-occupant upon condition that no site charge be made. Rentals for these accommodations are to be established by the President under such rules and regulations as he may prescribe and these rentals are to take into consideration the financial ability of the occupant. In the case of financial hardship rentals may be compromised, adjusted, or waived for not more than 12 months. However, no individual or family is to be required to incur a monthly housing expense—including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster—in excess of 25 percent of the individual's or family's monthly income.

Section 12 authorizes the President to provide assistance to an individual unemployed as a result of a major disaster. This assistance is not to exceed the maximum amount and the maximum duration of payments under the State unemployment compensation program and that any amount of assistance to an individual under this section will be reduced by any amount of unemployment compensation or of private income protection insurance available to him for that period of unemployment.

Section 15 defines a major disaster as one which has been determined by the President pursuant to the act of September 30, 1952, as amended (42 USC 1855–1855g), with respect to those disasters which occurred after June 30, 1967, and on or before December 31, 1970.

Mr. Speaker, the conferees on the part of the House have met with the conferees from the other body on several occasions, and I think we have brought out an excellent bill—one that will meet the needs of many, many of our people who have been so badly hurt by these disasters.

Mr. Speaker, I commend the conferees on this side of the aisle, the gentleman from Texas (Mr. WRIGHT), the gentleman from Oklahoma (Mr. EDMONDSON), and the gentleman from California (Mr. JOHNSON), as well as the conferees for the minority side, the gentleman from Florida (Mr. CRAMER), the gentleman from California (Mr. CLAUSEN), and the gentleman from Nebraska (Mr. DENNY). This is a fine conference report. This is good legislation, and I recommend its adoption by the House.

Under leave to extend my remarks, I include for the benefit of the Members a listing of major disasters declared by the President from July 1, 1967 to date.

Mr. COLMER. Will the gentleman yield for some clarifying questions?

Mr. JONES of Alabama. Certainly, I will be glad to answer any questions proposed by the distinguished gentleman from Mississippi, the chairman of the Rules Committee, who has been a tower of strength and support in expediting this legislation to fruition. The gentleman from Mississippi has furnished the conferees with invaluable information and advice which we have been able to utilize in assisting the citizens of the areas devastated by Hurricane Camille and the other natural disasters which have befallen our great country. At this time I would also express my appreciation to the distinguished majority whip, the gentleman from Louisiana, HALE BOGGS. The gentleman provided invaluable assistance not only in the Camille disaster but also the Hurricane Betsy disaster. Let me also commend Congressman HÉBERT and CAFFERY of Louisiana for their outstanding assistance. Congressman CAFFERY, a new

member of the Committee on Public Works accompanied us on the entire trip throughout the southeastern States in our inspection and survey of the damage caused by Hurricane Camille.

MAJOR DISASTER AREAS DECLARED BY PRESIDENT FROM JULY 1, 1967 TO DATE

Date of declaration	State	Type of disaster	Allocation to date
July 18, 1967	Nebraska	Severe storms and flooding	$1,250,000
Do	Kansas	Tornados, severe storms, and flooding.	1,250,000
Aug. 17, 1967	Alaska	Severe storms and flooding	7,500,000
Aug. 30, 1967	Idaho	Forest fires	1,117,800
Sept. 28, 1967	Texas	Hurricane Beulah	10,000,000
Oct. 30, 1967	New York	Flooding	525,000
Feb. 10, 1968	North Carolina	Ice storm	400,000
Apr. 18, 1968	Trust Territory of the Pacific Islands.	Typhoon Jean	8,500,000
May 3, 1968	Arkansas	Tornados and severe storm	250,000
May 4, 1968	Kentucky	Tornados and severe storms	375,000
Do	Ohio	do	270,000
May 29, 1968	Arkansas	Tornados, severe storms, and flooding.	350,000
Do	Iowa	Tornados and severe storms	720,000
Do	Oklahoma	Heavy rains and flooding	175,000
June 5, 1968	Illinois	Tornados, severe storms, and flooding.	300,000
Do	Ohio	Heavy rains and flooding	1,000,000
June 10, 1968	Texas	do	250,000
June 15, 1968	New Jersey	Heavy rains, high winds, and flooding.	3,000,000
July 5, 1968	Texas	Severe storms, high winds, and flooding.	300,000
July 30, 1968	Indiana	Heavy rains and flooding	220,000
Aug. 4, 1968	Iowa	do	650,000
Aug. 15, 1968	Minnesota	do	500,000
Sept. 9, 1968	do	do	260,000
Sept. 13, 1968	Hawaii	do	300,000
Nov. 7, 1968	Florida	Hurricane Gladys	$750,000
Jan. 26, 1969	California	Severe storms and flooding	38,000,000
Feb. 15, 1969	Arkansas	do	350,000
Apr. 18, 1969	Minnesota	Flooding	2,500,000
Do	North Dakota	do	3,700,000
Do	South Dakota	do	1,000,000
Apr. 19, 1969	Nevada	do	150,000
Apr. 25, 1969	Iowa	do	1,250,000
May 1, 1969	Wisconsin	do	500,000
May 19, 1969	Colorado	Severe storms and flooding	2,500,000
June 6, 1969	Illinois	Flooding	500,000
July 11, 1969	Tennessee	Severe storms and flooding	200,000
Do	Wisconsin	do	200,000
July 15, 1969	Kentucky	do	200,000
Do	Ohio	Tornado, severe storms, and flooding.	2,000,000
Do	Kansas	do	500,000
Aug. 5, 1969	Minnesota	Heavy rains and flooding	150,000
Aug. 14, 1969	Iowa	do	500,000
Aug. 15, 1969	California	Flooding	250,000
Aug. 18, 1969	Mississippi	Hurricane Camille	1,000,000
Aug. 19, 1969	Louisiana	do	1,000,000
Do	Pennsylvania	Severe storms and flooding	400,000
Aug. 23, 1969	Virginia	Severe storms (Camille) and flooding.	1,000,000
Aug. 26, 1969	New York	Heavy rains and flooding	250,000
Aug. 30, 1969	Illinois	do	500,000
Do	Vermont	Severe storms and flooding	200,000
Sept. 3, 1969	West Virginia	Severe storms (Camille) and flooding.	220,000

Mr. COLMER. I thank the gentleman from Alabama for his kind remarks. I commend him for his truly outstanding work on this report. My first question is in regard to section 6.

In the reference applicable to Small Business Administration, I am not clear whether the 5-percent interest as called for in subsection 2A would apply just to those persons who have not tried to obtain financial assistance from private sources, or whether it would also apply to individuals who were unable to obtain, even though they try, financial assistance from private sources. In other words, when does the 3-percent interest apply and when would the 5- or 5¼-percent interest apply?

Mr. JONES of Alabama. The 3-percent interest covered under section 6(1) applies to all those who cannot obtain financial assistance from private sources. The higher rate specified in section 6(2) applies to those persons who would normally have other sources of credit available because of remaining assets.

Mr. COLMER. My second question pertains to section 14.

Under the provisions providing for reimbursement of expenses actually incurred for removal of debris, would this apply to the pecan tree which after having been stripped of its limbs is dead, but actually still may have a remaining stump of some several feet and fragments of limbs? Pecan growers will tell you that in order to be able to use land in the pecan orchard again, the whole trunk plus a good portion of its roots must be removed for the land to be reusable again.

Mr. JONES of Alabama. The answer to your question is "Yes."

Mr. COLMER. Does this legislation aid the oyster planters whose beds were damaged by Hurricane Camille?

Mr. JONES of Alabama. The Farmers Home Administration is authorized under existing laws (7 U.S.C. 1963 et seq.) to make emergency loans to established oyster planters in areas designated for this purpose by the Secretary of Agriculture upon his finding that a natural disaster has caused severe production losses or destruction of oysterbeds making it impossible for oyster planters to obtain credit from other sources. Upon the Secretary's making the finding that there has been severe production losses or destruction of oysterbeds, then all the provisions of section 7 of the conference report would be applicable.

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

Mr. JONES. of Alabama. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding. I would like to ask a couple of questions of the gentleman. As he knows, the State of Ohio underwent one of these great disasters in the early part of this year, and the committee very graciously and kindly, at my request, went out and visited the area. They did make an examination, and if I am correct in my understanding, inasmuch as the effective date has been moved back to June 30, 1967, and there is no geographical limitation or restriction to this conference report, Ohio, if it meets the other requirements, would be eligible?

Mr. JONES of Alabama. The disaster to which the gentleman referred to was declared a national disaster under the 1950 act by the President on July 15, 1969.

Mr. HARSHA. That is correct.

Mr. JONES of Alabama. That Ohio disaster is covered in this bill.

Mr. HARSHA. The only prerequisite is that the President must declare the area a disaster?

Mr. JONES of Alabama. That is correct.

Mr. HARSHA. Mr. Speaker, I thank the gentleman. I thank the conferees for considering the problems we had in Ohio.

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

Mr. JONES of Alabama. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Do I understand that this goes back to mid-1967, and for its retroactivity as far as disasters are concerned this may embrace over 50 separate disasters?

Mr. JONES of Alabama. I believe it is 51 separate disasters.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Are these what we ordinarily characterize as natural disasters which we refer to here?

Mr. JONES of Alabama. Yes, under the act of 1950.

Mr. HALL. Would that include man-made disasters from riots and insurrection, in the opinion of the gentleman?

Mr. JONES of Alabama. No, that would not.

Mr. HALL. Insofar as the provisions of the Senate amendment are concerned, as far as section 3 is concerned, the limitations are placed there for home owners and business concerns under the Small Business Act, of $30,000, and business concerns up to $100,000 without regard to whether or not the assistance could be provided by private sources. In the opinion of the distinguished gentleman from Alabama, the chairman of the committee and of the conference, does this eliminate the need for participating loans for enhancing the value of restored and rehabilitated property?

Mr. JONES of Alabama. It might be. It could be a participating loan, but it provides the total amount canceled shall not exceed $1,800, as provided for there.

The language contained in the conference report is the same as that contained in the act of 1965. There has not been any departure.

Mr. HALL. In other words, for actual restoration loans from natural disasters, the loans would be within certain limitations, 3 percent from SBA for restoration, but if there was enhancement, it would be at the 5-percent rate?

Mr. JONES of Alabama. The gentleman is correct.

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

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the conference report in any way attempt to fix interest rates?

Mr. JONES of Alabama. No, it does not attempt to fix interest rates.

Mr. GROSS. Or recommend anything? Does it deal with interest rates in any regard?

Mr. JONES of Alabama. Mr. Speaker, on that I will defer to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, in one section of the bill reference is made to the interest rates as they are applicable to the amount of interest that would be charged by the Government or agency of the Government to an individual on a loan. In that instance it declares any loan made under the authority of this paragraph shall bear interest at a rate equal to the average interest rate on all interest bearing obligations of the United States having maturities of 20 years or more.

Mr. GROSS. But it does not, if the gentleman will yield further, in any way subsidize interest rates?

Mr. WRIGHT. No. I would say to the gentleman from Iowa, it definitely does not. The only conceivable provision which might be so construed is a provision which permits forgiveness of loans up to $1,800 on a small loan, and the individual himself may choose whether that forgiveness comes in the interest or the principal or both.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, the conference committee report on the California Disaster Relief Act now before us merits our support. We have had many disasters strike this country over the years, the most recent of which is Hurricane Camille which struck my district and the districts of several of my colleagues along the gulf coast. And each time we have a disaster strike, the Congress finds it must try to pass quickly some measures to provide additional relief for the victims over and above that already funded through existing programs. However, this conference committee report would provide for permanent authorization under specific guidelines and would also encourage disaster planning on the part of the various jurisdictions likely to be affected.

Back in the 1930s, damage claims from disasters amounted to less than $100 million per year. Over the years, this has increased to several hundred million and this year it appears that—with the Camille disaster claims over half a billion dollars—the total costs of natural calamities will exceed $1 billion.

The reasons for these increasing costs are many. Inflation and the high cost of rebuilding homes are two reasons. But in general, land has become dear and people are moving into low-lying areas or areas of high damage risk that were previously avoided. More and more homes are dotting our shorelines or our rivers sides. And these people find it increasingly difficult to obtain flood or water damage insurance for their homes and property from private insurance companies.

We are initiating programs—such as the flood insurance program backed by HUD—which will help bring relief to these people and not undercut private industry. But in the meantime—and I am sure for a long time into the future—the Federal Government will have to answer the pleas of the disaster victims for the additional aid necessary to help them restore normalcy to their lives after disaster strikes.

But if that assistance is to be truly worthwhile, it must come at the time the disaster strikes—the time when help is most needed.

The California Disaster Relief Act will provide help—but almost 1 year after the disaster occurred. A few weeks ago, I introduced legislation along with several of my colleagues from the Gulf Coast area, for relief for Hurricane Camille victims, but a month has already past since that disaster and the people need help now.

This revised bill agreed to in the conference committee will provide more immediate relief for disaster victims. More relief for the homeless families to help them rebuild. More relief for the businessman to help him restore his enterprise. More relief to the communities to help them return to normal living.

Mr. Speaker, when we suffer personal injury, we do not wait 6 months or a year and then go see a doctor. We seek help immediately. So, too, should we provide for immedate help for those who suffer so much in time of crisis during hurricanes and other such disasters.

I urge adoption of the conference report.

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

Mr. JONES of Alabama. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, I want to speak my appreciation, and that of those I am privileged to represent, to the conferees on the part of the House for the role they played in making provision for the plight of the victims of Hurricane Camille in Virginia.

Most of the tragic loss of life occurred in Nelson County in our Sixth District. In addition to Nelson, the counties of Amherst, Alleghany, Bedford, and Botetourt and the cities of Covington, Clifton Forge, and Lynchburg suffered extensive property losses. Many property owners, including farmers, businessmen, orchardists, and homeowners, were left penniless. Some have no physical assets, no collateral, and little means of securing a loan on terms and conditions they can reasonably meet.

The House delegation from Virginia joined in a letter of appeal to the conferees to broaden this legislation to include flood victims in our State. Our appeal was heard. Our petition was answered. The response was most generous. Our gratitude is most genuine.

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

Very briefly, Mr. Speaker, the conferees on both sides of the aisle and with the other body worked out a conference report which was unanimously adopted.

In my opinion, it is the most forward-looking disaster relief legislation to come out of this Congress since 1950.

We have a serious problem with regard to these continuing national disasters. The problem has been we have been treating them disaster by disaster, and we have been treating them 8 or 10 or 12 months after the disaster occurred, and when badly needed relief comes too late.

Camille is a perfect example. We visited Camille. I have never seen such devastation in my life. Those people are entitled to immediate relief. The only manner in which they could get immediate relief was to add Camille to the California disaster legislation, in view of the general legislation pending in the other body and before the conference. We did this. As a matter of fact, this, in my opinion, is one of the most compassionate pieces of legislation we have had on the floor in some time.

This bill provides permanent relief in many instances, so that if another situation happens immediate relief will be available, and immediate response by the Federal Government in the proper area, with immediate cooperation with the Federal Government. It immediately triggers on the part of the President's proclamation, with that as the triggering device, for the same type of relief we have been making available on a piecemeal basis.

What is more fair than that approach? This is a compassionate conference report before the House. I trust the Members will support it unanimously.

A few weeks ago, Hurricane Camille came thundering in off the Gulf of Mexico. It struck the coast a devastating blow, causing extensive loss of life and property damage in vast areas of Mississippi, Louisiana, and Alabama. Torrential rains followed in its wake as far north as Virginia where the rampaging James River triggered extensive flooding and further casualties.

Hurricane Camille, I regret to say, is but one of many natural catastrophes which struck the Nation in recent years. Since July 1, 1967, alone, over 51 major disasters have occurred. Thirty-two States suffered heavy casualties and damage in the billions of dollars. Entire communities were laid low, entire families were wiped out.

While there is, as yet, nothing we can do to prevent a hurricane or earthquake from happening, a great deal can be done to prepare for such emergencies when, as, and if, they occur.

Disaster relief falls under three main headings. The first involves the preparation of contingency plans, the stockpiling and placement of materials and equipment, and the training of people to handle them. The second involves activating these plans, programs, and procedures during crisis periods in order to provide emergency services for victims of a disaster. This includes coordinating the efforts of Federal, State, and local authorities in rescue and relief operations. The aim is to alleviate the immediate impact of a natural disaster by making food, shelter, health, transportation, and other essential services available to its victims.

Finally, there is the recovery stage, during which devastated areas are rebuilt, rehabilitated, and made productive again. Where public facilities have been wrecked, utilities destroyed, the industrial base disrupted, and housing wiped out, the restoration phase can prove a massive undertaking requiring billions of dollars to fund and years to complete.

Until comparatively recently, the role of the National Government in disaster relief was relatively minor. We left the burying of the dead and the picking up and putting together of the pieces pretty much to State and local authorities and to the victims themselves. While Washington overintruded in many areas, disaster relief, I regret to say, was not one of them. But, over the past decade, a change in thinking has occurred. Congress has begun to extend the Federal role and increase the Federal contribution in order that those whose homes and livelihoods have been destroyed may be helped to recover as quickly and expeditiously as possible.

Our approach, until now, has been to treat each disaster individually. While the President was authorized to participate, through the Office of Emergency Planning and other agencies, in immediate rescue and relief operations, getting the devastated area going again and its people back on their feet again was handled retroactively on a crisis-by-crisis basis. This approach has the advantage of tailoring the relief to the calamity. But it also has many shortcomings, chief among them are:

First, the timelag between the disaster and congressional recognition and relief;

Second, the lack of uniformity in the type of relief extended;

Third, the failure of coordination between the agencies involved;

Fourth, the hit-and-miss nature of such an approach which recognizes some disasters and ignores others;

Fifth, last but not least, is the lack of a carefully thought out and administered Federal approach to meeting disasters to insure that benefits are maximized and the impact and duration of the calamity minimized.

As Members of this body know, I represent a district in Florida which is hurricane prone and conscious. Because of my deep interest and concern, when Camille struck a few weeks ago, I accompanied the Flood Control Subcommittee of the Public Works Committee, of which I am ranking minority member, on an inspection trip of the Virginia and the gulf coast disaster areas. I cannot begin to describe the fury of the storm or the devastation it left in its wake. In Mississippi alone, the zone of destruction was 30 miles long and a half-mile deep. Upon my return to Washington what I had witnessed at first hand moved me to send the following telegram to the President.

Having just returned from a Public Works Committee inspection trip of the Gulf Coast and Virginia disaster areas, I was shocked by the nature and extent of the devastation caused by Hurricane Camille. The cost in lives was appalling. Estimates of public and private damage exceed $1 billion.

Local, State, and Federal authorities are to be congratulated for the help and assistance they rendered to victims of the storm. But the task of rebuilding has just begun. Clearly, as we did following the Alaska earthquake, Northwest flooding, Hurricane Betsy, and the recent California disaster, Congress will have to provide additional rehabilitation relief to the stricken areas and their suffering people.

In my judgment, Camille's unprecedented magnitude and devastation makes it an appropriate time to consider a broad new legislative approach for coping with national disasters of this sort.

To that end, I respectfully request that your Administration begin an immediate review of existing programs in order that you may recommend to Congress measures for supplementing and expanding them at the earliest possible date.

I know that President Nixon shares my concern for victims of Camille-type disasters and will do all in his power to comply with my request. For us in this body, it is evident that the time has come for a new look at disaster relief legislation. An arsenal of options and approaches for dealing with all types of emergencies must now be considered. In the future, the President must be permanently clothed with authority which will enable him to instantly mobilize the vast resources at his command in order to relieve any area afflicted by a natural disaster and restore it as a functioning social, economic, industrial, and political unit as soon as possible.

The rationale for such an approach is simple: When a disaster hurts any area of the Nation, it hurts the entire Nation and all must share in the task of overcoming its effects.

It was with this idea in mind that conferees of the House and Senate met last week to work out an acceptable compromise on the California disaster relief bill. While differences between the House and Senate versions were substantial, a compromise was eventually agreed to permitting us to extend immediate relief to victims of recent national disasters like Camille and California, while laying the legislative foundation for framing a comprehensive permanent approach.

Under its provisions the President is authorized to provide: temporary dwelling accommodations for displaced individuals and families, matching funds for permanent road repairs, SBA loans for homes and businesses destroyed, farm loans for crop damage, grants for debris removal on both public and private property, the equivalent of unemployment insurance for all whose livelihood is destroyed by a disaster, an enlarged food stamp program for disaster victims, and relief for timber growers and purchasers.

Looking to the future, the conference-approved bill authorizes the President to provide assistance to States for developing comprehensive plans and practicable programs for assisting individuals suffering losses as a result of major disasters.

The provisions of this bill, with a few exceptions, will be effective from June 1, 1967, until December 31, 1970. It may, of course, be extended in its present form beyond that time.

But it is my hope that the interim period will be used by the Congress for an in-depth study of the entire disaster relief field from flood insurance to debris cleanup; from preventive measures to rehabilitation and renewal. If it is, by the time the present bill expires, further permanent legislation outlining the Federal role can be ready for consideration and, hopefully, approval by the Congress.

The time is past when what happens in California, Minnesota, Texas, or Florida can be treated as an isolated event of little or no concern to other sections of the country. Just as we assist permanently depressed areas to become economically self-sufficient, we must assist areas temporarily distressed and depressed by a major disaster to become self-sufficient again.

It is my fervent hope and belief that Congress will rise to meet this legislative challenge and responsibility. I know that I shall do all in my power to do so.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

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

Mr. BROYHILL of Virginia. The gentleman is familiar, I know, with the disaster we had over in northern Virginia just prior to Hurricane Camille.

Mr. CRAMER. I am, I say to the gentleman. I could not drive home that night on Shirley Highway.

Mr. BROYHILL of Virginia. Actually, there were two major floods in 1 week, causing damages in excess of several million dollars. I realize there is no specific area location included here in the conference report. My questions is: If the President would declare this particular area I am talking about at the present time, the Arlandria area over in northern Virginia, as a major disaster area, would that area be eligible for benefits under this conference report?

Mr. CRAMER. In answer to the gentleman's question, "Yes."

Mr. BROYHILL of Virginia. I thank the gentleman.

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

Mr. CRAMER. I yield to the gentleman from Kansas.

Mr. WINN. I appreciate the gentleman from Florida yielding.

I want to congratulate the conferees for the work they have done in the field in line with national disasters. I should like to agree with the gentleman from Florida that we seem to have a policy of taking these step by step following the national disasters that hit this country regularly.

Mr. CRAMER. And, I say to the gentleman, often treating them differently.

Mr. WINN. That is right, with variations. I am sure this will have to continue somewhat along this line.

I should like to point out that perhaps this being too late, or the fact that the horse is out of the barn, is not always to be the situation. Possibly we could change some of these national disasters by additional studies.

I should like to point out that many of us have introduced bills along this line, and particularly one dealing with tornadoes, which affect this country and cost this country millions and millions of dollars, as well as the lives of our citizens.

I would hope that in the future some of the committees involved in this body and in the other body would take the time to look in advance, a little bit further down the road, to see if we might do something prior to the national disasters that affect this Nation.

Mr. CRAMER. I thank the gentleman. I will say that was one of the reasons why the December 31, 1970, date was written into the measure, because it is contemplated our committee will be considering these various questions next year.

Mr. WINN. I thank the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, it is most difficult to adequately express the gratitude I share with my fellow Virginians and with all members of the Virginia delegation to our colleagues on the Committee on Public Works who were able, in conference, to include in the Disaster Relief Act of 1969 relief for Virginians who have suffered great losses by storms, floods, and high waters during the past 2 months. While I am sure the Congress would have, in time, seen fit to provide relief for the victims of Hurricane Camille, the relief is needed now, not at some point in the future, and our distinguished colleagues have by their quick and decisive action alleviated many additional weeks and months of suffering for these unfortunate folks.

Mr. Speaker, I am also pleased that the victims of flooding in my own northern Virginia district, those long-suffering home and property owners along the stream known as Fourmile Run bordering the city of Alexandria and Arlington County, will also be eligible for relief under provisions of this measure. These good people were driven from their homes and businesses by high water in 1963, suffered lesser floods in 1965 and 1966, then twice in 2 weeks this summer. Many of them have all but given up hope of ever rebuilding or reopening, having accumulated debts through small business disaster loans on such frequent occasions that it is financially impossible for them to take on additional obligations.

We have received encouraging word that the North Atlantic Division, Corps of Engineers has now recommended favorably to the Board of Engineers for Rivers and Harbors a flood-control project the cost of which will be a Federal contribution of $9,926,000 and a local government contribution of $6,079,000, to replace two highway and four railroad bridges, provide an improved channel, and levee and flood wall protection. While we welcome this action, we have been since 1963 trying to obtain this Federal help, and it was only made available to us after the House Committee on Public Works adopted a resolution in October 1966 which, in effect, overruled the Baltimore district engineer's recommendation against Federal participation because of the infrequency of floods they anticipated. We still are a long way from having this project built, Mr. Speaker, as it must be approved by the Board and then presented in an omnibus public works bill in January unless we are able to include it in another measure earlier. But the end is at least in sight, if our people can hold on just a little longer.

Relief under provisions of H.R. 6508 will enable these people to hold on a little longer. They have suffered great loss for many years because of bureaucratic delay. I believe we have a moral obligation to help them. Their problem was created, in large measure, by the tremendous increase in runoff along the streambed due to construction and paving of areas upstream as the Washington metropolitan area has grown into the suburbs. Coincidentally, one of the two highway bridges which must be expanded to carry the increased flow of water is a U.S. highway bridge, and the other a National Park Service bridge.

Mr. Speaker, the people of Arlandria cannot wait for completion of the flood control project. Without funds to recoup their losses from the July and August floods they cannot rebuild or reopen. I know I speak for all of them when I say thank you, from the bottom of my heart, to our colleagues who acted to relieve them in conference. And I urge with all the conviction that I can muster adoption of the conference report on H.R. 6508.

Mr. CRAMER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I will only take a brief moment to express my appreciation to all of the conferees for the exceptional effort made during what I think will be regarded as one of the fastest and most responsive pieces of action on the part of a legislative body in responding to a major disaster such as hurricane Camille. I believe what the gentleman from Florida and what the gentleman from Alabama said is certainly deserving of recognition by the Congress. It is our hope that we will move forward into hearings and come up with the kind of legislative action that will give the necessary relief needed by the people immediately.

Mr. Speaker, the conference report accompanying the Disaster Relief Act of 1969 reveals, I believe, the results of many hours of hard work and statesmanlike effort upon the part of the conferees from both bodies. As we all know, while the California Disaster Relief Act was in conference, Hurricane Camille descended upon the gulf coast killing hundreds and destroying millions of dollars worth of property as it went. It became imperative upon the conferees to act to provide relief to the sufferers of the ravages of Camille. In a very short time, we were able to modify our original bill to provide for help to the citizens of those States.

I wish to assure the people of California, that the ravages of a subsequent disaster did not result in the sufferers of the results of the California storms and floods being forgotten. All the essential provisions of the California Disaster Relief Act that this House acted upon favorably in its original passages of H.R. 6508 have been included in the conference-reported bill.

While specific reference to California has been deleted, the language of the act preserves to the people of California, as well as to those of other States suffering major disasters, the benefits of the original California Disaster Relief Act.

Indeed in certain cases the benefits of that act have been increased. For example, when the President finds it in the public interest, he is authorized to make grants to any State or political subdivision for the purpose of removing debris disposed on privately owned land or waters as a result of such a disaster. The State in its turn is authorized to make payments to any person for the reimbursement of expenses actually incurred by him in removal of debris. This is a new provision of the law and the people of California may well find that it is of benefit to them.

Federal assistance to those who have become unemployed as a result of the disaster is made available under section 12 of the conference-reported bill.

Mr. Speaker, I believe that the people of California will find that the conferees have taken good care of their needs while at the same time providing much needed assistance for their fellow Americans in the Gulf States who suffered the holocaust of Camille.

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

Mr. DON H. CLAUSEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

I merely want to take this moment to express a word of personal pride in the members of the Committee on Public Works who have sacrificed so generously of their own time in order to go into these disaster areas and go over the ground and see at close range what the problems are. I know the chairman of our conferees and the ranking minority member have both given many hours to

it. The staff has actually hazarded life and limb in going into some of these areas where conditions have been very drastic and dangerous. I think the entire House owes a debt of gratitude to the gentleman from Alabama (Mr. JONES) and the gentleman from Florida (Mr. CRAMER) and the staff and other members of the Committee on Public Works for the job that has been done in these disaster areas.

Mr. CRAMER. Mr. Speaker, I certainly thank the gentleman for his kind remarks.

Mr. ANDERSON of California. Mr. Speaker, as a Member of Congress from California and a member of the Public Works Committee, I wish to express my support for H.R. 6508 as recommended by the House conferees.

It was my privilege to travel with the Subcommittee on Flood Control during its survey of the damage caused by the severe storms in California during the month of January. I had the opportunity to participate in 4 days of hearings, at which time a great deal of testimony from the executive agencies and from the State of California concerning the extent of damage was received. We observed, both on the ground and from the air, damage in many areas and the loss experienced to both public and private property.

I was also pleased to join with a number of my California colleagues in sponsoring the California Disaster Act.

During debate on H.R. 6508 on July 9, I had the opportunity to advise my colleagues in this body of the extent of the damages to California and why I considered the bill as reported by the Committee on Public Works to be desirable. I shall not repeat at this time the detailed information which I offered. However, I rise at this time to offer my support for the recommendations of the conferees. The bill as recommended would have national application in lieu of the original bill, which was limited to California. In addition, several provisions which were recommended by the Senate have been added—provisions which I believe strengthen the ability of the Federal Government to respond at the time of greatest need to those areas devastated by a major disaster.

Mr. Speaker, I would like to stress the need for relief and assistance to the citizens of California who were victimized by the 1969 storms as well as to the citizens of other areas who have suffered so greatly by events which could not be foreseen or controlled. This legislation is vitally needed. I urge that my colleagues support the conference report.

Mr. JOHNSON of California. Mr. Speaker, as the principal author of H.R. 6508, I rise to express my wholehearted support for the recommendations of the conference report which was filed in the House of Representatives on September 17.

As you will recall, H.R. 6508 was introduced initially in the wake of the extremely heavy storms which hit California last January and February causing an estimated $425 million worth of damage and causing the death of more than 100 people. The House Public Works Committee recommended enactment of H.R. 6508 perfected as a result of what we on the committee learned during field hearings held even as the heavy rains continued and also in hearings subsequently held in Washington.

The bill initially was intended as specific disaster assistance for the State of California. Its provisions were tailored to this storm. When the bill reached the Senate, the House-approved language was stricken entirely and new, general disaster relief proposals were substituted. We in California have no hesitation about giving full support to the omnibus approach to disaster relief; however, the provisions of the Senate bill would have come too late for California. Accordingly, the Senate-passed version was not acceptable to those of us who were trying to provide relief for California.

A preliminary meeting of the House and Senate conferees was held shortly before the August recess. During the recess, as we all know, this Nation suffered another great natural disaster. Hurricane Camille raged across the Gulf Coast States and then spent its last energies in a deluge which caused great loss of life, human suffering, and property damage in the James River area of West Virginia and Virginia.

Immediately after the August recess, conferees received testimony regarding the Hurricane Camille disaster and set to work to draft a piece of legislation which would accomplish not only the purposes of my original bill, H.R. 6508, but also would provide a basis for long-range disaster relief and at the same time, offer immediate assistance to the people of Mississippi and its gulf coast neighbors and the people of West Virginia and Virginia areas devastated by Hurricane Camille.

Mr. Speaker, I believe the legislation which we have before us today accomplishes this purpose. It provides assistance for the rebuilding of the highways, roads, and streets which are so important for the economic survival of so many of our communities. When transportation lines are cut, the economy strangles.

For individuals, the proposal offers a measure of help in rebuilding through improved small business and farmers home emergency disaster loan programs. For the future, provisions are made for long-range disaster relief planning and improved procedures are established for housing and feeding disaster victims.

Because the Second Congressional District of California, which I represent, is composed of an area largely dependent upon national forest timber for its economic stability, and because of the tremendous damage caused to forests of the Southern States by Hurricane Camille which blew down 1 billion board feet of timber, I would like at this point to emphasize the provisions of this proposal which relate to timber.

I know from past sad experience what happens to timber dependent communities when their forests are destroyed by winds, storms, or fires. I also know that by quick action, some of this loss can be salvaged through clearing the forests, selling the down timber, and milling of the lumber before the effects of rot, disease, and insects destroy the commercial value of the wood. It is for this reason that we have included in the disaster recommendations before you today, some provisions of great importance to the U.S. Forest Service and the other timber areas of the Nation. At this point, I would like to summarize these provisions.

A provision with the most immediate urgency is the authority given to the Forest Service to reduce the period required to advertise a timber sale from the normal 30 days to only 1 week in the case of emergencies. This provision alone can expedite greatly the clearing of down timber and increase greatly the chances of salvaging the wood. In Camille devastated areas, the Forest Service has nearly 100 million board feet of salvagable timber down on the ground.

The 7-day sale has worked in specific disasters in the past, including the Pacific Northwest disaster, when high winds and heavy storms hit northern California, Oregon, and Washington at Christmastime, 1964. We feel that these provisions should be extended to other disaster areas.

Another major problem involving Forest Service timber sales centers on road construction required as part of these sales. Under timber sale contracts entered into since 1965, provisions have been made for reconstruction, at Federal expense, of those roads constructed by timber purchasers as part of their contractual obligations, but not yet accepted into the forest road system. Timber contracts were changed to provide this as a result of our experience in the 1964 Pacific coast storms. There are outstanding, however, some contracts which predate the revisions. We have provided that in these instances the timber purchase will be treated in the same manner as those with the more up-to-date contracts.

One final provision relating to timber salvage concerns the private timber, and in the wake of Camille, probably 90 percent of the timber down is privately owned. As I indicated earlier, down timber must be removed rapidly in order to restore the lands to productivity and permit rebuilding of devastated economies. Additionally, down timber often clogs streams and flood plains, preventing proper drainage. The legislation before us today would permit the Federal Government to assume a portion of the cost of removing this timber. This cost would not exceed the cost of actually clearing the timber from the land, less whatever the salvage value of the timber. The program would be administered by States or local political subdivisions. The conference report clearly establishes the guidelines under which this program would be administered in the public interest.

Mr. Speaker, I am proud to have been one of the conferees which drafted this final version of my bill, H.R. 6508, which I am certain will prove most beneficial not only to those who have suffered so

greatly in recent weeks, but also those who may in the future feel the lash of nature's wrath.

May I commend the chairman of the House conferees, our good friend, Representative BOB JONES, for an outstanding job in bringing to the House of Representatives a fine bill. May I also commend the chairman of the Public Works Committee, Representative GEORGE FALLON, for his leadership in this effort, and may I thank my colleagues on the committee and in the conference for their assistance in this important matter.

And, finally, I urge my colleagues here today to approve the conference report for I believe that this is a good bill, a bill that will help our fellow Americans when they need it most.

Mr. FALLON. Mr. Speaker, the conference report which is before the House at the present time is on a bill which the Subcommittee on Flood Control of the Committee on Public Works has worked on for many months.

The conferees on the part of the House have met with the conferees from the other body on several occasions and have arrived at a sound measure which would permit the Federal Government to act in a rapid and meaningful manner when a disaster occurs.

I believe we have learned through sound engineering that all but the most unusual floods can be prevented and damages minimized. However, shortsighted fiscal policies which delay construction of badly needed projects emphasize the need for Federal relief after the occurrence of disasters. In California alone, completed or useful projects of the Corps of Engineers constructed at a total cost of $872 million prevented far greater damages which would have otherwise occurred without these works. The most reliable estimates of the damage prevented during this one period is about $1.6 billion.

Mr. Speaker, I wish to commend the conferees for their fine work in bringing forth this legislation. I especially wish to congratulate the gentleman from Alabama (Mr. JONES) for his usual excellent job. Over the years, the gentleman has traveled the length of this Nation at a moment's notice to see what he, as chairman of the Subcommittee on Flood Control, could do to aid our citizens stricken by disasters.

Mr. Speaker, I commend the conferees on the minority side, the gentleman from Florida (Mr. CRAMER), the gentleman from California (Mr. CLAUSEN), and the gentleman from Nebraska (Mr. DENNEY), as well as the gentlemen of our side of the aisle, the gentleman from Texas (Mr. WRIGHT), the gentleman from Oklahoma (Mr. EDMONDSON), and the gentleman from California (Mr. JOHNSON).

This is an excellent conference report. This is needed legislation, and I recommend its adoption by the House.

Mr. MARSH. Mr. Speaker, it is appropriate that we be considering means of broadening programs of disaster assistance in view of the extent of disaster damage and suffering this year. Many communities will be grateful to the conferees, I am sure, for the recognition they have shown in extending the geographic coverage of the bill—particularly those struck by Hurricane Camille.

Portions of the congressional district which I represent, the Seventh District of Virginia, were hard hit as a result of this storm. I refer specifically to the counties of Albemarle, Rockbridge, Fluvanna, Augusta and to some extent Bath, as well as the cities of Buena Vista and Waynesboro; the towns of Glasgow, Scottsville, Bremo Bluff, and Columbia; such communities as Howardsville in Albemarle County, which was almost obliterated, and other settlements in the flood area which felt the full devastation of this storm.

The areas on which this storm visited extremely heavy rains received damage that was extensive, and the effects of it will be prolonged. I would describe the types of losses in three categories:

PERSONAL

This involved in a number of instances the loss of life and homelessness. Real and personal property losses, including homes, household goods and livestock, was a loss that was felt by literally thousands of people. In many instances, the loss of property cannot be recouped in a short period of time because of drained family and business resources. Damage to household furnishings such as refrigerators and stoves usually requires replacement, not repair.

COMMERCIAL DAMAGE

In this category would be included substantial areas of damage that relate to the economic health and viability of these communities. In a number of instances, complete stocks of merchandise of small businesses were totally destroyed over a very wide range. In fact, almost the entire downtown commercial section of the city of Buena Vista was inundated. Only a few of these business establishments escaped the effects of the flood. Far-reaching implications under this category of damage lie in those inflicted on industries and again, in Buena Vista, some five major industries of that community were flooded. This has a severe impact on the livelihood of literally hundreds of workers. The damage is sometimes not apparent, but arises from water having covered electric motors, generators and other equipment which, in some instances, has become useless without either replacement or extensive repair.

PUBLIC DAMAGE

This is damage principally to major capital improvements of a public or quasi-public service nature. It includes destruction of paved streets and municipal improvements; ripped up water and sewer lines and damage to pumping stations and sewage treatment plants. It also includes major highway damage to bridges and roads, as well as extensive rail damage to trestles, roadbeds and rolling stock and rail facilities. This damage also has long-range implications and cannot be corrected readily.

I should like to commend the Federal agencies for the dispatch with which they moved, notably the Small Business Administration and the Farmers Home Administration and the emergency agencies associated with Federal, State, and local government. Not only did they make substantial contributions during the disaster, but the speed and skill with which they moved in the trying hours and days immediately after the storm had passed helped save lives and property and insure to some extent economic recovery and reestablishment of family units.

There is much that remains to be done, and much of it cannot be done by government at any level. Complete restoration to the condition before the disaster cannot be attained, but, to the extent that government can, I think it should move to meet this need.

Mr. GRIFFIN. Mr. Speaker, in its finest tradition, the Congress has responded to the need for helping the victims of Hurricane Camille.

When that great tragedy hit Mississippi, West Virginia, and Virginia in mid-August, there were immediate outpourings of sympathy and assistance from every section of our great Nation.

President Nixon, Vice President AGNEW, and other administration officials expressed concern and instantly placed into motion disaster relief authorized under the law.

The leadership of the House, and the other body, offered cooperation in adopting additional legislation to aid a stricken people. You, Mr. Speaker, were especially interested in prompt action.

As usual, the chairman of the Flood Control Subcommittee of the Committee on Public Works, Hon. ROBERT E. JONES of Alabama, quickly reacted to the disaster of Camille. He and members of his subcommittee were in the area shortly after the hurricane. They spent several days on the scene observing and evaluating the great loss of human life, property and natural resources.

The firsthand knowledge acquired by the Jones committee prompted it to stimulate affirmative legislative action. The culmination of these events is reached with the conference report before the House now.

Mr. Speaker, I wish to express the gratitude of the people I am honored to represent to every Member of Congress supporting H.R. 6508.

Mr. COLMER. Mr. Speaker, I wish to record here my deep and sincere appreciation to Speaker MCCORMACK and to the Congress, for the expeditious manner in which this matter has been handled. I particularly want to express my sincere appreciation to Chairman JONES, my good friend and chairman of the Subcommittee on Flood Control of the House Public Works Committee, as well as the members of his committee, for leaving their homes during the congressional vacation and visiting the disaster area in Mississippi. There they had a firsthand opportunity to view the extremity of the disaster caused by Hurricane Camille.

Likewise, Mr. Speaker, I should like to voice not only my appreciation but the appreciation of the people of my congressional district, which bore the brunt of the fury of this destructive storm, to the President of the United States, Mr. Nixon, and the Vice President, Mr. AGNEW, for visiting the storm stricken area and pledging their support for the relief of our people. President Nixon's address to the people of Mississippi at Gulfport was enthusiastically received and his challenge to them to rebuild their devastated area was warmly received.

Mr. Speaker, I believe legislative history was made in the matter of assistance to our people in the expeditious manner in which relief was obtained. As has already been explained, it was thought wise in the interest of time to provide in the so-called California relief bill extra provisions to take care of Camille, as well as making the California disaster provisions also applicable to it.

If the regular normal and orderly procedure had been followed, the urgent assistance needed would possibly not have been received for many months. This is illustrated by the fact that the House passed the California disaster bill some 4 months ago. Subsequently the Senate passed the bill and it has been in conference since then.

I think this was a wise procedure and I was pleased to cooperate with both Senators EASTLAND and STENNIS, who both devoted much effort and time to the consummation of the legislation. Although, there is a question in my mind whether the relief and assistance provided is sufficient to take care of this tragedy insofar as the Federal Government can participate. If it proves to be inadequate, then we will just have to proceed with further and additional legislation. Of course, Mr. Speaker, as in all other legislative matters, the administration is going to be the key to the success of the legislation.

Mr. CRAMER. Mr. Speaker, a few weeks ago, Hurricane Camille came thundering in off the Gulf of Mexico. It struck the coast a devastating blow, causing extensive loss of life and property damage in vast areas of Mississippi, Louisiana, and Alabama. Torrential rains followed in its wake as far north as Virginia where the rampaging James River triggered extensive flooding and further casualties.

Hurricane Camille, I regret to say, is but one of many natural catastrophes which struck the Nation in recent years. Since July 1967 alone, over 51 major disasters have occurred; 32 States suffered heavy casualties and damage in the billions of dollars. Entire communities were laid low, entire families were wiped out.

While there is, as yet, nothing we can do to prevent a hurricane or earthquake from happening, a great deal can be done to prepare for such emergencies when, as, and if, they occur.

Disaster relief falls under three main headings. The first involves the preparation of contingency plans, the stockpiling and placement of materials and equipment and the training of people to handle them. The second involves activating these plans, programs, and procedures during crisis periods in order to provide emergency services for victims of a disaster. This includes coordinating the efforts of Federal, State, and local authorities in rescue and relief operations. The aim is to alleviate the immediate impact of a natural disaster by making food, shelter, health, transportation, and other essential services available to its victims.

Finally, there is the recovery stage, during which devastated areas are rebuilt, rehabilitated and made productive again. Where public facilities have been wrecked, utilities destroyed, the industrial base disrupted, and housing wiped out, the restoration phase can prove a massive undertaking requiring billions of dollars to fund and years to complete.

Until comparatively recently, the role of the National Government in disaster relief was relatively minor. We left the burying of the dead and the picking up and putting together of the pieces pretty much to State and local authorities and to the victims themselves. While Washington has obviously overintruded in many areas, in disaster relief, I regret to say, there is underaction and inaction. But, over the past decade, a change in thinking has occurred. Congress has begun to extend the Federal role and increase the Federal contribution in order that those whose homes and livelihoods have been destroyed may be helped to recover as quickly and expeditiously as possible.

Our approach, until now, has been to treat each disaster individually. While the President was authorized to participate, through the Office of Emergency Planning and other agencies, in immediate rescue and relief operations, getting the devastated area going again and its people back on their feet again was handled retroactively and on a crisis-by-crisis basis. This approach has the advantage of tailoring the relief to the calamity. But it also has many shortcomings, chief among them are:

First, the time lag between the disaster and congressional recognition and relief;

Second, the lack of uniformity in the type of relief extended;

Third, the failure of coordination between the agencies involved;

Fourth, the hit and miss nature of such an approach which recognizes some disasters and ignores others; and

Fifth, last but not least, is the lack of a carefully thought out and administered Federal approach to meeting disasters to insure that benefits are maximized and the impact and duration of the calamity minimized.

As Members of this body know, I represent a district in Florida which among others in Florida is also hurricane prone and conscious. Because of my deep interest and concern, when Camille struck a few weeks ago, I accompanied the Flood Control Subcommittee of the Public Works Committee, of which I am ranking minority member, on an inspection trip of the Virginia and the gulf coast disaster areas. I cannot begin to describe the fury of the storm or the devastation it left in its wake. In Mississippi alone, the zone of destruction was 30 miles long and a half-mile deep. Upon my return to Washington what I had witnessed at first hand moved me to send the following telegram to the President:

> Having just returned from a Public Works Committee inspection trip of the Gulf Coast and Virginia disaster areas, I was shocked by the nature and extent of the devastation caused by Hurricane Camille. The cost in lives was appalling. Estimates of public and private damage exceed $1 billion.
>
> Local, State, and Federal authorities are to be congratulated for the help and assistance they rendered to victims of the storm. But the task of rebuilding has just begun. Clearly, as we did following the Alaska earthquake, Northwest flooding, Hurricane Betsy, and the recent California disaster, Congress will have to provide additional rehabilitation relief to the stricken areas and their suffering people.
>
> In my judgment, Camille's unprecedented magnitude and devastation makes it an appropriate time to consider broad new legislative approaches for coping with national disasters of this sort.
>
> To that end, I respectfully request that your Administration begin an immediate review of existing programs in order that you may recommend to Congress measures for supplementing and expanding them at the earliest possible date.

I know that President Nixon shares my concern for victims of Camille-type disasters and will do all in his power to comply with my request. For us in this body, it is evident that the time has come for a new look at disaster relief legislation. An arsenal of options and approaches for dealing with all types of emergencies must now be considered. In the future, the President must be permanently clothed with authority which will enable him to instantly mobilize the vast resources at his command in order to relieve any area afflicted by a natural disaster and restore it as a functioning social, economic, industrial, and political unit as soon as possible.

The rationale for such an approach is simple: When a disaster hurts any area of the Nation, it hurts the entire Nation and all must share in the task of overcoming its effects.

It was with this idea in mind that conferees of the House and Senate of which I was working with in the House met last week to work out an acceptable compromise on a disaster relief bill, in the House, limited to California. While differences between the House and Senate versions were substantial, a compromise was eventually agreed to permitting us to extend immediate relief to victims of recent national disasters like Camille as well as California, while laying the legislative foundation for framing a comprehensive permanent approach.

Under its provisions the President is authorized to provide —

Temporary dwelling accommodations for displaced individuals and families;

Matching funds for permanent road repairs;

SBA loans for homes and businesses destroyed;

Farm loans for crop damage;

Grants for debris removal on both public and private property;

The equivalent of unemployment insurance for all whose livelihood is destroyed by a disaster;

An enlarged food stamp program for disaster victims; and

Relief for timber growers and purchasers.

Looking to the future, the conference-approved bill authorizes the President to provide assistance to States for developing comprehensive plans and practicable programs for assisting individuals suffering losses as a result of major disasters.

The provisions of this bill, with a few exceptions, will provide an authorization from June 1, 1967, until December 31, 1970. Reauthorization, of course, will be extended in its present form beyond that time and hopefully, in 1970, in an even more effective form after we learn from experiences in the interim.

But it is my hope that the interim period will be used by the Congress for an in-depth study of the entire disaster relief field from flood insurance to debris cleanup; from preventive measures to rehabilitation and renewal. If it is, by the time the present bill expires, permanent legislation outlining the Federal role can be ready for consideration and, hopefully, approval by the Congress.

The time is past when what happens in California, Minnesota, Texas, or Florida can be treated as an isolated event of little or no concern to other sections of the country. Just as we assist permanently depressed areas to become economically self sufficient, we must assist areas temporarily distressed and depressed by a major disaster to become self sufficient again under permanent and predetermined programs and formulas.

It is my fervent hope and belief that Congress will rise to meet this legislative challenge and responsibility. I know that I shall do all in my power to do so.

GENERAL LEAVE TO EXTEND

Mr. DON H. CLAUSEN. Mr. Speaker, it might be appropriate if I were to ask unanimous consent that all Members be permitted 5 days to extend their remarks at this point in the RECORD.

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

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEGISLATION TO BRING EMPLOYEES OF SELECTIVE SERVICE SYSTEM UNDER CLASSIFIED CIVIL SERVICE

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

Mr. FRIEDEL. Mr. Speaker, I am today introducing a bill which would bring employees of the Selective Service System under the classified civil service.

Many of the Selective Service employees are located in cities or counties having Federal employees of other agencies who uniformly come under the provisions of the Classification Act. Although Selective Service employees are Federal employees they have been denied many of the rights and benefits of Federal employees. They are in an anomalous situation. The step to bring them under the provisions of the Classification Act is long overdue. The large proportion of Selective Service employees are underpaid and legislation is necessary not only in justice to the employees concerned but to supply a missing link in the chain of Federal personnel administration. Prior to 1923 every Federal department and agency largely went its own way in pay and other conditions of employment. The Classification Act brought both order and equity out of this chaos. The employees of the Selective Service System are in a similar chaotic situation today as were the other Federal employees prior to the enactment of the Classification Act.

The pioneering work being done by the National Federation of Federal Employees to improve the pay and working conditions of the Selective Service employees has come to my attention and as a result of their efforts some steps have been taken by Selective Service officials to update the pay structure of the employees. However, the need is for action by the Congress to make these employees classified civil service employees.

There is real necessity to bring employees of the Selective Service System under the Classification Act as soon as possible. Although the Selective Service System has become a part of our way of life we cannot foretell the future. Selective Service employees should have the same opportunities as other Federal employees have in connection with transfers, promotions, and other personnel actions under the classified civil service system. Mr. Speaker, I believe that the bill I am introducing is very much in the public and national interest as well as that of the employees directly concerned and therefore should receive prompt and favorable action by the Congress.

PLANS OF SDS TO LAUNCH MASSIVE DEMONSTRATIONS IN CHICAGO, OCTOBER 8 TO 11, 1969

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

Mr. ICHORD. Mr. Speaker, I wish to call to the attention of my colleagues and all our fellow citizens the plans of the Students for a Democratic Society—SDS—to launch massive demonstrations in Chicago in October in the apparent hope of provoking even greater civil disorder and violence than we witnessed at the time of the Democratic National Convention.

A brochure produced by the SDS national office under the heading, "Bring the War Home," has been given mass distribution throughout the Nation. The brochure announced an SDS "National Action" against "war and imperialism" would take place in Chicago from October 8 to 11, 1969.

In the way of background, at the June 1969 SDS National Convention a resolution was passed calling for a massive antiwar demonstration in Chicago in the fall. This action "seeking to involve the most people possible in militant struggle" would be timed to coincide with the trial in that city of eight individuals—Conspiracy 8—charged with conspiracy to foment riot at the time of the 1968 Democratic National Convention. "Demands" to be publicized by the Chicago October demonstrations were:

First. Immediate withdrawal of all U.S. occupation forces in Vietnam.

Second. Support for black liberation.

Third. Free Huey Newton—Black Panther Party official jailed after being convicted of manslaughter in the death of a police officer—and all political prisoners.

Fourth. No more surtax.

Fifth. Independence for Puerto Rico.

Sixth. Solidarity with the Conspiracy 8.

Seventh. Support for GI's rights and GI rebellions.

According to the above-mentioned SDS brochure, the forthcoming Chicago demonstrations are also intended to "express total support" for the National Liberation Front of South Vietnam and the Provisional Revolutionary Government of South Vietnam—both agencies of the Vietnamese Communists.

The brochure invited readers to join SDS and "tens of thousands of people" who would be demonstrating in Chicago. Recalling that 10,000 persons turned out for demonstrations at the time of the Democratic National Convention and "tore up pig city for 5 days," the brochure emphasized that "this fall, people are coming back to Chicago—more powerful, better organized, and more together than we were last August." SDS viewed itself as engaged in the same struggle Vietnamese Communists are engaged in against "the same enemy" and "in that sense the Chicago demonstrations represented an SDS effort to 'establish another front against imperialism right here in America—to bring the war home'." This alleged war of liberation from imperialism is "a war in which we must fight," and not simply "resist," the brochure declared. The battlegrounds in the United States would be found "in black communities throughout the country. On college campuses. And in the high schools, in the shops and on the streets."

According to SDS official publication, New Left Notes, SDS plans call for 4 days of activity beginning with a rally on October 8 in the memory of Che Guevara and Nguyen Van Troi who, in their words, was a "Vietnamese hero murdered by the United States on October 15, 1964, for attempting to kill—U.S. Defense Secretary—McNamara." Two days, October 9 and 10, are set aside for an attack on the schools and the courts, and the final day, October 11, for a massive march. The actions planned around the schools calls

for SDS members to descend on certain Chicago high schools, break in and race around the halls yelling "jailbreak." This is intended to inspire the high school students to rise up and join the SDS members in the streets. In the action planned around the courts, SDS members plan to stop the trial of the eight individuals indicted in last year's Chicago demonstrations.

The tactic which SDS proposes for Chicago in October has been frankly labeled by that organization as the "tactic of mass confrontation." SDS leaders have declared that "one of the most important reasons" for the action is the need to build a revolutionary youth movement. The leaders feel that this can only be done through an aggressive presentation of SDS politics since revolutionaries are "created in struggle and not through protest or persuasion." It is the opinion of SDS leaders that the 1968 Chicago demonstrations did more damage to this Nation's ruling class, helped build a revolutionary movement in this country and aided the Vietnamese Communists in a more concrete and significant way than any mass peaceful gathering this country has ever seen.

Latest reports are that 15 SDS members were working full time in Chicago toward "building up the troops" for the October demonstration. SDS members throughout the country have been urged to bring literature and "actions" relating to the Chicago demonstrations into the high schools and colleges, to beaches, parks, and drive-ins, and into factories and spots frequented by GI's. Youths have been encouraged to travel to Chicago in groups rather than as individuals.

There is a great deal of internal bickering within the SDS as to the character of the October demonstrations, and there is some indication that the SDS will not receive the full support of other revolutionary groups.

I am sure everyone recalls the tactic of violence and disruption erupted in a manner to shock the Nation and the world at the Democratic National Convention held in Chicago in August 1968. Violence has become one of the most serious domestic problems confronting the United States. As chairman of the House Committee on Internal Security which has been holding hearings on the involvement of SDS in revolutionary violence, I am exceedingly concerned that the concept of violence has become an integral part of the philosophy of SDS.

In my opinion, the authorities in the great city of Chicago should promptly and firmly announce to those intending to participate in the SDS sponsored October demonstrations, that lawlessness, disruption of schools and courts, and incitement to rioting and violence will not be tolerated. It should be made clear to the SDS, its members, adherents, and followers that intimidation and disruption as well as attempted or actual destruction, assaults, rioting, burning, plundering or other crimes in the city of Chicago will be promptly met wtih arrest and such force as may be necessary to prevent or to quell such acts.

All American citizens have the right to peacefully petition Government officials for the redress of grievances. Such petitions when properly presented should be heard and considered. But no organization should be permitted to employ intimidation, unlawful coercion, or violence to impose its will or to achieve its aims. If permitted, the rights of other citizens are violated. If permitted, the government has defaulted in its obligation to insure domestic tranquility, and our society will suffer irreparable harm.

WORDS WITHOUT DEEDS

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

Mr. HICKS. Mr. Speaker, Washington Post financial editor, Hobart Rowen writes:

> Achieving the worst of both worlds—higher unemployment and continued inflation—is a difficult trick, last accomplished by President Eisenhower. It would be unfortunate if President Nixon . . . lets it happen again.

Nevertheless, a growing number of national publications have expressed fears that if the Nixon administration continues to pursue a tough monetary policy without intrevening in the present wage-price spiral, it will finally succeed in provoking a general recession without ending inflation.

From its first days in office the Nixon administration has been saying that it regards the control of inflation as the No. 1 economic problem of the country. Yet, the rate of increase in the cost of living for the first 8 months of the new administration is nearly double that of last year. Although the facts, as adduced by his own staff, seem to contradict the President, he continues to maintain that the current monetary squeeze is preferable to either selective credit controls or wage-price guidelines.

For all practical purposes, the only visible impact of the money squeeze has been on homebuilding, where construction starts have dropped 30 percent since the beginning of the year. Recently published studies by two highly regarded economic consulting firms, the Lionel Edie Co. and the Boston-Rinfret Co., indicate that not only is the rest of the economy generally unaffected, but that there is a very good reason to believe that the business investment boom—which tight money is intended to short circuit—will accelerate sharply in coming months. Pierre Rinfret, a close economic adviser to President Nixon during the 1968 campaign, concludes that the administration's monetary policy has been "notoriously unsuccessful in slowing down the economy."

So far as housing goes, however, the word is "recession" with forecasts that things are bound to get worse before they get better. In August, I attended an executive board meeting of the Home Builders Association of Greater Tacoma, Wash., where I was informed that many homebuilders in the Sixth Congressional District are finding it near impossible to obtain future financing and thus cutting back on actual construction. Perhaps even more important is that many local contractors are being forced to lay off large numbers of employees.

I find these comments to be very important because they illustrate a serious situation which exists in countless communities across our Nation. Michael Sumichrast, economist for the National Association of Home Builders, predicts that the annual rate of housing starts will drop below 1 million by the end of the year. It had been nearly 1.9 million at the beginning of 1969 and with Congress calling for a housing goal of 2.6 million new units a year for the next 10 years.

Just this past week, Federal Reserve Board Governor J. Dewey Daane revealed the first results of a long-term official study on the impact of monetary policy—and they confirm the fact that housing gets hit first and hardest by tight money. Consequently, as far as the housing industry is concerned, the Nixon administration is already following a policy of "selective credit controls," except that they alone have been selected by the administration for control.

This past July 30, in the midst of towering inflation, United States Steel hiked its price 4.8 percent. Nothing but silence from the White House. The ground employees of Pan American World Airways just landed a 3-year, 37½-percent wage increase. No comment from the White House.

In the past, the White House has taken a keen interest in such matters. We recall that President Kennedy's tough response to United States Steel's $6-a-ton, across-the-board increase was responsible for the big steel firm rescinding the boost. And President Johnson's tough policy of "jawboning" labor and industry won wide praise for helping keep the lid on the wage-price inflationary spiral. But, apparently the Nixon administration believes it is wrong to intervene when a corporation boosts prices excessively or when a union counters with a similar wage demand. As one economist put it, "President Nixon's silence seems a tacit signal to corporations and unions, the lid is off."

Certainly, within our free-enterprise system few people want to see Government-imposed wage and price controls. However, many knowledgeable observers believe that unless the administration soon changes tactics in its presently unsuccessful battle against inflation, controls may become unavoidable. The January 1969 annual report of the outgoing Council of Economic Advisers endorsed the need for wage-price guideposts, arrived at in consultation with management and labor, and for an executive department agency to focus public opinion upon wage-price behavior which threatens our economic stability.

The President must act now to establish such wage-price guidelines in order to give the economy a hand-hold on further inflation. This action could well provide the economy with the necessary

antidote to inflation, while reducing the possibility of future Government controls.

THE PRESIDENT SHOULD REQUIRE THE FEDERAL RESERVE TO SUPPORT THE GOVERNMENT BOND MARKET

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

Mr. PATMAN. Mr. Speaker, where is the Federal Reserve System? That is the question that everyone is asking in the wake of news reports that the Treasury Department will be paying 8-percent interest on nearly $9 billion worth of borrowings.

Mr. Speaker, it is obvious that the Federal Reserve has run out on the American people and is not supporting the Government bond market. It has abandoned its responsibility in a disgraceful manner.

The 8-percent interest rate is the highest on Government borrowings since 1859. This is money out of the pockets of every taxpayer. It is an unnecessary gouging of the people. It could be prevented if the Federal Reserve would move to support the Government bond market and drive the interest rates down. The President has a responsibility in this area and should personally and officially act now.

Mr. Speaker, the President of the United States and his Secretary of the Treasury should demand today that the Federal Reserve fulfill its monetary role. The President should go to the mat with the Federal Reserve before the day is out.

We are now reaping the results of months of delay and drift and apathy on monetary policy. It is the height of irresponsibility for the President, the Federal Reserve, the Treasury Department, and the Congress to allow Government securities—backed by the Nation's full faith and credit—to be sold at 8-percent interest rates.

The President cannot dodge the issue. It is the President's duty under the U.S. Constitution to enforce the laws passed by Congress—not the Federal Reserve.

Mr. Speaker, I place in the RECORD a copy of a news story from the Wall Street Journal detailing the plans of the Treasury Department to market securities at 8 percent:

[From the Wall Street Journal, Sept. 18, 1969]

TREASURY OFFERS INTEREST UP TO 8 PERCENT ON NOTES IN $8.9 BILLION REFINANCING—OFFICIALS ALSO SAY MORE CASH MAY BE NEEDED TO COVER SPENDING SURGE, TAX LAG

WASHINGTON.—The Treasury offered interest rates ranging up to 8% on three new issues of notes in exchange for $8.9 billion of securities maturing in the next few months.

Officials also said the Treasury soon may have to borrow more new cash than anticipated because of a smaller than projected gain in corporate taxes and an unexpected surge in Federal spending.

The 8% interest rate on the new notes is the highest on a comparable Treasury security since 1859, when rates ranged up to 12% on some issues, the Treasury Under Secretary for Monetary Affairs, Paul A. Volcker, said. The 7.75% coupon on 18-month notes issued Aug. 15 previously had ranked as the highest since that pre-Civil War peak.

The Treasury offered a choice of these new issues, all to be dated Oct. 1:

A 19½-month note carrying an 8% coupon at par, to mature May 15, 1971.

A three-year-17½-month note carrying a 7¾% coupon at par, to mature May 15, 1973.

A six-year-10½-month note carrying a 7½% coupon at a discount price of 99.50 to yield 7.59% maturing Aug. 15, 1976.

NO CASH SUBSCRIPTIONS

No cash subsciptions will be accepted, the Treasury emphasized, as the new notes will be issued only in exchange for any of these older securities:

$6.4 billion of 4% bonds issued in 1957 and maturing Oct. 1.

$159 million of 1½% notes dating from 1951, also maturing Oct. 1.

$2.48 billion of 2½% bonds issued in 1943 and coming due Dec. 15.

Subscription books will be open at the Treasury and all Federal Reserve Banks and branches on Monday through Wednesday next week, the department said, with subscriptions mailed before midnight Sept. 24 being considered timely. Oct. 1 was set as payment and delivery date.

Of the total maturing issues, $7.6 billion are in private hands and $1.28 billion are held by Federal Reserve Banks and other Governmnet investment accounts. Private investors, the Treasury said, hold all of the 1½% notes, $5.48 billion of the 4% bonds and $1.97 billion of the 2½% bonds.

INTEREST DATE

Interest on the new 8% notes will be payable on May 15 and Nov. 15, 1970, and on May 15, 1971. Interest on the 7¾% notes will be payable on each May 15 and Nov. 15 until maturity, and interest on the 7½% notes will be payable on Feb. 15 and Aug. 15 until maturity. Various adjustments will be made for par value and issue price differentials.

While the new notes will be available—as usual—in denominations as small as $1,000, Mr. Volcker expressed doubt that they would lure large amounts of deposits from savings and loan associations, which generally are restricted to paying 4¾% on passbook accounts. The fees involved in purchasing small blocks of eligible maturing issues would cut into the yield, he said, observing also the relatively long maturities on the three new issues.

It is at least a possibility, Mr. Volcker said, that the Treasury will end up with net borrowing "somewhat" more than the $8 billion previously estimated during this second half of calendar 1969. There is "more than usual uncertainty," he said, because the Treasury's cash balance has been undergoing unusual "gyrations" lately. Early in the month, he said, farm price-support payments proved "much larger" than planned, and a number of other budget outlays were also bigger than expected.

While expressing hope that these were only temporary bulges that will be offset by reduced outlays later, Mr. Volcker said it appears that net new issues of marketable securities will have to be between $2.8 billion and $3.8 billion before year-end. Logic indicates, he said, that much or even all of the financing should be in short-term "tax-anticipation bills," which may be use in lieu of cash to make income-tax payments during the first half of 1970.

Tight conditions may well cause "attrition" of more than the normal 10% in the current refunding, Mr. Volcker said, so that the Treasury would have to do extra borrowing to cover those maturing securities that holders turn in for cash instead of for new securities. So the gross new market financing before year-end, he said, will likely be at least $5 billion. Against the previously estimated $8 billion net financing, Mr. Volcker said, the Treasury has already accomplished $5.2 billion.

The department will "certainly" turn to the market for new cash in the second part of October, he said, but how much will be sought then and how much in November or "even later" remains to be determined.

Wall Street dealers in Treasury securities appeared unanimous in describing the exchange terms as "surprisingly generous." Nevertheless, they also agreed, available investment funds are at such a low ebb currently that a larger-than-usual "attrition" on the offering is indicated.

"Plenty of investors are so strapped for cash that they probably couldn't swap for securities even at a 15% yield," one specialist remarked. In the past, Treasury officials have called a refinancing operation successful when 10% or less of the maturing issues were exchanged for cash.

Market professionals guessed there might be a very heavy demand for the longest maturity of the three new 7½% notes, which they said had been priced particularly attractive by the Treasury in an attempt to "stretch" the average life of the Government's debt. The actual yield of 7.59% on these notes was far more liberal than anticipated; beforehand, the industry had widely predicted a fresh seven-year note to return "more than 7.40% though certainly less than 7.50%."

This elation over the 7.59% yield was, however, heavily tempered by a suspicion among at least some dealers that the lofty return possibly carried significant implications in regard to the Government's anti-inflation credit policies. Federal monetary authorities may well have designed the lucrative terms to ensure that additional funds will be drained from the private sector, several specialists reasoned.

"The 7.59% yield likely will attract a lot of money away from the various savings institutions, and thereby cause a further slump in the housing industry and other mortgage areas," one specialist asserted. "Both the Treasury and the Federal Reserve System are well aware of this, and it may be their way of saying they plan to keep up tight-credit pressure until the inflationary psychology is whipped," he added.

Another dealer observed: "Some people have interpreted recent banking statistics to mean the Federal Reserve was beginning to switch toward an easier-money stance, but the terms on these new notes certainly seem to dispel that conclusion. If anything, one might guess the Federal Reserve is determined to slow business activity regardless of who gets hurt."

Separately, the Treasury made its routine monthly offer of $1 billion one-year bills and $500 million nine-month bills to replace a like amount maturing Sept. 30, setting 1:30 p.m. EDT next Tuesday as deadline for tenders.

The likelihood of a slowdown in the rise in corporate profits, the Budget Bureau said separately yesterday, is a key cause of its reducing an earlier estimate of Treasury tax collections. While reiterating President Nixon's intention to keep Federal spending within a $192.9 billion limit, the bureau said it appears that revenues will be $198.8 billion in the fiscal year ending June 30, or $400 million less than projected last May 20. On this basis, the budget surplus woud be $5.9 billion, rather than the $6.3 billion targeted previously.

TWO BASES FOR ESTIMATES

On the "national income" basis, which excludes changes in inventory values, the bureau estimated that pretax corporate profits in calendar year 1969 will be a record $94.5 billion, or $6.6 billion more than the high of $87.9 billion reached in 1968. But in May, the bureau had estimated a $7.9 billion profits climb to $97 billion, from a 1968 total that then was believed to be $89.1 billion. Last year, profits by this measure increased by a more rapid $8.7 billion. On the more commonly cited Commerce Department basis, the corporate profits total in 1968 was $91.1 billion before taxes and $49.8 billion after taxes.

The Administration is estimating gross national product for 1969 at a record $932 billion, the bureau said, an increase of $66.3 billion from last year's $865.7 billion. GNP measures both Government and private output of goods and services. The figures for this year and last both were revised upward by about $5 billion, so there hasn't been any appreciable change in the Administration's assessment of the pace of overall economic activity since its May review.

Personal income, however, is slated to rise by $57.1 billion to $745 billion this year, the bureau report showed, a more marked advance than the $53.2 billion previously projected.

Estimates of tax receipts for the fiscal year also were pared, the Budget Bureau's "summer review" said, because of "recent experience with collections" and delay in Congressional enactment of the perennially unsuccessful request for new "user charges."

About $4 billion of the estimated revenue total, the bureau noted, hinges on Congress extending the 10% income-tax surcharge at a 5% rate starting Jan. 1, extending excise taxes and repealing the 7% tax credit for business investment in equipment.

Spending plans of individual departments still are highly tenative, the bureau stressed, because Congress has yet to complete work on any of the regular appropriations bills for the fiscal year that's already almost one-fourth over. But, mainly because interest costs on the national debt keep rising, the bureau noted the Treasury, itself, is expected to spend $18.44 billion, or $885 million more than estimated in mid-April.

TRIBUTE TO DREW PEARSON

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

Mr. EDWARDS of California. Mr. Speaker, the voice of my friend Drew Pearson, has been stilled by death. It was a voice which was sometimes harsh with Members of this House and the institution of Congress. In fact four Members of Congress went to jail because of that voice. It may seem strange for a Congressman to praise such a voice and to mourn its silence, but I, for one, believe truth is more important than comfort, and exposure of that which is wrongdoing. Drew Pearson was not silent, and as gentle as he was in private life, he was equally as determined in his public role to expose those who had failed in their public duty.

The title of his voice was "muckraker," and Drew Pearson gloried in that title and role. And for 40 years, he played it well to the good of the Nation. His job was not to comfort the comfortable, but "to afflict the comfortable and comfort the afflicted." There is no need to defend such a role, nor to defend Drew Pearson. His works and words speak for themselves, and where they may have been faulty, that too speaks for itself. And the public Pearson followed the Quaker dictates of the private Pearson in never being afraid to admit mistakes, or fault. There is, however a necessity to remind ourselves and the journalistic profession of the need for men to play the Pearson role, uncomfortable and difficult as that may be. Jack Anderson, Drew's talented associate, will ably continue his column with, I hope, equal or even greater success. Yet, there is a need for more.

Drew Pearson made clear the need for the press to continue and enlarge its historic role of exposing public wrong doing, no matter who or what is involved. On occasions both the press and the electronic media seem to have forgotten why a free press is guaranteed in the Constitution and instead they have concentrated on profits. Drew Pearson through his columns and his radio and TV shows demonstrated the vital need of a free press as a check on the powers of government and the powers of the privileged.

The role Drew Pearson played was a harsh one, one which stung men and institutions to the quick. However, he was a far different man in private than he was in public and I would like to pay tribute to the warm and gracious man, who was hidden behind the public mask. I knew him as a friend and as a gracious human being, as well as the public man who would criticize if he felt it necessary.

Both the public and the private Drew Pearson will be missed. For many years he served as the conscience of America, and it is a tribute to him that a new breed of reporters has grown up to follow in his tradition. We will not have another Drew Pearson, but his works both public and private will live on as a lasting monument to the complex and vital man he was.

Memorial services for Drew Pearson were held at the National Cathedral in Washington, D.C., on September 4. In the Quaker tradition friends of Drew spoke informally and movingly of him, his family and his works, as follows:

Jack Anderson; Mayor Walter Washington of Washington, D.C.; the Honorable Wayne L. Morse; and Tylor Abell.

Comments by Jack Anderson follow:

There are no words that, in two minutes, can capture the past 22 years, no words that can describe my deep feelings for Drew Pearson. To me, he was a giant, a man of courage and conviction, yet never without compassion. He who believes is strong; he who doubts is weak. Drew had the strong convictions that made him a master of those who were weak and wavering. I searched the scriptures for the right words to say here this morning. I finally selected these words from Edwin Markham:

God Give Us Men! A Time Like This Demands
Strong Minds, Great Hearts, True Faith and Ready Hands;
Men Whom the Spoils of Office Cannot Buy;
Men Who Possess Opinions and a Will;
Men Who Have Honor; Men Who Will Not Lie;
Men Who can Stand Before a Demagogue
And Damn His Treacherous Flatteries Without Winking;
Tall Men, Sun-Crowned, Who Live Above the Fog
In Public Duty and in Private Thinking.

Such a man was Drew Pearson.

Comments by Mayor Walter Washington:

I direct your attention to the 23rd Psalm—

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: For thou art with me; thy rod and thy staff they comfort me.

It was my great privilege to have labored in the vineyard with this great humanitarian. In his lifetime, Drew Pearson led many young people out of the shadows and into the sunlight, out of fear toward courage, away from evil into happy useful lives. As the moving spirit of the Big Brothers movement he had a miraculous gift for communicating the force of his own dreams to others to the end that countless little brothers were helped by bigger brothers to surmount the obstacles in their path toward adulthood.

His deep belief in his fellowmen gave strength to all who worked with him to alleviate social ills and to improve the quality of life of the downtrodden. He believed and helped others to believe in freedom, equality, justice and opportunity for all.

The citizens of the Nation's Capital—the capital of the free world as he described it—now humbly pray that he be granted peace everlasting and that the blessings of the Lord rest upon his family.

Comments by the Honorable Wayne L. Morse:

FRIENDS: We gather at this memorial service, as free men and women, to express our reverent appreciation for the life of Drew Pearson. It was a life which, in keeping with his Quaker background, was dedicated to the service of mankind according to the dictates of his conscience. He was more than a Journalist; he was a humanitarian; he was a citizen-statesman.

Born to Quaker parents in Evanston, Illinois, on December 13, 1897, Andrew Russell Pearson lived most of his boyhood in Swarthmore, Pennsylvania, where his father was Professor of Speech. After his graduation, in 1919, from Swarthmore College, having been an editor of the college newspaper and wearing a Phi Beta Kappa key, Drew Pearson walked forth into the world with his conscience as his guide. He volunteered for two years of service in Serbia to supervise the American Friends Service Committee postwar relief program in Balkan villages.

Often, over the years of my friendship with him, I heard Drew discuss the influence of his work for the American Friends Service Committee upon some of his later views on foreign policy. It brought him into a close and affectionate understanding of the Slavic people. They expressed some of their appreciation of his dedication to helping others help themselves in recovering from the ravages of war by naming a Serbian town, Pearsonovitch, in his honor.

It was the Americans Friends Service Committee that was the forerunner of the Peace Corps of which Drew was a staunch supporter. In fact, some of the advisors who helped to set up the Peace Corps were selected from the American Friends Service Committee with which Drew continued to maintain a close association, in support of all its work.

To fully appreciate this great American's public service we should never forget that he was a Humanist. Influenced early in his life by spiritual teachings that, although there is much about immortality that we do not know, there is a very real immortality of influence resulting from practicing spiritual values in person-to-person relationships.

Drew Pearson applied his spiritual beliefs. He was one of the organizers and a long-time president of the Washington D.C. chapter of Big Brothers, devoted to combating juvenile delinquency. The Big Brother concept of One-Man-One-Boy relationship, as a means of graduating potential delinquent boys into responsible citizenship, is one of Drew's legacies to our youth.

Drew Pearson liked young people. He had faith in them. He helped them in many, many ways about which the general public knew very little. Sometimes we were privileged to look into the mirror reflecting his love and understanding of children when one of his columns took the form of a letter to his grandchildren. Those letters also portrayed the gentle, human qualities of this great man.

For a number of years, he made an annual practice of taking troupes of professional entertainers, including the popular Harlem Globetrotters, to visit American overseas bases at Christmas time.

In 1952, he organized a committee called "Americans Against Bombs of Bigotry" to combat the bombing of schools and places of worship that had resulted from racial and religious intolerance. Drew Pearson was largely responsible for raising the money to rebuild the Clinton, Tennessee, schoolhouse. In 1953, he organized the "Americans Conscience Fund" to assist victims of racial bigotry. These are among the legacies of his humanitarianism.

In public affairs and politics, Drew Pearson's brilliance, courage, and devotion to our system of constitutional self-government inspired millions of Americans throughout his great career. His acts of courage were countless.

When the Ku Klux Klan was in the heyday of its post-war revival, Drew waged a powerful radio campaign against it, climaxed by his famous broadcast from the State Capitol in Atlanta, Georgia. It was in that speech, on July 21, 1946, that he answered the dare from the Klan to come to Georgia.

His innumerable clashes with dishonest and corrupt officials at all levels of government demonstrated a courage rooted in sincerity, conscience, and conviction. The record of his service to his generation and all to follow is a significant part of this period of American history.

He recognized the truth of Jefferson's comment that a Democracy can be no stronger than the enlightenment of its people. He deplored the growing trend toward government by secrecy and executive supremacy in our nation. His muckraking of the concealment of facts from the American people by departments of the executive branch—frequently including the White House itself—produced some of his most penetrating columns. The concealment by members of Congress of their conflict-of-interest, financial manipulations made him a crusader for years in support of effective and meaningful public-disclosure legislation which would give the people the facts about the sources and amounts of income not only of all members of Congress, but members of the Judiciary and Executive branches in the higher-pay brackets.

It is frequently said that Drew Pearson helped keep many public officials honest. He did. Most public officials are honest, and Drew often said so in his columns. Unfortunately, there is a small minority that yields to temptation now and then. Another group might become wayward if it were not for the possibility that, should they leave the straight and narrow, they might read about it in the column of Pearson and Anderson.

His contributions to the foreign affairs of our nation put us forever in his debt. In 1947, Drew Pearson helped symbolize the need for free nations to join in feeding a weakened Europe, by staging the Friendship Train. The Christian Science Monitor called it "one of the greatest projects ever born of American journalism".

He donated thousands of dollars of his own money, endless time and energy, to get the train rolling across the United States. Seven hundred carloads of food and other supplies, worth 40 million dollars, were collected by patriotic Americans and sent to France and Italy to promote the cause of friendship.

Democratic leaders of France and Italy stated that this meaningful, symbolic gesture in support of friendship helped in their contest with Communism. You will remember that, in 1949, they sent the "Merci Train" of 40-and-8 cars, and an Italian car of gifts, chiefly of valuable paintings, to our country. Drew Pearson was selected by them to take charge of the distribution of the gifts to cultural centers in the United States.

In 1951, he helped launch the Freedom Balloon campaign, operated by the Crusade for Freedom, which reached behind the Iron Curtain with air-borne messages of liberty and encouragement. He also organized the Democracy Letters to Italy in the election of 1948 which was credited with helping defeat Communism in Italy in that election. In 1953, he proposed the "Food for East Germany" program which was supported by the Eisenhower Administration.

These activities of Drew Pearson in foreign policy, I mention to emphasize that we pay tribute at this memorial service to a great American who was dedicated to the cause of peace. Many of his columns, speeches, and radio programs warned of the danger that war only produces more war when nations, for whatever reasons, engage in unilateral, military interventions, and when they escalate armament races—particularly nuclear weapons of world destruction.

He argued that our defense guard must not be let down, but that multilateral negotiations under the aegis of international tribunals offer mankind a greater hope for world peace than resorting to the law of military might. Firm in this belief, Drew Pearson served his country as a Journalistic Statesman, traveling throughout the world, talking to high government officials, urging the escalation of diplomatic intercourse in the interest of peace-making rather than military containment productive of war-making.

He was welcome in many Latin-American countries and greatly helped to improve relations between the United States and Latin American countries. He was an effective supporter of economic, educational, health, and cultural aid to Latin-America and a critic, rightly so, of military aid in large amounts. Military juntas and dictatorships of one brand or another received the lancing cuts of his sharp criticism. He particularly deplored the growing influence of the American military in Latin-America in co-operation with military juntas and dictatorships.

In 1959, he attended the Atlantic Conference in London as a delegate and was a member of the President's Food for Peace Committee in 1961.

One of his greatest services to our country, in his capacity as a private citizen, was his trip to Moscow in 1961. He spent two days with Chairman Khrushchev at his summer home on the Black Sea discussing United States-Soviet problems. He wrote a series of columns on his talks with the Russian leaders, which received worldwide attention.

At this memorial service we pay tribute to the legacy of national and world statesmanship that he has bequeathed to us. We thank him for his courage and dedication to the dictates of his conscience. We honor him for putting into practice the principle that in a Democracy there is no substitute for the full, public disclosure of the public's business. In keeping faith with that principle, his conscience directed him to follow the facts as he honestly believed them to be. Whenever he found that he had been misinformed or had committed an error in judgment he again followed the dictates of his conscience and sought to ameliorate the wrong caused by his mistake.

Drew Pearson's escape from typewriter, editors, politicians, conferences, interviewers, and telephones was his farm in Maryland overlooking the Potomac River. There he could become completely absorbed in his farm hobby. He called it that, but it was, in fact, a substantial operation. Nevertheless, it provided him with the diversion, relaxation, and exercise he said he needed, and the opportunity to indulge his appreciation of fine animals and his love of nature.

He was a remarkably good farm manager. He was a good judge of cattle and horses, and a very keen David Harum trader. I frequently thought there was nothing he enjoyed more than to negotiate a profitable David Harum trade on livestock, machinery, or hay, particularly if I was on the short end of the trade. Some of my most enriching conversations with him were when we tramped over each other's farms and shared views on whatever came to mind.

He never took himself too seriously, and his roguish sense of humor was a source of delight to all who knew him well. A most prized possession of any who received one was a gift-enclosure card attached to a package of his own brand of frozen pheasant, the card showing Drew sighting a flying pheasant, with all the feathers falling off and only the carcass frozen in mid-air with the caption, "You got the bird".

One of the great sources of strength that helped sustain him over the years has been his beloved and loyal family. His lovely wife, Luvie, has been his intellectual counterpart, courageously standing beside him as he has faced difficulties, sharing with him their mutual successes. Their children and grandchildren have filled their home with much happiness and gratification. Drew's two sisters also have shared a close relationship with him and his family. To all of his loved ones, we, gathered here, extend our deep sympathy and share in their sense of loss.

He seemed so indestructible, as though he would go on forever slashing away at wrongdoing. It is difficult to imagine the American scene without him. We shall always remember him as one of the great citizen-statesmen of our generation whose brilliant record of accomplishments has strengthened us all as well as the history of our nation.

Comments by Tyler Abell:

"In the beginning God created the heaven and the earth.

"And the earth was without form and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

"And God said, Let there be light: and there was light.

"And God saw the light, that it was good: and God divided the light from the darkness."

I was with Drew at the end, but the end was the beginning. Drew lived—and lives—in the future. He never thought about how bad things were or how sad a situation was; he

pushed his thoughts to what should be done and how the world could be better.

His body quit him when its time was up. He didn't die because his heart quit; his body simply couldn't slow his spirit down any longer.

The ashes of his body will be left where things grow, on his beloved farm, where there is a spring every year, the cows calve and the beans are ripe for picking in September.

He spent his last days on the farm he loved, and his spirit was so strong even his doctors didn't realize how weak his body was. He didn't complain about being sick; he talked about getting well. He talked about helping people. He talked about mistakes being made in government. He didn't want to know why he was sick; he wanted to know how to get well . . . how to make the world well.

We didn't know it was the last morning for his eyes to enjoy the beautiful view of the Potomac from the terrace of his home, but it couldn't have been a more beautiful morning. The sun was warm; the sky was clear; the river was full; the trees and grass as green as we had ever seen.

He sat on the terrace and read the newspaper. Intermittently we talked of a column he planned to write. He hoped, he said, that in a day or two he could start taking some of the burden off Jack.

After a time, he decided that before it got too hot, he would like to have a drive around the farm—as he had done the previous day.

He walked to the car, and I drove him first to the dairy barn, where the silo was being filled—from which the cows would feed while they gave milk through the winter.

Then we went to the bean field where we had stopped the day before and where a few pickers were already in the fields. Melvin, who had driven with us, got out to explain that the beans wouldn't be ready until next week.

Drew said he thought he'd better go back. He didn't complain; he just said he needed to lie down. A few minutes later he was back in bed, and only then did I realize that his body was having far more trouble than his spirit would admit.

The breathing was heavy; we gave him oxygen and made him comfortable. Mother called the doctor, but Drew was asleep when the ambulance came.

Just when his spirit left his body behind, no one will ever know exactly, but leave, it did. The body which had served so well for so many years could no longer keep up.

The spirit of Drew Pearson continues free in the land, as it has for so long, a free spirit seeking freedom for all.

Mr. Speaker, I also include here editorials and other material from leading newspapers concerning Drew Pearson:

WATCHDOG OF VIRTUE

(By Alden Whitman)

Few of the 50 million daily readers of "Washington Merry-Go-Round" were noncommital about its principal author, Drew Pearson. Some considered him a talented practitioner of one of the loftiest forms of journalism—scourging the venal and corrupt in public life. Others abominated him as a skilled exponent of one of the basest forms of journalism—assassinating the character of selfless public servants through falsehood and distortion.

Either way, Mr. Pearson was one of the country's most influential political columnists for more than 35 years. "Nobody comes even close to competing with the Pearson product, which is a unique blend of carnival pitch, news, synthetic philosophy and rumor," Robert G. Sherrill, another Washington writer, said earlier this year.

One reason for Mr. Pearson's stature, even among his colleagues, was that he had excellent sources of information in the Government. Another reason was that he was fearless although he was also opinionated and self-assured. A third reason was that he compiled an impressive record of exposing wrongdoing (although he was often faulted for his inaccuracies).

Disclosures in Mr. Pearson's column led, in 1967, to Senate censure of Thomas J. Dodd, Democrat of Connecticut, for conduct "contrary to accepted morals" that tended to bring the Senate into disrepute. Mr. Dodd, a Senate committee found, had diverted to his own use at least $116,083 from testimonial dinners and campaign contributions. Other disclosures concerned Representative Adam Clayton Powell, Democrat of Manhattan, who was ousted from the House of Representatives for financial misdeeds.

WIDE RANGE OF DIGGING

In addition, according to William L. Rivers's "The Opinion-makers." Mr. Pearson's persistent muckrakings "have sent four members of Congress to jail, defeated countless others and caused the dismissal of scores of Government officials." "His digging," the book continued, "covers a wide range—from evidence that Congressman Andrew May of Kentucky took a bribe to evidence that a State Department official leaked documents to the Senate." To whatever malefactor or misfeasance he addressed himself, the columnist exhibited a zeal quite at variance with his mildness of manner and softness of speech.

Mr. Pearson had a lot of fun as a watchdog of virtue, but he was also a serious reformer. "My chief motive," he told The Nation last July, "is to try to make the Government a little cleaner, a little more efficient, and I would say also, in foreign affairs, to try to work for peace." His approach to politics, though, was personal.

"I've always tried to emphasize the personal side of Washington," he said. "I think it's helped make my broader points about clean government more effective, and it doesn't put people to sleep as fast as some of my thumb-sucking colleagues do."

Mr. Pearson made some notable enemies. One of them was Senator Robert F. Kennedy, who was annoyed when the "Merry-Go-Round" charged that he, as Attorney General, had authorized electronic surveillance of the Rev. Dr. Martin Luther King Jr.'s telephones. J. Edgar Hoover, director of the Federal Bureau of Investigation, was another target who did not relish Mr. Pearson's attentions.

Indeed, the columnist took on all comers. Senator George A. Smathers, Democrat of Florida, was not far from the mark several years ago when he said that he joined "two Presidents [Franklin D. Roosevelt and Harry S. Truman], 27 Senators and 83 Congressmen in describing Drew Pearson as an unmitigated liar."

ENEMIES ON CAPITOL HILL

For his part, the columnist once said proudly, "I suppose I've got more enemies per square inch on Capitol Hill than any place else in the world."

Actually, Mr. Roosevelt called him "a chronic liar" after Mr. Pearson had said Secretary of State Cordell Hull hoped World War II would bleed the Soviet Union white. Mr. Truman's epithet was "S.O.B." for his criticism of Maj. Gen. Harry S. Vaughan, a White House military aide. In addition, Mr. Truman declined to invite him to the White House perhaps less for what he said about General Vaughan than for a column the President thought critical of his wife.

The most eloquent diatribes against Mr. Pearson probably came from Senator Kenneth McKellar of Tennessee and Eleanor (Cissy) Patterson, publisher of The Washington Times-Herald and once Mr. Pearson's mother-in-law.

The Democratic Senator, after Mr. Pearson had accused him of attacking another Senator with a pocketknife, excoriated the columnist for an hour as "an ignorant liar, a pusillanimous liar, a peewee liar" and "a revolving, constitutional, unmitigated, infamous liar."

Mrs. Patterson, in the fury that followed Mr. Pearson's decision to switch his column to The Washington Post, denounced him in a full-page editorial as, among other things, "one of the weirdest specimens of humanity since Nemo, the Turtle Boy" and "the Quaker Oat [an allusion to his religion] who became a sour mash in Washington."

ASSAULTED BY LOBBYIST

Not only invective but violence was aroused by Mr. Pearson. Once he was assaulted by a lobbyist for Generalissimo Francisco Franco, the Spanish dictator. Another time Senator Joseph R. McCarthy, the Wisconsin Republican, "sidled up to me [in Washington's Sulgrave Club], pinned my arms to my sides and proceeded to use his knee in the accepted manner of the waterfront."

Beyond such attacks, the columnist was sued "maybe 50 times," mostly without success (the losers included Senator Dodd), and he, in turn, sued (and lost) a number of times. One of the largest suits against the columnist, for $1.75 million, was filed by General of the Army Douglas MacArthur, who was accused of lobbying for his own promotion. The 1934 suit was dropped.

In at least two instances the columnist went out of his way to affect an election outcome. Once was in the late 1930's when "I did my best to defeat [Senator Millard] Tydings [in Maryland]." Mr. Tydings, according to Mr. Pearson, had attacked his father, who had been appointed Governor of the Virgin Islands by President Herbert Hoover. President Roosevelt so approved Mr. Pearson's activities, the columnist said, that he cleared Maryland appointments with Mr. Pearson rather than the Senator.

Another instance was in 1948, when Mr. Pearson hired a New Mexico radio network to attack and help defeat Maj. Gen. Patrick J. Hurley, who was running for the Senate. Years before, General Hurley, then Secretary of War, had publicly cursed the columnist for disclosing that he rehearsed ballroom entrances before a mirror.

PROUD OF REFORMS

Although Mr. Pearson said that he didn't "enjoy collecting scalps," he was proud to have made the enemies he did. He was also proud of the reforms he believed he had a hand in, such as the establishment of basic ethical standards for members of Congress. And he was especially proud of the Friendship Train, which he organized and espoused. The train collected stores of American food for France, Italy, Germany, Austria and Greece after World War II.

Mr. Pearson was a good deal less pugnacious in person than in print. Dressed in sports shirts and tweedy jackets, he did not resemble a moralizing, fire-eating journalist. A British woman, meeting him at a Washington party, turned to a friend and asked, "What sort of a city of this where a scandal columnist looks like a country squire?"

His background had, in fact, a quality of gentility. Andrew Russell Pearson was born Dec. 13, 1897, in Evanston, Ill., the son of Paul Martin Pearson, a college speech teacher, and Edna Wolfe Pearson. He went to Phillips Exeter Academy in New Hampshire and then to Swarthmore College, graduating in 1919.

Bent on a diplomatic career, he went to Europe, where he sidetracked his ambition to become director of relief in the Balkans for

the British Red Cross. Returning to this country in 1921, he taught industrial geography for a year at the University of Pennsylvania.

Then he signed as a seaman on the President Madison out of Seattle and headed for the Orient. After knocking about the Far East, he went to Australia and New Zealand for six months, lecturing in both countries. He traveled on to Britain by way of India and filed dispatches to Australian newspapers.

JOINED BALTIMORE SUN

For the next 10 years (with a year out in 1924 to teach geography at Columbia University), Mr. Pearson was a peripatetic newspaperman. He was in Europe and the Far East, mostly as a freelancer until he joined the staff of The Baltimore Sun in 1929 and later headed its Washington bureau. By this time he had married Countess Felicia Gizycka, daughter of Cissy Patterson.

Mr. Pearson and his wife, who had one daughter, Ellen, were subsequently divorced, and in 1936 he married Luvie Moore. She had a son, Tyler Abell, by a previous marriage.

In the capital, Mr. Pearson became acquainted with Robert S. Allen, chief of the Washington bureau of The Christian Science Monitor. The two fell to discussing how they could use all the inside material they had gathered on the Hoover Administration, which their papers declined to publish. Mr. Pearson was convinced that "even the so-called liberal papers are increasingly controlled by their cash registers and that one of the few outlets to free journalism is through the medium of books."

The result was the publication in 1931 of "Washington Merry-Go-Round," full of information "the capital loves to whisper but hates to see in print." The authorship of the book was anonymous, as it was of "More Merry-Go-Round" in 1932. But this did not affect the books' sales, which totaled the then astounding figure of 200,000 copies.

COLUMN BORN IN 1932

Eventually, though, the authorship mystery was penetrated, and Mr. Pearson and Mr. Allen lost their jobs. Out of that circumstance, their column was born in December, 1932. Distributed then by United Features, it started out with about a dozen papers and rose to 350 by 1941 and to about 600 in 1969.

For a while Mr. Pearson and Mr. Allen worked 19 hours a day, turning out seven columns a week. They also collaborated, in the middle thirties, on a comic strip called "Hap Hazard," which featured a Washington correspondent, and "News for Americans," a radio program. In addition they wrote two more books, "Nine Old Men" and "Nine Old Men at the Crossroads," both muckraking accounts of the United States Supreme Court and the very aged Justices who then sat on it.

Mr. Allen withdrew from the partnership in 1942 to go on active duty with the Army. Mr. Pearson carried on alone, using a small staff to gather and check material. About 10 years ago he was joined by Jack Anderson, who shared the column's byline. Mr. Pearson, however, was his own best reporter, making the rounds of Government officers and taking an active part in the capital's social life. He sometimes addressed a column to one of his grandsons, Drew Arnold.

In recent years the two men worked out a rough division of labor whereby both covered the White House and Congress, Mr. Pearson the State Department and the embassies and Mr. Anderson the Pentagon. Mr. Pearson always insisted that the column's sources "aren't much different" from those available to other reporters.

"It's mostly knowing a lot of people and what to look for," he said. "Between the two of us, Jack and I know three-fourths of the Senate, half the House and everyone in the Cabinet."

TIPS CAME LIKE "LIGHTNING"

Moreover, tips and news often came to the columnist without solicitation. "When you are known to be a critic of a certain public figure," Mr. Pearson explained, "news about him comes toward you like lightning toward a lightning rod." This, in essence, was how the column acquired its information about Senator Dodd and gained the cooperation of members of his staff, including James P. Boyd, Jr., who supplied the column with copies of compromising documents.

For many years Mr. Pearson conducted a weekly radio show. In its early versions in the 1950's he featured what he called "my predictions of things to come." An independent check over a six-month period indicated that 60 per cent of these forecasts were correct, but it was pointed out that some of the predictions were obvious or inevitable.

In 1951, Senator McCarthy, in his feud with the columnist, accused him of being a Communist tool and called for a nationwide boycott of Adam Hats, Mr. Pearson's radio sponsor. Shortly afterwards the company dropped its sponsorship. His weekly radio program in recent years, carried by about 100 stations, went easy on the predictions and did not seem to get him into other trouble.

Mr. Pearson wrote his radio program and most of his column in a cluttered study of his Georgetown home, a stately, yellow brick house. His journalism earned him most of his $200,000 yearly gross.

He also sold muck and manure. The manure derived from a herd of 200 cattle on his Maryland farm and from the Chicago stockyards. Its brand name was "Drew Pearson's Best Manure" and it was advertised as "better than in the column."

WINCHELL AN OLD FRIEND

The columnist was exceedingly loyal to old friends, among whom were Walter Winchell, the Broadway columnist, and Joseph Borkin, a Washington lawyer whose clients included the Murchison interests of Texas and Robert R. Young, once head of the New York Central Railroad. Both were Pearson tipsters.

Although Mr. Pearson often disclosed stories damaging to individual members of Congress, he believed that "the great majority of Senators and Representatives are honorable men, but too often they let themselves be victimized by a system that puts almost irresistible pressure on men in high places who will do almost anything they can get away with to stay there."

This somewhat dubious accolade was one of the themes of "The Case Against Congress," which Mr. Pearson wrote with Mr. Anderson in 1968.

In the same year he was listed as the author of a novel, "The Senator." Investigation disclosed, however, that Mr. Pearson relied very heavily on Gerald Green, author of "The Last Angry Man," for editorial assistance. Ken McCormick, senior editor at Doubleday, the book's publisher, said the book "was completely written by Green." Mr. Green called it "truly a collaborative effort." Mr. Pearson said Mr. Green "helped me." Whatever the arrangement, the novel did not reap critical praise.

Reflecting on his career a couple of years ago, Mr. Pearson felt that the good he had accomplished far outweighed the harm. He looked on the attacks as "part of the business," and added:

"I'd rather be liked than not but I can understand why some people don't like me."

CRUSADING COLUMNIST DREW PEARSON DIES AT 71

(By Robert C. Jensen)

Drew Pearson, a crusading columnist who was proud of the title, "muckraker," died of a heart attack yesterday. He was 71.

Mr. Pearson was stricken at his farm in Montgomery County and taken by ambulance to Georgetown University Hospital. He died at 12:05 p.m. shortly after his arrival in the emergency room.

Mr. Pearson had been hospitalized for several weeks with a virus ailment. He had returned to his country home on Friday.

Jack Anderson, who has been co-author of the column in recent years, said he talked with Mr. Pearson on Saturday and found him anxious to return to work.

"He talked about helping me put out the columns, and intended to do some over the weekend," Anderson said.

Drew Pearson's Washington Merry-Go-Round column was a major force in Washington journalism from the time of its beginning in 1931. It sparked the journalistic trend toward deeper interpretive and investigative reporting of national affairs.

The Pearson column was the most widely read political column in the United States. It was published in more than 600 newspapers—nearly twice as many as its closest competitor, the David Lawrence column.

Part of the secret of Mr. Pearson's success was his idea of what a reporter should do. "It is your job as a newspaperman to spur the lazy, watch the weak, expose the corrupt," he said. "Yes, the nose, too, is important. For no matter how much stench you may be exposed to, never lose your sense of smell."

It was this sense of smell and his high sense of indignation about wrong-doing that made his columns some of the best reading in Washington.

It also led to criticism and many libel suits. President Franklin D. Roosevelt once called Mr. Pearson a liar. And President Truman called him an s.o.b.

Former President Lyndon Johnson and Mrs. Johnson sent condolences in a telegram from Austin, Tex., yesterday afternoon to Mrs. Pearson.

"Our hearts go out to you in this sad hour," their telegram said. "Drew crusaded long and well for causes he believed to be right and always in the interests of the American people.

"The nation will feel the silence now that his passionate voice is stifled.

"We respected him as a journalist and enjoyed him as a friend. We will miss him as both."

David Lawrence, who gave Mr. Pearson his first Washington job in the 1920s, also expressed his sorrow.

"I thought he was a very courageous person and one of the most energetic of news investigators we've ever had," he said.

Columnist William S. White said Mr. Pearson was "the originator of a type of crusading column that has had many imitators."

Former Sen. George Smathers of Florida took exception to a Pearson article several years ago and said he was joining "two Presidents, 27 senators, and 83 congressmen in describing Drew Pearson as an unmitigated liar."

Other senators went farther than mere criticism on the Senate floor. Some of them sued. And one resorted to physical violence.

The late Sen. Joseph R. McCarthy of Wisconsin encountered Mr. Pearson in the men's room of the Sulgrave Club in 1950 when McCarthy was riding high as the nation's most publicized foe of communism.

ACCOUNTS DIFFER

The accounts differ as to what happened. McCarthy said: "Pearson said to me, 'McCarthy, if you talk about personal things regarding me on the Senate floor, I'll get you.' So I slapped him on the face. I slapped him hard."

Mr. Pearson said the "senator kicked me twice in the groin."

An authorized biography of then Vice President Richard M. Nixon by Ralph Toledano said that Mr. Nixon pulled the two men apart.

He quoted Mr. Nixon as saying that if he hadn't "pulled McCarthy away, he might have killed Pearson."

Former Sen. Arthur Watkins of Utah approached McCarthy on the Senate floor the next day and said, "Joe, the newspapers differ as to where you hit him, but I hope both accounts are correct." Less than four years later, Watkins headed a special Senate committee that recommended the censure of McCarthy.

LOST LIBEL SUIT

Mr. Pearson lost only one libel suit in court, but he avoided others by printing retractions. His only libel loss came as a result of an article about Norman Littell, a former assistant attorney general who won a $40,000 judgment.

Mr. Pearson's most recent journalistic coup was the exposure of the fund-raising activities of Sen. Thomas Dodd of Connecticut. The revelations led to a Senate censure of Dodd.

Until Mr. Pearson broke the story, the Dodd case was one that few newspapers would dare to touch. A panel of journalists advising the Pulitzer Prize Advisory Board in 1967 recommended that the award for national reporting go to Mr. Pearson and Jack Anderson. But the Board rejected the recommendation.

"The brass hats in the industry have no love for me," Mr. Pearson said in explaining why he was not surprised by the Board's action.

The columnist was a different man than the private Pearson, who doted on grandchildren and cats.

He was a quiet, almost retiring man who favored sports shirts and tweedy jackets. One English woman was introduced to him at a Washington cocktail party and later asked her companion, "What kind of city is this where a scandal columnist looks like a country squire?"

The country squire tag was accurate. His chief hobby was his 800 acres of farmland overlooking the Potomac River and the Chesapeake & Ohio Canal. There he operated a dairy farm and raised his own hay, silage and commercial crops.

And drawing on his fame as an expose columnist, he put out a rich soil product called "Drew Pearson's Muck," which was billed as being "packaged by the best muckraker in the U.S." The muck was taken from the bottom of an old canal on his farm.

SOLD MANURE

Mr. Pearson also marketed manure from his farm under the name "Drew Pearson's Best Manure," with such advising slogans as "better than in the column" and "all cow, no bull."

The hard-hitting reporter image also belied his devotion as a Quaker to humanitarian causes. The most famous of these was in 1947 when he promoted the Friendship Train that collected 700 carloads of food from the American people for the people of war-torn France and Italy.

Mr. Pearson claimed credit for exposing over the years four congressmen who wound up in jail—Republicans J. Parnell Thomas of New Jersey, Walter Brehm of Ohio and Ernest Bramblett of California, and Democrat Andrew May of Kentucky—for various forms of corruption.

The Pearson column also played a key role in uncovering the 1958 vicuna coat scandal of the Eisenhower administration, involving chief presidential aide Sherman Adams and his benefactor, industrialist Bernard Goldfine.

BORN IN ILLINOIS

Andrew Russell Pearson was born in Evanston, Ill., but he spent most of his boyhood at Swarthmore, Pa., where his father was professor of speech at the Quaker college there.

Mr. Pearson was a Phi Beta Kappa graduate of Swarthmore. After his graduation in 1919 he went overseas with the American Friends Service Committee for two years to supervise the postwar relief program in Balkan villages.

He later worked his way around the world as a merchant seaman, lecturer and correspondent for American and Australian newspapers.

In 1925 he married the Countess Felicia Gizycka, the daughter of Eleanor (Cissy) Patterson, the publisher of the Washington Times Herald.

The marriage ended in divorce, but Mr. Pearson's relations with his flamboyant former mother-in-law remained cordial until 1942.

By that time, Mr. Pearson was writing his Merry-Go-Round column with Robert S. Allen and it appeared in the Times Herald. Mr. Pearson was a staunch interventionist during the pre-World War II days while Mrs. Patterson was an outspoken isolationist. Finally in 1942, Mr. Pearson and Robert Allen withdrew their column from the Times Herald and sold it to The Washington Post.

This sparked the fury of Cissy Patterson against her onetime son-in-law. Her attacks on him were the talk of Washington. She called him a man who was about as welcome in Washington "as a leper in a diet kitchen."

The period was one of the most painful in Mr. Pearson's life. At the time of Mrs. Patterson's death many years later, he wrote, "A great lady died."

In 1936, Mr. Pearson married Luvie Moore, who had been the movie critic for the Times Herald. He is survived by his wife; a daughter, Mrs. Ellen Cameron Pearson Arnold, and four grandchildren. Also surviving is a stepson, Tyler Abell, former U.S. chief of protocol, who was with Mr. Pearson when he was stricken yesterday.

Friends may call at Joseph Gawler's Sons, Inc., funeral home, Wisconsin Avenue and Harrison Street NW, from 2 to 9 p.m. today and from 9 a.m. to 9 p.m. Wednesday.

Memorial services will be held at Washington Cathedral, Wisconsin and Massachusetts Avenues NW., at 11 a.m. Thursday.

A family spokesman said Mr. Pearson's remains would be cremated and the ashes scattered over his farm.

The family asks that in lieu of flowers, contributions be sent to Big Brothers, Inc. Mr. Pearson was an organizer and longtime president of the organization devoted to helping needy boys and fighting juvenile delinquency.

[From the Christian Science Monitor, Sept. 5, 1969]

PEARSON "KEPT ON EXPOSING THEM"

(By Richard L. Strout)

WASHINGTON.—If Drew Pearson had made just one exposure of a corrupt congressman, he would probably have got a Pulitzer Prize. But he kept on exposing them and the less hopeful side of American life. That perhaps militated against him.

Furthermore, he was not accurate in all his details, perhaps recalling the journalistic admonition of the late Sir Wilmott Lewis, of the Times (London), "that many a good story has been ruined by oververification."

I was sitting in the chair in 1931 where I am sitting now when I asked Robert S. Allen, then on the Washington bureau of this newspaper, if he had heard of a sensational new anonymous book lifting the lid off Washington. It was called, I thought "The Washington Merry-Go-Round."

WIDE DISTRIBUTION

Bob Allen made no comment but rushed out and I heard his feet pounding down the hall. It was very peculiar. Round the corner was the office of the Baltimore Sun, where a tall, distinguished Drew Pearson worked. The book made a sensation and brought scores of imitators. Some months later it developed that Bob and Drew were the authors.

For a while the daily "Merry-Go-Round" column was written by the two men but later Bob went to war, and afterward he started a syndicated column of his own. Drew's column became the most widely distributed in America, going in 1966 to 625 newspapers with some 45 million circulation.

Lacking a national press in the sense of Great Britain, the syndicated columnists to an extent perform that service. For comparison, the Walter Lippman column, "Today and Tomorrow," went to about 100 newspapers. But its appeal was intellectual, not popular, and it reached the most influential men in America.

Drew Pearson hurled himself in where others feared to tread, and, by audacity, hard work, and a system of rewards and punishments, he became a major force. He was, indeed, institutionalized. Every corner-cutting politician quaked lest some disgruntled secretary, some irate constituent, some blackmailing enemy telephone his tale to Mr. Pearson.

Sen. Thomas J. Dodd (D) of Connecticut sued the column off and on for varying sums, at one time $5 million, in his conflict-of-interest exposure. A senatorial ethics committee was gingerly set up to review the evidence that disgruntled secretaries methodically photostated from office correspondence.

Many have weighed the consequences of this journalistic scavenging operation, but the verdict almost always comes down heavily on the plus side. "Pearson is one of my best inspectors general," the late Gen. George C. Marshall once observed.

This reporter had more than a casual interest in Drew, for one reason, because I was sometimes mistaken for him. The late Sen. Charles W. Tobey of Maine beckoned me down once from the Senate press gallery and then dismissed me airily on closer scrutiny with the observation that he thought I was Drew Pearson.

It was not very flattering. This happened, in fact, frequently. At a jam-packed Senate hearing whipped up by one of the Pearson exposures the police barred other reporters from the standing-room-only room but silently swung the door open for me. As I found a place it was a little uncomfortable to hear a whisper go through the straining sight-seeing crowd, "It's Pearson."

"GOOD GUYS" AND "BAD GUYS"

Drew himself, in manner and appearance, was just the opposite of what his column seemed to indicate. He was urbane, genial, courteous, and a Quaker, who tended to classify men as good or bad and was morally outraged against the "bad guys." He stood up ferociously against the late Sen. Joseph R. McCarthy when many editors cravenly looked the other way.

Physically he was tall, quiet, white moustached. "What kind of a capital is this," asked an English visitor in amazement, "where a scandal columnist looks like a country squire?"

Not long ago at an embassy stag dinner I was impressed again by Drew's unassuming but superb self-confidence and genial ease. At the appropriate minute at dinner he tinkled his glass and proposed a suave toast to the ambassador, our host, with a felicity that put ordinary diplomats to shame.

It was easy to scoff at the "Merry-Go-Round," but everybody in Washington read it. Sometimes his famous "disclosures" were followed a little later by the report of "additional facts," which rejected the original. Some of the dramatic quotes ascribed to celebrities were in situations where neither he nor his assistants could have been present.

He estimated that he had been sued for libel "about two dozen times" and lost in court only once. Occasionally he forestalled suits by printing retractions.

Said the executive who printed the column: "If Drew suddenly became a sweet, gentle man every paper he has would cancel him in a month." Some called it cruel or crass; but often the things he printed were those that needed to be said and that nobody else chose to write.

MEANWHILE IN THE COMICS

A curiosity was that the Washington Post, which published him locally, had years ago, under earlier management, banished the column to the section of comics and appeared to feel a snobbish uncertainty about his status.

Editorially, the Washington Daily News, in its comment on Drew's passing, noted this:

"It is interesting that journalism never awarded him its most coveted honor, the Pulitzer Prize, and that often, while individual editors were going thru the routine motions of setting out the day's dull wash on Page 1, back in their comic pages somewhere the Pearson column, unnoticed up front, would be on to something that would, the following day, be shaking the nation."

[From the New York Times, Sept. 2, 1969]

DREW PEARSON

Drew Pearson was a descendant of the tradition made feared and famous by such earlier practitioners as Lincoln Steffens and Upton Sinclair. For 36 years, until his death at 71, his column adapted the untiring and often merciless skill of investigative political reporting, known popularly as muckraking, to the modern idiom of the insider's gossip. To many in the seats of power his "Washington Merry-Go-Round" was anything but merry, and they understandably responded to frequently embarrassing disclosures of behind-the-scenes dealings with charges of sensationalism, lying and worse.

But beneath the pugnacity, sometimes marred by signs of vindictiveness and irresponsibility, there was always the fearless dedication to the belief that the independent and resourceful reporter is the indispensable guardian of good government. Of some of his many enemies, such as the late Senator Joseph R. McCarthy and Generalissimo Francisco Franco, Mr. Pearson could be justly proud. In also arousing the anger of such men as Franklin D. Roosevelt, Harry Truman and Robert F. Kennedy, he showed that his targets were determined neither by ideology nor by concern over the wrath of popular and influential figures. For all his lapses in accuracy, Drew Pearson served an important cause in exposing violations of ethical and legal standards at a time when the power of government and the privilege of high position often favor special interests over the common good.

[From the Washington (D.C.) Post, Sept. 3, 1969]

DREW PEARSON

In the practice of his profession, Drew Pearson had the conscience of a Quaker and the touch of a stevedore. He was robust, free-swinging, sometimes very wild. But he was also strong in a muscular, purposeful, principled way, with the courage to be his own man always, and never mind what people said or thought of him. Rough and tough in public, in private he had the air of a gentleman farmer, which he was, and the manner of a gentleman, which he also was. Shy, self-effacing, detached, he was a moralist who was proud to be a muckraker in the dictionary sense—one who searches out and exposes publicly real or apparent misconduct of prominent individuals. Somewhere in these unlikely combinations lies the key to his extraordinary career as the most successful, in many ways the most effective, and certainly the most controversial journalist of his time.

He was controversial because his technique was scatter-shot, so that while he was often brilliantly or brutally on target, he sometimes hit the wrong target or missed altogether; it almost seemed as if this was conscious strategy, this readiness to risk being wrong now and again as the necessary price for being, more often, right. It was uniquely his own style and while his profession never had the grace or the guts to give him the big awards, tribute was paid in other ways; when Mr. Pearson printed the stories that others were too fastidious to be the first to print, the others suddenly had no compunction about printing them. It was also a style that exposed him to any number of lawsuits and any number of epithets and no end of criticism that he was careless with the facts; but it had the singular merit that when it paid off, it paid off big. And it also paid off, more often than not, on the side of good, which was something he saw in simple, moral terms; he was for honesty and against corruption, for the disadvantaged against the self-interest of the power elite, for peace and against war.

It is not necessary to chronicle here all his triumphs any more than it is necessary to catalogue the occasions where his fierce convictions and unique techniques may have combined to put him in the wrong. The simple truth is that he was more effective in his way than any man in his profession over the nearly 40 years that he was practicing it, and that at the time of his death at the age of 71, when other men might have begun to ease off a bit, he was still on top, with nearly twice the readership of his closest competitor. So his success was immense, and so was his impact on his profession and on the Capital. Most of the time he had the right targets and the right causes, and he brought to his crusades a powerful, innovative and relentless force.

AN APPRECIATION: MUCKRAKER WITH A QUAKER CONSCIENCE

(By Chalmers M. Roberts)

Drew Pearson was a muckraker with a Quaker Conscience. In print he sounded fierce; in life he was gentle, even courtly. For 38 years he did more than any man to keep the national capital honest.

It was in 1931 amidst the Great Depression and the hapless Hoover administration that Mr. Pearson teamed with fellow reporter Robert S. Allen to write the book from which his subsequent columns took their name: The Washington Merry-Go-Round. The partnership lasted until Allen went off to World War II.

The pair of brash young men shook up the town. It then was the age of journalistic giants, or so it seemed to youngsters then breaking in: Mark Sullivan, David Lawrence, Raymond Clapper. Arthur Krock, Paul Mallon writing from Washington and Walter Lippmann, Dorothy Thompson, Heywood Broun and Westbrook Pegler writing from New York.

Pearson survived them all, in life or in print, save only Lawrence who is still at it. In the intervening years he manhandled Presidents and members of Congress, bureaucrats high and low. Some were forever disgraced by the Pearson expose; others cried "foul" and on occasion Mr. Pearson apologized.

He could be sloppy with his facts and at times he was. But he had more guts than many a worried editor who ran to his lawyers and then cut the Pearson column or who gave in to political pressures to censor it.

Drew Pearson glorified in his feuds. To him "liar" from Franklin D. Roosevelt and "s.o.b." from Harry Truman were akin to encomiums. He relished denunciations from the protected floor of Senate and House.

Leo Rosten in a 1937 study of "The Washington Correspondents" traced the "Merry-Go-Round" success to a public appetite for the "inside" news that had been whetted by the stream of successful Broadway gossip columns. The Pearson and Allen book, wrote Rosten, "marked the beginning of a new era in news styles from the capital."

The very brashness of the column's approach offended the Establishment of the time, both political and press. Indeed, the sense of offense never wore off and to such can be attributed the failure to award Mr. Pearson the Pulitzer Prize for his expose of Sen. Thomas Dodd. It still is the dominant ethic that even as "gentlemen don't read other people's mail" they also don't make use of purloined documents.

Mr. Pearson did in the Dodd case and maybe in others, too. He was the recipient of endless tips from the disgruntled as well as from the righteously indignant. There were plenty of high level "leaks" as well. Whatever the source, Mr. Pearson could smell a story if there was even a whiff in the air. And nobody could be more dogged in pursuit.

Puncturing the balloons of the great and the famous was only the muckraking part of the Pearson story. The Quaker conscience simply would not let a Joseph McCarthy get away with it. The story of the American press in the McCarthy period is not one to be particularly proud of but Mr. Pearson never flagged in his pursuit of the senator.

The Quaker conscience also led Mr. Pearson into all sorts of ventures in hopes of improving the state of the world. There were "Friendship Trains" and "Freedom Balloons" and interviews with Nikita Khrushchev. He had a soft spot in his heart for Yugoslavia, where he had gone as a young man. He was, in short, dabbling in East-West detente long before it became fashionable and the epithet of "Communist" was hurled at him for his pains.

Drew Pearson early became a Washington institution. He loved it but he was never stuck up with it. And he had a glorious sense of humor which must have kept him going through some dark hours. He joked about the manure on his farm because he knew that a lot of people felt that was his verbal stock in trade.

Long ago after his column was transferred from Cissy Patterson's old Times Herald to The Washington Post it came to rest on one of the comic pages. Last December The Post decided to move the column to the page opposite the editorial page where so many others appear.

It was not a happy decision because the Pearson column was too long to fit the available space. It went back to the comic page after Mr. Pearson wrote this letter to The Post:

"I know that a columnist is not supposed to have anything to say about the location of his column in the paper. But having been relegated to Siberia some 25 years ago, I've come to like Siberia. If I had a vote I would vote against leaving my old position of semi-exile."

In a profession in which both practitioners and reputations come and go, very few men, in or out of any such "exile," have had the kind of effect Drew Pearson had on so many millions of readers for so long.

A REMARKABLE NORTH CAROLINA FAMILY

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

Mr. LENNON. Mr. Speaker, I have recently read an account of a remarkable family among my constituency which merits recognition. The qualities of character, initiative, and dedication exemplified therein are those that have contributed to our country's greatness. I believe our colleagues will find the following article one of heartwarming interest:

[From the Greensboro (N.C.) Daily News, Sept. 3, 1969]

PASTOR PROUD OF THREE REMARKABLE SONS

(By Gene Warren)

PEMBROKE.—The eyes of this father, a Lumbee Indian from Pembroke, glow with pride as he speaks of his remarkable three sons. And it is fitting.

One son is a captain in the Navy, working at the Pentagon in Washington. Another son is a colonel in the Air Force, being stationed at the U.S. Embassy in England. The third son is the dean of a community college, but is so proficient as an engineer he played a vital part in America's recent landing of astronauts on the moon.

The father the Rev. Archie A. Lockee, 69, scoffs at fancy talk concerning his three sons.

"All of my boys plowed behind a mule. Every one of them milked cows and fed hogs. We're not rich. We didn't have anything that we didn't work out with our own hands," he said, reflecting on what breeds success.

The elder Lockee worked for Pate's Supply Co. at Pembroke, a store that sells everything, "all my life, I was a butcher part of the time," Lockee said, "but I also have a 30-acre farm."

For the last eight years Lockee has served as pastor of Burnt Swamp Baptist Church, six miles east of Pembroke.

On the farm he was talking about, Lockee and his wife, the former Lula Bell Carter, 58, of Pembroke, raised their three sons—Captain G. Ertel Lockee, 47; Col. Archie S. Lockee, 45; and Dean Otto A. Lockee, 43.

They also have three daughters: Mrs. Georgia Carroll Carter, 48, a graduate of Pembroke State University; Mrs. Joyce Williams, 39, and Mrs. Claudette Taylor, 35.

For the last two Veterans' Day celebrations at Pembroke, the Lockee brothers have been the guest speakers. Capt. Lockee, a veteran of nine Pacific battles during World War II, was leader of the first Naval raids on Japan. He is in the office of the Chief of Naval Operations in Washington.

Col. Lockee saw action in the South Pacific during World War II and was in the Korean War. His plane was shot down twice in Korea, but he bailed out and landed in friendly territory. He completed the Navy's War School in the spring and was assigned to the American Embassy in England. His job: to coordinate the U.S. and British combined air forces there.

Otto Lockee is dean of the Central Piedmont Community College's extension division at Charlotte. He is also one of three men in the nation equipped to keep the space program's lunar modules from tilting. He received his training in this specialty while employed by Douglas Aircraft Corp. prior to accepting a position with the college. He trained at Cape Kennedy.

When the National Aeronautics and Space Administration was preparing for its moon shot last month, one of its engineers became sick. The NASA quickly summoned Lockee who helped design and construct the hydraulic system that controls balance while at the Cape from 1963–65. He was busy for six to eight hours before liftoff.

Asked what spurred his sons to such heights, Lockee quoted the words of his oldest son, Ertel: "He always said if it's in you, you can do it—if you want to."

Then Lockee proceeded to tell how his sons did it:

"Ertel, the captain, went three years to Pembroke High School—then finished at Camden, S.C. high school where my father lived. After high school, he graduated from the University of South Carolina, taking a part in its ROTC program. Immediately afterwards he went into the Navy as an ensign. This was at the beginning of World War II. He decided to make the service a career.

"Archie, the colonel, also attended Pembroke High School. But his last year in high school, he went to school in Columbia, S.C. He lived in a tenement there with Ertel who was still going to the University of South Carolina. To make ends meet, they took a morning newspaper route and waited on tables. Both also taught Sunday School classes in Columbia and were ushers at the church there. Archie went to the University there for three years before Uncle Sam got him. He completed his education in service."

The youngest son, Otto, was the only one to graduate from Pembroke High School. "Otto went directly into the Navy after high school," said Lockee. "He was a gunner in the Naval Air Force. After his discharge, he lived with my daughter and her husband in Fort Worth, Tex., where he attended Texas Christian University. He majored there in physical education and coached for a while. Then he went to work for Douglas Aircraft in Charlotte which led to his space work."

The Lockees live in a small, white-frame house on a farm near Pembroke. A dirt road leads to the home located in the midst of some pecan trees.

"I never owned a tractor in my life," said Lockee. "The money for tractors has gone to the school house to help my kids."

All six of the Lockee children were home last Christmas. "It was the first time we've all been together since 1951," said their father. "During the same time, Dec. 29 my wife and I celebrated our 50th wedding anniversary."

What philosophy toward life has Lockee tried to instill in his children?

"When the children were coming up, we always talked of doing fine things and being gentlemen," he said. "We have tried to raise up our children in prayer. I give their mother credit for much of this. Archie, the colonel, can deliver one of the finest sermons you've ever heard. He does better than many a doctor of divinity. Whenever he's home, everyone wants him to teach the Sunday School lesson."

Then the proud father smiled: "You know, we really had hoped one of them would have been a medical doctor or a minister. None of them did—but all three are ordained deacons."

This latter honor seemed to mean more to him than all the other renown the trio has gained.

JOHN H. CROOKER, JR., AN OUTSTANDING CIVIL AERONAUTICS BOARD CHAIRMAN

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

Mr. CASEY. Mr. Speaker, John H. Crooker, Jr., has been my warm personal friend for 30 years. I have admired him as an outstanding lawyer, businessman, and great contributor to the civic and cultural growth of our State of Texas and of our Nation.

Mr. Speaker, John H. Crooker, Jr., was appointed chairman of the Civil Aeronautics Board just 18 months ago. Before this month is out he will leave that post. His resignation as chairman and member, effective in the next few days, has been accepted by President Nixon with an expression of gratitude for Mr. Crooker's service to the American people.

I must second that expression and I would add just a few of my reasons why.

This man, in his periods of public service, has won the esteem of many, including my own, on a number of counts, not the least of which is the edifying way in which he works.

The leadership and unflagging industry that Chairman Crooker has brought to this office in this brief period have written an enviable record of accomplishment in the regulatory agency which he has headed. Moreover, on a number of occasions, the views and ideas he has voiced have revealed thinking that goes beyond the horizons of the industry with which his agency is directly concerned. This has been particularly true as it relates to his approach to one of the most serious transportation crises of our time—the growing problem of airport and airways congestion.

In that connection, he has directed the attention of major cities toward the problems of transportation between city centers and existing airports. Cities seeking improved air service must now acquaint the CAB with their plans to provide speedier means of transportation between those centers and airports. Through all his actions at the Board has run what must be to Mr. Crooker the common denominator of all public service—the broad public interest.

John Crooker's achievements during his tenure as CAB chairman are all the more impressive when we consider that at the time of his appointment he was something less than a veteran in the great air transportation industry. It is typical of this man, however, that he promptly immersed himself in his new responsibilities. The ease and speed with which his familiarity with, and leadership in, the industry grew compel the observation that experience can be acquired but know-how is a gift.

Among other things, the retiring chairman's ability to distill complex matters to their vital essentials has served him well.

Mr. Crooker's performance and tenure as chairman have also revealed another guiding principle—the conviction that tasks begun should be seen through to their proper completion.

Mr. Crooker came to the Board near the end of fiscal 1968. During the full fiscal year 1969, the CAB decided more cases than in any previous fiscal year. In the full year in which he served, the Board addressed itself to 223 full formal economic cases, 23 percent more than the previous fiscal year.

A formal case usually involves a number of docketed applications; and the CAB docket statistics bear the record out. During fiscal 1969, the Board completed 1,496 dockets, also a record, the next closest year being fiscal 1961 with 1,353 docket completions. And, at fiscal year's end, the number of dockets on hand was reduced by 358 from the previous year, the first time in 3 years

that a reduction in backlog had been effected.

Impressive as that performance is on its face, the fact is that it was accomplished without extra cost to the taxpayers. It was done with little or no increase in personnel strength and while the Board was absorbing some $185,000 in pay raises. I would like to add at this point the observation that however gratifying such an accomplishment may be to taxpayer and legislator alike, it will be difficult to continue long in that vein, what with the industry growing as it is, without the Board's regulatory effectiveness being affected.

The CAB accomplished other economies in fiscal 1969. It reduced the physical size of many of its offices and thus redeemed more than 4,600 square feet of space for use as additional hearing rooms, automatic data processing and time sharing needs, thereby avoiding the cost of renting additional space. Rearrangement of offices and less sophisticated telephone equipment contributed to the annual cost avoidance of about $30,000.

Meanwhile, estimated subsidy accruals decreased from $55.2 million for fiscal 1968 to $48.5 million for fiscal 1969, a reduction of $6.7 million. Moreover, Board actions in subsidy cases during fiscal 1969 were estimated to effect a cumulative subsidy reduction through fiscal 1971 of about $17.6 million.

During fiscal 1969 also, the reclassification of stations for service mail purposes is expected to produce yearly savings to the Post Office Department of about $300,000. Early in the fiscal year a final order was issued in the States-Alaska Mail Rates case, an action that is expected to reduce payment for these services by about $900,000.

The Board also recently established new minimum rates for domestic military charters performed for the Defense Department. The new rates should save the Government an estimated $2.7 million in fiscal 1970.

The CAB has established new subparts to its rules of practice, to expedite procedures for removal of nonstop and long-haul restrictions in cases where a carrier is able to participate significantly in a market despite these restrictions.

These are only some of the major accomplishments under Mr. Crooker's chairmanship, only a few of the achievements on which his fine record rests.

To the many tributes of appreciation he must have already received for this latest period of his public service, I would like to add my own, together with my best wishes to him and his wonderful family in their future endeavors.

THE RECORD OF ACTION ON REGULAR APPROPRIATION BILLS FOR FISCAL YEAR 1970

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

Mr. BOW. Mr. Speaker, it has come to my attention that a Member of the other body indicated yesterday that the House is chiefly responsible for the fact that 11 of the 13 appropriation bills for fiscal 1970 have not been acted on by the Congress.

I should like to read from that release.

It was said the Congress will not pass "any great amount of meaningful legislation" this year because 11 of the 13 appropriation bills have not been completed.

He further said:

The House is chiefly responsible. These bills have not been coming over from the House.

Mr. Speaker, I was, to say the least, somewhat surprised to see it on the news ticker yesteday. I think the record should be set straight, and it is for that reason I have asked the Chair to indulge me briefly.

The truth is that the House has acted on and approved six of the 13 regular appropriation bills for fiscal 1970. They are:

First. The Treasury-Post Office and Executive Office bill which was passed by the House last May 27;

Second. The Agriculture bill, approved the same day;

Third. Independent Offices and Housing and Urban Development bill approved June 24;

Fourth. The Interior and related agencies bill approved July 22;

Fifth. The one for State, Justice, Commerce, Judiciary and related agencies approved July 24; and

Sixth. The Labor-Health, Education, and Welfare bill passed on July 31.

Only two of these bills have been considered and approved by the Senate, and they are the ones for Treasury-Post Office and for Agriculture. The Treasury-Post Office bill is in conference and a meeting of the conferees is scheduled for two this afternoon. The bill for the Agriculture Department has not been sent to conference, but I assume it is ready for conference whenever a suitable time of meeting can be worked out with the other body.

Our own housekeeping bill, legislative appropriations, was reported by the House Appropriations Committee a week ago today, and will be taken up here on the floor as soon as the schedule will permit.

What action the other body has taken with respect to the four bills—Independent Offices, Interior, State, Justice, and Labor-HEW—is not known to me, but they have been languishing over there for some time.

I think also that it is of substantial significance that the other body has been debating the Military Procurement Authorization bill since July 7 and conclusion of that debate does not appear in sight at this time. When action is finished over there I am sure we shall be ready to dispose of the procurement bill with dispatch.

The Military Construction Authorization bill was passed by the House on August 5, but I have had no word yet that the other body is ready to debate it.

The District of Columbia revenue bill has been awaiting action by the other body since it was passed by the House August 11.

Authorization for foreign aid spending during fiscal 1970 has not been acted upon by either the House or Senate, but there is no reason why the other body could not take that bill to its floor at anytime.

Until these authorization bills are enacted into law, the House Appropriations Committee, and the House itself, cannot act on appropriations requested for the agencies and functions involved. We cannot, that is, unless we simply report these appropriation bills and then ask the Rules Committee for waivers of points of order against the appropriations not yet authorized by law.

The House and its Appropriations Committee are ready to act and could do so without delay if the other body could move the appropriation and authorization bills that have been pending over there lo these past days, weeks and—yes—even months of this session.

TROOP WITHDRAWALS FROM VIETNAM

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

Mr. ADAIR. Mr. Speaker, on Tuesday, the President issued a statement announcing more troop withdrawals from South Vietnam, explaining the steps his administration has taken toward peace and outlining present American policy.

I believe that statement is so important it should be reprinted in its entirety in the CONGRESSIONAL RECORD. The President's statement follows:

STATEMENT OF PRESIDENT NIXON

After careful consideration with my senior civilian and military advisors and in full consultation with the Government of Vietnam, I have decided to reduce the authorized troop ceiling in Vietnam to 484,000 by December 15. This compares with the ceiling of 549,500 which existed when this Administration took office. Under the newly authorized troop ceiling, a minimum of 60,000 troops will have been withdrawn from Vietnam by December 15.[1]

Since coming into office, my Administration has made major efforts to bring an end to the war:

We have renounced an imposed military solution.

We have proposed free elections organized by Joint Commissions under international supervision.

We have offered the withdrawal of U.S. and allied forces over a 12-month period.

We have declared that we would retain no military bases.

We have offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal.

We have made clear that we would settle for the *de facto* removal of North Vietnamese forces so long as there are guarantees against their return.

We and the Government of South Vietnam have announced that we are prepared to

[1] Actually, the total reduction in authorized ceiling strength amounts to 65,500. But within the authorized ceiling, all units are shown at 100% strength. In actual practice, most units are slightly below full strength, so that actual strength normally is less than the authorized ceiling by one or two percent.

accept any political outcome which is arrived at through free elections.

We are prepared to discuss the 10-point program of the other side together with plans put forward by the other parties.

In short, the only item which is not negotiable is the right of the people of South Vietnam to determine their own future free of outside interference.

I reiterate all these proposals today.

The withdrawal of 60,000 troops is a significant step.

The time for meaningful negotiations has therefore arrived.

I realize that it is difficult to communicate across the gulf of five years of war. But the time has come to end this war. Let history record that at this critical moment, both sides turned their faces toward peace rather than toward conflict and war.

CONGRESSMAN JOHN BRADEMAS LAUDS STATE ARTS COUNCILS

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

Mr. THOMPSON of New Jersey. Mr. Speaker, my distinguished colleague, JOHN BRADEMAS, of Indiana, yesterday delivered the keynote address at the Federal-State Conference on the Arts here in Washington.

In his remarks, Congressman BRADEMAS made a strong statement urging adequate Federal support of the arts. As one who has been actively engaged in supporting Federal contributions to the National Foundation of the Arts and the Humanities, I wish to associate myself with his remarks.

At this point, I insert the full text of Congressman BRADEMAS' splendid speech in the RECORD:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

I am much honored by the invitation to open this 1969 Federal-State Conference on the Arts.

More than most peoples of the world, we Americans are given to self-analysis and the taking of our national pulse. Yet we are today caught up in more somber searching of our souls and questioning of our purposes than is even our customary disposition.

I cite but a few instances, beginning with Vietnam.

Although we must hope that President Nixon's announcement yesterday of further troop withdrawals will bring progress in the search for peace, we can be sure that the debate over the war and its further conduct will continue.

Vietnam in turn has spawned a re-examination of America's role in the world and of our commitments abroad.

Senators and Congressmen are for the first time in years carefully scrutinizing our military expenditures and asking whether they are not out of proportion with these commitments.

College students, blacks, religious leaders and others are raising profound questions about America's direction and insisting that the nation make real the ideals we profess.

A TURNING INWARD

All of us here could recite other developments which, taken together, have caused our people and their elected Representatives in Congress to turn inward . . . to re-evaluate the conditions and quality of life in our own society.

This is, however, no return to isolationism. Rather, in the phrase that has now become a cliche but is true nonetheless, we are engaged in the process of reordering our priorities.

A case in point: only a few weeks ago, in a move unprecedented in my time in Congress, the House of Representatives overwhelmingly rejected the recommendations of both its Appropriations Committee and the Administration by voting, on the floor of the House, to add to an appropriations bill over $1 billion for, of all things, education!

A majority of both Democrats and Republicans in the House were in effect insisting that, severe as the fiscal crunch may be, education must not be the place to scrimp.

I hope very much that this turning inward, this new sensitivity to the conditions and quality of our national life, will embrace both an enhanced awareness of the importance of the arts in America and the need to give them greater public support. More specifically, and speaking as a legislator and Chairman of the House Subcommittee with jurisdiction over the National Arts and Humanities Foundation, I hope that we shall soon see more Federal support for the programs administered by the National Endowment for the Arts.

Let me here make clear my deep disagreement with those who contend that the arts are a frill and a luxury and that we cannot afford to support them until the Vietnam war is over.

On the contrary, I strongly agree with the view of W. McNeil Lowry of the Ford Foundation in his recent report on the economic crisis in the arts. Remarking on the meager funding of Arts and Humanities programs, Mr. Lowry observed:

"Pressures of war and other crises have been freely cited in explanation of this action, but there is no reason to believe that any significant Federal program in the arts can be effectively argued whether in Congress or in the public if its justification must be that all other great national questions are in equilibrium. Other governments—democratic, socialist, or oligarchic—have proceeded without such a justification . . .

"The arts [should] not always depend upon a contest over priorities . . . There will not exist an effective public policy for the arts until they are treated as important in their own right."

This is the point—that the arts, like education, must come to be regarded as "important in their own right."

And with such an understanding there will become possible "an effective public policy for the arts."

PRESIDENT NIXON'S APPOINTMENT OF NANCY HANKS A GOOD OMEN

In this respect, I believe that President Nixon's appointment this month of Miss Nancy Hanks to be Chairman of the National Council for the Arts is a good omen, for both the appointment and the President's comments in announcing it reflect awareness at the highest levels of government of the indispensable place of the arts in the spectrum of our public concerns.

As Executive Secretary of the Special Studies Project of the Rockefeller Brothers Foundation and later as President of the Associated Councils of the Arts, Nancy Hanks has won the respect of legislators and artists alike with her intelligence and imagination. And may I interject that in this town she will need plenty of both!

In her new responsibility, Nancy will be replacing one of the most respected and gifted champions of the arts in our country—Roger L. Stevens.

Now here beginneth the reading of the First Lesson—by President Nixon, in appointing Miss Hanks. He said: "One of the important goals in my administration is the further advance in the cultural development of our nation . . .

"The Federal government has a vital role as catalyst, innovator, and supporter of public and private efforts for cultural development . . . I shall hope to give leadership to this effort and urge the Congress to do the same."

The Second Lesson—if I may pursue my ecclesiastical metaphor—will be read by the Director of the Bureau of the Budget, and let us hope that, in recommending money for the Arts Endowment, he matches the President's faith with works—i.e. dollars.

OUTSTANDING RECORD OF NATIONAL ARTS ENDOWMENT

For I believe that the record of the National Arts Endowment, though brief in years, amply justifies substantially increasing our public investment in the arts.

Let us not forget that it was just five years ago this month that President Johnson signed the National Arts and Cultural Development Act of 1964, establishing the National Council on the Arts. September, 1969 marks as well the fourth anniversary of the signing into law of the bill creating the National Foundation on the Arts and the Humanities, which provided for the establishment of the National Endowment for the Arts, the funding arm of the Council.

In my view, you and your colleagues across the land who have administered programs in part made possible through the Arts Endowment can take pride in the remarkable achievements so far, remarkable in variety, quality and number of people reached.

As a direct result of the National Arts Endowment, the American Film Institute now exists.

The American National Theatre and Academy building in New York City, donated to the Endowment, is a resource for performing groups all over the country.

The first major national artists housing center in the U.S. will, as a result of Endowment initiative, open this year on New York's Lower West Side.

The National Arts Endowment has also supplied funds to regional theatres so that dramas of quality can flourish many miles off Broadway. The Tyrone Guthrie Theatre in Minneapolis, the American Conservatory Theatre in San Francisco, and the Arena Stage here in Washington have all received needed sustenance from the Endowment.

INDIVIDUAL GRANTS PROGRAM DESERVES SUPPORT

The Laboratory Theatre project in Providence, Los Angeles, and New Orleans and the Artists in Residency programs, beneficiaries all of Federal Arts funds, have brought direct experience of the drama to thousands of school and university students.

Individual artists as well as institutions have received support from the Arts Endowment. Although less than 5% of the Endowment budget is expended on individual grant programs, I believe this investment to be eminently wise.

Twenty-one writers received $7,000 each in fiscal 1968 to enable them to complete works in progress or conduct research essential to their work.

Individual grants of $2,000 each were made to assist twenty-nine gifted but unrecognized writers.

And individual awards of $5,000 each were given to twenty-nine painters and sculptors in recognition of past accomplishments and to encourage further efforts in the visual arts.

I trust the individual grants program will continue—and I strongly support it.

All these and many more activities testify to the success of the Endowment in its first few years. Its programs have helped extend the arts throughout the land—from inner city ghettoes to small rural communities—

in the theatre, dance, opera, painting, music, films and writing.

GROWTH OF STATE ARTS COUNCILS PHENOMENAL

Particularly significant, I think, is that the Endowment's efforts have stimulated important new sources of support for the arts.

In this respect, clearly one of the most gratifying results of the law creating the National Endowment has been the growth of the State Arts Councils, which you represent.

As you know, the Arts Councils were authorized under Section 5(H) of the National Foundation on the Arts and the Humanities Act of 1965.

Let me here note what I can only describe as the phenomenal progress of the State Arts Council movement since that time.

In Fiscal 1966—when the appropriations bill contained no funds under section 5(H)—only 22 States provided funds of any kind for their Arts Councils.

In Fiscal Year 1967, when 5(H) funds went to each State, the number of Councils rose to 35. In both 1968 and 1969, 42 councils received appropriations from state budgets, and this fiscal year (1970), 44.

Far more impressive, however, than the number of states providing funds for Arts Councils work, are the total amounts for each succeeding year since 1966.

That first year the total was only slightly more than $3 million. In fiscal year 1967, when the first funds were made available to the states under section 5(H), the figure jumped to nearly $5 million.

This year nearly seven and one half million dollars in state funds will be earmarked for the Arts Councils.

This means, essentially, that the $2 million contained in the appropriations bill passed by the House this summer will be matched three and one-half times over in *state revenues alone!*

If we add to this amount the matching program funds or services from local communities and organizations, we can see that the Federal government is receiving an approximate return of 450 percent on its direct investment in the arts through State Arts Councils.

I know no other Federal seed money programs with so effective a record in generating support from outside sources.

HEARINGS IN CONGRESS ON ARTS PROGRAMS

I have so far been engaging in remembrances of things past. Where, you may ask, are we going now?

As you know, the bill authorizing the National Foundation for the Arts and Humanities expires next June. The Select Subcommittee on Education, which I have the honor to Chair, will hold hearings sometime during the next few months on legislation to continue the life of the Endowment and to fix the level of authorized funding.

And may I here say how anxious my Subcommittee and I are to hear from you, the leaders of the State Arts Councils across the country, to have your views and your suggestions for improving the programs of the Endowment. As they say on the country music shows, Keep them cards and letters comin' in!

I suggest to you that money rather than existence must now be the primary concern of supporters of the Arts Endowment. For most Congressmen of both parties have come to accept as both appropriate and desirable a role for the Federal government in the arts.

Indeed, a spokesman from so conservative a community as Indianapolis in my own state, Izler Solomon, Music Director of the Indianapolis Symphony, wrote only last Sunday in the New York Times that "The solution [in this case, to financing music] will have to be found in joint funding by schools, park departments, foundations, industry, cities, states and, most important, Federal aid."

". . . Certainly nobody belongs on a symphony board", said Mr. Solomon in a pronouncement which ten years ago would have been heresy in the Hoosier heartland, "who thinks 'Federal aid' are dirty words."

So the question now is not *whether* the Arts Endowment should be, but rather *what* it should be doing and *how much money* it should have to do its job.

Up to now the Endowment has spent—I prefer the verb, "invested"—some $22.9 million. Last year's budget was about $8.5 million.

I know that Nancy Hanks is already hard at work preparing her recommendations for the new Arts Endowment budget.

And as I have already said, the most important matching program she will have to deal with this year is matching President Nixon's statement on the arts with his budget request for them!

Certainly the case is compelling for substantially more funds for the arts. Meagerly financed as they are, the programs of the Endowment have elicited nationwide praise.

SOME PROVISIONS OF HOUSE TAX REFORM BILL THREATEN ARTS

Moreover as the Baumol-Bowen study and other surveys have warned, the economic plight of the performing arts in America has now become alarming.

Nor has the prospect of changes in Federal tax laws brightened the outlook. Although I am a militant advocate of plugging loopholes and bringing equity to our Federal tax structure, I am distressed that the tax reform bill passed recently by the House would impose an across-the-board 7.5% levy on the investment income of foundations. The arts rely heavily on foundations in many ways, and to punish all foundations for the sins of a few seems to me unwise public policy.

I hope as well that the Senate Finance Committee will not allow to stand that feature of the House bill which provides that a donation of a work of art must, for tax deduction purposes, be valued either at the cost the donor originally paid or, if valued at its appreciated figure, be subject to capital gains tax. This unrealistic formula will obviously enormously inhibit donations of art to the many museums which depend heavily on private gifts.

Aside from such financial problems as these, which afflict the arts generally, there are certain other questions about future Federal arts policy worth reviewing.

For example, some have suggested that all Federal funds for the arts should henceforth go only to State Arts Councils rather than for developing national programs in the arts.

NEED FOR CONTINUING NATIONAL PROGRAMS IN THE ARTS

I believe, however, and I understand most of you do too—that there is a continuing and powerful need for programs in the arts that go beyond the borders of a single state.

Let me cite an example or two of the importance of continuing a national arts program.

In 1966, when the American Ballet Theatre, for years among the most imaginative companies in the world, was in financial trouble, the National Endowment for the Arts was able to make it an emergency grant of $100,000 which was matched with private funds. This seed money represented a recognition that the company was a national resource and made it possible for the Ballet Theatre to secure further commitments from foundations and other private resources.

Or I could remind you how the Endowment helped the San Francisco Opera in the creation of the Western Opera Theatre, a small, flexible ensemble company which can perform in communities whose facilities will not permit appearance of opera on a large scale. In three years, it has increased its performance rate from 35 to 150 per season, reaching communities in which opera had never before been performed.

MUST STRENGTHEN STATE ARTS COUNCILS

My view, therefore, is that the wisest policy for us to pursue is that of greater financial support both for the general programs of the National Endowment under Section 5(C) of the Act and for increased funding for the State Arts Councils under 5(H).

We need both, and we need to build upon the splendid patterns of cooperation which have been developed between the National Endowment and the states. The state and national programs complement and reinforce each other.

Let me make clear, however, that I believe the State Arts Councils are capable of handling substantially increased funds and that I specifically endorse raising from $50,000 to $100,000, the authorization for each State Council.

AREAS THAT NEED REINFORCEMENT

Beyond strengthening the hand of the State Councils, there are, I think, certain existing areas that require reinforcement. In testimony before the House Education and Labor Committee, Roger L. Stevens touched on several of them:

The poetry in the schools program, which enables established poets to visit high schools;

The burgeoning needs of symphony orchestras and operas—a problem so pressing that it may well require special attention;

Arts programs in the inner city—an activity yearning for expansion beyond such Endowment-backed efforts as a school for the arts in Harlem, another at Hull House in Chicago, and the Watts Workshop in Los Angeles.

The National Endowment also needs money for research into the strengths and weaknesses of formal art education in our elementary schools, often a child's first encounter with the arts. And how good is the teaching of the arts in our colleges and universities?

Nor should the implications for arts programs for older Americans be neglected; the time of retirement can for many be a time of enrichment through the arts.

We should experiment, too, with utilizing radio, television and films to bring to as many Americans as possible, especially those who live in inaccessible areas, an opportunity to experience plays, music and exhibitions of art.

All of you here could, I am sure, add to this list your own suggestions. I have sought only to limn the horizon of possibilities for the arts of America and to suggest the contribution which the Federal government can make to their support.

The kinds of questions I have here discussed with you are the kinds of proposals for Federal support of the arts that, I believe, should be given careful consideration by Congress and the Administration, and these and questions like them will be raised in our Subcommittee hearings.

SUPPORT FOR ARTS IN CONGRESS LARGELY DEPENDS ON YOU

Let me say, however, in closing that our capacity in Congress to provide support for the arts depends ultimately on the support that people like you can generate and stimulate across the country.

You have vigorous allies on Capitol Hill—men and women like Congressmen Frank Thompson, Jr. of New Jersey, William Moorhead of Pennsylvania, Julia Hansen of Washington, Ogden Reid of New York, Ben Reifel of South Dakota, and Wiley Mayne

of Iowa, and in the Senate, such articulate champions as Senators Mansfield, Fulbright, Pell, Javits and Percy.

Support of the arts is clearly a bipartisan enterprise!

But your friends in Congress can be no more effective in advocating your cause than you enable us to be.

You must, therefore, in your own states and communities, communicate your concern about the need for adequate Federal support for the arts to your own Senators and Representatives.

I have said that we live in a time of national introspection and self-examination. In such a time we need all the more, if we are to make our country what it ought to be, a land where individual men and women can live lives of joy and beauty as well as of hope and freedom, generously to support those activities that make such lives possible.

And among such activities surely are the arts of America and the qualities of mind and spirit and imagination of which they are the incarnations.

FEDERAL FINANCIAL DISCLOSURE ACT OF 1969

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I am introducing today a bill which I feel will do much to eliminate the problems arising over allegations of "conflict of interest" for elected and appointed officials in the Federal Government. Let me say that I have long endorsed full public disclosure of all income and assets for Members of Congress. I now submit, for consideration, legislation which will provide for public disclosure of the financial situation of all policymaking officials in the executive, legislative, and judicial branches.

During the last few years, a genuine and very serious "crisis of confidence" has been developing. Allegations—some true, some not—but allegations involving conflict of interest on the part of Members of both Houses, officials in the executive branch, and members of the judiciary—have been made. We cannot ignore the gloomy impression that lingers from such widely publicized personal misdealings. It goes without saying that the vast majority of those in all three branches of the Government are free of outside economic influences; the overwhelming majority cannot be "bought out" under any circumstances whatsoever. There is very, very seldom one public official who is ever in the market to "sell a vote" or "fix a decision" for a price; and we would abruptly, to say the least, slam the door in the face of any would-be political broker who might wish to "buy into" our office and our position.

Since this is the case, since 99 percent of the Federal officials are beyond reproach, let us tell the American people the truth. Let us make provision for full and candid disclosure of all our financial arrangements.

Some public officials have indicated that a frank and complete public accounting of their financial condition would somehow be demeaning, and would plummet them into the ranks of "second-class citizens." This assertion would seem to have its genesis in the proposition that the degree of economic "privacy" which an individual is able to retain has a direct relation to that person's "social status" or "public position." It would seem to imply that a statement of the balance of indebtedness on a house or a listing of the name of a donor would be degrading. I wholly reject such specious reasoning and would suggest that quite the opposite is indeed the case.

It seems to me that there are few personal positions to be taken, more lofty from the standpoint of human ethics, than the willingness of public officials to establish for themselves the highest standard of personal conduct, to commit themselves totally to the concept that they must be above suspicion. Moreover, the act of full and honest financial disclosure is doubly noble: First, because we do it for the public good; and, second, because we do it voluntarily. We are freely willing to talk about our debts, our gifts, our personal holdings, our personal expenses—we are willing, in fact, to reveal far more from our personal lives than most ordinary citizens—precisely because we have the obligation to do far more than those whom we serve to insure public confidence in the existing offices of all three branches of the federal system. We freely open our private accounts to public examination because we wish to secure the greatest possible benefit—maximum faith in the democratic system of government. If full and honest, candid self-imposed disclosure creates a "second-class" status, then I have my doubts about what goes on at the "first-class" level. After all, any nobility of status without virtuous conduct and the willingness to attest to the purity of that conduct in every way possible, is really not very noble at all.

I believe that the time is long overdue for Democrats and Republicans alike in this Congress to make known their private financial conditions, and to make similar provision for the other two branches also, lest the erosion of public confidence impair the most essential effectiveness of our democratic process, especially in these troubled times.

We must not permit our own people to have any nagging doubt that their Government condones greed and exploitation, and to wonder whether their political system does indeed allow the existence of public officials who are "double agents" for special interests apart from the common good. How can we ask in either party for greater public attention, larger voter turnout, and a more informed citizenry when the image becomes so unjustifiably blurred? Too often the honest, conscientious citizen reacts to the majority of equally honest and conscientious officials in both parties with an attitude that says, "A plague on both your houses."

In my view, we must have the strictest reporting legislation possible; I believe that the Federal Financial Disclosure Act of 1969 will achieve that urgent objective. This legislation was first drafted by my colleague, the Honorable PHILIP RUPPE, of Michigan. Mr. RUPPE and his advisers have done a commendable job of attempting to think out and to define all possible areas of income for public servants, with emphasis upon potential conflict of interest.

The bill calls for full financial disclosure by Members of the House, Senators, Justices, judges of the U.S. court system, the President, the Vice President, members of the Cabinet, and policymaking officials of the executive branch to be determined by the Chairman of the Civil Service Commission.

It is also worth noting that the disclosure provisions of this act will apply to all officers and employees of both the Senate and the House whose salaries are at least $18,000 per annum.

Many Members of the House have expressed their interest in Mr. RUPPE's proposed disclosure act, and I wish today to add my name to the roster of ardent supporters of this urgently required legislation. If we would keep faith with the electorate, we must all offer our personal financial accounting for their critical scrutiny.

DISTINGUISHED LAW ENFORCEMENT SERVICE ACT

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

Mr. GOLDWATER. Mr. Speaker, I introduce today for appropriate reference the Distinguished Law Enforcement Service Act.

This bill, if enacted, will create a series of awards to recognize outstanding service in the field of State and local law enforcement. These citations will be presented annually by the President of the United States to 12 outstanding law-enforcement officers on behalf of the Congress.

Each day the American public is bombarded with news in our newspapers and on our radios and televisions of increasing waves of crime sweeping across our Nation—in big cities, suburbs, and rural communities alike.

FBI Director J. Edgar Hoover reports that in 1968 there were 4.5 million serious crimes in the United States, a 17-percent increase over 1967, a 122-percent increase over 1960. According to the FBI's Uniform Crime Reports, in 1968 robbery increased 30 percent, forcible rape 15 percent, murder 13 percent, and aggravated assault 11 percent over 1967.

Between this violence and lawnessness and the remainder of society stands the law-enforcement officer. Usually alone, too often insulted, maligned, attacked, underpaid and overworked, these dedicated men and women safeguard us against the doers of evil with very little support and assistance from the average citizen.

The law-enforcement profession should be a highly respected and sought after goal in this country. Far too often it is not. Rather than call these civil servants "friend," the fashionable youth of today liken them to barnyard animals.

Rather than aspire to join their ranks and emulate their deeds, students do all within their power to undermine police effectiveness.

Rather than assist them in carrying out their duties, most citizens withdraw into indifference and noninvolvement.

The 1968 FBI figures illustrate the danger law-enforcement personnel face daily. Sixty-four officers were killed as a result of criminal action; almost 16 of every 100 police officers were assaulted in the line of duty.

These men and women need and deserve our constant support and assistance. This Nation must have more capable and dedicated citizens willing to enter the law-enforcement professions if we are to turn back the tide of increased lawlessness.

Current statistics indicate our need for more law-enforcement personnel. Only one out of five serious crimes was solved in 1968, a decrease in solution rate of 7 percent from the 1967 figures, a 32-percent decrease from 1960.

With a 17-percent rise in serious crime, there are only 2.1 police employees per 1,000 population in 1968 in the United States. This was a slight increase from the 1967 rate of 2 per 1,000 inhabitants.

We are not getting the manpower we need. Present officers are leaving the law-enforcement ranks for safer, better paying, more prestigious employment elsewhere. Urban police officers are accepting jobs in suburban and rural areas where the risks are less and citizen support greater. Young people are beginning careers in other professions because of the unsatisfactory image law enforcement currently enjoys in this Nation.

This trend must be stopped. Our youth must be encouraged to respect both the law and its enforcement officer. Our police must be given an honored place in our society, complete with sufficient moral and financial support and approval from the communities they serve.

Toward this end I am sponsoring the Distinguished Law Enforcement Service Act and ask all my colleagues to join in support of this awards system. Hopefully, when the Congress and the President join in praising and honoring outstanding service in the law-enforcement field, it will be a significant start down the road toward restoring this profession to its rightfully respected place in this country.

My bill would create the President's Award for Distinguished Law Enforcement Service which would be divided into three categories: First, for extraordinary valor in the line of law-enforcement duty; second, for outstanding character and service in the line of law-enforcement duty; and third, for exceptional contribution in the field of law enforcement or correctional research or administration. Four awards in each category could be awarded annually.

The selection of recipients and the administration of the awards would be vested in the Department of Justice. The Attorney General would review recommendations from State, county, and local government officials and assist the President in the selection of persons to receive the awards.

This award will, of course, be only a tangible symbol of this new course I am suggesting. It will be but a first step toward altering this Nation's poor attitude toward law enforcement—lack of respect. But, hopefully, it will assist in initiating a renewed respect and support for this vital profession. The law must be respected if we are not to be inundated by a crime wave beyond control. Mr. Hoover calls our crime situation "a disgrace to our way of life." The President's Award for Distinguished Law Enforcement may be a small but important way we can begin to erase this disgrace and revive law, order, and justice as the talisman of this decade.

I urge enactment of this bill.

SELECTIVE SERVICE SYSTEM REFORM

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

Mr. RIVERS. Mr. Speaker, on May 13 of this year, the President of the United States sent a message to the Congress relative to his proposals concerning reform of the Selective Service System.

President Nixon's message reflected his conviction that—

> The disruptive impact of the military draft on individual lives should be minimized as much as possible, consistent with the national security.

The President went on to say:

> For this reason I am today asking the Congress for authority to implement important draft reforms.

The President then outlined in some detail the six major changes he wished to make in the Selective Service System "if Congress grants this authority."

Shortly after the Congress had received President Nixon's message, the Director of the Selective Service System submitted a draft legislative proposal which "would carry out the President's recommendations."

In accordance with the Rules of the House of Representatives, the President's legislative recommendations on the draft have been forwarded to the Committee on Armed Services for such action as it may recommend to the House.

Although I have publicly stated that I would conduct committee hearings on the President's recommendations as soon as committee business would permit, I and other members of the Committee on Armed Services have been the subject of some criticism for our alleged failure to permit the President to initiate his proposed changes in the draft policy.

In view of these circumstances, I believe it is incumbent upon me to place this entire matter in proper perspective so that the Members of this body and the public in general will know the facts.

At the outset, let me say that I was favorably impressed by the President's message to the Congress on this subject, and at that time I stated:

> The Congress in the 1967 changes to the Draft Act either endorsed the changes proposed by President Nixon or provided authority in the law for him to take such action. The only exception is in the case of the so-called "lottery" proposal. The lottery proposal was specifically prohibited by the Congress in the 1967 Draft Act.

In short, I had stated that existing law now permitted the President to initiate all of his so-called draft reforms with the exception of the so-called lottery.

Let me elaborate on my statement by reviewing each of the six changes recommended by President Nixon, and identifying the authority in the law which now applies.

The first change recommended by President Nixon reads as follows:

> 1. Change from an oldest-first to a youngest-first order of call, so that a young man would become less vulnerable rather than more vulnerable to the draft as he grows older.

This change now recommended by the President is one which had been recommended by the House of Representatives in the 1967 changes to the Draft Act. House Report No. 267 of the 90th Congress accompanying S. 1432 contains a comprehensive discussion of the desirability of going to a younger age group of registrants to satisfy future draft calls. The report stated:

> The Committee therefore subscribes to the concept of the "modified young age class system" and instead of selecting the oldest men for induction, the induction of men from the class I–A available pool in any year would be made from a priority category consisting of—
>
> (a) Men whose student or temporary deferments have been expired and who are therefore available for induction; and
>
> (b) The current 19 to 20 year old young men classified I–A and eligible for induction.

The committee report went on to say:

> Implementation of this . . . recommendation will not require legislation since it is within the discretionary authority of the President who may, if he deems it in the national interest, order the selection of inductees from specific age groups." (Sec. 5(a) of the Universal Military Training and Service Act).

It is important to note that the 1967 Draft Act as enacted into law did not withdraw this discretionary authority in the President.

To illustrate this point, let me quote from the conference report on S. 1432, House Report No. 346, in which it was stated:

> It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called "modified young age system" which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

The second recommendation of the President reads as follows:

> 2. Reduce the period of prime draft vulnerability—and the uncertainty that accompanies it—from seven years to one year, so that a young man would normally enter that status during the time he was nineteen years old and leave it during the time he was twenty.

This second change recommended by the President is simply an elaboration of the first recommendation, that is, a decision to concentrate future draft calls on a smaller and young group of draft registrants, thereby decreasing their period of actual vulnerability to the draft. This authority is provided the President in section 5(a) of the 1967 Draft Act which, among other things, states:

> Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from *provid-*

ing for the selection or induction of persons by age group or groups. (Emphasis added.)

I think it is clearly evident that the first two recommendations of the President are squarely within the authority provided him by the Congress in the Draft Act and require no further legislative action by the Congress.

The third recommendation of the President reads as follows:

3. Select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at certain times of the year or the month.

This third recommendation of the President involves the establishment of a so-called lottery in the selection process.

The Draft Act now specifically prohibits this action by the President unless approved by the Congress in the form of a legislative change in the Draft Act.

I have no strong feelings either for or against the lottery concept. Therefore, I have publicly stated:

If the Administration can show the Committee on Armed Services how such a change will provide more "equity" in the selection process without offsetting disabilities, I certainly would have no objection to this proposed legislative change in the draft law.

However, on the basis of preliminary information provided the committee, it is evident that the "lottery" proposed by the administration is nothing more than a scrambling of the dates of birth of the various registrants available for induction. Thus, the lottery concept of the administration is in the last analysis not essentially different than the "birth dates" provided registrants by divine providence. I am sure you will agree that both situations involve the element of chance.

The fourth recommendation of the President reads as follows:

4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

This fourth recommendation of the President is already covered in existing law. Section 6(h) of the existing Draft Act which provides for the granting of college student deferments includes the following language:

Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of his birth, or who requests and is granted a student deferment under this paragraph, *shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age.* . . . As used in this subsection, the term "prime age group" means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers. (Emphasis added.)

The fifth recommendation of the President reads as follows:

5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

Existing law provides the President with broad discretionary authority in establishing graduate student deferment policy. Section 6(h)(2) authorizes the President—

Under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, *or whose activity in graduate study,* research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest. (Emphasis added.)

Again, in respect to this fifth recommendation of the President, he can accomplish his desires by issuing the appropriate regulations and directives to the Director of Selective Service.

Finally, the President's sixth recommendation reads as follows:

6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

This last and final recommendation of the President is obviously simply an administrative action which involves no further requirement for legislative sanction.

I should also point out that section 6(h) of the 1967 Draft Act addresses the desirability of developing greater uniformity in the guidelines and procedures observed by local boards throughout the nation. Therefore, there is incorporated in the law this specific provision:

The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, *recommend that such criteria be administered uniformly through the United States whenever practicable.* (Emphasis supplied.)

I think you will agree with me that this proposed sixth recommendation of the President already has the blessing of the Congress.

Now, I am under no illusion that the observations which I have made today will receive any significant consideration in the news media. However, I hope that this discussion of the facts of the draft law and the changes proposed by the executive branch will enable you, my colleagues, to understand more clearly the situation that actually exists.

Let me assure you that the Committee on Armed Services has not, nor will it, shirk its jurisdictional responsibilities in regard to our national security generally, and the draft law specifically.

AIR PIRACY AND THE UNITED NATIONS

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am pleased to learn that the President today urged the United Nations to take steps to deal with the problem of air piracy. I congratulate him for this effort. This is an important first step.

Mr. Speaker, on September 4, 1969, as a result of the illegal seizure of a TWA aircraft on August 29, and the illegal detention of two Israel passengers by the Government of Syria, I introduced a resolution, House Resolution 529, which if passed would call upon the President to take whatever action may be necessary, including economic sanctions, to preclude future seizures of civil aircraft of U.S. registry. My resolution would also ask the President to instruct the permanent U.S. representative to the United Nations to request a special session of the Security Council to seek ways of bringing air piracy to an early end. These efforts would include but would not be limited to, seeking broad international adherence to the provisions of the Tokyo Convention on Offenses and Certain Other Acts Committed Aboard Aircraft, and the adoption of measures providing for the prompt and legal punishment of those guilty of illegal seizure of aircraft.

Because the problem of air piracy is so dangerous and fraught with peril for the passengers and crew of the aircraft and recognizing that immediate action must be taken before a serious international crisis develops because a hijacked aircraft has crashed killing scores of innocent people I wrote to the President on September 10, asking that he take action on my resolution even before that resolution is acted upon by the House of Representatives. In that letter I pointed out that the United States should propose a new convention, or protocol to the Tokyo Convention providing for the apprehension, extradition where applicable, and punishment of air pirates as a vital step toward solution of the problem of air piracy.

Mr. Speaker, now is the time for the President to instruct the permanent U.S. representative to the United Nations to take this matter up in the Security Council, as I have urged in my resolution and in my letter to the President.

PHYSICIAN MANPOWER—TELLING IT LIKE IT IS

The SPEAKER. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, I recently read an article entitled "Physician Manpower—Telling It Like It Is," written by Dr. Kenneth E. Penrod, former provost, Indiana University Medical Center, which in my opinion presents an excellent summary of the problems involving the shortage of physicians in the United States today and the steps that have been taken and that still need to be taken to help meet this shortage.

I commend Dr. Penrod's thoughtful article to the attention of all my colleagues:

PHYSICIAN MANPOWER—TELLING IT LIKE IT IS

(By Kenneth E. Penrod)

This is an age of increasing awareness of health services. Public concern about availability of care, and personnel to provide it,

has never been greater. It matters little whether there is a real or imagined shortage of physicians—the average man on the street is convinced there is. Furthermore, he is often just as convinced that this shortage has been planned—a sort of "managed economy."

Facts and figures pertaining to the supply and utilization of physician manpower are available in abundance. Medicine has done a remarkably good job in keeping records. Yet, much of the information is scattered, provided from many sources, and all too frequently dull and statistical. Following is an attempt to present a broad picture with interpretation of the current status in the country as a whole.

THE NUMBERS GAME

Surprisingly enough, prior to 1963 there were several different "official" counts of the number of physicians in the United States. This confusion stemmed from a lack of agreement on who should, and who should not, be counted. Should interns and residents, retired doctors, military personnel, foreign physicians in the country for further training, and those in occupations other than delivery of health care be included? Obviously, to include or exclude all or some of these groups can make a considerable difference.

In 1963 the disparate forces were brought together and agreement was reached on methods of count. Since that time reports of various groups have tended to agree. This has resulted in marked correction in the tables published by some groups.

Still another factor contributing to the greater reliability of today's data has been the use of the computer. At the headquarters of the American Medical Association in Chicago, extensive data concerning each recipient of the M.D. degree are recorded on computer tape. These data may then be readily retrieved in a variety of forms and may be frequently updated.

Figures relating the *total* number of physicians in an area to the population are of little value and may be quite misleading. This is especially so in areas where there are unusually high numbers of military, industrial, or retired physicians, or those making up the staffs of medical schools.

On 1 January 1968 there were 258,279 nonfederal, active physicians providing care to the U.S. civilian population according to the Public Health Service.[1] This figure includes 11,023 who hold the Doctor of Osteopathy degree in accordance with the PHS practice of not distinguishing between the D. O. and the M. D. degree for most purposes. This total figure breaks down to 132 physicians per 100,000 civilians. The five states with the largest supply of practicing physicians per civilian population were, in order: New York (199), Massachusetts (181), Colorado (168), Connecticut (164), and California (161). In this ranking of the states, Indiana stood 37th (94).

It is a well-known fact that the problem of distribution of physicians ranks right alongside that of the total number. The USPHS has defined county population groups into five categories as follows:

(1) Greater Metropolitan—Counties in standard metropolitan statistical areas (SMSA) with a population of 1,000,000 or more.

(2) Lesser Metropolitan—Counties in SMSA's with populations of 50,000 to 1,000,000.

(3) Adjacent—Counties contiguous to one of the SMSA's above.

(4) Isolated Semirural—Counties neither in nor contiguous to a metropolitan area, but which have at least one incorporated community of at least 2500 people.

(5) Isolated Rural—Counties which do not fall into any of the above classifications.

Footnotes at end of article.

As might be expected, the ratio of physicians to consumers is nearly four times greater in the Greater Metropolitan areas than in the Isolated Rural areas, with the three intermediate groups falling between. In Indiana, the population is distributed largely among the three intermediate classifications. If the number of practicing physicians in Indiana is compared with similar population districts of other states, a remarkable similarity can be seen.

The dwindling number of general practitioners among the physician population is a source of concern to many people. The actual number who are providing this kind of medical service is obscure due to many factors.

Some begin specialty training after several years of practicing general medicine while others who hold, or are eligible for, specialty rating do in fact practice as generalists. In any event, the Willard Committee reported in "Meeting the Challenge of Family Practice"[2] those who begin, and stay, in general practice has for some years been leveled off at 15 to 25 per cent of the new entrants to the profession.

Both the report, "Meeting the Challenge of Family Practice," and another, "The Graduate Education of Physicians,"[3] were published by the AMA in September 1966. Both stressed the need for preparation of more general (or "primary," "family," "front-line," etc.) physicians. A significant outgrowth of these efforts has been the formation of the American Board of Family Practice, formally approved on 8 February 1969, as the 20th specialty board in medicine. It is to be hoped that this move will contribute to an increase in the attractiveness of this form of practice to future graduates.

PHYSICIAN PRODUCTION

There were 7,973 M. D. degrees awarded by 85 medical schools in the U.S. (including Puerto Rico) during the academic year 1967–68.[4] The University of New Mexico became the 85th degree-granting medical school that year with the graduation of its first class of 19 students.

The number of M.D. degrees granted has increased by 16 per cent over the past decade during which time the nation's total population has increased by 12 per cent. Figures for number of degrees are as follows:

10 years ago	6,861
5 years ago	7,264
1967–68	7,973
Predicted: 1968–69	8,075

A measure of the current expansion in medical education in this country can be gotten by looking at the first-year enrollment figures. As recently as five years ago, 87 medical schools (including three offering basic sciencies only) admitted 8,642 students. Last year 94 schools admitted 9,479 students. Four of these were new schools admitting students for the first time.

In the near future the increase is expected to accelerate both as a consequence of expansion of existing schools and the opening of additional new ones. Current predictions call for the enrollment to reach at least 11,000 beginning students by 1972–73.[4]

In 1959 the Public Health Service Surgeon General's Report, "Physicians for a Growing America,"[5] triggered nationwide interest in expansion of medical education opportunities. At the time, 1957–58 academic year, there were 81 four-year schools and four schools of the basic sciences. Development of new medical schools had lagged for 20 years. Two new schools were created in the decade of the 1930's, three in the 1940's, and six in the 1950's. Newly developed, and developing schools in the 1960's, with the year of enrollment of the first-year class, are as follows:

Kentucky	1960
New Mexico	1964
Rutgers-New Jersey	1966
Michigan State	1966
Arizona	1967
Hawaii	1967
Penn State-Hershey	1967
Brown	1967
University of California:	
Davis	1968
San Diego	1968
Connecticut	1968
Mount Sinai-New York	1968
Texas-San Antonio	1968

In addition to these 13 new schools with students now enrolled, other schools which are well along in planning and/or construction, but without as yet firm dates for admission of their first classes, are:

Louisiana State—Shreveport.

Massachusetts.

Medical College of Ohio—Toledo.

State University of New York—Stony Brook.

South Florida.

STUDENT ATTRITION

For a variety of reasons, about one student in nine who begins medical school does not complete the requirements for his degree in the usual four years. Academic failure accounts for only about one-half of this loss. By no means all of those who drop behind are to be considered lost to medicine, or to health science careers. Some do ultimately finish in medicine and others in some field closely allied to medicine.

The simplest method of measuring the dropout rate is to record the total number of entering first-year students and subtract the total number receiving the M.D. degree four years later. This method has its shortcomings, however, as it cannot compensate for "drop-ins," either from academic graduate programs (those accepted for advanced standing), or transferees from foreign medical schools. However, such additions are few in number so the method does provide at least an index of loss. The only really accurate tabulation of dropout rate is by carefully following the progress of each individual through medical school, an expensive and time-consuming process. This has been carried out experimentally by the Association of American Medical Colleges and resulted in an interesting and worthwhile recent publication on the subject titled, "Doctor or Drop-Out?"[6]

There is evidence that after nearly a decade of increasing attrition among medical students, the loss has taken a downward turn in those classes graduated since 1965 and this trend shows evidence of continuing. Medical school faculties, aware of the enormous cost to society, are devoting much time and effort to careful selection and guidance of medical students in the interest of the production of more physicians.

The opportunity to attend a medical school is of paramount importance to those with proven ability and the desire. A look at how our citizens fared last year in this regard is of interest. Indiana ranks 12th in population among the states. The 251 students who entered medical school last year placed our state 9th in this respect, surpassing the larger states of Florida, Massachusetts, and North Carolina. Of these 251 students, by far the largest group, 206, began at Indiana University. The other 45 entered 20 school, 14 privately supported and 6 tax supported.

For obscure reasons, not all students who are accepted for medical school actually matriculate. Last year, for instance, 385 more students were accepted than enrolled, and 10 of these were from Indiana. In all, 443 Hoosiers filed applications to enter medical schools in 1967–68, 261 were accepted, 251 began, and 182 were rejected. The 59 per cent

acceptance rate is better than that of the total U.S., where 9,702 of 18,724 total applicants were accepted, or 51.8 per cent.[7] While it would not be correct to presume that *all* of those denied admission were fully qualified and should have been admitted, nevertheless there is ample evidence to support the concept that the nationwide pool of talent is sufficient to fill many more places than are currently available in U.S. medical schools.

Related to this winnowing, a sizable number of U.S. citizens annually seek a medical education abroad. According to the Institute of International Education, there were 2,325 U.S. citizens working toward degrees in medical sciences in foreign countries in 1966–67, excluding Canada. A few of these later return and receive advanced standing appointments in U.S. schools. A large number return for internship and/or residency and, upon successful passage of the examination conducted by the Educational Council for Foreign Medical Graduates, become eligible for licensure by some state. Last year among the 9,326 total initial licenses issued in the 50 states, 187 were to U.S. citizens who were graduates of foreign medical schools.[8]

MINORITIES IN MEDICINE

Medicine, along with other professions, is now being called upon to explain the unequal representation within its ranks of the various minority groups of the country. The answer usually given is straightforward enough and it is related to the high degree of selectivity afforded by two applicants for each available place in medical school. So long as admission continues to be based primarily upon the quality of the undergraduate academic record, little change can be expected.

While this system was acceptable in the past, it no longer suffices in today's society. Widespread concern now dictates that medical school admissions committees must weigh factors other than academic achievement in filling their classes. The problem takes on different forms in various parts of the country but in general involves Negroes, Spanish-Americans, and American Indians.

While a very small percentage of black students have been graduated from the predominantly white medical schools in the past, by far the majority of M.D. degrees for Negroes have been earned at Howard and Meharry Colleges of Medicine. Both of these schools have long faced grave financial problems which have placed limits on their ability to attract and hold topflight faculty in the face of competition from other schools. This factor has likewise served to curtail expansion of facilities at those schools.

In an about-face, there is now fierce competition among U.S. medical schools for the well-qualified Negro student. All schools are seeking to improve their public image through enrollment of a greater proportion of Negroes. Generous scholarship support is available for the best of these and indeed bidding often runs high. This new pattern, is, meanwhile, placing a heavy and awkward burden on Howard and Meharry. Not only are these schools now vulnerable for the better students but likewise for faculty. Are these two schools to be expected to assume responsibility only for those who cannot be accepted elsewhere? By what means can a larger pool of well-prepared Negro applicants be produced *now*? These, and other substantive issues concerning the Black medical student, have been explored in depth in a recent book, "Negroes for Medicine."[9]

The imbalance between Negro population and Negro physicians is fairly ubiquitous throughout the U.S. The problem associated with the Spanish-American and the Indian populations varies greatly with regions of the country. The problems of attracting more of these students into medicine are similar, however, and in some areas of the country efforts are now being marshaled that are fully equaled to those on behalf of the Negro student.

While women cannot be classified as a minority group in the general population, in this country medicine has always been overwhelmingly a male profession. This is not so in a great many other countries, and the number of women medical students and physicians in the U.S. has been on the upswing in recent years. While as individuals those women who in the past have entered the male-dominated profession of medicine have demonstrated a full capacity to perform well, their record as a group has been questioned. Their dropout rate from medical school has been higher than that for men and evidence shows that as a group the total service contribution of the female M.D. is only about one-half that of her male counterpart. The question then faced by admissions committees is: "Shall we take a woman when the chances that she will work full time in medicine are only 50–50, while with a man the chances are greater than 90 per cent?" However, an overwhelming majority of women graduates report that they are contributing to medical care in part-time or full-time positions.

The number of women in medicine is clearly on the increase. A comparison of five years ago with last year, both for the U.S. and for Indiana, shows a marked increase in both the number and percentage of medical degrees granted to women.

TOTAL M.D. DEGREES

	United States		Indiana	
	Men	Women	Men	Women
1962–63	6,860	405	148	5
1967–68	7,332	641	193	16
5-year increase	472	236	45	11
Percent increase	7	58	30	120

The past, present and predicted roles of women in American medicine have been explored in some depth recently. An interesting and informative new book has resulted: "Women in Medicine," by Carol Lopate.[10] Both this book and "Negroes for Medicine," previously referred to, grew out of conferences and studies initiated and sponsored by the Josiah Macy, Jr. Foundation.

FINANCIAL CONSIDERATIONS

The state of residence can make an appreciable difference in the cost of attending medical school. In the 49 tax-supported schools, including three schools of the basic medical sciences only, and three of the developing schools, the average tuition charge was $657 last year for residents of that state. The range was from $206 (Hawaii) to $975 (Alabama). For comparison, the cost to a resident of Indiana at Indiana University School of Medicine was $700.

The state-supported schools, with two exceptions, all charged nonresidents appreciably more, the average fee being $1240. The two exceptions were Hawaii and the Medical College of Georgia. The latter does not admit any nonresidents of the state so the question is academic. The range of charges was from $209 (Hawaii) to $1900 (Michigan). Again for comparison, the charge to non-Indiana residents at I.U.M.S. was $1600 (increased to $1800 in September 1968).

While all 49 state-supported medical schools give preference to residents of the state, and shift a higher proportion of the cost of his education to the student from elsewhere, only one completely closed its doors to outsiders last year—the Medical College of Georgia. Two others showed only a single admission from outside the state. At the other end of the scale, one state-supported school accepted 55 from elsewhere (Tennessee). In all, 85 per cent of the 5,087 students accepted in 1967 by the 49 state-supported schools were from the home state.[4]

The privately owned medical schools are of necessity more heavily dependent upon student fee income for operating expenses than are the tax-supported institutions. In the 45 private schools accepting students last year, the average tuition was $1876. With the exception of four, these schools made no distinction in the charge between residents of the home state of the school and those from other states. The four exceptions were Louisville ($1375 vs. $2000), Temple ($490 vs. $1540), Pittsburgh ($450 vs. $1500), and Penn State-Hershey ($390 vs. $1050). In each of these schools some tax assist is provided by the state of residence, resulting in the preferential treatment of its citizens.

To an increasing extent the privately owned medical schools are seeking and receiving some tax assistance to help meet their rising operational costs. To date, only the four schools mentioned above have made any concessions to residents of the state of assistance, either in tuition differential or in selection preference. As a consequence, in the 45 private schools only 41 per cent of the students admitted last year are from the state of residence of the school.

Due to financial stringencies, the private schools have been unable and/or unwilling to expand their classes as much as the publicly supported schools. This, together with the fact that nearly all of the newly planned schools will be tax supported, is upsetting the traditional balance of nearly equal public-private medical education. As recently as five years ago there were three more private schools than public. In 1967 that ratio was reversed, the public schools outnumbering private 49 to 45. The shift in numbers of students is more dramatic. In 1962 the tax-supported schools accepted only 174 more medical students than their private counterparts but by 1967 this had increased to 695.

It is significant that dropout from medical school is now seldom for financial reasons. Medical schools have for many years successfully raised considerable sums from alumni and friends to use in helping needy students. A few years ago a major effort to solicit funds from industry for this purpose on a nationwide basis resulted in the formation of the National Fund for Medical Education. Annual distribution of funds is made to each of the existing medical schools on a formula basis. Later, the American Medical Association formed the AMA Education and Research Foundation, which likewise undertook a nationwide solicitation of funds. The AMA has also instituted a most helpful program of guaranteeing private loans in order to facilitate ease of borrowing by medical students. Finally, and more recently, federal legislation has resulted in subsidy for medical education, both in the form of loans and grants.

As a result of these various financial aid programs, last year of the 34,528 students in all of the nation's medical schools, 18,960, i.e., 54.3 per cent, borrowed money. The average loan was $925. Ten thousand one hundred forty-eight students—29.4 per cent—received scholarship aid which averaged $819. Increasingly, financial means is not a determining factor in the selection of those who may, and those who may not, obtain a medical education.

INTERNSHIPS

Of the 853 hospitals offering internships in the U.S. in 1967–68, 419 were affiliated with a medical school, 434 were not. For several years there has been a gravitation toward the affiliated hospital internship program by the graduates of U.S. schools. The slack in the non-affiliated hospitals has been taken up by graduates of foreign schools. The latest year was no exception to this trend.

Footnote at end of article.

NUMBER OF INTERNS ON DUTY SEPT. 1, 1967

	United States and Canadian graduates	Foreign graduates
Affiliated hospitals	5,557	938
Nonaffiliated hospitals	1,949	1,975
Total	7,506	2,913

The number of foreign graduates filling internships in this country has not changed markedly in the last few years. Forty-six per cent of the 2,913 foreign graduates on duty on 1 September 1967 were to be found in three Eastern states: New York, New Jersey, and Pennsylvania. Another 40 per cent were located in the five states making up the *East North Central* region of which Indiana is a part. Yet, Indiana recorded only one foreign graduate intern among its total of 108 interns as of the above date. This has been a consistent pattern in Indiana with one foreign-educated intern in 1963, 1964, 1966, and 1967. There was none in 1965.

The salaries of interns have been traditionally low. A new trend has been apparent for the past few years, and shows signs of becoming permanent. This trend is shown in the following table:

ANNUAL INTERN SALARIES

	Affiliated hospitals	Nonaffiliated hospitals
1963	$3,053	$3,678
1965	3,578	4,071
1967	4,893	5,030

MEDICAL LICENSURE

In 1967 a total of 20,074 licenses to practice medicine and surgery were issued by 54 legally constituted medical examining boards—50 states, District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The majority of these 20,074 licenses were issued by reciprocity or endorsement to individuals already holding license in another state but 9,326 of the recipients represent new additions to the profession licensed for the first time. This represents an increase of 584 first-time licensees over the previous year. Among the 9,326 newly licensed physicians, 7,245 were graduates of U.S. and Canadian medical schools while 2,081 (22 per cent of the total) were graduates of foreign medical schools (about 1 in 5 from the Philippines).

Insofar as a second license may be interpreted as a contemplation of relocation of practice, Indiana did not do well in 1967. In all, 232 licenses were issued by 34 other states to those previously holding Indiana license, while the Indiana license was issued by reciprocity to 126 licentiates of 31 other states. The states issuing the most licenses to Indiana license holders were: Ohio—56, California—43, New York—26, Illinois—16, and Wisconsin—10. (Florida does not license by reciprocity.)

Among the 291 first-time licenses issued by the State of Indiana in 1967 were 181 to graduates of U.S. schools (177 from I.U.) and 110 to graduates of non-U.S. schools. It is significant to note that no graduate of the I.U. School of Medicine failed in his licensure examination.

CONCLUSIONS

It is apparent from the foregoing that, while some progress has been realized in the past decade in meeting the nation's need for physician manpower, the effort must be greatly accelerated. Prospects now are that considerably more progress will be realized in the next decade. Evidence for a less spectacular growth in population now seems firm, but both expectation and complexity of health care can only increase. Can medicine and its foundation, medical education, meet the challenge and earn the right to continue to control their own destinies? There is much evidence for the affirmative.

FOOTNOTES

[1] Health Manpower, U.S., 1965–1967. National Center for Health Statistics, Series 14, No. 1, Department of Health, Education, and Welfare. Washington, D.C., November 1968.

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[3] The Graduate Education of Physicians. The Report of the Citizens Commission on Graduate Medical Education. Chicago. American Medical Association. September 1966.

[4] Medical Education in the U.S., 1967–1968. Education Number, Journal American Medical Association 206(9): 1987–2112, November 25, 1968.

[5] Physicians for a Growing America. U.S. Department of Health, Education, and Welfare. Washington, D.C., October 1959.

[6] Johnson, Doris G., and Hutchins, Edwin B. Doctor or Dropout? A Study of Medical Student Attrition. Association of American Medical Colleges. Washington, D.C., December 1966.

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[8] Medical Licensure Statistics for 1967. Journal American Medical Association 204 (12): 1067–1134, June 17, 1968.

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[10] Lopate, Carol. Women in Medicine, 224 pages. The Johns Hopkins Press. Baltimore. $5.95.

RETIREMENT OF ADM. JOHN HARLLEE

The SPEAKER. Under a previous order of the House the gentleman from South Carolina (Mr. RIVERS) is recognized for 10 minutes.

Mr. RIVERS. Mr. Speaker, Government service is a little poorer today with the loss of one of our outstanding public servants, a man who has served this country with great distinction in both a military and a civilian capacity. That man is Rear Adm. John Harllee, who completed more than 37 years of Government service when he announced his retirement as Chairman of the Federal Maritime Commission.

Admiral Harllee has served as a member of the Federal Maritime Commission since his appointment by President Kennedy in August 1961, and he has been Chairman of the Commission since August 1963. In those years he has given his heart to the effort to try to make our mercantile seapower strong and to bring America back to the position it once held as a producer and user of its own maritime fleet. Admiral Harllee came to this demanding job after a singular career in the U.S. Navy. The son of a Marine Corps brigadier general, the late Gen. William C. Harllee, John Harllee graduated from the Naval Academy in the class of 1934 and for the next 25 years always seemed, as the youthful expression goes, to be "where the action is." He was at Pearl Harbor at the time of the treacherous attack on December 7, 1941. During World War II he commanded Motor Torpedo Boat Squadron 12 and served as chief staff officer of the PT organization in the Southwest Pacific. Squadron 12 received the Presidential Unit Citation for a 6-month period of action under his command, and he personally received the Silver Star and the Legion of Merit with Combat V.

He served with the Navy congressional liaison office after the war and went on to command the destroyer *Dyess*. From there he attended the senior course at the Naval War College, where he graduated with a grade of excellent.

During the Korean war he was executive officer of the cruiser *Manchester* and was awarded the Commendation Medal for combat in action. His other assignments that followed included command of Destroyer Division 152, chief of staff of Destroyer Flotilla 3, and command of the attack cargo ship *Rankin*. While he was in command, the *Rankin* won more awards than any other naval ship during the period 1957 to 1958.

Admiral Harllee retired in 1959 and spent a year in private industry with the Ampex Corp. in Redwood City, Calif. In 1960 he became chairman of Citizens for Kennedy and Johnson of Northern California and devoted full time to the presidential campaign. After the election he became vice president of E. I. Farley & Co. of New York City, but he resigned that position in 1961 to accept the President's call to serve on the Federal Maritime Commission.

The awards that Admiral Harllee has received over his years of distinguished service are too numerous to mention, but I do believe he should be especially proud of the fact that he was cited by the Federal Bar Association for his work in maritime law.

Knowing the man as I do, I am not sure he can be persuaded to slow down his activities. But if he does truly retire, it would be to a rest that is truly deserved, and I think his many, many friends on Capitol Hill will join me in saying at the close of this great career, "Well done, thou good and faithful servant."

MAJOR MARITIME RESEARCH ASKED

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

Mr. HANLEY. Mr. Speaker, for several years, I have been concerned about the dwindling American merchant fleet and about the collateral impact this has had on the American economy. I have spoken out on this subject on innumerable occasions, both here in the House and through newsletters, public speeches, and news releases. For these reasons, I was particularly pleased to read in the newspaper the other day of a proposal by the Maritime Administration to launch major research and development efforts aimed at returning the United States to the pinnacle of maritime strength.

As long ago as 1966 I warned of the dangerous downward trend our maritime shipping was in, both in terms of ships and in terms of tonnage. I warned of the dangers of runaway ships, sailing under both neutral and friendly flags, which could and in some instances did thwart established American foreign policy.

Mr. Speaker, although I am not a member of the distinguished Merchant Marine Committee of the House of Representatives, I am a concerned and interested Member of Congress who well recognizes the value of a strong merchant fleet, and who can at least speak out on the situation and urge my colleagues to concern themselves as well.

I commend the Maritime Administration for taking this initiative and urge my colleagues to read the attached article from the Washington Post:

CONFERENCE SEEKS TO RESTORE U.S. FLEET: MAJOR MARITIME RESEARCH ASKED

(By William H. Jones)

A major new research and development effort to restore the United States to "its proper position of leadership" among maritime powers was proposed yesterday.

Outlining recommendations of the first national conference on maritime research and development, sponsored this summer at Woods Hole, Mass., by the Maritime Administration, Nixon Administration leaders said they were "extremely optimistic" about new techniques that could rebuild the U.S. fleet.

The conference—attended by shipbuilders, labor leaders, steamship companies, research firms, universities and government agencies—recommended both nuclear and non-nuclear projects. If fully funded, the non-nuclear program would cost about $32 million a year beginning with the next fiscal year. The recommended nuclear program would require $344 million over a period of eight years.

Maritime Administrator A. E. Gibson, speaking to a meeting held at the Commerce Department to explain recommendations of the conference, noted that the U.S. merchant marine has not been expanding in recent years "because of its high cost compared to that of its foreign competition and because there seemed to be no way to overcome this disadvantage except through government subsidies."

With increased productivity and modernization, the Commerce Department official said, subsidies could eventually be elminated on the major North Atlantic and Pacific trade routes where developed countries will have the facilities to handle the results of the so-called container revolution—the shipment of goods in containers which can be easily transferred from one type of transport to another.

The technological revolution, Gibson continued, will not only restore U.S. maritime leadership, but create more cargoes, more jobs and more profits. "We believe we are witnessing the beginning of an era of decreasing reliance on government aid for profitable operations," Gibson stated.

Commerce Secretary Maurice H. Stans, who was also present, said the administration was "vitally concerned" with increasing two-way international trade to help sustain economic growth. He said a strong maritime industry was necessary to maintain trade and for national security. In addition, he noted that President Nixon will soon propose an entirely new maritime policy and program that "will recognize the national need for rebuilding our merchant marine and will furnish the means to achieve it."

The Woods Hole conference recommended research projects that range from improvements in the 20-knot ships in operation now, to the high-speed (30–40 knot) utilized cargo ships in the 1970's, and to even higher speed (50–100 knot) surface fleet ships by the 1980's.

Better use of speed and increased revenue capability from faster turnarounds at ports will increase the earning power of U.S. flag ships, the conference concluded, thus providing incentives to build and operate higher capital cost, higher speed ships.

In the nuclear field, the conference recommended a second-generation nuclear ship program of three ships to bridge the gap between the technology of the present Savannah, and third-generation nuclear ships of the future. The conference said the second-generation ships should go into operation in 1977.

Heavy emphasis was also put on improving operations of the present fleet, including new radar data computers and improved methods of stowing containers on deck.

The conference report noted that the Manhattan project now underway holds the prospect of opening not only a new sea bridge for the transport of bulk petroleum from the Alaskan North Slope, but also a new East-West Polar passage for transportation of other surface-borne cargoes.

Finally, a better understanding of the sea itself was supported—projects to study dynamics of ship motion, mooring and materials.

OPERATION BREAKTHROUGH

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

Mr. BOW. Mr. Speaker, Operation Breakthrough, the HUD program for developing new techniques in housing, is moving into high gear this week as scores of applications and proposals pile up on the desks of Assistant Secretary Harold B. Finger and his associates.

I have great confidence that among these proposals we will find solutions to the problem of using modern technology to house millions of our citizens in attractive, safe, and sanitary homes at prices we can afford to pay.

The objective of Operation Breakthrough is to develop and evaluate methods of volume production of housing which should lead to reduction in costs and elimination of current constraints on volume production of quality housing.

Everyone who has studied the problem must agree that we can never satisfy our housing requirements in this country by the conventional methods of piling brick upon brick or mailing board to board. Only new technology can do the job.

The keystone of Operation Breakthrough, in my opinion, is the challenge to the construction industry and all other industry to develop new ideas, designs, and methods. Requests for such proposals were issued 8 weeks ago. Tomorrow is the deadline for their submission. Engineers and designers across the country were quick to accept the challenge of the proposal. Secretary Finger and his associates now have the exciting task of evaluating their ideas.

From among the proposals, a dozen or more will be selected for actual construction and testing on eight prototype sites in various sections of the country. Proposals for the sites have also been coming in this week, one of the very first being presented by the Honorable Stanley A. Cmich, the mayor of Canton, Ohio, my home town.

Within a year we will have eight "housing fairs" scattered across the Nation, where everyone interested in housing can visit, study, test, and compare the best ideas in housing that American ingenuity can devise. From this we hope will develop the ability to meet the ambitious housing goals defined in the Housing Act of 1968.

SOCIAL SECURITY BENEFITS

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

Mr. EDWARDS of Alabama. Mr. Speaker, the announcement of President Nixon that he will seek a 10-percent increase in social security benefits was an important step in aiding many forgotten Americans. These persons over the age of 65 and on fixed incomes are the ones hardest hit by inflation.

Today the minimum payment of an individual at 65 is only $55 per month—hardly enough to buy food. A couple receives a minimum payment of $82.50. Even the average payment tells a sad story: Benefits amount to $99 for the individual and $148.50 for the couple.

The 10-percent rise barely covers the cost of inflation since the last increase in benefits in February 1968. It will, however, serve to offset some of their increased costs.

What is needed though is a continued recognition that as costs of living rise, the expenses for those on fixed incomes rise. Prices usually rise fastest in the food and services industries—areas where most of the senior citizen's income is spent. Therefore, some automatic increase in benefits to counteract cost-of-living increases merits consideration.

But, Mr. Speaker, the real and compelling need in the country is to get control of the inflation that is running rampant. I count this as being right at the top of the list in setting priorities in the Nixon administration. We must act now to stop the cruel tax of inflation which strikes at the very heart of those on fixed incomes.

NIXON'S ATTACK ON DOMESTIC PROBLEMS

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

Mr. SCHWENGEL. Mr. Speaker, the Cedar Rapids Gazette recently carried an editorial relative to President Nixon's attack on domestic problems. The editorial notes that the President does, contrary to his critics, have his finger on the domestic pulse. I concur wholeheartedly in the editorial:

ATTACKING DOMESTIC PROBLEMS

From his action this week one could conclude that President Nixon had anticipated the comment of critics that he was running away from pressing domestic problems while on his world tour. His announcements of programs for solving those problems as they affect national health and safety standards, and our worn-out transportation system indicated he hasn't been ignoring the home front.

But the nature of the programs undoubtedly will raise more criticism that he isn't moving into these areas fast enough. If we can go to the moon in less than eight years from a standing start, why do we need 12 years to modernize our transportation system? And three years to map and start to enforce new health-safety standards?

In the case of transportation, the answer probably is lack of funds. Mr. Nixon has proposed a $12 billion program spread over 12 years to improve and expand local bus, rail and subway transportation. In the face of anticipated tax revenues and other de-

mands for the funds, that may be as swiftly as we can get the money to do the job.

But certainly lack of money isn't that much of a drawback to implementing new health-safety standards for financial requirements are small in comparison to funds needed for modernizing the transportation system.

Aside from moving too slowly into the enforcement area, we like the administration's approach to establishing federal modern health-safety standards for business and industry in order to cut down what the President called "needless illness, needless injury and needless death" resulting from occupational accidents and disease. These standards would not apply in states whose own programs already are as tough or tougher. Other states would have to comply, much as is the case today with meat inspection. Yet the legislation being drafted would not apply to federal, state and local government workers, or to industries like coal mining, which already have specific standards. Why not? What's so special about the government? Don't its workers often suffer "needless illness, needless injury and needless death" from occupational accidents and diseases? And are the standards of industries like coal mining as stiff as they really should be? The Nixon program would be stronger if these items were dealt with.

On transportation, the President has accurately pointed up the need to keep public transit systems alive if only because the day is not far off when traffic jams will force people to leave cars at home if they want to do business in metropolitan areas.

His program is designed to make public transit—in and between cities—so appealing, convenient and efficient that the individual will prefer it to using his car between home and work, or on business trips where it can compete timewise with the airlines.

The details of these programs must be worked out, of course. The important thing at this juncture is that President Nixon has his finger on the domestic pulse, is getting the message as to home front problems and is moving in on them.

CORALVILLE DAM PROVES ITSELF

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

Mr. SCHWENGEL. Mr. Speaker, since its construction, the Coralville Dam and Reservoir have been the subject of sometimes heated debate between those primarily interested in recreation, and those primarily interested in the flood control functions of the dam. I have long supported those who feel the dam has a primary function of flood control, and that flood control considerations should have priority over recreational aspects.

An editorial in the Iowa City Press-Citizen recently confirmed the wisdom of my position. Had the flood control functions of the dam been subverted for recreational purposes, the water level behind the dam would have been so high as to render the dam ineffective for flood control purposes. Thankfully, the Corps of Engineers insisted that flood control receive priority, and thus a good deal of very serious flooding was averted.

The editorial follows:

FLOOD CONTROL WORKS

The Coralville Dam and Reservoir today are doing precisely what they were designed and built to do.

They are preventing a major flood on the Iowa River in Iowa City and downstream. All indications now point to the fact that the flood control works will continue to do so—barring, and this possibility must be acknowledged, further downpours in the upper valley of the Iowa River.

What the dam and reservoir are doing obviously is to contain the massive quantities of water that made Marshalltown's flood the worst in that city's history, that inundated much of Tama, that covered Chelsea with water, that spread far out over the flood plain all the way from above Marshalltown to the Amanas. By holding the water in the reservoir and releasing it over a longer period of time, the dam and reservoir cut down the great crest that would be in Iowa City today otherwise. This extends the time over which the water will move downstream. It also is reducing crests all the way downstream, including that portion of the Iowa below the confluence with the Cedar, although admittedly the quantity of water moving downstream even with the controlled flows on the Iowa will cause severe flooding as the combined river nears the Mississippi.

Containing the massive flooding does not mean that there is no inundation below the Coralville Dam. There plainly is, as anyone who has seen the lower level of City Park or the flood plain east of Hills, knows. This, however, serious though it now appears, is approximately what could be expected about on the average of one year out of every two before the dam was finished.

COMPARISONS WITH TODAY

The discharge rate from the reservoir is now 12,000 cubic feet per second. This compares with the flow into the reservoir of 27,000 cfs. Sunday and 22,000 cfs. Monday. Tuesday's was 16,000 cfs. and the drop indicates that a balance is at hand in which the amount of water coming into the reservoir is approximately equal to the outflow; then, soon, discharge will surpass inflow. As this happens, the reservoir level will drop and the possibility that additional rain would flow into a reservoir with no additional capacity diminishes.

That 12,000 cfs. plus whatever is picked up from Clear and Rapid Creek discharges is minor compared with past record flows. In fact, during the 50 years preceding the closing of the Coralville Dam in 1958, Iowa City flows of more than 12,000 cfs. were recorded on 28 occasions. It's been exceeded only once since, until the current period, and that was a short-lived flood July 14, 1962, the day after eight inches of rain in 24 hours all but washed the immediate Iowa City area downstream.

Peak flows in those 50 years came in 1918 when the rate was 42,500 cfs. and in 1947 at 33,800 cfs., the latter being in the range of what would be occurring now without the dam. River levels in Iowa City in those years were six to seven feet higher than they are now.

DAM PASSING BIG TEST

What is happening now is that this area, and the downstream valley, for the first time in 15 years, are having their first flood of the type which once occurred in more years than it did not. We aren't accustomed to even minor controlled floods anymore but we have become accustomed to having the dam and reservoir prevent nearly all high water. Consequently, substantial areas of flood plain land, land that once was flooded regularly, has been put to use. Now the river has come back, in effect to use again its flood plain that man has converted to his use. It will happen again, occasionally. But the disastrous floods of the kind that washed over the valley above the Amanas last week and from Iowa City downstream many times in the past will not happen again, unless a catastrophic set of natural coincidences brings more water pouring down the Iowa than at any time yet in this century.

The Coralville Dam and Reservoir are getting their first great test since being completed in 1958. They are passing. The knowledge and understanding gained from this flood unquestionably can help in further reducing the effects of future floods of this and greater magnitude so that even greater control can be achieved.

TAX REFORM

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

Mr. SCHWENGEL. Mr. Speaker, I insert in the RECORD a thought-provoking editorial from the Iowa City Press-Citizen which notes some shortcomings in the tax reform bill:

TOO MUCH TOO SOON

By its very definition, a tax bill—even a tax reform bill—has got to be unpopular with somebody. But by any objective evaluation (if objectivity about taxes is ever possible), the U.S. House of Representatives has done a highly commendable job on the bill it sent over to the Senate by a rousing vote of 394 to 30.

Riding a surge of idea-whose-time-has-come popular support, the House Ways and Means Committee, chairmanned by Arkansas Democrat Wilbur D. Mills, labored and brought forth not only the most comprehensive tax reform bill in history but one of the most equitable.

Among other things, a chunk was taken out of the special tax privileges granted oil producers, reducing the depletion allowance from 27½ to 20 per cent; nicked a lot of fat cats in the over-$100,000 bracket who have been escaping taxes entirely, and eliminated the 7 per cent business investment tax credit.

What began as a tax reform effort, however, gathered such momentum that it ended up as a tax-slashing spree, with hefty cuts not only for those in the lowest income bracket but for the tens of millions of so-called "forgotten Americans" in the $10,000-and-up category.

The result is that while the loophole closings are expected to bring in an extra $5.2 billion by 1972, the wide-ranging tax-cut bonanza totalling $9.3 billion would put the Treasury in the hole some $4.1 billion.

That fact alone has caused the Senate to greet the bill with tempered enthusiasm, if not some alarm. Other aspects of the bill are also meeting resistance, such as the depletion allowance cut, which some senators think is excessive and others think is not enough. Another is a dubious 7.5 per cent tax on private foundations. Nearly 200 tax bills or amendments have been filed with the Senate Finance Committee.

Welcomed as tax cuts would be by the average citizen, what the House has done appears to be a case of too much too soon.

Lower taxes will be of little comfort if a massive budget deficit adds another boost to inflation, which is only a different kind of taxation. More take-home pay in the pocket won't mean much to consumers if business has to turn around and post higher prices to make up for the loss of its investment credit. Nor will the country's crying social needs be met by giving everyone a little extra cash to the detriment of federal programs in education, health, mass transit, urban renewal and all the rest.

Middle-income Americans may feel squeezed by taxes, but they are not hurting so much that they want tax relief at the cost of sound fiscal or domestic policy. What they have really been protesting in the past year is not just high taxes but high government spending and the fact that not everyone has been paying his fair share.

To repeat, the House-passed tax reform bill is a good one, but the Senate can make it even better.

HIGHWAY SAFETY: COMMENTARY NO. 16

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

Mr. CLEVELAND. Mr. Speaker, several paragraphs of my Washington report No. 5 to my constituents were devoted to the highway safety hearings held by the Public Works Subcommittee on Roads earlier this summer. A newspaper editor used a section of that report as a point of departure for an editorial which I would like to share with my colleagues in the House.

It is perfectly clear from what we heard in those hearings that the ineffectiveness of the Nation's safety programs is in part the fault of Congress and our failure adequately to fund these programs. The fact remains, however, that much more could be done in the field of highway safety at the State and local level.

Mr. Speaker, the following editorial, which appeared in the Lebanon, N.H., Valley News on Tuesday, June 24, outlines just a few of many things that could and should be done. It is an excellent piece of journalism, and I heartily commend it:

HIGHWAY SAFETY

In his last newsletter, Rep. James C. Cleveland (R-N.H.) said his Subcommittee on Roads is holding hearings on ways to improve highway safety programs.

Cleveland said he was "struck by the appalling figures of the slaughter on our nation's highways. Since January 1961, when I first started to run for Congress and the nation started to keep toll of the grim casualties from Vietnam (now 36,000), over 400,000 persons have been killed in automobile accidents. This is not to mention the untold tragedies of the permanently impaired, both physically and mentally, with loss of limbs and sight, and other disablements, and the awful costs. For the young, highway accidents are the number one cause of death. More must be done by all of us to stem this ghastly carnage."

Cleveland is right, of course, and one doesn't have to be a Ralph Nader to think of several ways of improving highway safety programs. It's all well and good to install dozens of safety features in our new automobiles, but there still is much that can be done to make our highways safer to ride on.

We can think of several things that need doing . . . there are, obviously, many more, but here are some . . .

Make uniform throughout the nation all traffic signs and drivers' signals. Why not uniform speed limits?

Force states and municipalities to repaint center lines in highways more frequently than they now do. In order to pass inspection in most states, our vehicles must have at least a minimum of tread left on tires and acceptable lighting and braking equipment. Yet these same states allow road markings to become so faded as to be virtually indistinguishable, particularly at night.

Make it mandatory that all federal and state roads—and perhaps even streets—be painted with road-edge safety lines. Anyone who drives much at night knows the value of these borderlines on a highway.

We'd like to see a federal law forcing installation of operating lights on all vehicles—small but easily discernible lights placed strategically in the front and rear which would burn, day and night, anytime the motor is turning over.

We'd also like to see manufacturers install as standard equipment automatic headlight dimmer switches on all vehicles.

And why not, in these days of highly sophisticated gadgetry, one which would automatically switch on a vehicle's headlights when it becomes dark enough to need them? How many "eagle-eyed Charlies" have you seen driving along, lights out, well after sundown? Accidents on their way to happen.

Finally, we believe that regular and routine inspections, such as our states force us to give our vehicles now, should be given to all drivers as well. And those unfit for any reason to drive a vehicle should not be allowed to.

And we haven't even mentioned our pet grievance—and that is our overly lenient police and court system which continues to give mild wrist-slaps and meaningless fines to drivers who over and over again flout our laws of the road, either by the way they drive, or by the way they drink and drive.

While chronic careless and negligent—and irresponsible—drivers continue to hog our highways, all the safety features we can pack into our vehicles and install on our highways are going to have very little effect on the appalling slaughter we see and read about every day.

EMBARGOED SPEECH OF OGDEN REID

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

Mr. MORSE. Mr. Speaker, twice in August I spoke to my colleagues in the House to express my deep concern with the decision of the South African Government to grant Congressman OGDEN REID a visa only on the condition that he make no speeches during his planned visit to Africa, thus denying the gentlemen from New York the right to address the Annual Day of Affirmation of Academic and Human Freedom of the National Union of South African Students, the purpose for which he had been invited to South Africa.

It was a vast disappointment to the gentleman from New York (Mr. REID), to the National Union of South African Students, and to every man concerned with the principles of freedom and mutual understanding, with human rights and the rule of law, that he was unable to share his thoughts and his hopes in person with these young people, for it could only reflect a repudiation of these principles and a further step toward isolation from the world community by the Government of South Africa.

It is thus with both a sense of honor and of sadness that I share with my colleagues today the moving address that Congressman REID transmitted by taperecorder to those who had hoped to hear it in person.

I am privileged to be able to present together with this address, the speech by the president of the National Union of South African Students, Mr. Duncan Innes. His words are a great tribute to Congressman REID. They are the words of a man who truly loves his country and its people, a man who has the will and the courage to continue to hope and work so that dignity, human rights, and the principles of freedom will prevail in that nation.

[Embargoed until release for A.M. papers Aug. 19. 1969]

ANNUAL DAY OF AFFIRMATION OF ACADEMIC AND HUMAN FREEDOM

(Address by Congressman OGDEN R. REID, August 18, 1969)

Mr. Innes, members of the NUSAS executive committee, ladies and gentlemen: I had deeply hoped to be with you in person tonight and to share with you the National Union of South African Students' Annual Day of Affirmation of Academic and Human Freedom. It is a cause for genuine regret and sadness that, at a time when our world grows smaller, any nation should act to restrict communication between peoples. Ideas and principles that reflect the truth cannot be stopped by any country on the globe. Thus, I thank you again for continuing this evening in the Great Hall of the University of the Witwatersrand, and I hope that you will know that I am very much with you in spirit.

No man of ordinary sensitivity could rise at this rostrum, on this day, and not be moved by the meaning. To stand in the place where Alan Paton and Robert Kennedy once stood; to participate in this ceremony that is honored wherever men love freedom and respect courage; to share with young South Africans this moment of comradeship in the cause of mankind; to protest, with you, the unlawful violation of human rights, wherever committed; to proclaim, with you, the right of free men to dissent from the arbitrary decisions of government—these are memories that for me will never blur. This is a privilege that I will always cherish.

You are here today, as the students of South Africa assembled, to make a public affirmation of your resolve to preserve academic and human freedom. You are here to assert your commitment to the rule of law, a principle foreign to the tyrannies of Fascism and Communism, which we all detest. My role here today is to confirm the universality of your beliefs—and to take note of the solidarity among millions of young men and women, in your country and in mine and throughout the world—who are determined to transform unjust societies into just ones.

While conveying to you the admiration of my countrymen, I bring special greetings to you from some of your countrymen, your friends and past leaders with whom I have had the privilege of working in recent weeks. Though excluded from this assembly, they are here in their spirit and in your hearts.

These men and women, so fresh and ardent, are really part of an old adventure. They join a long line of the young who, in their selfless sacrifice, stretch back beyond ancient Greece to the first struggles for human liberty. King David is in that line and so is Jesus himself. And there is Joan of Arc and Martin Luther and, in my own country in my own day, his very namesake Dr. Martin Luther King Jr., who as a young man in his twenties conceived and led the bus boycott in Montgomery, Alabama, which ignited a mass inter-racial movement for human rights. Your friends, who helped make NUSAS the great and effective symbol that it is today, are part of that tradition and I, for one, feel proud that they have chosen to live in my country to pursue their magnificent ideals.

I recall one poignant dialogue in American history that has special meaning for those uprooted countrymen of yours. I think of Benjamin Franklin, the grand old man of our Revolution, who proclaimed, "Wherever liberty is, there is my country." To which Thomas Paine, three decades younger and the firebrand of several revolutions, answered with defiance: "Wherever liberty is not, there is my country."

I wish I could come before you and say that my own country has always honored

its commitment to human freedom—or fully honors it today. We have many moments in our history of which I am ashamed—the jailing of German-Americans during World War I, the mass internment of Japanese-Americans during World War II, the imprisonment on trumped-up charges of dissenters during the Red scares of the 1950's. And even today, as you all know, the American Negro is a victim of the most intolerable discrimination in some areas. He has been segregated by ordinance in the South and by custom in the North, herded into rural slums in the Mississippi delta and urban slums in New York and Chicago, denied equal justice before the courts of South Carolina and equal opportunities in the schools of suburban New Jersey. While many rights and opportunities have been denied or deferred, our Constitution and Bill of Rights have always provided fundamental protections. In recent years, historic decisions of the Supreme Court have made manifest these guarantees and new legislation in the Federal government and the states is upholding as a matter of law equal opportunity in education, housing, jobs, public accommodations and the right to register and the right to vote.

In my nation, as in yours, it has been the race issue which has most sorely compromised our ideals. The United States was only a few decades old when Thomas Jefferson—author of our charter of independence, founder of our oldest political party, our foremost political philosopher—looked back at the calamity of racial exploitation and declared: "When I reflect that God is just, I tremble for the future of my country." In a day when racism was not recognized as the curse it has become, Jefferson saw that justice cannot be compartmentalized within a society, permitted to some and denied to others. Once it becomes the privilege of a few, justice begins to die, from cynicism within and repression without. As Lincoln put it on the eve of the Civil War, our greatest national tragedy, "A house divided against itself cannot stand. . . . This government cannot endure permanently half slave and half free. . . . It will become all one thing or all the other."

For freedom, like tyranny, is indivisible. And the ideal of human equality is the universal concern of mankind. Yet, like you, there have always been Americans—from the young Abolitionists of the 1850's to the young W. E. B. Dubois at the turn of the century to the young fighters in every college in the country in our own time—who have resisted systematic injustice and believed in the promise of equality made by our founding fathers. They have believed, as I believe, that we will, in America, have a just society one day. And by your presence here before me, I know you believe that one day there will be justice in South Africa too.

As one of our finest young leaders, Senator Robert F. Kennedy, said to you so perceptively just three years ago: "The history of liberty is a history of resistance." This is a lesson we cannot—whether Americans or South Africans—ever afford to forget.

Despite our failures as a nation, we in America have shown that progress is possible and that all our citizens have much to offer our society. Thurgood Marshall, who gained stature as the foremost of our civil rights advocates, now sits on the Supreme Court of the United States. Dr. Ralph Bunche, perhaps our most distinguished diplomat, has since 1954 been Under Secretary General of the United Nations. Edward Brooke was elected to the United States Senate by an electorate more than ninety per cent white. Carl Stokes is the Mayor of the cosmopolitan city of Cleveland, and Charles Evers, whose brother was slain in the cause of civil rights, was this spring elected mayor of a city in the Mississippi Delta. Leontyne Price, born in a Mississippi sharecropper's shack, has become America's greatest operatic performer. Arthur Ashe has achieved such eminence in the sport of tennis that he is admired throughout the world. Cezar Chavez, through his successful nationwide grape boycott, has given hope to Spanish-Americans by making a national cause of achieving collective bargaining rights for farm workers.

Indeed, men and women of all backgrounds and origins have enriched our national life in a thousand ways and, as a society, we are much the better for it. Through them, the moral commitment of a nation has been registered again and again—and though there remain grave breaches in fulfillment, I am confident there will be no turning back. If there is any theme to this century, let it be that barriers to freedom are going down in Africa, in the United States, and around the world, and that every man has the right to expect no ceiling on his attainment save that set by his own ability.

If to you, there may sometimes appear to be good reason to despair about your own country, may I remind you what a tenacious and durable plant the idea of universal freedom is. It is a wild plant whose seeds are blown upon the winds and fall, as if at random, on the earth. The seed takes root and, despite the efforts of the gardeners to stamp it out, grows into a conscience that cannot be crushed. And so determined is this seed that the solid concrete of police practice cannot keep it from pushing through to the light.

How else can one explain the miracle of a Chief Albert Luthuli or of a Dr. Martin Luther King Jr., the bearers of their countries' honor, in spite of the countries themselves? Both bore consciences spawned by the seed of liberty and, if often vilified by their countrymen, they talked to the sensitivities of the entire race of man. And so they won Nobel prizes for peace—for there will be peace when men recognize one another not as master or servant but as equal.

Why did Luthuli speak, when it would have been so much more comfortable for him to remain silent? He answered that question himself: "To remain neutral in a situation where the laws of the land virtually criticized God for having created men of color was the sort of thing I could not, as a Christian, tolerate."

Nor did he relent in his conviction that justice would emerge in the end. "It may well be," he said, "that South Africa's social system is a momument to racialism and race oppression, but its people are the living testimony to the unconquerable spirit of mankind. Down the years, against seemingly overwhelming odds, they have sought the goal of fuller life and liberty, striving with incredible determination and fortitude for the right to live as men—free men."

The message of Dr. King was, in its lofty conception of man, very much the same. From a jail in Birmingham, Alabama, in 1963, he wrote on scraps of paper which he had to smuggle to the outside the following words: "We have waited for more than 340 years for our constitutional and God-given rights . . . If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands."

I myself recall talking with Dr. King during the grim days of conflict in Selma, Alabama, and the thoughts which he expressed were neither of hatred nor retribution but of love and justice. He understood that the goal for which he fought encompassed more than just the black men of America. "I fight for the soul of America," he told me. "In winning our freedom," Dr. King said to white America, "We will so appeal to your heart and conscience that we will win you in the process." Let it be remembered, in Dr. King's own words: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutality tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

Surely in South Africa, many see vividly that what is at stake is not just the fate of the black man but the basic condition of life of all men, white and black alike. I perceive an awareness of the indivisibility of freedom in the statements of your clergymen protesting segregation, in the defense by your journalists of freedom of the press, in the noble appeals of your bar councils for civil liberties and due process. The seed of liberty is at work here, pressing its tendrils skyward, determined that one day the flower will reach the light.

But what encourages me most about South Africa is your own splendid affirmation, expressed here today, of the principles of academic and human freedom. For you are a part of the wonderful phenomenon of youthful idealism that is making its impact felt around the world. You are part of the politics of hope, the politics of change. It is natural that you should feel at times alone, geographically remote and artificially walled away from the great social movements of our time. But I hardly need to point out to you that through non-violent democratic methods and a new form of participatory democracy, student voices have been raised in many lands—and they have been heard.

Your contemporaries in France contested an authoritarian regime and finally succeeded at the polls. Your contemporaries in Czechoslovakia rekindled the taste for liberty of a whole people and, in doing so, made the mighty Kremlin tremble. Your contemporaries in my own country forced repudiation of a war policy and sparked a new politics that persuaded a President to withdraw as a candidate for re-election.

So you are not alone. True patriotism is concerned with fighting for the fullest democratic rights for all. Young people of many lands share your determination to correct old wrongs and to introduce a standard of morality which measures a society not by its capacity for accumulation and destruction but by its quality of justice and compassion. It is a truism that the future is to the young, but let me remind you that, all around the world, the median age of population is declining. In the United States, more than half the population will soon be under twenty-five. So, by power of numbers alone, youth will triumph. I ask you only to be a little patient, not to despair, never to contemplate abandoning your idealism, to keep your dedication intact in behalf of the cause you have chosen.

In your own terms, that means standing with young South Africans wherever they are to be found to proclaim: We reject the old order of fear and division. We repudiate force and coercion. We will not stand for exploitation of the helpless or suppression of the press. We will expose the assault on academic freedom to the conscience of the entire world. We condemn the moral abomination of apartheid.

In the place of tyranny and authoritarian regimes, with your contemporaries around the world, you may also proclaim: Hereafter, let the greatness of each nation be measured by its compassion and by its progress toward the goals of a just society—equality of opportunity, reverence for life and health, the zealous protection of civil liberties, equal access to quality education, a free press, an independent judiciary, a fair elective process.

And if your older countrymen throw dust in your eyes with the tired slogan, "My Country Right or Wrong," reply to them with that wonderful statement of Albert Camus: "I should like to be able to love my country and still love justice."

So let us have then a new global agenda for humanity, faithful to the noble words of the preamble of the United Nations' Uni-

versal Declaration of Human Rights: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

This Declaration, by a vote of the General Assembly, proclaimed in Article I: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Let our countries cease being hypocrites in any respect and, as members of the United Nations, strive to meet and implement these lofty ideals. Let us chart a course for the future and dispatch ourselves to achieve its objectives:

(1) Let Americans set the year 1976—the bicentennial of our Declaration of Independence—as the year for redeeming our society's pledges to the people of Bedford-Stuyvesant and Watts, Spanish Harlem and the Arizona Indian reservations, rural Alabama and the migrant labor camps of California. Let us set goals for education, housing, medical care, the decontamination of our environment, the rebuilding of our cities, the restoration of government to the people by realization of the one man-one vote principle. And let us meet those goals.

(2) And let the rich nations of the world help the poor nations as equals to equals, to stand on their own feet, so that this can, indeed, become one world.

(3) And let all the nations plan together in harmony the achievement of man's common goal—his survival—for without an agreement on strategic arms limitations we will, atomically or biologically, annihilate ourselves. Without population control, we will soon be a world of seven billion people, most of them sick and starving and dying. Without universal education, we will be building a future of ignorance. Without genuine commitment to the U.N. Declaration of Human Rights, we will exacerbate the hatreds and resentments, the bestiality of man to man, that will surely be the undoing of us all.

Again, I say, even when the going looks toughest, don't despair. For there is a peculiar force, an irresistible contagion, in the highest ideals of man. I remember that Thomas Jefferson once said: "The flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them . . . ." So let the tyrants, the autocrats and the rigid defenders of the status quo beware, for though they may be possessors of the present, you are most surely the children of destiny, the guarantors of the future.

If men needed a sign in the heavens that the old order is passing, they received it last month when two human beings walked on the moon. When some men reach the moon—and young men in thirties at that—how can others think of their fellows as mere creatures to be confined in ghettoes or sequestered on reserves, restricted to menial labor or left uneducated, unworthy of comradeship, or even respect, the pawns of a master race? Certainly, Apollo 11's stupendous demonstration of man's genius and his vision, his capacity for planning and achievement, prove beyond doubt that a global agenda for all of man is a realistic and attainable program for our times.

Yet I do not underestimate the difficulty of the course I have proposed. I know that in the struggle for racial justice and the preservation of freedom, the odds may at times appear insuperable and the future grim and doubtful.

So may I read to you some words penned by Abraham Lincoln, himself no stranger to reverses in the cause of liberty. A Republican, Lincoln was still an obscure local politician fighting the extension of slavery just two years before he was elected President.

Years after his death, this note, reflecting on the parallels in Britain's agonizing efforts to abolish the slave trade, was found among his papers. It concluded:

"Remembering these things, I cannot but regard it as possible that the higher object of this contest may not be completely attained within the term of my natural life. But I cannot doubt either that it will come in due time. Even in this view, I am proud, in my passing speck of time to contribute a humble mite to that glorious consummation, which my own poor eyes may not last to see."

Lincoln lived long enough to rededicate the United States of America to the goals of human equality. May it be the fortune of each of you to persevere in the struggle and to see the day of victory.

VOTE OF THANKS BY DUNCAN INNES, NUSAS PRESIDENT

Tonight we have had to listen to a tape-recording of a speech that was to be delivered in person by Congressman Ogden Reid. He was invited by NUSAS to come to South Africa and to give us his views on academic and human freedom. Our government granted him a visa, but stipulated that while he was in this country he was not to make any public speeches. The Congressman refused to come under these conditions but at my request tape-recorded his speech and sent it out here to us.

Many South Africans and, indeed many people the world over, have asked themselves why this government should have taken such action against Congressman Reid. Our Prime Minister, Mr. Vorster has said that he would not tolerate foreigners interfering in our domestic affairs and we are thus forced to the conclusion that this is the reason behind the government's strange action.

But I regret that Mr. Vorster is sadly mistaken. Congressman Reid was invited to deliver his views on freedom. This he did. He criticised restrictions on freedoms throughout the world, and he did not neglect to criticise the failure of his own country to live up to the standards he proclaimed. At no stage of his address did he attempt to tell either the South African government or us how this country should be governed. His remarks were always of a general nature and never once did he dictate policy to us regarding the government of this country. So I must say to Mr. Vorster that he has made a very grave error. He has acted not as a prime minister should act with maturity, tact and foresight, but he has instead acted as a schoolboy would act, rashly and with petty vindicativeness. He has judged what a man was going to say before he was aware of the contents of his speech. This error has caused Congressman Reid to be insulted and the name of South Africa to be dragged through the dirt once more. If South Africa is today the laughing stock of the free world it is because you, Mr. Vorster, have acted without manners and without sense.

To you Congressman Reid I wish to say the following: As the one who first extended the official invitation for you to be here with us tonight I am deeply ashamed. For as a result of our invitation to you, you have been insulted by the government of our country. Yet despite this insult you have seen your way clear to send your speech to us so that we would not be deprived of your words. Sir, I want to say to you how deeply impressed I and my fellow South Africans are with the dignified manner in which you have conducted yourself over the past few weeks. Your words to us tonight have brought with them a feeling of concern for us and our problems. We have not had the privilege to meet you, but we are indeed privileged to have heard your speech. And may I on behalf of all free-thinking South Africans apologise to you for the insults you have suffered and assure you that we in NUSAS are proud to have extended our invitation to you.

In his address Congressman Reid said something which for me is of fundamental importance and which I would like particularly to draw your attention to.

After discussing some of his ideas on freedom he said: "Despite our failures as a nation, we in America have shown that progress is possible and that all our citizens have much to offer our society."

How I wish that that statement could be true of South Africa, but regrettably it is not. In South Africa we do not ask our citizens how much they can offer their country. We tell them what they can offer. White South Africans have the freedom to choose their own careers and their own destinies. Black South Africans do not. The vast majority must become menial labourers. They can never hope to rise above this. How many brilliant brains we must ask ourselves, stagnate cutting rocks in our numerous thriving gold mines? How many personalities are destroyed because they never have the opportunity to develop. I will never forget the words of an African friend of mine who once said to me: "As an African in South Africa life offers me little. The White man has denied me all avenues of expression. I feel strangled here. I cannot even call this country my home. I am allocated a Bantustan and told that this is my home. This is not true. I was born in South Africa. I am a South African. I long for nothing else than to be recognized and accepted as a South African and to be able to serve my country to the best of my ability."

It is incredible that in 1969 a man should be denied the elementary right to develop himself to the best of his ability. And we must ask ourselves how long are we in South Africa going to allow this sort of thing to happen under our noses.

NUSAS has struggled for many years to see a more human attitude adopted towards all of the people of South Africa. We ask only that progress be made to allow our citizens to develop themselves to their fullest potential. Instead we see a steady erosion of human rights in South Africa and the uncomfortable similarity between conditions here and conditions in Nazi Germany and Communist Russia. And South Africans who oppose this state of affairs are inevitably smeared as being enemies of their country.

For example recently the radio programme "Current Affairs" chose to criticise NUSAS for inviting Congressman Reid to South Africa to deliver the address you have just heard. NUSAS and the students it represents were labelled as being un-South African for this action.

It is an interesting phenomenon this un-South Africanism; and we would do well to ask ourselves two questions about it: firstly, what is a good South African and secondly who decides what is good South Africanism and what is bad South Africanism?

If I may I would like to venture answers to these two questions. We are told that it is un-South African to invite a politician from the world's greatest democracy to address us on freedom. I disagree. I believe that it is essential for the development of freedom that men discuss and debate the many different points of view that exist on this fundamental topic. I believe that only in this way can man seek to raise himself and I believe that it is essential for the development of any country that such free and open dialogue exists.

I believe further that measures that impede or deny human freedoms act to the detriment of the country concerned because they deny men the essential qualities necessary to develop themselves to their maximum potential.

I believe for example that a policy which seeks to impose indignities and restrictions on the majority of the people of this country is harmful to South Africa and is thus un-South African.

I believe that it is un-South African to deny the majority of South Africans the right to work and live where they choose.

I believe that it is un-South African to force move people to resettlement areas such as Limehill and Stinkwater.

I believe that the Sharpeville massacre was un-South African.

I believe that the Bureau of State Security which has the power to muzzle the Press and to stop the courts from pursuing the truth unhindered is un-South African.

I believe that it is un-South African to deny South Africans the right to an open trial and that the numerous bannings and 180-days detentions are harmful to South Africa.

And I believe that a government that has the audacity to introduce and implement such policies is un-South African.

I accuse the government of this country of having done immeasurable harm to the name of South Africa.

I accuse the government of this country of having done immeasurable harm to the people of South Africa. And I accuse the government of this country of having done immeasurable harm to the future of South Africa.

This brings me to my second question of who decides what is un-South African and what is not. Is it the government elected by a small section of the people that decides? Is it the Press? Is it current affairs? No, it can be none of these. There can be only one arbiter to decide what is un-South African and what is not and that is the people of South Africa. And when we refer to the people of South Africa we realize that we refer to people of different language groups such as Xhosa, Zulu, Sotho, English, Afrikaans and others. But despite these differences in language all of these groups are united by the soil they live on—they are all South Africans. And I challenge Mr. Vorster to ask the people of South Africa whether NUSAS is un-South African or not? I do not doubt what their answer will be.

We stand here tonight in the name of South Africa. And if Mr. Vorster and his government do not like what we are doing then I must assure him that we will not alter our path nor will we deviate.

NUSAS believes in the cause of human freedom. We will continue to advocate that cause.

NUSAS believes in the dignity of man. We will continue through education of the poor to uphold that dignity.

NUSAS believes in the future of South Africa. We will continue to strive for a just future devoid of racial prejudice and hate.

If the government finds that these beliefs are repugnant to them they may stamp us out if they will for they have the power to do so, but I give them warning now that our cause is the cause of mankind through the ages. As Congressman Reid told us tonight, our principles are those that have been developing since the days of Socrates and earlier, and though NUSAS may be stamped out, the message of our crusade will never die, but will ultimately "see the day of victory."

TOO LITTLE—TOO LATE

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

Mr. RYAN. Mr. Speaker, yesterday President Nixon announced his intention to send to Congress next week a request for an increase in social security benefits.

This gesture comes 9 months after the President took office. How much will be recommended? Ten percent. And when will the increase be effective? On April 1 of 1970.

Sometimes I wonder if the administration has any idea whatsoever of the domestic situation as it exists in our country today. It is hard to believe that the executive branch and other Members of Congress do not receive letters from persons who are attempting to live on social security in our present-day economy.

My mail reports near poverty level living, with no money to eat anything other than heavy starch diets—which we all know is not healthy for an elderly person. It reports the recipients of social security benefits existing on the bare necessities of life: minimum clothing and medicine; the cheapest possible shelter; no money to feed pets; no money to do anything, really, except sit on a park bench. Somehow I just cannot believe that the executive branch is not receiving similar mail. Nor can I believe that my district contains all of the people in such a situation. There must be many more elsewhere.

To give an idea of how ludicrous Mr. Nixon's proposal really is, allow me to point out a few facts—facts which must have been available to the administration prior to their arriving at their proposal for a 10-percent increase in social security benefits.

The last time social security benefits were increased was in February of 1968. That is when President Johnson signed into law the Social Security Amendments of 1967, calling for a 13-percent increase.

In February of 1968, the Consumer Price Index was at 119.0. From that time to June of 1969, last June, the index rose to 127.6. An increase of 7.2 percent.

I would also like to point out that from May of 1969 to June of 1969, 1 month, the index rose 1.8 percent alone.

If between June 1969 and April 1970, the index rises at the same rate, there would be an additional rise of 13.3 percent, or a total rise, since the last social security benefit increase, of 20.5 percent.

In other words, next April the millions of elderly people living on social security benefits will be living on a fixed income which is 20.5 percent behind the rise in the cost-of-living, and at that it is proposed to provide a 10-percent increase.

A 10-percent increase, which leaves them 10.5 percent behind the rise in the cost-of-living, and months to come of rising costs.

On May 15, 1969, 53 Members of Congress, myself included, introduced H.R. 11349, legislation which would provide a 15-percent across-the-board increase in monthly social security benefits, with subsequent cost-of-living increases, and a minimum primary benefit of $80. At that time it was pointed out that this was a modest proposal, and that if it were to be of any assistance at all, it would have to become law this year.

If this legislation is not enacted, the effect will be disastrous upon the millions of elderly citizens struggling to meet their needs in the face of the very inflation President Nixon in his campaign cited as being the number one priority of his administration.

Congress must take the initiative to insure that elderly Americans receive adequate benefits—benefits which would enable them to live out their remaining years in dignity, a dignity which this country in all its affluence should certainly be able to afford its senior citizens.

Mr. Speaker, I urge the Ways and Means Committee to make social security benefit increases their next order of business. I urge the committee to move as expediously as possible to bring about better living conditions for our senior citizens. And, I also urge them to act realistically, for the proposal being sent to Congress by President Nixon is too little—too late.

MARITIME INDUSTRY FACING BLEAK FUTURE

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

Mr. FEIGHAN. Mr. Speaker, for the past 8 months I have included in the RECORD a number of statements and articles on the deplorable conditions of our merchant marine, which has been allowed to deteriorate and dwindle, while the Soviet Union is placing a high priority on the building of their maritime industry. The merchant marine is our fourth line of defense, and it has performed exemplary service whenever there has been a call to arms.

I commend for reading by Members of Congress an article written by Helen Delich Bentley, maritime editor of the Baltimore Sun, which explains the various reasons why our merchant industry is facing such a bleak future.

U.S. FLEET GETS LESS VIET TONNAGE

Declining tonnage movements to Vietnam coupled with the impact of additional high labor costs negotiated in June are further beating down the already limping and decrepit American merchant marine.

Shipowners are complaining that the military Sea Transportation Service is keeping too many Victory ships (75) from the reserve fleet on active duty in the Vietnam pipeline while regular privately owned berth line vessels either are made idle by the lack of cargo or other berth liners are going out with partial loads on that route.

FIFTEEN TO BE SCRAPPED

This appears to be true even though the MSTS and Maritime Administration already have designated 15 of the reserve (General Agency Agreement) ships for scrapping and placed or scheduled 54 more to go on "ready operating status" (ROS).

ROS vessels are those which can be placed in service overnight should an emergency situation require them to be returned to the pipeline immediately.

The dropoff in cargo has become drastic as far as the shipowners are concerned because of the bombing halt in Vietnam, the general lull in fighting, and the drive by President Nixon to return American GI's to the United States as fast as possible.

As a result the World War II-vintage ships, which in essence have had life pumped into them by the added demands of the war situ-

ation in recent years, are being hard hit by the letdown.

ECONOMY PRECLUDED

Many have been surviving only because of the military sealift. Their age precludes their being economical in the revolutionary 1970 container era, meaning that only the higher rate afforded by wartime conditions has kept these traditional freighters in business. Once this military cargo disappears these break-bulk vessels will be heading to the scrapyards almost as fast as the torches can burn them into shreds.

The tragic story for the United States is that about two-thirds of its merchant marine will be at least 25 years old in 1971, and 80 per cent of it, more than 20 years of age by that time. When the 1936 Merchant Marine Act was written 20 years was considered the economical life of a ship.

Worn out engines, rusty hulls, high labor costs and high insurance rates make it impossible for these World War II vessels to operate competitively in the commercial market. They can only keep going in protected trades, such as the military sealift, transporting the congressionally-edicted portion of government-financed cargoes, or on domestic routes.

Their owners—if they were or are interested in so doing—have had their hands somewhat tied in regard to replacing these ancient bottoms with modern sea giants because of legislative prohibitions concerning construction abroad and budgetary limitations needed for construction differential subsidy to build them in the United States.

NUMBER REDUCED

In addition to the General Agency Agreement bottoms whose active number has been reduced rapidly since Andrew E. Gibson assumed the post of maritime administrator, MSTS has 135 privately owned ships on time charter. Because some of these are sheathed to transport ammunition, both tramp and berth line operators believe that MSTS should begin channeling ammunition to these vessels in order to free general cargo to steamship lines serving these trade routes regularly.

There also have been indications that if more of the independent or tramp owners would sheathe their ships—said to cost between $20,000 and $25,000 a vessel—the Maritime Administration would push the use of the privately owned bottoms by MSTS instead of the GAA's.

This in turn would make more cargoes available for the berth line operators.

Tramp owners, unsubsidized and subsidized berth line operators jointly met last week with Maritime Administration and MSTS representatives to discuss their mutual problems resulting from the changing cargo picture. Pressure now is being heaped upon the shoulders of John W. Warner, under secretary of the Navy, to change some of the cargo consignments.

Meanwhile, an operator like Waterman Steamship Company is losing thousands of dollars daily because of the refusal of the Defense Department to consider an adjustment in the daily contract price negotiated in 1967 with Waterman.

With the new 15 per cent a year additional labor costs—as is estimated by most shipowners—Waterman with 12 ships under charter to MSTS finds itself losing at least $300 a day for each ship and feels it cannot continue without an adjustment of some kind.

END OF THE LINE

Similar rate structures without any escalation provisions are hurting other ship operators who likewise made their ships available to MSTS at a time when it was screaming loudest for American-flag bottoms. These companies feel that MSTS is letting them down by forcing them into bankruptcy because "we were good guys when they needed us."

Other independent owners are bowing out of the picture, selling their ships or laying them up because "the end of the line has arrived."

CLEVELAND OFFERS TEXT OF "EXCELLENT" FOOTWEAR TESTIMONY

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

Mr. CLEVELAND. Mr. Speaker, as a followup to my remarks of yesterday on the shoe-import situation—page 25926—I wish to place in the RECORD the text of the excellent testimony given to the Small Business Subcommittee, Senate Banking and Currency Committee, by Mr. Robert S. Lockridge, representing the National Footwear Manufacturers Association.

In my opinion, this statement is the most comprehensive and at the same time most readable, account of the background and present condition of the domestic footwear industry with regard to foreign imports I have ever seen.

The range of the problem is delineated clearly in the first of the attached tables, also submitted to the committee by Mr. Lockridge; namely, that the shoe industry has plants in 40 States and approximately 230 congressional districts.

To anyone who wants a solid, compact, complete account of the industry and its problems, I recommend the Lockridge statement and supporting tables wholeheartedly:

STATEMENT OF ROBERT S. LOCKRIDGE

My name is Robert Lockridge. I am president of the Craddock-Terry Shoe Corporation of Lynchburg, Virginia, and chairman of the board of the National Footwear Manufacturing Association. This association and its affiliate, the New England Footwear Association, represent the manufacturers of 90–95 percent of the leather and vinyl footwear output of the United States.

It is a pleasure for me to appear before you this morning and to have the opportunity to tell you something of the grave import difficulties that beset our industry.

In all frankness, it has been our belief that the wide distribution of such information over the past decade had fairly well established all the relevant facts on the subject. The comments last year of Assistant Secretary of Commerce Lawrence McQuade that footwear was among several industries that had made a "presentable case" for assistance on the import problem would seem to bear out this opinion. However, we shall review all the facts we have available in the hope that this will be of some assistance.

As a setting for the industry review that we are about to present, we should emphasize that the domestic footwear manufacturing industry is not seeking to bar imports and is not "protectionist" in the usual sense of the word. We recognize the need for a liberal trade posture in the United States, one which will encourage world trade. Such a policy, however, must come to grips with the realities of a world which is made up of countries, on the one hand, where government plays a minimum role to the other extreme where we have a large number of socialized states and situations where the state controls the trading.

In this country, our wage and hour regulations, Social Security costs, and general inflation have brought about a constantly rising cost in all industry. Increase in the cost structure for labor-intensive industries, such as the footwear industry, where labor is a major cost factor, has made it extremely difficult to compete in the world market, where not only wage rates in the countries we compete with are much lower than ours, but where shoe manufacturers in these countries not only have the advantage of much lower wage rates but get special benefits in tax concessions. For these and other reasons we have been urging a flexible marketing arrangement which would permit foreign countries to share in our market growth.

At the outset, we would like to outline briefly the make-up of the leather and vinyl footwear industry. The structure of this industry has caused, in my opinion, the basic problem which has brought us to this hearing. It has, also, made it possible for the American consumer, in all probability, to obtain a greater value in shoes than in any other purchase that he makes in his month-to-month buying.

NUMBER OF COMPANIES

The 1954 Census of Manufacturers reported 970 companies with 1,196 plants. The 1963 Census reported 784 companies with 1,040 plants. We estimate that at present there are somewhere in the neighborhood of 650 companies with 1,000 plants producing leather and vinyl footwear.

You can readily see with this number of companies involved in the manufacture of any article that not only is competition keen, but that the consumer is bound to benefit by it, even though the profit-picture of the industry might be extremely weak—to the extent that it is estimated that one-third of the shoe companies involved lose money each year.

LOCATION AND OWNERSHIP

Table I will show how widely the footwear industry is scattered throughout the United States. This industry has plants located in approximately 230 of the Congressional districts and in 40 States. Hundreds of these factories are located in small cities and towns where they are an important source—and in a good number of cases the main source—of community income. The table also reveals that the typical firm is medium or small sized as far as number of employees is concerned. The average plant might be said to produce about 3,600 pairs of footwear a day and employ from 250 to 300 workers, although many plants employ less than 200 people.

LACK OF CONCENTRATION

With this fragmented industry structure, intensive competition prevails in the manufacture of every type of footwear. For example, the four largest companies in 1966, according to the "Boot and Shoe Recorder," a trade magazine, produced only 20.6 percent of the total output of footwear, and the first fifty companies produced 53.2 percent. The remaining industry volume was in the hands of some 650 smaller companies. This situation has not changed materially, except for the many companies that have discontinued operation due, primarily, to imports.

TECHNOLOGY

The typical factory produces one type of shoe, such as men's, women's, or children's. The multi-plant companies may have a number of factories specializing in each type.

It has been said that our industry is not progressive and that we have not taken advantage of new equipment which would automate our factories and make us competitive with the low-wage rate countries. This is certainly not a fact, and I would like to tell you something about what goes on from a technological standpoint and why the shoe industry cannot do some of the things we would like to do.

To start with, there are approximately 70 different sizes for an average woman's shoe. Taking into account that styles are changed at least twice a year and sometimes more, that we are using for the most part leather, which is God-created and no two skins are alike in thickness, size or stretchability, we not only have to make 70 different sizes, but we have to make them in pairs, and in order to do this we have to use approximately 75 different kinds of machines, have 125 different individual operations on an average shoe, and use approximately 60 different kinds of materials to produce each pair of shoes that the American consumer gets.

Another major reason that we cannot automate, even if we could work out the size and style situation, is that we have to cut our leather in a flat position, with patterns that have one dimension. The parts then have to be sprung when they are fitted together in order to make the three dimensional upper necessary for shoe manufacturing. Now, this is no different from what it is anywhere else in the world, but in Taiwan, for example, where we have expensive lasting equipment that gives us considerable advantage in pairs produced per hour per operator, it is much cheaper for them to employ a large number of people to hand last the shoes at 10 to 12 cents an hour than to pay the royalty or buy the machines; therefore, we have to come to this conclusion: that machines are only an aid for the operator's use and judgment in making shoes.

I do not want to leave you under the impression that we have not made great strides in technological development in the shoe industry in the past 15 years because we have, but these machines are available on a world-wide basis through machinery shows held annually in Germany, England, Italy, Spain and the United States. Even so, our productivity is approximately 25 percent greater per man hour in this country than it is in any other country producing shoes, according to all of the available statistics and according to B. Everett Gray, technical consultant of the National Footwear Manufacturers Association.

EMPLOYMENT, MANUFACTURING AND MARKETING

If you will refer to Table II, you will see that in 1955 there were 223,000 production workers employed to manufacture approximately 585 million pairs of leather and vinyl shoes and slippers. During the year 1968, the production workers had dropped to 204,000 and even so we produced 646 million pairs of footwear. The output of 1968 was greater per man hour than it was in 1955, and this accounts for the decline in employment. The productivity increase was due primarily to technological improvements in the shoe industry.

Wages in American footwear factories averaged $2.29 per hour in March 1969. With fringe benefits, which our Association records show average 45 cents per hour, they amounted to approximately $2.75 per hour. This is, also, reflected in Table II.

Approximately 35–40 percent of the factory cost of any shoe is made up of labor and the remainder materials and overhead. The relatively high proportion of labor costs makes footwear manufacturing a labor-intensive industry.

Unskilled workers can be trained for the footwear industry in a relatively short time, and the industry offers a unique opportunity for absorbing workers from the unskilled labor supply, a problem that confronts the economy today. For example, in our own company, we have been able to open factories in towns where no one had ever seen a shoe manufactured, and in a comparatively short period of time were able to produce acceptable shoes for the American market-place, with a work force comprised 100 percent of people with no prior shoemaking knowledge or training, and in most cases with a minimal educational background.

This same condition exists all over the world, but when you start comparing our labor cost of $2.75 an hour with the labor cost in Italy of approximately $1.10 an hour, and in Spain with approximately 55 to 60 cents an hour, and in Spain, where I have traveled on several occasions, I have not only seen the low wage rate paid the employees but have seen the apprentice system, which allows children from the age of 11 years to work in the shoe industry for two years without pay in order to become a shoemaker. And, this is why we have seen a big change in the imports coming into our country—where 5 years ago the majority of the imports came from Italy, Italy is now losing ground to Spain because of labor differentials, and a strong shift is now beginning to take place to lower wate-rate countries, such as Japan, Taiwan and Hong Kong. In all probability, as wage rates increase in these countries, the imports will be coming in from countries that are less developed and have lower wage rates than these. It is estimated that in Taiwan an operator working 60 hours per week averages about 25 to 30 dollars a month in American money.

WORK AT HOME

There are quite a few other advantages in producing shoes in these countries, such as allowing operators to take work home to be done during their spare time and return it to the factory within the next several days. I have been in factories where 80 percent of all stitching room work, which comprises about 50 percent of our total cost in shoe manufacturing, was done outside of the factory; thereby decreasing investment for plant, heat, lights and electricity.

The price advantage of imports is due entirely to the differential in labor cost between American factories and factories in European and Asian countries. Practically all imported footwear is produced at wage and hour cost that would be illegal in the United States. As I have said before, even with 25 percent higher productivity rates that we have in this country, the wage differential is so great that we cannot offset it.

Since the shoe industry is dependent upon a large number of component manufacturers for items other than leather, such as heels, counters, insoles, outsoles, ornamentations, shanks, etc., the much higher labor rates in these industries in this country further contribute to the higher cost of American made shoes, and this, too, is solely on account of the great wage differential between the United States and foreign countries. For example, if the time factor were not involved, we could buy lasts in Italy for half the price we pay for them from American manufacturers.

Not only do we have problems with imports from friendly countries, but we, also, have increasing problems with imports from Communist countries. Table X shows this problem. In 1959, we imported 192,000 pairs of shoes from Czechoslovakia; in the year 1968, we imported over 2 million pairs, an increase of 900 percent. Other Communist countries are getting into the act and, as you well know, these state-controlled enterprises can establish prices on their exported footwear which have no relation whatsoever to cost, but simply reflect the countries demand for the dollar at that particular time.

I have talked about the manufacturing aspects of our industry, and would now like to spend some time talking about the marketing.

In its marketing, the footwear industry is loosely divided between brand and volume manufacturers, although a number of manufacturers do both. The bulk of the industry are manufacturers who produce shoes for the volume trade, or mass distribution under the retailers' trade name. Perhaps 150 or less manufacturers market their own brand of footwear through independent shoe, department, and clothing stores. This marketing structure, too, is a factor to be considered in examining the basic problem which brings us here today.

FLEXIBILITY LOST

In the past, the medium and small size manufacturer, who could literally turn operations around overnight and respond to rapid style demands, would specialize in producing footwear which large manufacturers found uneconomical because of the company size and great inflexibility. Imports, however, have changed this situation drastically for the smaller manufacturer. One by one, these market pockets have been lost. Buyers have found that they can now take American patterns and styles to Europe and have them duplicated, at a fraction of our labor cost, in small Italian and Spanish factories.

It might be interesting to you to know that the average factory value of footwear produced in the United States not only provides an indication of the intense competition prevailing in the industry, but shows the great value that the American consumer gets in footwear. According to the U.S. Department of Commerce, the average factory value of all domestic leather and vinyl shoes and slippers produced during 1968 was only $4.72 per pair. This results in a retail situation where approximately 50 percent of all women's shoes sell for $7.00 and under and 43 percent of all men's shoes sell below $11.00 per pair, with 60 percent of all children's shoes being marketed at $6.00 a pair or less.

The American footwear manufacturer produces a large part of his volume for the chains, and these are the great volume shoe distributors of America. Approximately 65 percent of all pairs sold in this country are sold through the chains, and I might give you an example of why price differentials due to wage differences between foreign and domestic manufacturers of footwear have created a tremendous surge of imports. In our way of life, the American free enterprise system, competition sets the pace. Let's say, for example, that one big chain has a shoe that he has been selling for $5.95 and as American footwear manufacturer's costs increase, it gets to a point that this chain cannot sell this particular shoe for $5.95, since he would not have enough mark-up to make his operation profitable. Therefore, he takes the pattern, goes to Spain, let us say, and has the shoe copied and brings it back where he can continue to maintain the $5.95 price bracket and make more money than he was making. Since this chain did this and held his price point, it now becomes necessary for the next chain to do the same thing, and this is how we have had this tremendous increase of imports into this country over the past six or seven years. As the chains hold their price point, then the major department stores are caught in a squeeze and they proceed to do the same thing to be competitive and to make a profit. However, in recent years, we find that shoes made in foreign countries that cost from $6.00 to $8.00 a pair have been sold for over $20.00 at retail. This mark-up is considerably greater than the mark-up that they are able to get on the same shoes made in this country, and in many cases the consumer does not materially benefit.

WHY IMPORT?

The question may well be asked: why do manufacturers import footwear? Wholesalers without manufacturing facilities first recognized the great profit possibilities in the wide price differential existing between the American footwear and footwear produced in Italy, Spain and Japan. Then a number of domestic manufacturers who could not compete closed their factories and became importers.

With increase in competition, pressure from importers and manufacturers' own customers, it was a perfectly natural step for aggressive domestic shoe producers to add im-

porting to their manufacturing activities. They had established channels of distribution and they knew the footwear market. They saw the great inroads being made by imports, the affect on domestic growth, and, most importantly, knew that for ten years the industry has been seeking help from government without success. Under these circumstances, why should successful manufacturers allow others to build up a large import business?

Hardly a day passes that some manufacturer is not told by his retail customer that if he cannot supply a line of imported footwear to retail at a certain price, the retailer will go elsewhere to get it. I refer you to two letters, Table XI, from two medium-sized footwear manufacturers that illustrate this point. These letters are typical of what is taking place in the footwear industry. A substantial part of the 175 million pairs imported in 1968 were brought in by domestic manufacturers. As imports continue to rise, more and more footwear manufacturers will follow the same practice, and more and more jobs will be exported. Small communities over the entire country will have less employment which will cause a migration of workers to the ghettoes of the larger cities. This, in turn, will cause more relief and more problems of other natures. There will be less taxes paid by the American footwear manufacturers and allied industries; the balance of payments will become worse. It is estimated that the importing of footwear contributed a deficit to the balance of trade payments in 1968 of 320 million dollars and it will undoubtedly be close to 432 million dollars in 1969.

PROFITS

As table III will show, profits on sales for a representative sample of well over one hundred of medium and small size footwear manufacturing companies over the past twelve years have ranged from 2 to 3 percent of sales, or about half that for the manufacturing industry generally. With the footwear industry losing an estimated 50 to 60 million pairs of shoes this year, all indications point to much less profit. Companies, both large and small, are showing decreasing profit rates as compared with 1968.

In this connection, notwithstanding the report of the United States Tariff Commission on footwear industry of January, 1969, the profit figures of the publicly owned footwear companies are not indicative of conditions in the manufacturing branch. Earnings of these companies reflect retail sales, as they own thousands of retail stores, all of which are selling imported footwear at excellent profit margins. In addition, a number of these reports reflect financial results of subsidiary companies producing materials other than footwear.

IMPORTS AND DOMESTIC MARKET GROWTH

We are submitting as an exhibit to our testimony the study prepared for the industry in October, 1968, by Dr. Alfred J. Kana, associate professor of statistics and management science at Seton Hall University. Dr. Kana's forecasts show a steady increase in imports to 468 million pairs by 1975 and a steady decline in domestic production to 519 million pairs in that same year, when imports will be an incredible 48 percent of our domestic market.

In this connection, we wish to point out that Dr. Kana's study has already proven to be optimistic about the ability of the U.S. footwear industry to fight a delaying action. Chart VI of the study forecasts 1970 imports at 220 million pairs, a figure which unquestionably will be reached or exceeded this year. The same chart shows production declining to 600 million pairs by 1971, whereas it is highly improbable that the U.S. industry will obtain that pairage in 1969.

During the period 1959–1961, total consumption averaged 632 million pairs per year. In the period 1967–1969, we estimate that consumption will average 788 million pairs a year. This level represents an increase of 156 million pairs, or about 3 percent per year. Thus virtually all of the growth in the shoe industry has gone into imports since 1959. It is estimated that domestic production will be less in the year 1969 than it was in 1959.

These growth rates as projected by Dr. Kana tell an even more shocking story. It is estimated by 1975 that the domestic production of 519 million pairs will be 13½ percent less than the 600 million pairs current production. This entire loss in production will be absorbed by imports.

Quite a few people outside of the industry have indicated that there were opportunities for increase in export of footwear from the United States. This has been tried time and time again. Even if prices were competitive, American manufacturers could not export to any important extent. Most shoe producing countries of the world have high tariffs, or protect their domestic footwear industries through border taxes, exchange restrictions, or licensing. At the same time, these countries encourage footwear exports to the United States through export subsidies, credits on domestic taxes paid on footwear exports, and concessions on freight. No wonder foreign footwear manufacturers think our great market is inviting. United States tariffs on footwear prior to the Kennedy Round reductions averaged about 12 percent on imported footwear. When the Kennedy Round reductions are completed in 1972, they will average about 8 percent, and there are few, if any, hidden barriers. No wonder the Italian manufacturers set up two sets of lasts—one for the manufacture of European shoes and one for the manufacture of American shoes.

STYLE

It will be contended by retailers and domestic importers that imports come in principally because of style and that these items are not available in the United States. Most people agree today that style has become internationalized by jet transportation. Shoes shown in Paris or Florence today may be in the footwear factories in New York a day or so later. The footwear presented here may be produced in Europe next week.

Fashion centers for footwear exist in a number of cities throughout the world, such as Paris, New York, and Rome. There are creative fashion people in these and other cities. The members of the Designers Shoe Guild of America centered in New York, for example, are known internationally for their creative styling in women's high-fashion footwear. It is ironic, as far as I am concerned, to hear a retailer say that Italy and Spain are the fashion centers of the world and that is the only reason that imports come in. If we take a look at the facts for a moment, we will find that probably the greatest imported men's shoes today are wing tips, which have been made in the American market for as long as I have been in the shoe industry, which is over 30 years. The hand sewn moccasin, which has been copied abroad and sent in at much lower prices due to the tremendous amount of hand work, was originated in this country many years ago.

During the mid-thirties, we ran our factories in this country on sandalized shoes that are now being imported in large numbers. The platform shoe, which originated in America in the late thirties, is a big rage today out of Italy and Spain.

Common sense tells us that if there were no differential in price and the import advantage was style alone, with our high productivity we could knock off any new fashion that looked promising and make an excellent profit. But the fact remains that these shoes cannot be produced here at anywhere near their cost abroad, as I have demonstrated in the early part of my talk.

It has been said by the opposition that the American footwear industry is operating at capacity as far as labor is concerned and that we cannot supply the footwear needed, and that retailers must go abroad to get merchandise. This just simply is not the situation. First, the figures from the Department of Commerce indicate that for the first six months we have approximately a 10 percent reduction in pairs produced in this country. Certainly this 30 million pairs of shoes could have been produced during the first six months in our country as they were last year. Second, even though the labor situation may be tight in some areas, you must remember that with shoe imports increasing between 30 and 40 percent a year domestic manufacturers are certainly not going to make capital expenditures in building new factories or modernizing their old ones, or spend money in employing and training additional people.

CONCLUSION

We are well aware of what will be said in opposition to the case we have presented: that style not price is responsible for imports; our profits are good—the industry has not been hurt.

We have tried to bring out all of the facts that bear on these questions and on current conditions of the industry. We have shown that:

1. The domestic footwear manufacturing industry has lost practically all of the market growth in the major categories of footwear since 1955 to imports.

2. There is every reason to believe that imports by 1969 may equal 35 percent of our domestic output, and by 1975 may reach 90 percent of domestic production. The United States will be approaching the condition of Switzerland, where imports supply 50 percent of the footwear market.

These projected developments will arise not because we cannot compete with European styles or do not have plant capacity or capital to build new factories, or because our technology and productivity is lagging, or because we cannot get enough labor. They will occur primarily because labor costs abroad are so low in comparison with costs in United States footwear manufacturing that imported footwear can under-sell domestic producers by a wide margin in every type of footwear and in every price bracket. If foreign footwear were winning an increased share of our market because of style alone, we would not be here today.

The impact of footwear imports in the years ahead will be two-fold. First, it will have serious consequences to many small towns and cities where shoe manufacturing employment makes an important and frequently major contribution to the economic life of the community. If production declines to the projected 515 million pairs by 1975, it will mean a loss of thousands of jobs in footwear manufacturing. Footwear workers, as we have pointed out, are vulnerable to job displacement.

Moreover, when the Vietnam war is over and it becomes important to find opportunities for veterans, as well as for the increased labor force coming from population growth, the footwear industry, which is particularly suited to the employment of unskilled labor, cannot be counted on to help.

Second, investment in new plants in these smaller communities will be discouraged. As the two letters from representative manufacturers contained in our brief demonstrate, domestic manufacturers are not going to risk an investment of anywhere from ½ to 2 million dollars in new plant and equipment to open up shoe factories to supply large distributors when they are confronted with price competition from imports which they cannot possibly meet. Any expansion in footwear manufacturing in the years ahead will be abroad, not here.

BILLION PAIR U.S. MARKET

From the evidence presented, it is clear that practically every country is aware of the billion-pair footwear market in the United States. Because of the relatively simple technology and high labor content, footwear is one of the easiest things to produce in low-wage countries and even in iron-curtain countries. The capacity of these lower-wage countries to produce footwear for the U.S. market is unlimited. While the domestic manufacturing industry is modern in technology and management, and has a 25 to 30 percent greater productivity than any other country, this is far from sufficient to offset higher labor costs here. And, as we have indicated, there is no possibility of new plants and new equipment offsetting this major wage differential.

Foreign manufacturers consider the low duties in this country an open invitation to export footwear to the United States. Almost every type of footwear produced in the United States is being imported, and in certain types the U.S. market has been taken over almost completely by imports.

In spite of years of negotiation under GATT moreover, there has been a continuing lack of reciprocity by other nations which maintain an array of barriers to trade: quotas, internal tax systems, and tax subsidies for their exports. Their national policies promote exports to the United States. This may have have been all very well in the thirties and forties, but is totally inappropriate today. The countries of Europe and Japan with modern industry do not need our help.

In any event, it is impossible, as the statistics show, for American footwear to compete abroad. Even though we provide a choice of sizes and widths not available abroad, our higher prices make it impossible to compete except for typical specialties such as cowboy boots. Faced with an impossible situation in competition abroad, the larger manufacturers have dismantled their export departments.

SMALLER PLANTS HIT

Figures which reflect the impact of imports on the footwear industry do not tell the whole story. With the fractured structure of the industry and the demand for domestic footwear shrinking, a rising volume of imports can worsen the keen competition which persists at all times. Smaller plants will find it impossible to continue, and the trend toward larger companies will be accelerated. Such a development can, also, be of serious concern to the smaller communities where these plants are usually located.

More and more domestic footwear manufacturers, although reluctant to do so, will be forced to add importing to their manufacturing activities. It is important to note here that the manufacturers who are importing today recognize the long-range implications of imports to domestic investment and employment in the footwear industry and support the following policy statement:

"The footwear industry is in agreement with government aims and objectives that look toward increasing world trade. We believe it is imperative, however, in the light of vast changes in world conditions since our trade-liberalization policy began thirty-five years ago, that we make adjustment in this policy where necessary to preserve and permit at least modest growth in home industries that provide employment in small cities and towns through America. No one is suggesting imports be stopped or even cut back. The question is: What shall be done about the future growth of imports of footwear? Shall footwear imports grow on a regular basis shared with domestic producers? Or will foreign producers be permitted to take over American markets at will, displace American labor, and make jobs for labor abroad? Other countries when they have been faced with the problems have not hesitated to move in the direction of the best interests of their industries and their economies."

The policy expressed in the foregoing statement is best implemented by the voluntary import limitations urged in the Presidential petitions circulated and executed by more than two-third's of both Houses this summer. Failing such a voluntary solution to the problem, a legislative solution will become mandatory.

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)								
Maine—New England:								
Androscoggin	17	1	1	2	5	4	4	
Aroostook	1			1				
Cumberland	15	4	1	1	1	7	1	
Franklin	3					2	1	
Kennebec	5				1	4		
Oxford	2					1	1	
Penobscot	12	2	1	1	3	3	2	
Sagadahoc	1				1			
Somerset	6				2	3	1	
Waldo	2				2			
York	10	3			1	5	1	
Maine, total	74	10	3	5	14	29	11	
New Hampshire—New England:								
Belknap	1				1			
Cheshire	3	1			2			
Grafton	3				2	1		
Hillsboro	23	4	1		4	8	6	
Merrimack	2		1			1		
Rockingham	16	1	3		4	8		
Strafford	11	1			2	5	2	1
Sullivan	1				1			
New Hampshire, total	60	7	5		16	23	8	1
Massachusetts—New England:								
Barnstable	2	1	1					
Berkshire	1					1		
Bristol	2				1		1	
Essex	75	15	13	13	15	14	3	
Franklin	2		1		1			
Hampden	1	1						
Hampshire	1						1	
Middlesex	30	4	1	3	12	9		
Norfolk	6	1	1	1	1	2		
Plymouth	20	1	3		7	8	1	
Suffolk	14	6	1	1	3	2		1
Worcester	15	1	1	1	4	7	1	
Massachusetts, total	167	31	22	19	44	43	7	1
Connecticut—New England:								
Fairfield	8	1	2	2	2	1		
Middlesex	1			1				
New London	5			2	3			
Windham	1				1			
Connecticut, total	15	1	2	5	6	1		
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
New York—Middle Atlantic:								
Bronx	5	2	1	1	1			
Broome	15				6	7	2	
Cayuga	2			1			1	
Chenango	2					2		
Clinton	1			1				
Erie	1	1						
Franklin	4	2	1		1			
Fulton	1			1				
Genesee	1				1			
Herkimer	2	1					1	
Kings	28	8	8	5	6	1		
Monroe	5	3		1	1			
Nassau	1	1						
New York	65	30	16	11	7	1		
Niagara	1		1					
Onondaga	1					1		
Orange	3	1		1	1			
Queens	8	6	1		1			
Rensselaer	1				1			
Suffolk	1				1			
Tioga	2				2			
Ulster	1		1					
Westchester	1	1						
New York, total	152	56	29	22	29	12	4	
New Jersey—Middle Atlantic:								
Bergen	5	2			3			
Burlington	2			2				
Essex	1	1						
Hudson	1			1				
Middlesex	1	1						
Passaic	3			1	2			
New Jersey, total	13	4		4	5			
Pennsylvania—Middle Atlantic:								
Adams	7		1	2	1	1	2	
Allegheny	1	1						
Bedford	1					1		
Berks	6	1			5	2		
Blair	3	1			1	3		
Bradford	1				1			
Cambria	1				1			
Carbon	1				1			
Crawford	1				1			
Cumberland	3			1		2		
Dauphin	10	1	1	3	2	2	1	
Delaware	1	1						
Huntingdon	2			1		1		
Jefferson	1						1	
Lackawanna	3				2	1		
Lancaster	20	1	3	3	8	5		
Lebanon	9		1	2	5	1		

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER—Continued

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Pennsylvania—Middle Atlantic—Con.								
Lehigh	8			1	2	1		
Luzerne	11	1			5	5		
Lycoming	3	1		1	1			
Monroe	1			1				
Northumberland	3				1	2		
Philadelphia City	11	6	1		2	2		
Schuylkill	5		1		3	1		
Snyder	1				1			
Somerset	1			1				
Sullivan	1				1			
Susquehanna	2				2			
Wyoming	1				1			
York	8	1		2	2	2	1	
Pennsylvania, total	127	15	8	18	49	32	5	
Ohio—East north-central:								
Athens	1					1		
Brown	2		1			1		
Fairfield	1					1		
Fayette	1			1				
Franklin	6	2		1	1	1	1	
Hamilton	5				2	2	1	
Highland	1						1	
Ross	1						1	
Scioto	1							1
Summit	1	1						
Ohio, total	20	3	1	2	3	6	6	1
Indiana—East north-central:								
Hamilton	1	1						
Jackson	2					2		
Jefferson	1					1		
Knox	1					1		
Ripley	1					1		
Switzerland	1					1		
Indiana, total	7	1				6		
Illinois—East north-central:								
Adams	1				1			
Clark	1				1			
Clay	1					1		
Clinton	1					1		
Coles	4	1		1		2		
Cook	8	4	1		2			1
Crawford	1					1		
Cumberland	1				1			
Edgar	1			1				
Fayette	1					1		
Jackson	1					1		
Jefferson	1					1		
Lee	1				1			
Livingston	1					1		
Madison	1	1						
Marion	1					1		
Montgomery	1					1		
Moultrie	1					1		
Pike	1					1		
Randolph	1					1		
Richland	1					1		
St. Clair	2				2			
Sangamon	1					1		
Union	1				1			
Illinois, total	35	4	1	2	9	16		1
Michigan—East north-central:								
Branch	1					1		
Genesee	1	1						
Gratiot	1						1	
Kent	1					1		
Mecosta	1					1		
Montcalm	1					1		
Ottawa	1				1			
Michigan, total	7	1			1	4	1	
Wisconsin—East north-central:								
Brown	1					1		
Calumet	1				1			
Chippewa	3		1		2			
Columbia	2	1				1		
Dodge	3					3		
Door	1				1			
Fond du Lac	2		1		1			
Green Lake	1		1					
Jefferson	4		1	1	1	1		
Langlade	1				1			
Lincoln	1					1		
Manitowoc	1			1				
Marathon	1				1			
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Wisconsin—East north-central—Con.								
Milwaukee	7	2			1	2	2	
Oconto	1		1					
Ozaukee	3				3			
Rock	2					1	1	
Sheboygan	4		1		3			
Waukesha	1				1			
Wood	1					1		
Wisconsin, total	41	3	6	2	16	11	3	
Minnesota—West north-central:								
Goodhue	3	1		1			1	
Hennepin	1			1				
Ramsey	2		1		1			
Washington	1				1			
Minnesota, total	7	1	1	2	2		1	
Iowa—West north-central:								
Lee	1			1				
Poweshiek	1			1				
Iowa, total	2			2				
Missouri—West north-central:								
Adair	1					1		
Audrain	1					1		
Barry	1					1		
Bollinger	1		1					
Butler	1					1		
Callaway	1					1		
Cape Girardeau	2					1	1	
Cole	2					1	1	
Cooper	1					1		
Crawford	1					1		
Dent	1					1		
Franklin	7	1	1	1		4		
Gasconade	4				1	3		
Henry	1					1		
Howell	2				1	1		
Jasper	1				1			
Jefferson	1					1		
Johnson	1					1		
Lawrence	3				2	1		
Linn	1					1		
Madison	1					1		
Maries	1				1			
Marion	2					2		
Miller	1					1		
Mississippi	1					1		
Moniteau	1					1		
Montgomery	1				1			
Newton	1		1					
Pemiscot	1					1		
Perry	2					1	1	
Pettis	1					1		
Phelps	1					1		
Pulaski	1					1		
St. Francois	2	1					1	
St. Louis	2	1				1		
St. Louis City	9	3		1	1	3	1	
Saline	3					2	1	
Scott	2					1	1	
Shannon	1			1				
Stoddard	2			1		1		
Texas	2			1		1		
Washington	2	1				1		
Webster	1				1			
Wright	1					1		
Missouri, total	76	7	3	5	9	45	7	
Nebraska—West north-central:								
Douglas	1		1					
Platte	1	1						
Nebraska total	2	1	1					
Kansas—West north-central:								
Johnson	2	1		1				
Sedgwick	2	2						
Kansas, total	4	3		1				
Maryland—South Atlantic:								
Baltimore City	4		1		2	1		
Carroll	3			1	2			
Frederick	2				2			
Washington	2	1				1		
Maryland, total	11	1	1	1	6	2		

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER—Continued

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Virginia—South Atlantic:								
Brunswick	1				1			
Fredericksburg	1				1			
Halifax	1					1		
Lunenburg	1				1			
Lynchburg	4				1	2	1	
Mecklenburg	1					1		
Prince Edward	1					1		
Virginia, total	10				4	5	1	
West Virginia—South Atlantic: Cabell	1					1		
North Carolina—South Atlantic:								
Burke	1				1			
Cleveland	1	1						
Forsyth	1	1						
Montgomery	1			1				
Randolph	1						1	
Swain	1			1				
Watauga	1				1			
Wilkes	1				1			
North Carolina, total	8	2		2	3		1	
Georgia—South Atlantic:								
Carroll	1				1			
Cobb	1					1		
Fulton	1					1		
Gwinnett	1						1	
Hall	2					2		
McIntosh	1	1						
Union	1	1						
Ware	2					2		
Georgia, total	10	2			1	6	1	
Florida—South Atlantic:								
Dade	14	9	2		2	1		
Florida, total	14	9	2		2	1		
Kentucky—East south-central:								
Boyle	1					1		
Christian	1					1		
Fleming	1				1			
Franklin	1				1			
Lewis	1					1		
McCracken	1					1		
Mason	1				1			
Kentucky, total	7				3	4		
Tennessee—East south-central:								
Benton	1					1		
Carroll	1				1			
Cheatham	1					1		
Coffee	1						1	
Davidson	3				1	2		
Franklin	1					1		
Gibson	2					2		
Giles	1						1	
Hardin	1						1	
Henderson	1						1	
Henry	1				1			
Hickman	1					1		
Houston	1		1					
Humphreys	1				1			
Lewis	1					1		
McNairy	2					2		
Marshall	2				1	1		
Montgomery	2				1		1	
Obion	1					1		
Putnam	2					2		
Robertson	1					1		
Sumner	2					2		
Warren	1					1		
Wayne	1					1		
Weakley	3	1	1		1			
Williamson	1					1		
Wilson	1					1		
Tennessee total	37	1	2		7	22	5	
Alabama—East south-central:								
Barbour	1			1				
Madison	1						1	
Montgomery	1	1						
Perry	1			1				
Alabama total	4	1		2			1	
Mississippi—East south-central:								
Choctaw	1					1		
Itawamba	1					1		
Prentiss	1					1		
Tippah	1					1		
Tishomingo	1						1	
Mississippi total	5					4	1	
Arkansas—West south-central:								
Arkansas	1					1		
Clay	2					2		
Craighead	1						1	
Cross	1					1		
Faulkner	1					1		
Garland	1					1		
Greene	1					1		
Independence	1					1		
Jackson	1				1			
Johnson	1				1			
Mississippi	2					2		
Poinsett	1				1			
Pope	1					1		
Randolph	1					1		
White	1					1		
Arkansas total	17				3	13	1	
Texas—West south-central:								
Bell	2			1	1			
Bexar	4	2	1		1			
Clay	1		1					
Cooke	1					1		
Dallas	1	1						
El Paso	4	2			2			
Harris	2	2						
Lampasas	1	1						
Montague	2	1			1			
Nueces	2	2						
Potter	1	1						
Tarrant	4	2		1	1			
Tom Green	2		1	1				
Willacy	1		1					
Texas, total	28	14	4	3	6	1		
New Mexico—Mountain:								
Santa Fe	1			1				
Taos	2	1	1					
New Mexico, total	3	1	1	1				
Arizona—Mountain:								
Maricopa	1	1						
Pima	2	2						
Arizona, total	3	3						
Washington—Pacific:								
King	2	1	1					
Spokane	1		1					
Washington, total	3	1	2					
Oregon—Pacific:								
Columbia	1	1						
Multnomah	3	3						
Oregon, total	4	4						
California—Pacific:								
Alameda	1	1						
Los Angeles	45	21	11	6	6	1		
Mendocino	1	1						
San Bernardino	2	1	1					
San Francisco	4	3	1					
San Mateo	1	1						
Sonoma	1				1			
California, total	55	28	13	6	7	1		
Hawaii—Pacific:								
Honolulu	11	8	3					
United States, total	1,040	225	110	104	247	255	62	4

LOCATION OF MANUFACTURING PLANTS, 1963: HOUSE SLIPPERS

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
HOUSE SLIPPERS (INDUSTRY CODE 3142)								
Maine—New England:								
Franklin	1		1					
Kennebec	1	1						
Penobscot	1			1				
Somerset	1	1						
Maine, total	4	2	1	1				
Vermont—New England: Rutland	1	1						
Vermont, total	1	1						
Massachusetts—New England:								
Essex	10	5	2	2	1			
Middlesex	4				3	1		
Suffolk	3	3						
Worcester	6			2	3	1		
Massachusetts, total	23	8	2	4	7	2		
Rhode Island—New England: Providence	1			1				
Rhode Island, total	1			1				
Connecticut—New England: Fairfield	3		1	1	1			
Connecticut, total	3		1	1	1			
New York—Middle Atlantic:								
Bronx	3	1	2					
Franklin	2				1	1		
Fulton	3	1	1		1			
Herkimer	2		1			1		
Kings	29	12	8	5	4			
Livingston	1				1			
Montgomery	1				1			
New York	30	17	6	5	1	1		
Orange	1		1					
Queens	2			1	1			
New York, total	74	31	19	11	10	2	1	
New Jersey—Middle Atlantic:								
Bergen	1					1		
Hudson	1				1			
Middlesex	1			1				
Passaic	5		3	1	1			
New Jersey, total	8		3	2	2	1		
Pennsylvania—Middle Atlantic:								
Allegheny	1			1				
Dauphin	2	2						
Luzerne	5		1	2	1	1		
Montgomery	1	1						
Bayne	1				1			
Pennsylvania, total	10	3	1	3	2	1		
Ohio—East Northcentral:								
Brown	1	1						
Franklin	2		1			1		
Ohio, total	3	1	1			1		
Indiana—East Northcentral: Orange	1				1			
Indiana, total	1				1			
Illinois—East northcentral: Cook	2	1		1				
Illinois, total	2	1		1				
Wisconsin—East Northcentral:								
Dane	1	1						
Green Lake	1			1				
Milwaukee	1		1					
Winnebago	1			1				
Wisconsin, total	4	1	1	2				
Minnesota—West Northcentral: Hennepin	1			1				
Minnesota, total	1			1				
Missouri—West Northcentral:								
Cedar	1						1	
Franklin	2			1	1			
St. Louis City	1			1				
Wright	1						1	
Missouri, total	5			2	1	2		
Kansas—West Northcentral: Johnson	1	1						
Kansas, total	1	1						
Maryland—South Atlantic: Baltimore City	1					1		
Maryland, total	1					1		
Georgia—South Atlantic: Whitfield	1			1				
Georgia, total	1			1				
Florida—South Atlantic: Dade	1	1						
Florida, total	1	1						
Tennessee—East South central: Hamilton	1		1					
Tennessee, total	1		1					
Arkansas—West South-central: Arkansas	1					1		
Arkansas, total	1					1		
Texas—West South-central:								
Bell	1	1						
Bexar	1	1						
Dallas	1	1						
Tom Green	1					1		
Texas, total	4	3				1		
Oregon—Pacific: Multnomah	1	1						
Oregon, total	1	1						
California—Pacific: Los Angeles	1	1						
California, total	1	1						
Hawaii—Pacific: Honolulu	1	1						
Hawaii, total	1	1						
United States, total	153	56	30	30	27	9	1	

Source: 1963 Census of Manufactures, U.S. Department of Commerce.

TABLE II.—EMPLOYMENT IN NONRUBBER FOOTWEAR INDUSTRY

Year	All employees (thousands)	Production workers only (thousands)	Production workers as percent of all employees	Average wage per hour
1968[1]	233.4	204.1	87.4	$2.11
1967	230.6	202.1	87.6	2.07
1966	241.5	214.2	88.7	1.82
1965	234.5	208.8	89.0	1.87
1964	230.5	204.8	88.9	1.7
1963	231.6	206.3	89.1	1.71
1962	240.6	215.1	89.4	1.68
1961	239.6	214.0	89.3	1.63
1960	242.6	216.4	89.2	1.59
1959	247.5	222.6	89.9	1.55
1958	237.4	212.7	89.6	1.5
1957	243.8	218.8	89.7	1.47
1956	246.3	221.3	89.8	1.42
1955	248.4	223.4	89.8	1.32
June 1969	228.5	199.5	87.3	2.29
June 1968	237.9	208.4	87.6	2.19

[1] 8-month average.

Source: Employment and Earnings Statistics, U.S. Department of Labor.

TABLE III.—FOOTWEAR MANUFACTURING COMPANIES' PERCENT OF NET PROFITS AFTER FEDERAL INCOME TAXES TO NET SALES

Year	Number of firms	Percent of net profits
1967	125	3.0
1966	135	2.7
1965	123	2.1
1964	119	2.5
1963	65	1.9
1962	65	1.9
1961	80	2.2
1960	109	2.1
1959	94	2.5
1958	85	2.1
1957	104	2.3
1956	83	2.0
1955	87	2.3

Source: National Footwear Manufacturers Association.

FOOTWEAR MANUFACTURING ESTABLISHMENTS, EMPLOYEES AND PAYROLLS, 1ST QUARTER, 1967

[Dollar amounts in thousands]

	Total reporting units	Number of employees[1]	Taxable payrolls[2]
New England:			
Maine	81	25,052	$25,812
Massachusetts	152	31,569	35,263
New Hampshire	65	17,040	17,776
Connecticut	14	1,652	1,654
Vermont	(3)	(3)	(3)
Rhode Island	(3)	(3)	(3)
Middle Atlantic:			
New York	129	12,858	14,793
Pennsylvania	135	24,473	23,668
New Jersey	21	2,220	2,694
East north-central:			
Illinois	39	9,943	10,412
Ohio	24	6,888	8,184
Wisconsin	45	8,067	9,226
Indiana	7	1,699	1,941
Michigan	15	2,606	3,110

Footnotes at end of table.

FOOTWEAR MANUFACTURING ESTABLISHMENTS, EMPLOYEES AND PAYROLLS 1ST QUARTER, 1967—Continued

[Dollar amounts in thousands]

	Total reporting units	Number of employees[1]	Taxable payrolls[2]
Other divisions:			
Missouri	92	21,001	19,775
Tennessee	39	14,269	13,569
Arkansas	24	(4)	(4)
Minnesota	7	1,237	1,589
Iowa	(3)	(3)	(3)
Nebraska	(3)	(3)	(3)
Kansas	(3)	(3)	(3)
Maryland	13	2,105	1,962
Virginia	10	3,228	2,964
West Virginia	3	(4)	(4)
North Carolina	9	3,100	3,060
Georgia	12	3,107	2,705
Florida	15	1,348	1,312
Kentucky	10	2,524	2,548
Alabama	5	1,356	1,369
Mississippi	6	(4)	(4)
Texas	25	2,043	1,871
New Mexico	4	(4)	(4)
Arizona	(3)	(3)	(3)
Nevada	(3)	(3)	(3)
Washington	(3)	(3)	(3)
Oregon	(3)	(3)	(3)
Hawaii	11	(4)	(4)
California	39	2,153	2,264
Total	1,123	216,721	223,190

[1] Mid-March pay period.
[2] January-March.
[3] Not available.
[4] Data withheld to avoid disclosure of individual company operations.

Source: 1967 County Business Patterns U.S. Department of Commerce.

TABLE V.—ANNUAL PRODUCTION OF SHOES AND SLIPPERS, EXCEPT RUBBER, BY GEOGRAPHIC AREAS AND SELECTED CLASSES OF FOOTWEAR, 1967

[In thousands of pairs]

Geographic area[1]	Shoes and slippers, except rubber, total	Men's, youths', and boys' shoes	Women's shoes	Misses', children's, infants', and babies' shoes	Slippers	All other footwear including athletic shoes
United States, total[2]	599,964	149,061	257,991	88,328	95,620	8,964
New England	189,494	45,643	112,125	15,418	12,141	4,167
Maine	57,499	17,345	36,817	2,639	90	608
Massachusetts	79,190	18,336	39,896	9,724	8,130	3,104
New Hampshire	44,698	8,641	33,619	(3)	0	(3)
Other States	8,107	1,321	1,793	(3)	3,921	(3)
Middle Atlantic	163,077	23,286	55,893	22,632	58,988	2,278
New Jersey	16,508	0	(3)	(3)	13,196	0
New York	66,366	10,282	(3)	(3)	36,476	1,048
Pennsylvania	80,203	13,004	39,538	17,115	9,316	1,230
North Central	117,049	33,674	44,376	25,651	11,707	1,641
Illinois	19,164	6,248	6,041	5,347	818	710
Indiana	4,194	(3)	(3)	(3)	0	0
Michigan	7,347	(3)	(3)	(3)	0	(3)
Minnesota	2,294	(3)	(3)	(3)	0	(3)
Missouri	50,572	(3)	21,866	15,073	2,757	(3)
Ohio	19,453	(3)	9,989	(3)	(3)	(3)
North Central—Continued						
Wisconsin	13,859	9,536	480	2,677	701	465
Other States	166	(3)	0	(3)	(3)	(3)
South and West	130,344	46,458	45,597	24,627	12,784	878
Arkansas	20,929	(3)	8,543	6,764	(3)	0
California	5,919	(3)	4,940	(3)	(3)	(3)
Florida	2,859	(3)	1,409	(3)	0	(3)
Georgia	11,198	5,910	(3)	(3)	(3)	(3)
Kentucky	6,799	(3)	6,008	0	0	(3)
Maryland	8,936	2,333	(3)	5,100	(3)	(3)
Mississippi	10,381	(3)	(3)	(3)	(3)	(3)
Oregon	52	(3)	0	0	0	(3)
Tennessee	39,539	22,347	8,154	7,376	(3)	(3)
Texas	5,399	1,014	2,021	(3)	2,130	(3)
Virginia	8,225	(3)	(3)	2,003	(3)	(3)
Washington	16	16	0	0	0	0
Other States	10,092	8,215	462	589	398	428

[1] Data for each State not shown separately have been withheld to avoid disclosing figures for individual companies. These States are: New England: Connecticut, Vermont, and Rhode Island. North Central: Iowa, Kansas, and Nebraska. South and West: West Virginia, North Carolina, Alabama, New Mexico, Arizona, Nevada, and Hawaii

[2] Excludes shoes and slippers with sole vulcanized to fabric upper.
[3] Withheld to avoid disclosing figures for individual companies.

Source: Current Industrial Reports, U.S. Department of Commerce.

TABLE VI.—PRODUCTION OF SHOES AND SLIPPERS, EXCEPT RUBBER, BY TYPE OF CONSTRUCTION: 1967

[Thousands of pairs]

Item	Total	Cemented excluding sliplasted	Slip-lasted	Welt, including Silhouwelt	McKay sewed, excluding Littleway	Stitch-down	Soft sole	Turn or turned	Vulcanized or injection molded construction	Indian type moccasins	Genuine moccasin construction	Other Littleway, prewelt, etc.
Shoes and slippers, except rubber, total [1]	599,964	319,553	26,915	86,280	1,882	11,724	39,230	7,373	33,856	2,872	27,969	42,310
Shoes (including athletic), total	502,329	282,331	15,563	86,108	1,783	9,413	5,499	1,202	33,711	1,488	27,506	37,725
Men's shoes (except athletic)	123,720	19,963	2,075	66,483	440	2,486	(2)	.....	10,349	280	(2)	7,166
Men's workshoes	38,696	1,444	(2)	29,953	(2)	1,114	(2)	.....	5,199	.....	(2)	778
6" high and over (including over-the-foot boots)	29,329	777	(2)	22,948	(2)	874	(2)	.....	(2)	.....	(2)	(2)
Less than 6" high	9,367	667	.....	7,005	(2)	240	(2)	.....	(2)	.....	(2)	(2)
Men's shoes, other than work	58,024	18,519	(2)	36,530	(2)	1,372	(2)	.....	5,150	280	14,365	6,388
Handsewns (genuine moccasin construction with outsole attached)	15,683	541	(2)	721	(2)	(2)	(2)	.....	.....	(2)	12,102	1,939
Uppers of soft tannages (including desert boot and sandals)	10,933	5,645	958	1,123	(2)	767	(2)	.....	232	140	423	1,457
All other men's shoes (including dress)	58,408	12,333	933	34,686	(2)	(2)	(2)	.....	4,918	(2)	1,840	2,992
Youths' and boys' shoes (except athletic)	25,341	10,847	.....	4,230	(2)	1,785	(2)	.....	6,042	49	952	1,415
Youths' shoes	12,695	5,749	.....	1,795	.....	1,111	.....	.....	3,370	(2)	195	(2)
Boys' shoes	12,646	5,098	.....	2,435	(2)	674	(2)	.....	2,672	(2)	757	(2)
Women's shoes (except athletic)	257,991	205,520	11,969	3,323	1,090	543	115	(2)	(2)	843	11,978	20,006
Women's wedge heel (any height) or open toe (not over 8/8 in. heel)	24,820	12,970	7,218	758	(2)	(2)	(2)	(2)	(2)	(2)	(2)	2,479
All other women's shoes (except athletic)	233,171	192,550	4,751	2,565	(2)	(2)	(2)	.....	(2)	(2)	(2)	17,527
Not over 8/8 in. heel	110,516	73,471	3,712	1,656	927	390	(2)	.....	(2)	(2)	10,859	16,254
9/8 in. heel and over	122,655	119,079	1,039	909	(2)	(2)	.....	.....	.....	(2)	(2)	1,273
Misses' shoes (except athletic)	27,592	17,711	(2)	2,435	(2)	555	(2)	(2)	4,722	(2)	90	1,582
Misses' wedge heel (any height) or open toe (not over 8/8" heel)	7,525	4,825	(2)	968	(2)	(2)	(2)	(2)	(2)	(2)	(2)	386
All other misses' shoes (except athletic)	20,067	12,886	(2)	1,467	(2)	(2)	(2)	(2)	(2)	(2)	(2)	1,196
Children's shoes (except athletic)	30,745	17,458	(2)	4,371	.....	1,300	.....	.....	5,788	(2)	(2)	1,609
Infants' and babies' shoes	29,991	9,770	1,095	4,076	.....	2,241	5,252	1,162	4,067	(2)	(2)	2,201
Athletic shoes	6,949	1,062	.....	1,190	(2)	503	.....	.....	(2)	(2)	.....	3,746
Men's, youths', and boys' athletic shoes	5,491	701	.....	(2)	(2)	(2)	.....	.....	(2)	.....	.....	3,148
All other athletic shoes	1,458	361	.....	(2)	(2)	(2)	.....	.....	(2)	(2)	.....	598
Slippers, total	95,620	36,874	11,352	(2)	(2)	(2)	33,529	(2)	145	1,023	(2)	4,364
All slippers of slip-on type with underwedge heel or blown sponge rubber midsole	10,861	5,379	4,556	.....	.....	(2)	(2)	(2)	(2)	.....	(2)	(2)
Other slippers:												
Men's, youths', and boys'	14,859	5,020	(2)	(2)	(2)	(2)	(2)	(2)	(2)	398	(2)	833
Men's	13,841	4,640	844	(2)	(2)	(2)	3,810	(2)	(2)	324	(2)	733
Youths' and boys'	1,018	380	(2)	.....	.....	(2)	(2)	(2)	(2)	74	(2)	100
Women's	57,247	23,740	5,591	.....	.....	(2)	21,593	1,976	(2)	598	(2)	2,906
Misses', children's, infants', and babies'	12,563	2,735	(2)	.....	.....	(2)	7,175	(2)	(2)	27	151	(2)
Misses' and children's	9,340	2,021	292	.....	.....	(2)	4,843	1,585	(2)	(2)	(2)	342
Infants' and babies'	3,313	714	(2)	.....	.....	(2)	2,332	(2)	.....	(2)	(2)	(2)
Other footwear (except those with sole vulcanized or molded to fabric upper)	2,015	348	.....	(2)	(2)	(2)	202	(2)	.....	361	(2)	221

[1] Excludes shoes and slippers with sole vulcanized to fabric upper (see table 8).
[2] Withheld to avoid disclosing figures for individual companies.

Source: Current Industrial Reports, U.S. Department of Commerce.

TABLE VII.—PRODUCTION OF LEATHER AND VINYL FOOTWEAR

[Millions of pairs]

Year	Total		Men's			Youths' and boys'	Women's	Misses'	Children's	Infants' and babies'	Athletic	Slipper
	Shoes	Without slippers	Total	Dress	Work							
1955	585.4	517.3	103.7	77.9	25.8	22.1	270.9	40.8	33.8	38.0	4.7	68.1
1956	591.8	524.0	106.9	79.1	27.8	21.8	273.4	40.9	33.6	37.2	6.0	67.8
1957	597.6	526.7	104.3	78.0	26.3	24.2	274.2	42.6	34.1	37.7	6.2	70.9
1958	587.1	516.5	101.4	76.7	24.6	23.7	270.7	40.1	32.5	36.2	5.9	70.6
1959	637.4	558.7	110.1	82.6	27.6	26.2	292.4	43.2	34.2	38.0	7.7	78.7
1960	600.0	526.6	100.6	77.2	23.4	24.1	279.8	40.2	32.7	36.6	7.0	73.5
1961	592.9	520.3	103.3	78.0	25.4	24.2	273.4	39.2	31.7	35.8	6.6	72.6
1962	633.2	550.2	112.7	83.1	29.6	25.6	288.2	36.8	32.5	37.0	10.1	83.0
1963	604.3	526.7	110.7	82.5	28.2	24.0	275.2	35.5	30.7	33.5	9.8	77.6
1964	612.8	533.9	119.9	87.6	32.2	25.4	271.1	37.0	30.4	32.8	6.9	78.9
1965	626.2	536.0	118.2	85.9	32.3	25.6	280.0	36.5	33.5	32.5	7.0	90.0
1966	641.7	547.9	126.9	88.6	38.3	24.6	284.2	35.9	33.6	32.5	7.3	93.8
1967	600.0	504.3	123.7	85.0	38.7	25.3	258.0	27.6	30.7	30.0	6.9	95.6
1968	645.9	539.0	129.1	91.6	37.5	23.5	288.5	32.7	30.5	25.2	7.5	106.9
1969 [1]	596.0	493.6	124.6	87.6	36.8	23.6	252.6	29.6	28.4	26.6	8.2	102.4

[1] Estimate based on 6-month data from U.S. Bureau of the Census.

Source: Current industrial reports, U.S. Department of Commerce.

TABLE X.—U.S. IMPORTS OF FOOTWEAR FROM COMMUNIST AREAS

[In thousands]

	1966		1967		1968	
	Pairs	Value	Pairs	Value	Pairs	Value
Total	2,293	$4,386	2,943	$6,267	2,791	$5,694
Czechoslovakia	1,726	3,443	1,977	4,449	2,036	4,260
Hungary	1	1	1	2	10	21
Rumania	469	736	921	1,698	740	1,409
Poland	98	206	44	118	5	4

Source: Foreign Trade Division, U.S. Department of Commerce.

TABLE XI

Letter No. 1

As you know, this season was contracted with a factory in Italy, one in England and one in Spain to make shoes to be sold by us. . . .

In the case of Italy we furnished the styling information and the lasts; these shoes are made to our specifications. The main thing we seemed to be buying was the labor job. In both England and Spain we gave a great deal of assistance in the styling and manufacturing of the shoes.

We had to make a decision last fall whether we should build another factory here or go into the import business. With all the competition from imports in this labor-oriented product we decided we would be much better off to augment our business by developing these relationships in Italy, England and Spain. This means of course that we have restricted our expansion and several hundred jobs which we might have created by building a factory in the United States have been eliminated.

We are barely into this program so it is difficult for me to project how far it will go. However, I can assure you it is going very, very well. We feel we were forced into it, and I am sure if we had proper emphasis on domestic versus import relations we would have much preferred to have built a factory here in the United States.

Letter No. 2

Our largest single customer is . . . During several recent years this account has represented over 15% of our total volume; hence it is not difficult to understand its importance to us. In January of 1968, as is customary at that time of the year, we submitted and presented our style suggestions for the fall season. (They) ordered a number of samples from this selection and we again contacted the account in March in an effort to nail down certain adoptions for the approaching season. In April we were advised by this account that almost all adoptions of new styles would be made from imports and that *no* adoptions of new styles would be made from samples we had submitted. . . .

Our five-year plan calls for an expansion of our physical production facilities but that unless there is a drastic change in the attitude of the administration in Washington or unless there is proper Orderly Marketing Legislation enacted in behalf of our industry, *there isn't a remote chance that our expansion will take place on domestic soil!*

FRESHMAN ECONOMICS LESSON NO. 4

(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, how sad it is to see the prosperity of this Nation, so laboriously created, destroyed so swiftly by disastrous economic policies of the present administration. Early after assuming office, the President announced Government would not intervene in wage and price decisions. This was a green light to many major corporations, who have taken him at his word. Now inflation rages out of control and recession faces the Nation.

Daily prices rise, as the White House calmly reiterates economic platitudes of Herbert Hoover. Laissez faire and hands off is their cry, as delighted corporations sock it to consumers, and banks squeeze the last weary nickel out of a Nation rammed up to the economic wall by intolerable interest rates. Who can buy a home? Who can obtain short-term money? We have turned the poorhouse inside out and called it a credit society, and now we are turning credit-dependent American people out into Government-created cold.

Let us begin with a decision by the Civil Aeronautics Board, which has allowed domestic airlines to increase fares for the second time this year. These new fares would raise airline incomes by $300 million, or about 6.35 percent. In February, the CAB granted "interim" increases amounting to 3.8 percent. Much higher short haul fares will result. Standby youth fares will rise. But of course this is not inflation for consumers, according to our ponderously knowledgeable leaders.

Today it was announced in the name of sacred competition that Ford had followed GM's lead, raising prices on its cars an average of $108 or 3.6 percent. Close enough to keep pace, but not enough to make a difference to the consumer's pocketbook, except to drain it further. One thing changed. Ford's warranty to consumers was diluted. How thoughtful and public spirited. Yesterday the U.S. Treasury offered to pay 8 percent for a 19½-month note, highest interest rate cost on a Treasury obligation in 110 years. Government agency issues have offered even higher yields. Yesterday Treasury also offered 7¾ percent for a 3-year, 7½-month note, and 7½ percent for a 6-year, 10½-month note. These three high-yielding issues are being offered in exchange for $8.9 billion in notes and bonds maturing later this year, most of which originally cost Government only 2½ to 4 percent.

This means banks squeezing massive profits out of millions of Americans through highest interest rates in generations can turn and invest such ill-gotten gains in short-term Government borrowing, obtaining further massive, guaranteed returns. Who pays? The people, through their own Government. Yet all we hear are elegant donkeyisms and economic swill that went out with Calvin Coolidge. Let them tell that to thousands of small industries pressed for short-term cash, which are now laying off people because they cannot stand the economic gaff. Let the administration feed hungry families on economic platitudes a la Herbert Hoover and 1930.

Next, Maxwell House Division of General Foods Corp. announces wholesale price increases averaging 5 percent of both soluble and ground coffees, effective immediately. Trane Corp. follows Carrier Corp. lead, advancing prices on air-conditioning products by about 5 percent. Phelps Dodge upped prices on copper and zinc.

Latest Department of Commerce figures show sales in the Nation's retail stores dropped 11 percent in 1 week. Manufacturers expect fourth quarter factory sales to dip to a 0.6 percent gain over the third quarter, which had posted a 2.7 percent jump. Used machinery dealers across the Nation are faced with a disastrously depressed market.

The President of the Federal National Mortgage Association states that total demand for credit has not eased, predicting the Nation may experience more stringent credit restrictions before any relief arrives. Yet this is a nation living on the thinnest of credit, cash, and weekly paycheck margins, now being narrowed and ruptured by administration economic steps.

Revised Government figures show a reported drop in wholesale prices last month, hailed by the administration, did not occur at all. Now we discover wholesale prices for food and industrial raw materials did not fall after all.

Cumulative Government efforts to cool off inflation at expense of our average worker and consumer are dismal failures. All they are succeeding in doing is encouraging industry to raise prices, with all increases being passed on directly to the public. The real cure, Government pressure on business to hold the line, has gone the way of prosperity and progress. Fat cats and major industries quietly tote up new profits as housewives count pennies and confront supermarket prices with dismay. The worst is yet to come, for most of these round-robin price hikes have not yet struck our consumer economy with full force. If this is logical, then so is a 90-story igloo or a ballpoint refrigerator.

People running our economy resemble a group of children at the controls of a machine that fascinates but dumfounds them. Or like a mob of frightened, querulous old men brought from retirement to run a plant which has drastically changed since their heyday. Ignoring corporate greed, they run things by experimentation with the well-being of all of us at stake. Again and again they raise powerful bludgeons to deliver mighty blows against the average wage earner, thinking that by destroying his purchasing power they will cure the disease. It is like attempting to run the zoo from the monkey cage.

NOW IT IS THE TURN OF OUR NATIONAL PARKS

(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, millions of Americans have watched in growing disappointment, bitterness, and despair as the administration has dismantled, destroyed, or delayed one essential national program after another. Almost every day another disastrous departure from the Nation's agenda is announced or revealed. This time, the President has allowed the Bureau of the Budget to place restrictions on spending by our country on new park and recreation areas. How shortsighted. What a short-changing of our people, who are even now increasingly desperate for further recreational areas.

Already, existing national parks and forests are bulging with too many visitors. As of this year, reservations are required to visit many of them. Constantly, Americans are seeking to leave overcrowded, decaying cities for the outdoors and such facilities as our national park system offers. Now President Nixon seeks to cripple the program of acquisition, creation and expansion of that system. Now the Bureau of the Budget has refused to permit full use of a $200 million annual fund voted by Congress under President Johnson to accelerate acquisition of badly needed park and recreation land whose costs are rising almost daily. This year, only $124 million is to be used, and the Budget Bureau projection for next year is similar.

Land values are increasing as a general rule by 5 to 10 percent annually. Private land in areas designated as national parks, seashores, and recreation areas is constantly shooting upward in price. Speculators only fuel the rises, and elementary commonsense tells us that the longer we wait to acquire such properties for all the people, the dearer the price we shall eventually have to pay. Congress recognized this last year when the fund was increased and made available for expansion of the system. Now the President's decision eviscerates perhaps the most crucial element and very linchpin of the Nation's long-range environmental policy.

In previous years, inadequate funding of Federal parkland acquisition has resulted in a massive backlog of unfunded obligations. The Interior Department's Bureau of Outdoor Recreation estimated in January that $500 million would be required to purchase land already designated as parks, without adding new areas. This in turn would be dependent upon no further rises in prices, a doubtful premise at best.

Mr. Speaker, this is alarming in the extreme. Medical research funds have been cut. Job Corps and the Office of Economic Opportunity have been annihilated. Manpower Training by the Federal Government has been crippled. VISTA and the Peace Corps have felt an ax wielded viciously by the President. Federal construction all over the Nation is slated for cuts of 75 percent. He lopped $1 billion off aid to education, including the Nation's libraries in efforts to cut budgets. Aid to arts and humanities has been cut to the bone. Now 19 research centers, seven of which specialize in children's diseases, will have to close their doors because of such cutbacks.

But agricultural subsidies remain untouched, as fat farmers grow fatter. ABM marches ahead, untouched. AMSA, a proposed new manned bomber, feels no razor edge of a budget cutter's knife.

Yet our park system is expendable. Future recreation needs for an expanding, exploding population are to be ignored and shoved under the national rug, along with pollution problems which make people flee cities in search of cleaner environments in the first place. When the Congress itself takes the initiative and orders action, providing necessary funds, the President takes it upon himself to order that these funds remain unused in the people's interest. The intent of Congress is ignored. Our people's needs are heaved away with a fine disregard for tomorrow's problems. Hopes for future recreational development go aglimmering.

I wonder what the response would have been had interests of the people been replaced by those of United States Steel, General Motors, Ford Motor Co., Chase Manhattan Bank.

Congress must act to override this decision, insuring that in spite of the President's action, the people's future recreational needs will be at least partially met.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. FULTON of Pennsylvania (at the request of Mr. GERALD R. FORD), for today, on account of official business accompanying the President to the United Nations.

Mr. JONES of Tennessee (at the request of Mr. FULTON of Tennessee), for today, on account of official business.

Mr. HOSMER, for 1 week, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RODINO, for 60 minutes, on September 22, to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. DANIEL of Virginia), to revise and extend their remarks and include extraneous matter:)

Mr. FARBSTEIN, for 20 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. STAGGERS, for 20 minutes, today.
Mr. FALLON, for 15 minutes, today.
Mr. RIVERS, for 10 minutes, today.
Mr. FARBSTEIN, for 20 minutes, on September 22.

Mr. SCHWENGEL (at the request of Mr. BURKE of Florida), for 20 minutes, on September 22, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BROYHILL of North Carolina to revise and extend his remarks during general debate on House Joint Resolution 681.

Mr. SAYLOR and to include extraneous matter.

Mr. MAHON and to include certain tables and printed matter involving a summary review of the 1970 budget.

Mr. ALBERT immediately following passage of House Joint Resolution 681 today.

Mr. BROYHILL of Virginia to extend his remarks following those of Mr. CRAMER on the conference report on H.R. 6508 today.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. DENT.
Mr. BIAGGI.
Mr. BRADEMAS in six instances.
Mr. BARING.
Mr. NIX.
Mr. STUCKEY in two instances.
Mr. GARMATZ.
Mr. EVINS of Tennessee in two instances.
Mr. DANIEL of Virginia in two instances.
Mr. MOORHEAD in six instances.
Mr. DELANEY in two instances.
Mr. DE LA GARZA in two instances.
Mr. GONZALEZ in two instances.
Mr. EILBERG.
Mr. NICHOLS.
Mr. DADDARIO.
Mr. HUNGATE.
Mr. MEEDS in two instances.
Mr. CHARLES H. WILSON.
Mr. FISHER in two instances.
Mr. BINGHAM in two instances.
Mr. UDALL in eight instances.
Mr. WHITE in two instances.
Mr. RIVERS in two instances.
Mr. FARBSTEIN in five instances.
Mr. EDMONDSON in two instances.

(The following Members (at the request of Mr. BURKE of Florida) and to include extraneous matter:)

Mr. FISH.
Mr. GUDE.
Mr. SPRINGER in three instances.
Mr. QUIE.
Mr. MESKILL.
Mr. BUSH in three instances.
Mr. CONTE.
Mr. STEIGER of Wisconsin.
Mr. ROBISON.
Mr. PIRNIE in two instances.
Mr. ASHBROOK.
Mr. TAFT in two instances.
Mr. WIDNALL.
Mr. RHODES.
Mr. MICHEL in two instances.
Mr. HOGAN.
Mr. MIZELL.
Mr. ROUDEBUSH.
Mr. SCHADEBERG.
Mr. BROWN of Ohio.
Mr. GOLDWATER.
Mr. MCEWEN.
Mr. TEAGUE of California.
Mr. WHITEHURST.
Mr. SHRIVER in two instances.
Mr. REID of New York in two instances.
Mr. COWGER.
Mr. WYMAN.
Mr. FULTON of Pennsylvania in five instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, September 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1158. A letter from the Secretary of the Treausry, transmitting the third semiannual report on (1) U.S. purchases and sales of gold and the state of the U.S. gold stock and (2) International Monetary Fund discussions on the evolution of the international monetary system; to the Committee on Banking and Currency.

1159. A letter from the Comptroller General of the United States, transmitting a report on progress and problems relating to improvement of Federal agency accounting systems as of December 31, 1968; to the Committee on Government Operations.

1160. A letter from the Comptroller General of the United States, transmitting a report on economic assistance funds improperly used to finance vehicles for defense requirements, Agency for International Development, Department of State; to the Committee on Government Operations.

1161. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Water Supply & Storage Co. of Fort Collins, Colo., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended, 71 Stat. 48), pursuant to the provisions of section 4(c) of that act; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Postal Systems of the U.S. Armed Forces, San Francisco Critique (Rept. No. 91–496). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED. Committee of Conference. H.R. 11582 (Rept. No. 91–497). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. ANDERSON of California, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mr. DANIELS of New Jersey, Mr. FARBSTEIN, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GARMATZ, Mr. GRAY, Mr. KOCH, and Mr. MIKVA):

H.R. 13870. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURTON of Utah:

H.H. 13871. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits, and to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in social security taxes in order to assure continuing financing for such increases in benefits; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 13872. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13873. 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; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 13874. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; to the Committee on Armed Services.

By Mr. HANSEN of Idaho (for himself, Mr. ADAIR, Mr. TAFT, and Mr. TUNNEY):

H.R. 13875. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. HAYS:

H.R. 13876. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NIX:

H.R. 13877. A bill requiring a review by the Secretary of the Army of certain reports on the Delaware River ports; to the Committee on Public Works.

By Mr. ROSTENKOWSKI:

H.R. 13878. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 13879. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. ASPINALL (for himself and Mr. SAYLOR):

H.R. 13880. A bill to provide for the establishment of the Lyndon B. Johnson National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BETTS (for himself and Mr. MOSHER):

H.R. 13881. A bill to authorize a survey of the Huron River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

H.R. 13882. A bill to authorize a survey of the Vermilion River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. DORN:

H.R. 13883. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption to a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 13884. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 13885. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER:

H.R. 13886. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania (for himself, Mr. BARRETT, Mr. BIESTER, Mr. BYRNE of Pennsylvania, Mr. CAHILL, Mr. COUGHLIN, Mr. EILBERG, Mr. HUNT, Mr. NIX, Mr. ROTH, Mr. THOMPSON of New Jersey, Mr. WATKINS, and Mr. WILLIAMS):

H.R. 13887. A bill requiring the Secretary of the Army to review certain reports on the Delaware River ports; to the Committee on Public Works.

By Mr. RAILSBACK:

H.R. 13888. A bill to amend the antitrust laws to provide that the refusal of nonprofit blood banks and of hospitals and physicians to obtain blood and blood plasma from other blood banks shall not be deemed to be acts in restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 13889. A bill providing for Federal railroad safety; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES.

H.R. 13890. A bill to reinforce the Federal System by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 13891. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself, Mr. DENNEY, Mr. FRIEDEL, Mr. COWGER, Mr. WEICKER, Mr. DIGGS, Mr. WOLD, Mr. NELSEN, Mr. CARTER, and Mr. LOWENSTEIN):

H.J. Res. 904. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. BROWN of California:

H.J. Res. 905. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "Schoolbus Safety Week"; to the Committee on the Judiciary.

By Mr. DORN:

H.J. Res. 906. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "Schoolbus Safety Week"; to the Committee on Judiciary.

By Mr. RAILSBACK (for himself, Mr. ANDERSON of Illinois, Mr. HANSEN of Idaho, Mr. MESKILL, Mr. WHALEN, Mr. HALPERN, Mr. DON H. CLAUSEN, Mr. TAFT, and Mr. COWGER):

H.J. Res. 907. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote in Federal elections shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 908. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM:

H. Con. Res. 366. Concurrent resolution for humane treatment and early release of American prisoners of war held by North Vietnam; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 552. Resolution expressing the sense of the House of Representatives with respect to U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association; 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. 13892. A bill for the relief of Aurora Matia Moranta; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 13893. A bill for the relief of Nicholas Francis Canny; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 13894. A bill for the relief of Mrs. Rosenda Herminia Nieto and her minor son, Fernand Javier Nieto Rodriguez; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 13895. A bill for the relief of Mrs. Maria Eloisa Pardo Hall; to the Committee on the Judiciary.

H.R. 13896. A bill for the relief of Mauro Pereyra and his wife, Fausta; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 13897. A bill for the relief of Maria Soledad dela Cruz; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13898. A bill for the relief of Dimitrios Covosdis; to the Committee on the Judiciary.

H.R. 13899. A bill for the relief of Radha Majumdar; to the Committee on the Judiciary.

By Mr. MILLER of California:

H. Res. 553. Resolution to refer the bill, H.R. 13830, entitled "A bill for the relief of Genisco Technology Corp." to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

254. By the SPEAKER: Petition of the City Council, Stanton, Calif., relative to the proposed expansion of the Los Alamitos Naval Air Station, Los Alamitos, Calif.; to the Committee on Armed Services.

SENATE—*Thursday, September 18, 1969*

The Senate met at 12 o'clock noon and was called to order by Hon. GEORGE D. AIKEN, a Senator from the State of Vermont.

The Chaplain, Rev. Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, with each new day we thank Thee for the call to serve Thee in all of life's vocations, but especially for the stewardship of office in this Chamber. Give understanding, humility, and charity to those who in Thy name, and for the Nation's sake, are entrusted with power to act for the Republic in this place. Keep ever before them the high vision of Thy kingdom and the abiding truth that while the pressing problems require economic and political solutions, all deeper human needs are moral and spiritual. Give them open ears, quick to hear the whisper of Thy word, and hearts tuned to the unseen presence which enfolds us, supports us, and lights the pathway of life's changing scenes. In the name of Him who is the light of the world. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 18, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE D. AIKEN, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. AIKEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 17, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the swearing in of our new Member, the distinguished Senator-designate from Illinois, there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE GOVERNOR OF ILLINOIS

Mr. SCOTT. Mr. President, I should like to note the presence in the Chamber, in the minority leader's seat, of the very distinguished Governor of Illinois, Richard B. Ogilvie.

SENATOR FROM ILLINOIS

Mr. PERCY. Mr. President, I present the certificate of appointment of the Honorable RALPH T. SMITH as a Senator from the State of Illinois.

The ACTING PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill.

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Richard B. Ogilvie, the Governor of said State, do hereby appoint Ralph Tyler Smith a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of the Honorable Everett McKinley Dirksen is filled by election as provided by law.

Witness: His Excellency, our Governor, Richard B. Ogilvie, and our Seal hereto affixed at Springfield, Illinois, this seventeenth day of September, in the year of our Lord, nineteen hundred and sixty-nine.

RICHARD B. OGILVIE,
Governor.

[SEAL]

By the Governor

PAUL POWELL,
Secretary of State.

The ACTING PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. SMITH of Illinois, escorted by Mr. PERCY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Acting President pro tempore; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

COMMITTEE ASSIGNMENT

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The legislative clerk read the resolution (S. Res. 260), as follows: