

SENATE—Tuesday, January 28, 1969

(Legislative day of Friday, January 10, 1969)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose love never fails and whose strength is sufficient for all our needs, wilt Thou subdue all other promptings that in this reverent moment we may know only the prompting of Thy spirit. Speak to each of us that we may know Thee and gain strength to walk and work with Thee this day. Equip our hearts and minds and hands that we may strive to heal the wounded in spirit; to bind up the broken brotherhood; to close the chasm which separates man from man, party from party, race from race. May we be forged into one mighty people "strong in the Lord and in the power of His might," for it is in His name that we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, January 27, 1969, be approved.

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that shortly after the conclusion of the vote on the pending motion there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a full hour be allocated to the pending motion; that the time for the quorum call, which the distinguished minority leader and I shall suggest, will not be taken out of that time; and that the time under the hour limitation be equally divided between the distinguished minority leader and the Senator from Montana, or whomever they may designate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT OF RULE XXII

The VICE PRESIDENT. The Chair lays before the Senate the motion to proceed to the consideration of Senate Resolution 11, which the clerk will state.

The BILL CLERK. A motion by the Senator from Michigan (Mr. HART) to proceed to consider Senate Resolution 11, to amend rule XXII of the Standing Rules of the Senate.

The VICE PRESIDENT. Without objection, the Senate will resume the consideration of the motion to proceed to the consideration of the resolution.

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Idaho (Mr. CHURCH), I yield control of my time to the distinguished Senator from Kansas (Mr. PEARSON).

Mr. PEARSON. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I should like to say a few words about the present attempt to change rule XXII. I consider rule XXII to be one of the essential underpinnings of the Republic, as well as a necessary instrument for the defense of minority rights and a vital safeguard against the tyranny of an arrogant majority. At the outset, let me say that I am unalterably opposed to the current efforts to change this rule. I do not believe any change is either desirable or necessary. I do not believe this is any time to tamper with the fundamental concepts upon which our legislative process was based by the Founding Fathers. And I certainly do not believe the proponents of the movement for change have made a case worthy of consideration.

Mr. President, we are talking here about a rule deeply embedded in the process which has brought representative government in this world to its fullest flower of effectiveness and performance. We are talking here about a rule which enables the Congress to be representative of all the people—not just of simple majorities. We are talking about something fundamental to our way of life and to the assurance that our way will not be changed by a simple majority of legislators bowing to the wishes of a willful Executive. This is not something that wears out with the passage of time, like an old car or an outmoded coat. This is a rule governing the actions of men; and it is as applicable now as it was in the very beginning. Indeed, its application in a republic is as durable as the unchanging nature of man itself.

Mr. President, basic in the equation

of representative government is the balance of power between the three major branches of the Federal Government: the legislative, to make laws; the executive, to administer them; and the judiciary, to test them against the great framework of the Nation.

Now patience and principle are being tested by new demands on this balance. Congresses are criticized when they resist Executive programs, not so much on the basis of why they resist but simply because they resist. The judiciary is caught in a boiling debate about whether it should judge the constitutionality of laws or whether it should also interpret them for maximum social benefit. States are criticized for their differences in approach or standards or wealth whereas they once were felt to be inviolate basically to preserve the opportunity for regional and cultural differences. Big cities, emerging as city states rather than as State units, look past the State capitol to the National Capitol for the solution of their problems. Federal regulations of trade practices have moved from the protective—which prohibits malpractices—toward the coercive—which demands conformance with practices decided administratively.

Mr. President, we are told that the United States is larger and more populous than when the federal system of representative government was developed. We are told that old ways are not adequate and that old balances are not meaningful. Now does this mean that there is a population limit on liberty? Does it mean that when 100 million people live together they can maintain free markets and free and balanced institutions but that when 200 million people live together they must delegate their local institutions to central authority? At the root of it, there is no other explanation advanced for the movement today away from the federal system of balanced powers toward an executive system of concentrated powers.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, will the distinguished Senator from Kansas yield to me for 3 additional minutes?

Mr. PEARSON. I yield 3 minutes to the Senator from Arizona.

The VICE PRESIDENT. The Senator from Arizona is recognized for 3 additional minutes.

Mr. GOLDWATER. Mr. President, when we hear loud demands today for streamlining the procedures of Congress, for the elimination of traditional safeguards, for doing away with checks and balances which were devised some years ago—when we hear these arguments, we are hearing arguments for further enhancement of Executive power. We are hearing the voices of those who believe an all-powerful central government is the beginning and

end of an all-efficient government in, as the saying goes, "these changing times." Mr. President, these are changing times. We have been living in changing times ever since the Republic was founded. We are always living in changing times. And I am not against change. I believe there is always a need to search out better methods and new devices—in government as well as in our private lives and our private economy. But I am against changing the tried and proven process of representative government merely to gratify somebody's desire to change for the mere sake of change. And I am against throwing away a safeguard against the power of a simple majority merely to make it easier for a particular administration to jam through the Congress programs that are not in the best interest of the American people.

Mr. President, I recall 16 years ago, when I first came to this body, that I did so with a feeling of revolt against extended debate, against the filibuster. I had promised my people that I would vote to change it. However, I was fortunate to serve through a complete Congress, during the course of which a filibuster occurred regarding the tidelands oil bill, and I realized that the only protection this body provided for the minority was rule XXII. I changed my mind.

I changed it further when I realized that my own great State of Arizona would today be a part of New Mexico had it not been for a filibuster engaged in, back in 1862, which prevented that, and allowed the western part of that territory, rightfully, to become a State of its own.

I recall, in 1927, when the Boulder Canyon Act was being discussed in the Senate, that my State of Arizona was excluded from any monetary, power, or water benefits. Thanks to my predecessor, Carl Hayden, and to Senator Henry Fountain Ashurst, now long gone, a filibuster was engaged in and Arizona received its proper due from Hoover Dam.

Mr. President, as I say, I am not opposed to change, but I see no reason to change the fundamental concepts upon which our freedoms are based.

I repeat what I said earlier, that the mere fact we are technologically ahead of where we were 25, 50, or even 100 years ago, and we now have a population in excess of 200 million, does not alter the fact that this Government was based upon the idea that every man has dignity and that this dignity has been bestowed upon him by God. I believe that if we begin to tamper with that idea, we are headed for trouble.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska.

The VICE PRESIDENT. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, at this point in the debate, undoubtedly, no new arguments will be advanced. They have been thoroughly thrashed out previously.

By way of refreshing recollection, however, let me bring up two or three major principles which I believe should be borne in mind.

First, the change desired in rule XXII does bear upon the federal system of compromise which made this great Republic possible and which is reflected in equal representation of each State in this Chamber. The necessity still exists for continued existence of that compromise. The day is not over when the battle between large and small States will make its appearance. Of course, the amendment to rule XXII would result in an erosion of that compromise and erosion of the federal system. It involves checks and balances. It involves the protection of minority rights.

I wonder whether we bear in mind sufficiently, when we say "protection of minority rights," what we are talking about. Is it for the protection of minority rights of the people, of the Members of this body, or of the population of this country?

After all, the largest nine States in this country contain over 50 percent of the population; yet they are represented by only 18 percent of a minority of this body. Conversely, 26 of the less populated States have 52 percent of the votes in the Senate. So, when we talk about the protection of the rights of the minority and the rights of the majority, let us think about it in terms of population as well as in terms of membership in this body.

Rule XXII and cloture no longer represent or are limited to the sectional interest of this country, which we witnessed again and again in Congress after Congress, when civil rights laws, proposals, and bills were presented. After all, the thrust of civil rights legislation is pretty well spent. There will be refinements from time to time, but nothing that is apt to be added substantially. However, in the future, increasingly there will be ventures into the economic, the social, and the tax fields which will bear upon discrimination either for or against large States, or for or against small States. Situations will arise where conflicts will come about.

Let us take the situation in Alaska which depends so heavily upon revenues from oil production. Probably 30 percent of the revenues of that State must be derived from that source. What if there would be considered, legislation on the part of a small group of States, let us say nine, from the Northeastern part of the country, to establishing a trade zone, for the purpose of importing foreign oil. What if the production of oil within the 50 States of the Union will be greatly hampered or impaired by those imports? Suppose further that the State of Alaska may in the future require 50 or 60 percent of its State revenues from this source but will not be able to get it on account of such legislation.

Such a situation would be definitely a contest between the heavily populated areas of this country and one which is sparsely settled. The only recourse for the smaller State and others similarly situated, would be to debate upon this floor until the time comes that the Nation would be thoroughly and widely aware of the disaster to that State that would result because of such a proposed legislation. They can do so effectively under rule XXII as it exists, but would

be adversely affected if it is amended. I urge that the amendment be defeated.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. CHURCH. Mr. President, I am happy to yield whatever time the Senator from Pennsylvania may desire.

Mr. SCOTT. Four minutes.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 4 minutes.

Mr. SCOTT. Mr. President, I think it was our first President, George Washington, who, being asked by one of his friends to explain the function of the Senate, picked up his coffee cup in the fashion of colonial times and poured some of the coffee into the saucer.

His friend said to him, "Why do you do that?"

George Washington replied, "To cool the coffee. That is like the function of the Senate. The House is the hot cup of coffee, and the Senate is the saucer by which the coffee is cooled and made suitable for digestion."

I am paraphrasing Mr. Washington, but I am rather certain he will not mind. I expect no complaints from that source.

The Senate is a deliberative body. But, being deliberative, I suspect, at times, we are overdeliberative. Being conscious of our prerogatives. I feel that, sometimes, we are overconscious of our prerogatives.

I believe that three-fifths of the Senate can serve the purpose of the cooling saucer, under modern circumstances, even better than overcooling caused by the necessity to obtain two-thirds of Senators to terminate debate after a reasonable time.

In fact, when there is some overcooling, chilly air is sent throughout the country, and some fear exists that very much needed legislation, for which the overwhelming majority of people have long indicated a desire, is balked and frustrated by the action of this eminent body. I think we are contesting over a relatively narrow issue—two-thirds or three-fifths.

In my own opinion, the cloture rule should be adopted. A vote should be permitted. It seems to me it is the essence of the system of a federated republic that, at some point, this body should be allowed to make its own decisions. The existence of the present rule does, indeed, often prevent this body from ever making any decision at all, which leads to the impression throughout the country that we are, at times, an ineffective body.

Therefore, to increase the prestige of the Senate, to increase its respect among the people, and to increase its ability to assist in the enactment of needed legislation in the interests of the public good, I believe that the three-fifths rule is preferable and, therefore, I shall vote for cloture.

I yield back the remainder of my time. The VICE PRESIDENT. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 10 minutes to the distinguished Senator from Arkansas (Mr. FULBRIGHT).

Mr. FULBRIGHT. I thank the Senator.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 10 minutes.

Mr. FULBRIGHT. Mr. President, I would like to comment just briefly on some of the points made by the distinguished deputy leader of the opposition. He said there was a danger that bills supported by the overwhelming majority of the people might be held up in this body. I do not know of any such bill. Whenever there is an overwhelming majority of the people for a bill, we are going to get two-thirds of the Senators, as well as three-fifths, to vote for it.

Then the distinguished Senator said that we are contesting a narrow point. I agree that the difference between two-thirds and three-fifths is a narrow one. I do not think that is the real question. The real question is whether a bare majority rules the Senate. That is what the principal proponents of this movement have advocated. They thought they could pick up some strength, and they temporized—only temporarily—on three-fifths, thinking that, with a three-fifths rule, next time they will have an opportunity for majority rule.

I say that in no critical sense, because, in many ways, the concept of majority rule has great merit. But, in any case, that is the real point we are contesting. It is whether we have majority rule, the previous question, or three-fifths. If I were certain that it would remain at three-fifths, and not bare majority rule, and would stay that way without being changed, I do not know that I would have much interest and bother about it. I do not think it would make that much difference. But that is not the issue at all. It is rule by a bare majority.

The Senator from Pennsylvania said that a revised rule would increase the prestige of the Senate, because we have not made certain decisions. He says the present rule has prevented us from making decisions at all. I do not know what he means by "at all." Take civil rights legislation, which may be the principal reason behind the move to change the rule. Those bills have been passed. Practically every one of them has been passed. There may be some minor modifications to be made, but they have been passed. There is nothing important I can think of that has not been passed "at all."

If the Senator means that at a particular moment on a particular day a measure was not passed, I do not quarrel with him. I do quarrel with him if he means that important legislation or legislation of significance has been prevented from being passed "at all" and is still pending. I know of no substantive legislation that is now pending that the proponents of this change would have passed. At least, they have not made a case of that. They have not said, "Look, here is a bill that leads to the liberalization of the human race or a bill for the benefit of all Americans." No such bill is pending. So I do not think there is any important legislation, substantive in nature, that has been prevented from being passed.

The Senator from Pennsylvania says this change would increase the prestige of the Senate. Is it not rather strange that of all the other upper bodies in the

world that I know of in any major country, or even in any minor country, few if any of them have the prestige of the Senate. The British House of Lords has prestige at a tea party, but certainly not in any political matter. Nobody believes that the House of Lords has any significant power to affect the course of events. I think its greatest power is to delay the passage of bills for 30 days. I am not sure it still has that power, but it has no authority in a political way.

Mr. SCOTT. Mr. President, will the Senator yield for a clarification?

Mr. FULBRIGHT. I yield.

Mr. SCOTT. Does not the Senator agree that the reason why the House of Lords has been stripped of most of its functions is that it had become an obstructionist body, blocking the will of the people? That is one thing that I am trying to prevent here.

Mr. FULBRIGHT. I would question whether that was the sole reason. With the rules over there, they were able to do that. I do not think that it is a particularly good analogy. This morning, for example, we were discussing the Government of Japan. Mr. V. Alexis Johnson was before our committee this morning for consideration of his nomination to be Under Secretary of State. He was asked about the distribution of parliamentary seats in the Diet of Japan. Someone asked him about the Japanese Senate. He said:

The Senate is a ceremonial body. It has no power.

It is the upper body there, although the members of it are elected, and do not attain that position because of heredity or because of being appointed, as they do in Great Britain.

In Canada they have a Senate, but it has little significance. I think Senators there are appointed for life, as a sort of reward for good behavior or as a means of acquiring prestige. It is an honorable body, with prestige in a certain sense. A member may be a Nobel Prize winner, or a literary winner, and he may be a fine man, but that body has no political significance at all. That is the point I make.

If we wish the Senate to be only a body in which we have social standing and prestige, this is the way to achieve it. We would change the rules to the point where we would have no real significance as a legislative body. This I do not approve.

The Senator from Pennsylvania mentioned what President George Washington said about the purpose of the Senate—I believe it was George Washington—and the cooling-off process. I would like to point out what Mr. James Madison said, which I think is very pertinent, especially when one considers what is going on all over the world today. He said this in reference to the Senate:

In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were, first, to protect the people against their rulers—

I emphasize that under present conditions in the world—to protect the people, not the Senators; this is not for

the protection of Senators against the rulers; it is to protect the people against their rulers—

Secondly, to protect the people against the transient impressions into which they themselves might be led.

That is a quotation from James Madison. The first reason was to protect the people against their rulers. When one looks around the world today, he sees what has gone on in so many countries, where they tried the parliamentary system and elected the members and gave up that process. They had to give it up because they could not make it work.

While I do not say the Senate has always been responsible for it, I do say this body has played an important part in the Government of this country. From time to time it has been very influential in preventing great mistakes from taking place. I happen to remember a particular one in which, if it had not been for the rules of the Senate, we would not have been able to prevent the packing of the Supreme Court. Just imagine what could happen if we had a very able and aggressive President and we did not have the capacity to prevent such an event from taking place. I do not wish to reflect upon the particular President who was responsible for that effort at packing the Court. He was under great provocation. But, as a longtime proposition, it would have, in some respects, destroyed the independence of the Supreme Court, although I have disagreed with some of the decisions it has made. In any event, it forms a part of the balance of our Government. If we had as President a man of great determination, as has happened in many countries, what is to prevent him from coming in, packing the Court, obtaining the capacity to rule by decree, and having that Court pass on it and approve it? Although bills in the New Deal were not of that character, that could have set a precedent. Today, when we see totalitarian countries throughout the world, I think it is very important to consider those facts. I would not want to be a part of a vote or movement or bill that could destroy the capacity of the Senate to resist the ruler, or President.

Presidents in this country, as is true in all countries, have acquired greater and greater prestige. With the growth of our Federal Government and the attachment to it of all kinds of power it did not have only a few years ago, the President has become a sort of superpower. There is nobody in the world that equals his position. That fact was dramatically brought to our attention in the case when President Johnson met with Kossygin at Glassboro. Many commentators noted that President Johnson could go to that meeting with proposals which the President himself had formulated, but not the Soviet representatives. They had to go back to their colleagues in the Politburo.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. Mr. President, I yield the Senator 3 additional minutes.

Mr. FULBRIGHT. I do not want to take all the time.

Mr. DIRKSEN. That is all right.

The VICE PRESIDENT. The Senator from Arkansas is recognized for 3 additional minutes.

Mr. FULBRIGHT. The freedom of our President from congressional restraint was, I thought, a good illustration of the difference in power of the American President and the Soviet Premier. Our President's power has gradually grown, within our constitutional system, it is true. I am not complaining about that, although it does give me considerable pause on occasion. If we were to get a combination of a man who is determined to have his way, and who is willing to use all the power of the Presidency, which is now so great because of the great enhancement of the Federal Government's functions, then I think we would be running a risk of destroying our system.

I do not want to be a part of that. I cannot see that this capacity to debate has done any serious injury to this country. On the other hand, I can think of cases where it has done a great deal of good, and saved us from some serious mistakes. One of those was the proposed destruction of the Supreme Court. And it would have been destroyed; because if you can pack it once from 9 to 14, there is no reason you cannot make it 20.

Mention was made of the House of Lords. The House of Lords has been destroyed, really, by the capacity of the government to appoint more lords at will. Mr. President, I do not want to be a party to the destruction of the Senate's function in our Government.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. I think the Senator is making a very cogent and rational argument; but I think it is directed more toward the problem of allowing a majority to ride roughshod over a minority.

Does not the Senator feel, after all, that there is no magic in two-thirds? Does he not see the harm in allowing a one-third minority to override the will of the Senate? I am not saying it should be a majority; but what is wrong with three-fifths?

Mr. FULBRIGHT. Before the Senator came in, I dealt with that problem. I said that if there was any way for me to feel that three-fifths would be a stopping point, I could not make very much of an argument.

But very clearly, Mr. President, the most active proponents of this move have committed themselves to rule by a bare majority. That is their objective. In order to gain a little support, they took three-fifths as sort of an interim step. But I do not think there is any doubt that the real objective of those persuasive Members of this body who have made such a strong fight in the past is for the principle of majority rule.

That is all right. It has its place, but not in the Senate, in my view.

I am not basing my objection upon that narrow distinction. But if we make it three-fifths, in view of the avowed purpose of many of our fellow Senators, I do not see how we can have any assurance that there will not be the same

kind of fight, next year, to make it a simple majority.

Mr. PASTORE. While it may be true that there are a few others who feel as the Senator has indicated, it is my serious conviction that if we ever get a three-fifths rule, that would be the end of all this nonsense we are engaging in year after year.

Mr. FULBRIGHT. If there were any assurance at all in my mind, or any way to be sure of it, I would not make too much fuss about that, because we used to provide for two-thirds of the total membership of the body, and then we made it two-thirds of those present and voting. That was worked out as a kind of compromise. If this issue could be worked out in a way that the leaders on both sides of the argument could believe was permanent, that there was not going to be a fight for a majority next, I would not raise a Cain about it.

What I am really concerned about is the role of the Senate. I honestly think, in this kind of country, with 50 great States, with the kind of diversity we have, the Senate has a peculiar role to play. I think it has played an important part and will continue to play an important part in bringing about the adjustment of differences that arise in such a diverse community. For that reason, it is not like the upper body in, say, a small country like England, or even the same as in all of our States. I do not think it is comparable to say that because we have a Senate in Arkansas of 35 members, it is a precedent, because Arkansas is a homogeneous State, in which there are very few problems comparable to those of the United States, and I think it is quite a different matter.

I think that is important for us; and I do not want us to take a step that might ever give an arrogant and extraordinary capable executive the thought that he might override the Senate.

I think the one reason that the present rule of the Senate is important, even more than for what actually happens here, is the fact that any chief executive, when he contemplates the present situation, knows in the back of his mind that if any proposal he makes is too extreme, he is going to have to run the gauntlet of the Senate. In other words, it will cause him, I think, to modify his more extreme proposals. For example, if he is thinking about changing the Supreme Court, he knows he has got to think about getting it through the Senate.

The VICE PRESIDENT. The Senator's time has expired. Who yields time?

Mr. DIRKSEN. Mr. President, I will yield the Senator additional time if he wishes.

Mr. FULBRIGHT. Does the Senator want me to keep on? I think I have finished.

Mr. CHURCH. Mr. President, I yield 3 minutes to the distinguished assistant majority leader.

Mr. KENNEDY. Mr. President, my position on rule XXII is a matter of record. I stated it clearly when I first entered the Senate.

I believe the one question before this

body today is very simple and fundamental, and points up clearly the need for changing rule XXII. That one question is, Have we had sufficient debate, so that we ought to take up Senate Resolution 11?

Why is it, Mr. President, that Senators cannot make a judgment on whether we have had sufficient debate?

Many Senators do exercise their vote in that way. These Senators are willing to say that, after a sufficient period of debate, they are prepared to vote on the issue being debated. But we have seen far too often, Mr. President, that under the present rule a Senator's right to vote on the substantive issue that is before the body, can be denied. And that is the situation we are finding in connection with this particular question at this particular time.

How can any Senator not feel that we have had sufficient debate, now, on whether we ought to consider Senate Resolution 11? We have had the matter before us for 3 weeks. We have had this same question come before us each Congress since I have been a Member of this body. Everyone's rights have been protected. The only question before us is, Can we take the issue up?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. KENNEDY. I have only a limited time, Mr. President. I yield.

Mr. FULBRIGHT. I just want the record to show that we have had votes on this issue. There were 51 votes for the Senator's position on one vote, and on the next one 45. To me that does not indicate any overwhelming desire on the part of the majority to change the rules.

Mr. KENNEDY. Mr. President, the only question is, Have we had sufficient debate? How can my friend from Arkansas state that we have not had sufficient debate, and ought not to take up the resolution?

Mr. FULBRIGHT. I think we have had entirely too much debate on this issue.

Mr. KENNEDY. All right. Then I hope the Senator will be willing to take up the issue, and exercise the voting prerogative which he has, so that we may show the American people that at least we are prepared to pass to the consideration of the resolution.

It is because of the refusal to even consider the resolution itself that I think its proponents have been so justified in expressing their frustration, which frustration has been demonstrated in the statements of the majority leader, the Senator from Idaho, the Senator from Kansas, and the Senator from Michigan.

Mr. President, I think, once again, I speak for the American people when I say that if there has ever been a reason for a change in this rule, it is the parliamentary situation in which we find ourselves tied today.

The VICE PRESIDENT. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself 5 minutes.

Mr. President, responsive to the point made by the distinguished Senator from Rhode Island that at some point in time, if this rule were made three-fifths, it

would stay there, I remind him that once upon a time the rule was two-thirds of those chosen and sworn, and that ultimately it was made two-thirds of those present and voting. They are now toying with the idea of three-fifths of those present and voting. Then the next step in this long journey will be a majority. The deliberative character of the Senate may then disappear.

Mr. PASTORE. Mr. President, will the Senator yield on that very point, inasmuch as my name was mentioned?

The fact is that there has been no toying with the matter. The Committee on Rules and Administration did report a modification of rule XXII to the figure of three-fifths of those voting to shut off debate. And there was resistance on the part of those who do not want any rule change at all.

I know that this effort is going to fail. However, I hope that the matter will be considered by the Committee on Rules and Administration. And when the Committee on Rules and Administration does report out a stronger proposal, I hope that we will not have a filibuster, but will bring the matter to a vote. If the majority wants a three-fifths vote—and I think they do—we should culminate this matter and bring it to a final conclusion.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I want to continue for a moment. I was in the Senate when we had most of the fights on the civil rights bills. When we wanted to get cloture, I said, "I am not going to make an end run. I will try by direct approach to get the necessary two-thirds." And we did so under real difficulty.

Senators who now come in with extreme legislation are not willing to do their homework. They want to follow the easy, royal road. I am not about to let them.

I have seen that happen with respect to civil rights and in the legislation when we created the satellite corporation. I have also seen it happen with respect to section 14(b) of the Taft-Hartley Act. I do not think that section 14(b) meant much to the country, any more than a quadrature equation such as: AX^2 minus B equals 0. The people would not know what that was about.

It was by dint of long discussion that we alerted the country. That was the end of the matter with respect to section 14 (b). It has not been tried again, and it should not be tried again.

We have had legislation of much further reaching character than in the reconstruction days. Yet, we had no difficulty in putting through the Civil Rights Acts of 1964.

The rule as it stands is a brake on hasty proposals. That is the reason I want to see it defended and kept on the books. It is an instrument for informing the country.

The distinguished Senator from Arkansas alluded to court packing. What was the picture there? That court struck down the Blue Eagle in the early days of the New Deal, the so-called National Industrial Recovery Act, under which we

authorized them to suspend the Anti-trust Act and raise prices.

Who will forget the man in New Jersey who refused to raise the price for pressing a pair of pants from 25 cents to 30 cents? He was arrested. A manufacturer of batteries in York, Pa., said that he was making a profit on the battery. They said to raise the price or they would have him arrested. And they did so.

There are some of the sumptuary things that can happen.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. DIRKSEN. I yield myself 2 additional minutes. I believe that I will then have 3 minutes remaining.

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Mr. President, the same thing was true with respect to the AAA. Last year we observed the 35th anniversary of the Agricultural Adjustment Act, that great act under which we plowed things under and let things rot in the field.

We had a Representative by the name of Dewey Short, a very distinguished Representative from Missouri, who, once in the course of a speech, said:

Thank God I came before Henry Wallace. I was one of eleven children. If he were around, I would have been plowed under.

We have gone a long way. The Department then said: "We will strike it down." When two pieces of legislation went into the rain barrel, what happened? There was an attempt to pack the court to add two justices whose views would be known in advance.

That is what happened. That is the way freedom can be destroyed in the country. That is the reason why a few Senators stood here and fought that battle to inform the country. That is the great virtue of this rule. It is an instrument of information, so that a proposal will have its day in court.

I add only one other thing. A strong parliamentary body can resist and hold back authoritarian government. But look at a country where free government has succumbed. I can remember hearing Hitler on the international radio. What fools he made of the Reichstag and the Bundestag. He made them feel like groveling worms, because there was the power. But so long as the power exists to say, "Thus far and no further," we can be certain that our liberties are safeguarded.

The VICE PRESIDENT. The time of the Senator from Illinois has expired.

Mr. DIRKSEN. I have 3 minutes remaining. I yield myself 2 minutes.

I have often wondered about the time when the 18th amendment was placed in the Constitution. Even in my rather untutored way as a country lawyer, I got to thinking about it. Then I went back and skimmed through the safeguarding amendments. They said always and always that Congress shall not impair the freedom of speech, of the press, of the right of assembly, and all those other things.

Then suddenly we turned around, in the history of this country, and it was

no longer a case of "Congress shall not"; it became a case of "the people shall not be entitled to drink within reason what they want to." I thought this an alien thing in the Constitution, even though the late President Hoover called it a noble experiment. I said, "It will never last"; and finally it did not last, because in 1932 booze was one of the issues in this country. We could almost paraphrase that whole campaign by saying, "Bread and booze." We took it to the polls, and the people took out the 18th amendment. It did not belong in the Constitution.

So I am not going to put any hobbies like that upon the Senate of the United States. It is about the only really unimpaired deliberative body on the face of the earth.

The motion should be voted down.

Mr. President, I yield back my remaining minute.

Mr. CHURCH. Mr. President, I am happy to yield 1 minute to the distinguished Senator from Rhode Island.

Mr. PASTORE. Mr. President, I was not for packing the Supreme Court. I was always opposed to that. I am not for punishing someone for charging 35 cents for pressing a pair of pants. What I am against is putting this great deliberative body in a straitjacket.

When we speak about the rules of the Senate that we do not have today, of the laws that we did not have yesterday, and we talk about tomorrow and tomorrow, let us remember that it took 100 years to pass a civil rights law. I think that much of the trouble we are in today is that it took a hundred years to pass a civil rights law. Had we been able to pass such a law years ago, maybe we would not have crime on the streets today. Maybe we would not have the rebellions we are experiencing today.

All that the Senator from Rhode Island is saying is that we need not deal in one extreme or the other extreme. I do not pretend—

The VICE PRESIDENT. The Senate will be in order.

Mr. PASTORE. I beg the Chair's pardon?

The VICE PRESIDENT. The Chair merely called the Senate to order, so that the Senator could be heard.

Mr. PASTORE. So that I could be heard? [Laughter.]

I do not pretend for one moment that a majority should be allowed to override a minority.

All I am saying is this: When you allow 33 out of 100 to stand up in an organized debate, you cannot get a vote in the Senate, whether it is good or bad legislation.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PASTORE. Will the Senator yield me 2 additional minutes?

Mr. CHURCH. Yes.

Mr. PASTORE. All I am trying to do is to unshackle this body so that it can carry on its business.

I will admit that the Senator from Rhode Island has always thought it is a mistake to do it the way we are doing it today. This matter should go to the Com-

mittee on Rules and Administration. The committee should report a rule, and the Senate should be allowed to debate it and then to vote on it. The Rules Committee did that. It did so last year, and the matter languished on the calendar. Why? Because we could not even bring up the matter to be discussed, let alone discuss the substance of the matter.

All I am saying, Mr. President, is this: We are a democracy. We are a government of the people. We are a government for the people. We are a government by the people. When a body of 100, elected by the people, is allowed to be thwarted by 33 of the 100, then I am afraid that democracy is on the edge. Today we are trying to remove that edge and to give to the people of this country an opportunity to have the matters in which they are interested voted upon, and that is the only issue we have here today.

I do not say there is magic in two-thirds; I do not say there is magic in three-fifths. But somewhere in between, in a body of 100, at least 60 should be able to say, "Please, let us go to a vote." I thank the Senator.

The VICE PRESIDENT. Who yields time?

Mr. CHURCH. May I inquire, Mr. President, how much time remains for the proponents?

The VICE PRESIDENT. Nine minutes remain.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield 2 minutes to the distinguished majority leader.

The VICE PRESIDENT. The Senator from Montana is recognized for 2 minutes.

Mr. MANSFIELD. Mr. President, the debate this morning has been interesting. I was especially impressed with what the distinguished Senator from Rhode Island (Mr. Pastore) said when he referred to the fact that there is nothing magical about either two-thirds or three-fifths. It is true that they are both arbitrary fractions set by this body for the conduct of its business. But I would point out that, with the change in times, there must come a change in the rigidity of the Members of this body in respect to how, when, where, and in what manner legislation of transcendent importance should be taken up before this body.

It is true that the three-fifths proposed is not a magical number. But it is a flexible number, because if all Members were present and voting, it would take 60 of the 100 votes to invoke cloture; whereas now it takes two-thirds of those present and voting. If all Members were present, I believe the figure would be 67. The difference of seven is vital. It adds, I think, to the desires of the majority. It represents the flexibility which this body, the greatest deliberative body and the only deliberative body I know of, acting as a senate, can perform its functions.

I believe that the three-fifths rule, if it is adopted, will delay and will very likely stop majority cloture. I do not believe in majority cloture, because I shudder to think of a vote of 51 to 49 or 52 to 48, and then contemplate what pressures might be brought on Members of

this body—as they have been brought on us. The result, I think, would be most detrimental if the decision to invoke cloture were left to a Senate divided by but a single vote or even two or three.

I would hope that the suggestions made by the distinguished Senator from Florida (Mr. Holland) and the distinguished Senator from Arkansas (Mr. Fulbright)—both of whom, by their statements, indicated the possibility of some compromise—would be taken into consideration by the Senate as a whole.

In my opinion, may I say to my colleagues, if the two-thirds cloture provision remains in effect, it will only hasten the day that majority cloture will be imposed upon this body. That is a day I do not want to see. But I believe the only alternative is to accept the proposal inherent in the motion before the Senate, to allow us to take up the three-fifths resolution and to be prepared to vote on it accordingly.

If we do not, then I believe that the consequences to this body will be grave—not only to this body but to this Republic as well.

Mr. CHURCH. I thank the distinguished Senator from Montana.

Mr. President, I yield 2 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I should like to make two points.

I probably have been as active as anyone on the floor of the Senate to change this rule, and I should like to underwrite what the majority leader and the Senator from Rhode Island (Mr. Pastore) have said.

I believe that what we are trying to do is to capture power for the people. Nothing in the Constitution provides that one-third of the Senate shall be able to block action on any measure, other than those sections which provide a two-thirds majority according to the Constitution. Yet, that is the effect of this.

You are depriving the people of their rights. Why do you not go to the people with a constitutional amendment, if that is the power you want, and name the kind of legislation for which you want it? We are fighting for the rights of the people. We are willing to make a reasonable compromise. We understand the realities. But if you deny us the three-fifths, we will continue to fight—we must—and the objective must therefore be something which the Constitution does say, which is a majority. But if you wish to end the fight, then I believe you will have a reasonable compromise for the Senate for a very considerable period of time. I thoroughly agree with the majority leader.

I make one other point: Every argument that the Senator from Illinois (Mr. Dirksen) made assumes that if you elucidate a subject to the country, some day you vote. But that is not true. The fact is that you do not vote, under this filibuster rule; you do not vote unless the two-thirds allow you to do so. So that you can elucidate until you are green in the face, but you are still denied the constitutional power to legislate.

It is amazing to me that men who pride themselves upon their belief in the Con-

stitution should allow the Senate to continue and continue under this extraconstitutional system.

I may not be here, but I predict that the Senate will run into a situation that will shake the foundations of our Government. You talk about imperiling our freedom. You are imperiling our freedom by giving a minority the power to prevent action. We will have men here who will succeed us, who will not act, and then you will rue this day.

The VICE PRESIDENT. Who yields time?

Mr. CHURCH. Mr. President, how much time remains for the proponents?

The VICE PRESIDENT. Five minutes remain.

Mr. CHURCH. I yield myself 4 minutes. I wish to reserve some time for the distinguished Senator from Kansas.

Mr. PEARSON. Mr. President, will the Senator yield me 2 minutes at this time?

Mr. CHURCH. I yield 2 minutes to the Senator from Kansas.

The VICE PRESIDENT. The Senator from Kansas is recognized for 2 minutes.

Mr. PEARSON. Mr. President, we have heard many arguments about the essentiality, the fundamental concept, of rule XXII as it relates to the freedom of debate. In the long days of debate we have had thus far, have those who cling to the sacredness of rule XXII ever explained what article I, section 5 of the Constitution really means when it provides that a quorum of the Senate shall be a majority and shall do business, and that they shall have the right to write their own rules?

This rule has been amended many times. It was born of necessity and has given rise to other rules in the Senate.

I have said many times—and I repeat in closing—that what we seek is a reasonable approach, a balance between the complete right of free debate and sometime the right to vote, and a balance between the protection of minorities and the will of the majority, which is really the seed of the genius of this system of government.

We hear about little States and large States. I do not believe the issues that come before this Government today are those that pertain to issues or sections any longer. We hear about the acceptability of a three-fifths vote if we would not go further. I hope we would not be frozen in the Senate with respect to what we should do about States' rights by what somebody else may do at some time.

I do not favor the majority cloture concept. I think this approach would give the Senate the flexibility and the balance which is needed.

I thank the Senator from Idaho for yielding.

Mr. CHURCH. Mr. President, I yield myself the remainder of the time for the proponents if no other Senator is prepared to speak.

The VICE PRESIDENT. The Senator from Idaho is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, may we have order.

The VICE PRESIDENT. The Senate will be in order.

Mr. CHURCH. Mr. President, we are

in the third week of debate on a preliminary motion, the motion to take up for consideration Senate Resolution 11. The resolution itself is a very moderate one. It would simply reduce from two-thirds to three-fifths the number of Senators required to limit debate. It was first proposed in this body by the distinguished Senator from New Mexico (Mr. ANDERSON). He is not a bomb thrower. He has no less regard than any other Member of this body for the Senate as an institution, or for the historic role it has played in the life of our country.

Indeed, in the course of debate this morning it was acknowledged by no less a steadfast champion of the present rule than the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) that the adoption of the three-fifths rule would do this Senate no serious injury.

Mr. President, this is a moderate proposal. It is offered by two Senators who themselves oppose majority cloture in this body.

The VICE PRESIDENT. The Senate will be in order.

Mr. CHURCH. Mr. President, the issue we are presented with is whether we should not lower the procedural hurdle that the Senate must surmount in order to transact the public business. We think there is a need to lower that hurdle from two-thirds to three-fifths.

The VICE PRESIDENT. The Senator will withhold. The Senate will please be in order. The Senator may proceed.

Mr. CHURCH. During the past 52 years, 44 attempts have been made in the Senate to limit debate on issues vital to the country. On only eight occasions in more than half a century has it been possible, under the present two-thirds rule, to limit debate. We think that is too obstructive; we think that is too formidable, and we believe unless some adjustment is made in lowering the barrier, that the pressures will continue to mount, moving the Senate inexorably toward the day when majority cloture will be adopted here.

The VICE PRESIDENT. All time has expired, pursuant to rule XXII; and the time under the unanimous-consent agreement has elapsed.

The Chair lays before the Senate the pending motion, which will be stated by the clerk.

The assistant legislative clerk read, as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the motion to proceed to the consideration of Senate Resolution 11, a resolution amending the Senate Rules of the Senate.

FRANK CHURCH, GEORGE MCGOVERN, PHILIP A. HART, JENNINGS RANDOLPH, FRANK E. MOSS, QUENTIN BURDICK, EDMUND S. MUSKIE, CLAIRBORNE PELL, GAYLORD NELSON, WILLIAM PROXMIER, JAMES B. PEARSON, CLIFFORD P. CASE, CHARLES GOODELL, EDWARD KENNEDY, VANCE HARTKE, CLINTON ANDERSON, HARRISON A. WILLIAMS, JACOB JAVITS, EDWARD W. BROOKE, HAROLD E. HUGHES, JOSEPH D. TYDINGS, JOHN O. PASTORE, LEE METCALF, STEPHEN M. YOUNG, MIKE MANSFIELD, STUART SYMINGTON, ALBERT GORE, THOMAS J. DODD, THOMAS

J. MCINTYRE, FRED R. HARRIS, MARK O. HATFIELD, HENRY M. JACKSON, HUGH SCOTT, HIRSH L. FONG, EUGENE MCCARTHY.

Mr. MANSFIELD. Mr. President, I wish to commend the distinguished Presiding Officer for keeping order in the Chamber. I would most respectfully offer the suggestion that the floor be cleared of all persons except Senators and attachés who have some business here.

The VICE PRESIDENT. The Chamber will be cleared of all persons except Senators and attachés having immediate business in the Senate, and the Sergeant at Arms is instructed to clear the floor of all other persons.

Pursuant to rule XXII the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 14 Leg.]

Aiken	Goldwater	Mundt
Allen	Goodell	Murphy
Allott	Griffin	Nelson
Anderson	Gurney	Packwood
Bellmon	Hansen	Pastore
Bennett	Harris	Pearson
Bible	Hart	Pell
Boggs	Hartke	Percy
Brooke	Hatfield	Proxmire
Burdick	Holland	Randolph
Byrd, Va.	Hollings	Ribicoff
Byrd, W. Va.	Hruska	Russell
Cannon	Hughes	Saxbe
Case	Inouye	Schweiker
Church	Jackson	Scott
Cook	Javits	Smith
Cooper	Jordan, N.C.	Sparkman
Cotton	Jordan, Idaho	Spong
Cranston	Kennedy	Stennis
Curtis	Long	Stevens
Dirksen	Mansfield	Symington
Dodd	Mathias	Talmadge
Dole	McCarthy	Thurmond
Domink	McClellan	Tower
Eagleton	McGee	Tydings
Eastland	McGovern	Williams, N.J.
Ellender	Metcalfe	Williams, Del.
Ervin	Miller	Yarborough
Fannin	Mondale	Young, N. Dak.
Fong	Montoya	Young, Ohio
Fulbright	Moss	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business, attending the funeral of the Honorable Robert A. Everett.

The VICE PRESIDENT. A quorum is present.

The question is, Is it the sense of the Senate that debate on the pending motion shall be brought to a close?

On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. MUSKIE) and the Senator from Alaska (Mr. GRAVEL). If the Senator from Maine were present and voting, he would vote "yea." If the Senator from Alaska

were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

On this vote, the Senator from Tennessee (Mr. BAKER) is paired with the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. MCINTYRE). If present and voting, the Senator from Tennessee, would vote "nay," the Senator from Indiana would vote "yea," and the Senator from New Hampshire would vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER) is absent on official business attending the funeral of the Honorable Robert A. Everett, and is paired with the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. MCINTYRE). If present and voting, the Senator from Tennessee would vote "nay," and the Senator from Indiana and the Senator from New Hampshire would each vote "yea."

The yeas and nays resulted—yeas 50, nays 42, as follows:

[No. 15 Leg.]

YEAS—50

Aiken	Harris	Pastore
Allott	Hart	Pearson
Anderson	Hartke	Pell
Boggs	Hatfield	Percy
Brooke	Hughes	Proxmire
Burdick	Jackson	Randolph
Case	Javits	Ribicoff
Church	Kennedy	Saxbe
Cook	Mathias	Schweiker
Cooper	McCarthy	Scott
Cranston	McGovern	Smith
Dodd	Metcalfe	Symington
Domink	Mondale	Tydings
Eagleton	Montoya	Williams, N.J.
Fong	Moss	Yarborough
Goodell	Nelson	Young, Ohio
Griffin	Packwood	

NAYS—42

Allen	Fannin	Miller
Bellmon	Fulbright	Mundt
Bennett	Goldwater	Murphy
Bible	Gurney	Proxmire
Byrd, Va.	Hansen	Russell
Byrd, W. Va.	Holland	Sparkman
Cannon	Hollings	Spong
Cotton	Hruska	Stennis
Curtis	Inouye	Stevens
Dirksen	Jordan, N.C.	Talmadge
Dole	Jordan, Idaho	Thurmond
Eastland	Long	Tower
Ellender	McClallan	Williams, Del.
Ervin	McGee	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield for.

NOT VOTING—7

Baker	Gravel	Muskie
Bayh	Magnuson	
Gore	McIntyre	

The VICE PRESIDENT. On this vote there are 50 yeas and 42 nays. Under rule XXII, and in accordance with the judgment of the Senate on January 16, 1969, two-thirds of Senators present and voting, a quorum being present, not having

voted in the affirmative, the motion is rejected.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Pursuant to the previous order, there will be a period for the transaction of routine morning business, under a 3-minute limitation.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ENTITLED "INTERNATIONAL EDUCATION—AN INVENTORY OF FEDERAL PROGRAMS"

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a copy of a report entitled "International Education—An Inventory of Federal Programs," dated December 1968 (with an accompanying report); to the Committee on Appropriations.

REPORT OF AIR FORCE ON EXPERIMENTAL, DEVELOPMENT, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on experimental, development, test, and research procurement action of the Department for the period July 1, 1968 through December 31, 1968 (with an accompanying report); to the Committee on Armed Services.

REPORT ON DISPOSAL OF EXCESS PROPERTY IN FOREIGN COUNTRIES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law, regarding the disposal of excess property in foreign countries, for the calendar year 1968; to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH-PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON EDUCATION OF DISADVANTAGED CHILDREN

A letter from the Chairman, National Advisory Council on the Education of Disadvantaged Children, transmitting, pursuant to law, the fourth annual report of the Council, dated 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION RELATING TO DUAL COMPENSATION WITH RESPECT TO MEMBERS OF THE DISTRICT OF COLUMBIA COUNCIL

A letter from the Assistant to the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend title 5, United States Code, relating to dual compensation, with respect to members of the District of Columbia Council (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Nevada; ordered to lie on the table;

"ASSEMBLY JOINT RESOLUTION 1"

"Assembly joint resolution congratulating Richard Milhous Nixon and Spiro Theodore Agnew on their inaugurations as President and Vice President, respectively, of the United States

"Whereas, On the 20th day of January, Richard Milhous Nixon and Spiro Theodore Agnew will be formally inaugurated as President and Vice President, respectively, of the United States; and

"Whereas, These men assume the leadership of the world's greatest nation at a time unparalleled in her history, when her status in the world community is challenged, when other nations of the world continually direct outrageous criticisms against her, when domestic inflation threatens her economic health and when crime and rioting in the streets threaten the safety of all her citizens; and

"Whereas, During the tenure of their office they will encounter the force of the enemies of this country attempting to destroy the principles of representative government to which this nation has always been dedicated; and

"Whereas, The American people, through the elective process, have expressed their confidence and trust in Richard Milhous Nixon and Spiro Theodore Agnew successfully to direct this nation through these trying times; and

"Whereas, They will, during their stewardship, face the most demanding, perilous and challenging times of their lives; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the 55th session of the legislature of the State of Nevada extend their best wishes and congratulations to Richard Milhous Nixon and Spiro Theodore Agnew on their inaugurations as President and Vice President, respectively, of these United States; and be it further

"Resolved, That the contents of this resolution be dispatched forthwith by telegraph by the legislative counsel to Richard Milhous Nixon and Spiro Theodore Agnew, and that thereafter copies of this resolution be prepared and transmitted by the legislative counsel to Messrs. Nixon and Agnew."

A letter in the nature of a petition, signed by Mrs. Cynthia Libby, of Northlake, Ill., supporting Comdr. Lloyd Bucher; to the Committee on Armed Services.

A petition, signed by Mrs. James L. (Lou M.) Hatfield, praying for a redress of grievances; to the Committee on Finance.

A letter, in the nature of a petition, signed by Virginia Strobl, Mrs. Marice A. Strobl, and Rita Strobl, remonstrating against the antireligious activities of Mrs. Madelyn Murray O'Harris; to the Committee on the Judiciary.

A petition, signed by Herbert E. Juelich, of Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

A petition, signed by Clayton Gilbert Dismas Knepper, Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

A letter, signed by Randy Lewis, State chairman, Teen-Democrats, Jackson, Tenn., congratulating the new Members of the Senate; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Paul W. McCracken, of Michigan, to be a member of the Council of Economic Advisers;

Hendrik S. Houthakker, of Massachusetts, to be a member of the Council of Economic Advisers; and

Herbert Stein, of Maryland, to be a member of the Council of Economic Advisers.

By Mr. THURMOND, from the Committee on Armed Services:

Vice Adm. Charles T. Booth II, U.S. Navy, and Rear Adm. Paul P. Blackburn, Jr., U.S. Navy, for appointment to the grade of vice admiral on the retired list; and

Lt. Gen. John W. Carpenter III (major general, Regular Air Force), U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations.

By Mr. SCHWEIKER, from the Committee on Armed Services:

Robert F. Frohlike, of Wisconsin, to be an Assistant Secretary of Defense.

By Mr. BROOKS, from the Committee on Armed Services:

Robert C. Seamans, Jr., of Massachusetts, to be Secretary of the Air Force.

By Mr. YOUNG of Ohio, from the Committee on Armed Services:

John H. Chafee, of Rhode Island, to be Secretary of the Navy.

By Mr. CANNON, from the Committee on Armed Services:

George A. Lincoln, of Michigan, to be Director of the Office of Emergency Preparedness.

By Mrs. SMITH, from the Committee on Armed Services:

Barry James Shillito, of Ohio, to be an Assistant Secretary of Defense.

By Mr. McGEE, from the Committee on Post Office and Civil Service:

James E. Johnson, of California, to be a Civil Service Commissioner.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GOLDWATER:

S. 695. A bill for the relief of Luz Tanquilut Tanjaquary; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. FANNIN):

S. 696. A bill to provide for the acquisition of a village site for the Payson Band of Yavapai-Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA (for himself and Mr. CURTIS):

S. 697. A bill for the relief of Antonio Costanzo; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 698. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of certain oil and gas leases; to the Committee on Interior and Insular Affairs.

By Mr. DOLE:

S. 699. A bill for the relief of Zafar II, Israeli; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. SCHWEIKER):

S. 700. A bill to provide for the establishment of one or more national cemeteries in the State of Pennsylvania; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 701. A bill to amend the Watershed Protection and Flood Prevention Act as amended; to the Committee on Agriculture and Forestry.

S. 702. A bill to amend the Internal Reve-

nue Code of 1954 to encourage the abatement of water and air pollution by permitting the amortization for income tax purposes of the cost of abatement works over a period of 36 months; to the Committee on Finance.

By Mr. INOUE:

S. 703. A bill for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT):

S. 704. A bill to amend the Act of October 15, 1966, 80 Stat. 953, 20 U.S.C. section 65a), relating to the national museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act;

S. 705. A bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes; and

S. 706. A bill to amend the Act of August 10, 1946, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

(See the remarks of Mr. ANDERSON when he introduced the above bills, which appear under separate headings.)

By Mr. FONG:

S. 707. A bill for the relief of Hon Sang Ching;

S. 708. A bill for the relief of Lawrence J. Nunes; to the Committee on the Judiciary.

By Mr. JACKSON (by request):

S. 709. A bill to designate certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuge in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona as wilderness; and

S. 710. A bill to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bills, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. CRANSTON) (by request):

S. 711. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness;

S. 712. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness;

S. 713. A bill to designate the Desolation Wilderness, Eldorado National Forest, in the State of California;

S. 714. A bill to designate the Ventana Wilderness, Los Padres National Forest, in the State of California; and

S. 715. A bill to designate certain lands in the Lassen Volcanic National Park in California as wilderness; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bills, which appear under a separate heading.)

By Mr. McGEE (for himself and Mr. MOSS):

S. 716. A bill to amend title 43 U.S.C. 315b to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. McGEE when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 717. A bill for the relief of Peng Sheung Yan (Dok Lum Gin); to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. PROUTY, Mr. ALLOTT, Mr. BELLMON, Mr. COOK, Mr. COOPER, Mr. DOMINICK, Mr. SCHWEIKER, and Mr. STEVENS):

S. 718. A bill to provide for educational assistance for gifted and talented children; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT (for himself, Mr. BELLMON, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. DOMINICK, Mr. FANNIN, Mr. HRUSKA, Mr. JORDAN, Mr. IDAHO, Mr. MCGEE, Mr. METCALF, Mr. YOUNG of North Dakota, Mr. HANSEN, and Mr. STEVENS):

S. 719. A bill to establish a national mining and minerals policy; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ALLOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN:

S. 720. A bill for the relief of Isaan S. Ibrahim, his wife, Hayfa I. Ibrahim, and their children, Nada I. Ibrahim, Hussain I. Ibrahim, May Ibrahim and Ali Ibrahim; to the Committee on the Judiciary.

By Mr. PROXMIER (for himself, Mr. MCINTYRE, Mr. MONDALE, Mr. DODD, Mr. INOUE, Mr. MCGEE, Mr. MOSS, Mr. NELSON, Mr. YARBOROUGH, Mr. YOUNG of Ohio, and Mr. EAGLETON):

S. 721. A bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of such credit cards, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. PROXMIER when he introduced the above bill, which appear under a separate heading.)

By Mr. CANNON:

S. 722. A bill to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office; to the Committee on Finance.

(See the remarks of Mr. CANNON when he introduced the above bill, which appear under a separate heading.)

By Mr. MCGEE:

S. 723. A bill to amend part I of the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority with respect to railroad safety; and

S. 724. A bill to provide more adequate and realistic penalties for violations of certain safety statutes administered by the Interstate Commerce Commission; to the Committee on Commerce.

S. 725. A bill to determine the claims of certain prisoners of war permanently disabled, and to confer jurisdiction upon the Court of Claims in the event of disagreement as to such claims; to the Committee on the Judiciary.

By Mr. MCGEE (for himself and Mr. HANSEN):

S. 726. A bill to authorize the establishment of the Fossil Butte National Monument; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

S. 727. A bill for the relief of Chu Yu Ming; to the Committee on the Judiciary.

By Mr. COOPER:

S. 728. A bill for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 729. A bill for the relief of William H. T. Carney;

S. 730. A bill for the relief of Reeva Singh;

S. 731. A bill for the relief of Dr. Yuen Zang Chang;

S. 732. A bill for the relief of Mrs. Nimet Weiss; and

S. 733. A bill for the relief of Mohammed Z. Assadi; to the Committee on the Judiciary.

By Mr. CANNON:

S. 734. A bill to revise the Federal election laws, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. CANNON when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S. 735. A bill for the relief of Dr. Silverio Labapla Aguilar, Jr. and Teresita Batu Aguilar; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 736. A bill for the relief of the survivors of Marvin R. Foltz; to the Committee on the Judiciary.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 737. A bill for the relief of Konrad Ludwig Staudinger; and

S. 738. A bill for the relief of Hector Enrique Gonzales; to the Committee on the Judiciary.

By Mr. MONTOYA (for himself, Mr. ANDERSON, Mr. HARRIS, and Mr. METCALF):

S. 739. A bill to direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects designed to encourage recipients of aid to families with dependent children to seek employment; to the Committee on Finance.

(See the remarks of Mr. MONTOYA when he introduced the above bill, which appear under a separate heading.)

By Mr. MONTOYA (for himself, Mr. BROOKE, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. MCCARTHY, Mr. MCCELLAN, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MURPHY, and Mr. YARBOROUGH):

S. 740. A bill to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. MONTOYA when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. CHURCH, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. MANSFIELD, Mr. METCALF, and Mr. PACKWOOD):

S. 741. A bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 742. A bill to amend the Act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes; and

S. 743. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bills, which appear under separate headings.)

By Mr. JACKSON (for himself, Mr. ANDERSON, and Mr. MOSS):

S. 744. A bill to provide for better administration of the National Park Service and of the electric power marketing programs of the Department of the Interior; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MCGOVERN (for himself and Mr. PROxmire):

S. 745. A bill to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. MCGOVERN when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia:

S.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. FULBRIGHT, and Mr. SCOTT):

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

(See the remarks of Mr. ANDERSON when he introduced the above joint resolution, which appear under a separate heading.)

S. 700—INTRODUCTION OF BILL TO ESTABLISH ONE OR MORE NATIONAL CEMETERIES IN PENNSYLVANIA

Mr. SCOTT. Mr. President, I have been deeply concerned for a number of years about the alarming lack of national cemetery space in Pennsylvania. It is an issue of vital interest to the many hundreds of thousands of veterans and their families now living in my Commonwealth.

During the 90th Congress, I introduced a bill to provide for the establishment of additional national cemeteries in Pennsylvania. I regret that it was never acted upon. However, I am hopeful that a new awareness of this problem by our national leaders will bring about the necessary action. My bill, which I am now introducing on behalf of myself and my able and distinguished colleague from Pennsylvania, Senator SCHWEIKER, will take one of the first steps toward that end.

This bill would direct the Secretary of the Army to establish one or more national cemeteries in Pennsylvania. Locations are to be considered in the vicinity of Valley Forge Park and Brandywine Battlefield Park in eastern Pennsylvania, Edward Martin Military Reservation, Boalsburg Memorial Park in central Pennsylvania, and Bushy Run Battlefield Park in southwestern Pennsylvania.

I was privileged to serve as chairman of the Subcommittee on Human Needs of the 1968 Republican platform committee. In that position, I heard testimony from William E. Galbraith, at that time the national commander of the American Legion, who urged the creation of a national cemetery system. Commander Galbraith said:

There must be action on the part of Congress and the Administration to insure that

every deceased veteran eligible for interment in a national cemetery may receive a decent funeral and burial. The American Legion believes every veteran should have the right to burial in a national cemetery situated reasonably close to his home.

I am pleased to say that the 1968 Republican platform, which I helped to write, includes language almost identical to Commander Galbraith's regarding a solution to the problems of our national cemetery situation.

The need in Pennsylvania is critical, and now. For the entire State, it is estimated that about 30,000 veterans die each year. When Americans serve their country in military uniform, whether in Vietnam or elsewhere, they are expected to give the last full measure of devotion, and, where necessary, to suffer the supreme sacrifice in the defense of our national commitments. To deny these veterans this last full measure of honor bestowed by the Nation which they served, is a neglect of the greatest magnitude. My bill offers an opportunity to meet this obligation. I urge its favorable consideration.

The VICE PRESIDENT. The bill will be received and appropriately referred. The bill (S. 700) to provide for the establishment of one or more national cemeteries in the State of Pennsylvania introduced by Mr. SCOTT (for himself and Mr. SCHWEIKER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 704—INTRODUCTION OF BILL AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, on behalf of myself and Senators FULBRIGHT and SCOTT, I introduce, for appropriate reference, a bill to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. section 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act.

I ask unanimous consent that the bill and a statement entitled "The National Museum Act of 1966—Authorization of Sums To Be Appropriated in Fiscal Years Following 1971" be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 704), to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. section 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. 704

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

tion 2(b) of the Act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a) is amended to read:

"(b) There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to carry out the purposes of this Act: *Provided*, That no more than \$1,000,000 shall be appropriated annually through fiscal year 1974."

The statement, presented by Mr. ANDERSON, is as follows:

THE NATIONAL MUSEUM ACT OF 1966—
AUTHORIZATION OF SUMS TO BE APPROPRIATED IN FISCAL YEARS FOLLOWING 1971

The National Museum Act of 1966 (P.L. 89-674) re-affirmed the Smithsonian's traditional role in providing aid to museums of the United States and abroad. The Act directed the Institution to engage in a continuing study of museum problems and opportunities, to conduct training in museum practices, to prepare museum publications, to perform research in museum techniques, and to cooperate with agencies of the Government concerned with museums.

The Act authorized to be appropriated \$200,000 for the fiscal year 1968, \$250,000 for the present fiscal year 1969, \$250,000 for fiscal year 1970, and \$300,000 for fiscal year 1971. The Act states that in each subsequent fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law.

No funds were appropriated by the Congress for purposes of the Act in fiscal years 1968 and 1969. The Smithsonian budget estimates for 1970 when submitted to the Congress will include an amount of \$60,000 for projects under the Act. It is planned to request \$300,000 in the budget for 1971, the last year for which the Act contains an authorization for a sum to be appropriated.

Prior to the submission of budget estimates for fiscal year 1972, it will be necessary to have either an authorized limit of appropriation or the elimination of the limit. As the budget estimates will be prepared in the spring of 1970, it will be desirable to have the authorization amended by that time. To allow a safe margin of time for Congressional consideration and action it is believed that the legislation should be requested in the current session of the Congress.

The justification for developing programs under the Act derives from the increasing requests for assistance addressed to the Smithsonian by community leaders, museum personnel, museum regional organizations, and national museum groups. For example, many museum career people inquire about training but only a few are able to come without at least modest financial support. Cities, communities, universities, colleges, schools, historical societies, and museums continually request advice on the institutional future of museums, on museum planning and funding, as well as on the development of new techniques and programs.

In spite of the lack of appropriated support, the Smithsonian has made a substantial contribution of staff time and expertise to carry out the purposes of the Act. Examples include:

Discussion and advice on the reorganization of the administration and facilities of museums of the Michigan State University; Discussion and advice on where to locate a natural history museum in Louisville, Kentucky;

Training of science museum technicians at museums in New York, Chicago, and Los Angeles;

Curatorial advice on historical interpretation and exhibition planning at Oakland, California;

Publication of a manual on Museum Registration Methods with the American Association of Museums;

Support of AAM studies of museum performance, standards and accreditation; Support of AAM conferences on the needs

of museums, in cooperation with other agency members of the Federal Council on the Arts and the Humanities;

Support of annual meetings of the Southeastern Museums Conference at Little Rock, Arkansas, and Norfolk, Virginia, to provide professional consultation on basic museum problems and to publish reports;

Conduct of a Smithsonian seminar for museum directors and social scientists on increasing the effectiveness of museum communication with the public, in cooperation with the Smithsonian Office of Academic Programs;

Demonstration of the planning and preparation of museum exhibits for a group of museums at Charleston, West Virginia;

Smithsonian staff participation in two annual workshops for small museums in Texas;

Conduct of museum surveys and preparation of reports on museum questionnaires in cooperation with the Directors of Systematic Collections, the Office of Education, and the AAM;

Development and maintenance of a documentation center of museums and their programs;

Support of a committee consideration of creating cooperative regional museum laboratories to provide services to museums at cost; and,

An impressive total of Smithsonian staff effort responding to hundreds of requests for advice on conservation, historic preservation, salvage archeology at historic sites, planning and preparation of exhibits, planning of museum buildings, museum services for colleges, and research and development of museum techniques.

In their report to the Federal Council on the Arts and the Humanities, museum directors and public members of a committee convened by the AAM, stated, "That the Museum Act be funded with an appropriation of at least \$1 million for the first year" [i.e., fiscal year 1972, the first year requiring new authorization of the amount to be appropriated].

HISTORY OF BUDGET REQUESTS SUBMITTED BY THE SMITHSONIAN TO PROVIDE THE SERVICES AND THE PROGRAMS REQUIRED BY THE ACT

Fiscal year	Request submitted to Bureau of Budget	Request submitted to the Congress	Appropriated
1968	\$200,000	\$80,000	0
1969	250,000	70,000	0
1970	30,000	80,000	
1971	1,300,000		
1972	1,900,000		

1. Total.

Projects to be developed under the act

FISCAL YEAR 1970

Increase to be requested of Congress \$80,000

To provide services required to meet the needs of museums: including the training of museum personnel, improving the information services and the review of museum plans and programs, to design pilot traveling units of collections and to publish manuals on planning programs and facilities..... 28,300

To perform research in museum techniques and practices, devise experiments and tests of museum communication and education, train museum technicians, publish plans and reports of new methods and practices..... 51,700

FISCAL YEAR 1971

Increase to be requested of Congress 220,000

To train 14 museum career personnel in art, history, and science curatorial positions..... 130,000

To train 10 museum technicians in conservation, exhibition, museum education, management of collections, and support of research..... 90,000

FISCAL YEAR 1972

Increase to be requested of Congress 600,000

Conduct of continuing studies of museum performance for increasing the effectiveness of museum programs in individual communities for enriching education and cultural development of their localities, for providing standards of performance and accreditation; 1 major study and 2 surveys..... 165,000

Conduct of a national study of methods and technology for a nationwide catalog of the collections of American museums of history, material culture, science and industry, to aid in historical researches and to assist in coordinating cooperative programs for the circulation of collections in the service of many communities now lacking museum resources..... 175,000

Workshop demonstrations at 12 regional seminars of museum directors and staff in museum practices, such as exhibition, conservation, education, and administration..... 100,000

Support of regional museum conferences, to provide professional consultants on museum problems at annual meetings and to publish reports of the proceedings..... 50,000

Conduct a feasibility study of a system of regional cooperative museum laboratories to supply museum conservation, exhibits and museum education materials at cost to the museums across the United States..... 30,000

Publication of museum manuals, facilities, plans, and exhibition designs 80,000

S. 705—INTRODUCTION OF BILL AUTHORIZING THE SMITHSONIAN INSTITUTION TO ACQUIRE LANDS AND TO DESIGN A RADIO-RADAR ASTRONOMICAL TELESCOPE

Mr. ANDERSON. Mr. President, on behalf of myself and Senators FULBRIGHT and SCOTT, I introduce, for appropriate reference, a bill to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes.

I ask unanimous consent that the bill and statement entitled "Smithsonian Astrophysical Observatory—Radio and Radar Astronomy" be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 705) to authorize the Smithsonian Institution to acquire lands and to design a radio-radar astronomical telescope for the Smithsonian Astrophysical Observatory for the purpose of furthering scientific knowledge, and for other purposes, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, and

ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board of Regents of the Smithsonian Institution is authorized to acquire lands by gift, purchase, exchange, condemnation, or otherwise, to be used as a site for a radio-radar astronomical telescope.

Sec. 2. The heads of executive departments and independent agencies of the Government are authorized to transfer to the Smithsonian, without charge, real and personal property under their custody, control, or jurisdiction, for the purposes of this Act.

Sec. 3. The Smithsonian is authorized to design a radio-radar astronomical telescope, including related equipment and facilities, for purposes of scientific research and knowledge.

Sec. 4. The Secretary of the Smithsonian is hereby authorized to employ a Director and Assistant Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and such other personnel as may be necessary.

Sec. 5. In furtherance of the purposes of this Act, the Secretary of the Smithsonian Institution may—

(a) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or subdivision thereof, educational institutions, voluntary agencies, and with other organizations, individuals, and firms;

(b) utilize the services and facilities of, or procure commodities from, any agency of the United States Government with the consent of the head of such agency; and

(c) employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5 of the United States Code for the performance of functions under this chapter at rates not in excess of \$100 per diem, and while away from their homes or regular places of business they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standard Government Travel Regulations, as amended; Provided, That contracts for such employment may be renewed annually.

Sec. 6. The Secretary of the Smithsonian is authorized to establish an advisory committee including representatives of cooperating users of the telescope. The committee shall submit recommendations on the design, location, and preparations for construction, operation, and use of the telescope and its related facilities. The members of the committee shall receive no compensation for their services, but may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standard Government Travel Regulations, as amended.

Sec. 7. There are authorized to be appropriated to the Smithsonian Institution such funds as may be necessary to carry out the purposes of this Act, such appropriations to be made available without fiscal year limitations: Provided, That not to exceed \$2,000,000 is authorized to be appropriated through the fiscal year ending June 30, 1970.

The statement presented by Mr. ANDERSON is as follows:

SMITHSONIAN ASTROPHYSICAL OBSERVATORY RADIO AND RADAR ASTRONOMY

Radio and radar astronomy are two new fields of science which have contributed surprising and dramatic new discoveries about the solar system and the universe, and have fundamentally altered and enlarged our basic

knowledge. No other period in the history of astronomy can compare with the last decade in the flow of new discoveries made possible by radio and radar observations. The radio telescope can perform either as a radar or as a radio. When used as a radar device, it is equipped with a transmitter that beams a powerful signal toward the sun, moon, planets, and other objects in the solar system and receives an echo. The radio telescope can analyze the radar echo and extract new information about the body in question. During the last decade this process has been able to measure the scale of the solar system to unprecedented accuracy; to measure the diameters of important planets; to map the surface of Venus, even though it is totally obscured by a complete and continuous cloud cover, and to reveal unexpected and precise rotation rates of planets. For example, after radar observations, Mercury was discovered to be "locked" to the sun in a completely unexpected manner—and the rotation of Venus is actually controlled by the earth. The radar observations have also opened new methods to test the general theory of relativity. These are examples of what we may expect in the future, because each step toward telescopes of larger sizes and more advanced electronics systems has invariably led to unexpected and highly significant new results.

When the radio telescope is used as a receiver only, its scope of radial vision expands to reach beyond the solar system to the most distant objects known in the universe. Sensitive radio receivers operate at the focus of the radio telescope much as the eye or photographic plate function in an optical telescope. Through the use of this technique, we have discovered more powerful energy sources than any before known to man. Quasi stellar radio sources, quasars, and the pulsating radio sources, pulsars, have generated enormous excitement in the fields of astronomy and physics, which can be compared only with the excitement in the scientific community when it received the original news of the splitting of the atom. The discoveries made through radio and radar devices on radio telescopes continue to contribute to our basic knowledge of the universe. Future discoveries will pose new problems of interpretation which, when solved, will add to our understanding of the fundamental processes in nature, and possibly the discovery and control of new sources of energy on the earth.

We may briefly survey the existing filled-aperture fully-steerable radio telescopes that are now in operation to carry out basic research. We exclude from the survey similar instrumentation operated for military and space purposes, i.e., the mission-oriented antennas. We also exclude two special purpose research antennas, one at Green Bank, West Virginia and another at Arecibo, Puerto Rico, whose surface precisions limit operations at short wavelengths and whose mounting systems limit sky coverage or tracking time on objects under study. In summary, there are numerous small instruments in the United States, and few large machines, and in the countries abroad the reverse is true; very few small instruments but a monopoly on the world's largest radio telescopes. Thus other countries now have superior facilities for fundamental research in radio astronomy.

In the United States there are a number of small, 35- to 90-foot diameter, radio telescopes in various institutions throughout the country. A 130-foot diameter radio telescope operates at Owens Valley, California, and a 140-foot diameter radio telescope at Green Bank, West Virginia. Canada has a 150-foot telescope at Algonquin Park. At Parkes, Australia, there is a 210-foot diameter radio telescope; Great Britain has a 250-foot diameter radio telescope at Jodrell Bank. At Bonn, West Germany, a 328-foot

diameter radio telescope is now under construction; and plans are nearing completion for a new 400-foot diameter radio telescope (Sir Bernard Lovell's current project) in Great Britain. Thus the United States is the only major Western country that still lacks a large and powerful radio telescope.

In the United States, the Office of Naval Research and the National Science Foundation have been the major sources of support for radio telescopes. Paradoxically, other nations have larger radio telescopes than we do partly because they have more limited financial resources. They have concentrated their funds in single large projects and have thus converted an economic liability into a scientific asset.

The radio and radar scientists in the United States, who attended a meeting at the Smithsonian Institution on November 30/December 1, 1968, clearly recognized this situation and expressed their hope that national initiative could be taken to obtain a large radio-radar telescope for this country.

Fully completed designs exist for a 440-foot radio telescope enclosed in a protective space-frame radome which supports fiberglass panels. The radome isolates the antenna from the environment as shown in the attached drawing. (Drawing not shown.) The construction of so large an antenna can be accomplished with the use of the light-weight materials because of the controlled environment within the radome. This controlled environment also permits the construction of a very precise parabolic surface on the antenna itself, which is a fundamental objective for the radio and radar scientists.

The effort to produce this design, now completed, began in 1963 and involved the Smithsonian Astrophysical Observatory, Harvard University, the Massachusetts Institute of Technology, and the MIT Lincoln Laboratory. At a later date in 1967, the group was broadened to include thirteen research and educational institutions in the Northeast, and at the Smithsonian meeting in Washington on November 30/December 1, 1968, the radio and radar scientists from all over the United States expressed their hope that the Smithsonian Institution would take the initiative to obtain authorization for this instrument. They agreed that the existing 440-foot design should be used as the basis for a major telescope, to be constructed and managed by the Smithsonian Institution, to be operated as a national facility, and to be open to all radio and radar scientists, independent of their institutional affiliations, and that access to the use of the telescope should be determined by the feasibility and scientific merit of the proposed experimental programs.

The Smithsonian Astrophysical Observatory, as one of the world's pre-eminent observatories, believes that this instrument is essential to national research in the field of radio and radar astronomy. The nation's scientists need this instrument as a major undertaking in astrophysics, continuing a century-old tradition in the Smithsonian Institution.

The Institution proposes that the instrument be shared by astronomers from all academic and research organizations throughout the country. This means that benefits from the Federal investment would be shared not only by the astronomers of the Smithsonian Institution, but also by scientists throughout the United States.

S. 706—INTRODUCTION OF BILL PROVIDING FOR ADDITIONAL MEMBERS OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, I introduce, on behalf of myself, Mr. Ful-

BRIGHT, and Mr. SCOTT, a bill to amend the act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution.

I ask unanimous consent that this bill be printed in the Record at this point.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 706) to amend the act of August 10, 1846, as amended, to provide for additional members of the Board of Regents of the Smithsonian Institution, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows.

S. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3 of the Act of August 10, 1846, as amended (9 Stat. 103, 20 U.S.C. 42), is further amended by—

(1) deleting "six" and inserting in lieu thereof "nine"; and

(2) deleting "four" and inserting in lieu thereof "seven", so as to read as follows:

"Sec. 3. The business of the Institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice President, the Chief Justice of the United States, and three members of the Senate and three members of the House of Representatives; together with nine other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other seven shall be inhabitants of some State, but no two of them of the same State."

Sec. 2. Section 3 of the Act of August 10, 1846, as amended (9 Stat. 103, 20 U.S.C. 43), is further amended by—

(1) in the second sentence thereof, deleting "six" and inserting in lieu thereof "nine",

so as to read as follows: "The Board of Regents shall be appointed as follows: The Members of the Senate by the President thereof; the Members of the House by the Speaker thereof; and the nine other persons by joint resolution of the Senate and House of Representatives."; and

(2) in the sixth sentence thereof, deleting "six" immediately after "term of service for the other" and before "members" and inserting in lieu thereof "nine",

so as to read as follows: "The regular term of service for the other nine members shall be six years; and new elections thereof shall be made by joint resolutions of Congress."

S. 709, S. 710, S. 711, S. 712, S. 713, S. 714, AND S. 715—INTRODUCTION OF BILLS MAKING ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. JACKSON. Mr. President, by request, I introduce for appropriate reference seven bills to make additions to the national wilderness preservation system under authority of Public Law 88-577.

These proposals were submitted to Congress by the President during the 90th Congress but did not receive final action.

The areas which the bills would add to the system are 73,333 acres in the Las-

sen Volcanic National Park in California, 95,000 acres of the Ventana Primitive Area in the Los Padres National Forest in California, 63,500 acres of the Desolation Valley Primitive Area in the Eldorado National Forest in California, 5,330 acres of the Pinnacles National Monument in California, 9,197 acres in the Lava Beds National Monument in California, a total of 73,000 acres of the Mount Baldy, Pine Mountain, and Sycamore Canyon Primitive Areas now a part of national forests in Arizona, and certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuge in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona.

The VICE PRESIDENT. The bills will be received and appropriately referred.

The bills (S. 709) to designate certain lands in the Island Bay, Cedar Keys, Passage Key National Wildlife Refuge in Florida, the Okefenokee National Wildlife Refuge in Georgia, and certain lands in the Petrified Forest National Park in Arizona as wilderness; (S. 710) to designate the Mount Baldy Wilderness, the Pine Mountain Wilderness, and the Sycamore Canyon Wilderness within certain national forests in the State of Arizona; (S. 711) to designate certain lands in the Lava Beds National Monument in California as wilderness; (S. 712) to designate certain lands in the Pinnacles National Monument in California as wilderness; (S. 713) to designate the Desolation Wilderness, Eldorado National Forest, in the State of California; (S. 714) to designate the Ventana Wilderness, Los Padres National Forest, in the State of California; and (S. 715) to designate certain lands in the Lassen Volcanic National Park in California as wilderness introduced by Mr. JACKSON, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs.

S. 716—INTRODUCTION OF BILL TO AMEND THE TAYLOR GRAZING ACT

Mr. MCGEE, Mr. President, I introduce for appropriate reference, a bill to amend section 315b, title 43 of the United States Code. This section is a portion of the Taylor Grazing Act which is the statutory authority under which the Department of the Interior and the Bureau of Land Management administer much of the public lands in the United States today. Briefly, my amendment would provide the Secretary of the Interior with some direction in reference to the determination of grazing fees on the public lands under his jurisdiction and the elements to be considered in setting those fees.

In November 1968, the Department of the Interior and the Department of Agriculture announced a proposal under which the fees to be charged livestock operators who utilize public lands in their operations would be greatly increased. In the case of the Department of the Interior and the so-called Taylor grazing lands, this proposed increase amounted to almost 400 percent and was to be spread over a 10-year period. This action was proposed under a directive

from the Bureau of the Budget dating back to 1959 during the second term of President Eisenhower. It has been under consideration in one way or another, but no final decision was reached until earlier this month when it was announced that the proposed increases were finalized and would be put into effect for the 1969 grazing season.

Following the initial announcement in November, the Departments invited comments, and the record was kept open for a period of 45 days. Several Senators and Members of the House of Representatives asked that an extension of time be granted and that the final decision on this matter be postponed so that all aspects of the situation could be investigated by many that since the proposal was the result of a study which was conducted over a period of years, the 45-day period for receiving comments was somewhat unreasonable. Despite these protests and suggestions, however, the Departments proceeded to close the record and impose the first phase of the increased fee schedule. All of this took place prior to the time the present Congress convened.

By way of explanation, under the directive of the Bureau of the Budget the Federal agencies understood they were compelled to obtain "a fair market value" for the grazing rights which are made available to livestock operators in the public lands States. In determining what constitutes "a fair market value" the agencies were to take into consideration the costs incurred by grazing lessees of comparable State and privately owned lands. With this directive and guideline in mind, the agencies conducted a rather lengthy and detailed study of the various costs and expenses incurred by livestock operators on both private and public land grazing leases.

This study culminated with a table of average costs per animal unit month—AUM—for some 14 individual items which reflect the cost of running livestock on leased grazing land, both public and private. These items resulted in a total cost of \$3.34 per AUM on public land as opposed to a total cost of \$4.65 on privately owned leased land. This indicated a differential of \$1.31 per AUM, and it is this purported differential that the agencies are attempting to eliminate by the increased fee schedule which was proposed in November 1968, and finalized just a couple of weeks ago.

While there may be some element of disagreement with reference to many of the cost factors resulting from these studies, one of the major points of concern is the item which was not included in this cost determination, and that item is the permit cost—the cost to the livestock operator for the "privilege" of obtaining grazing rights on public land. The Bureau of Land Management obviously recognizes this as a valuable right with a definite economic value. As a matter of fact, in the studies which I have been discussing the average permit price was established by BLM at \$14.41 per AUM. While recognizing and, in fact, determining this significant cost factor, the agency has refused to recognize this as a legitimate cost factor in determining the costs of running livestock on leased

public lands. To do so, they contend, would be a recognition of a property right on the grazing rights on Federal lands and that such a recognition would be in specific violation of the Taylor Grazing Act. The concluding sentence of section 315b, which I seek to amend, provides that the grazing rights "shall not create any right, title, interest, or estate in or to the lands."

The livestock operations feel quite strongly that this major cost or investment item should be considered in determining operating costs since it is most certainly an investment which must be made if they are to acquire any grazing rights on the public domain. In my opinion, there is considerable merit in the suggestion that the reasonable acquisition cost of a grazing permit should be considered in any meaningful analysis of the costs involved in a livestock grazing operation.

It is commonly recognized within the livestock industry and by those Federal agency officials who administer our public lands that these grazing privileges are a valuable property right. The fact that they are not to be construed as creating any right to the land itself, by the terms of the Taylor Grazing Act, is immaterial for the purposes of this discussion. The fact remains that they are a valuable property right in and of themselves. They are transferred quite freely within the livestock industry for a determined and valuable consideration. Under these circumstances it is most difficult to understand why this cost, along with all others involved, cannot and should not be recognized in any fee-setting procedure which has as its expressed purpose, a goal of achieving comparability with expenses of operations on privately owned leased lands.

Mr. President, I want to make it clear that I have no particular quarrel with the comparability concept or the fair return mandate which was delivered by the Bureau of the Budget in 1959. Most of our livestock operators would agree that they should pay a fair and reasonable fee for grazing rights or other uses of our public lands. They do feel, however, and with considerable justification, that any system or procedure which consciously eliminates one of their principal cost factors cannot result in a fair or equitable determination of those fees. My amendment would simply direct the Secretary of the Interior to consider this investment, along with all other legitimate costs, in establishing the comparability of fees and the final fees to be charged.

I would hope, Mr. President, that I could obtain early hearings on the bill which I have introduced today. During the course of these hearings, I believe we would have occasion to examine this entire issue in some detail with all interested parties being given the opportunity to present their views. While public comments were invited and received prior to the time this matter was finalized on an administrative level, there is some real question as to what extent adverse comments were considered. This is a matter of great importance, and I feel it merits a full congressional review as soon as possible.

My bill, as an amendment to the Taylor Grazing Act, would affect only those lands administered by the Department of the Interior. I shall introduce similar legislation to cover those lands administered by the Department of Agriculture through the Forest Service. While the jurisdiction is different, the principle which I have discussed in reference to Department of the Interior lands is precisely the same as with those administered by the U.S. Forest Service.

In concluding my remarks, I would like to have inserted in the record the comparative table, to which I have made reference and which sets forth the elements of costs of a livestock operation on public and private leased lands. This table indicates that when all costs, excluding fees—items 1 to 13—are considered, the costs of operation on public lands exceeds those on private lands by \$0.51. Only when the lease cost—item 14—is added to the private land costs and the permit cost—item 16—continues to be excluded from the computation does the private lease cost purport to exceed the public land operation.

This is a matter which calls for an immediate clarification, and it is for this purpose that I have introduced this measure.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the table will be printed in the RECORD.

The bill (S. 716) to amend title 43 U.S.C. 315b to provide the cost factors which shall be taken into consideration in determining the grazing fees which will be imposed for use of public lands, introduced by Mr. McGEE, was received, read twice, by its title, and referred to the Committee on Interior and Insular Affairs.

The table, presented by Mr. McGEE, is as follows:

TABLE 2.—AVERAGE COSTS PER AUM

	BLM land	Private land
1. Lost animals	\$0.60	\$0.40
2. Association fees	.04	
3. Veterinarian	.10	.14
4. Moving livestock to and from allotment	.22	.24
5. Herding	.49	.20
6. Salting and feeding	.69	.88
7. Driving to and from allotments	.31	.28
8. Water	.11	.07
9. Horses	.12	.10
10. Fence maintenance	.21	.27
11. Water maintenance	.20	.10
12. Development expenditures	.11	.02
13. Other costs	.14	.13
(Subtotal) nonfee costs	3.34	2.83
14. Lease rates, private		1.82
15. Total cost excluding permit	3.34	4.65
16. Permit price	14.41	

¹ Straight line depreciation allowance for private investment on public or leased lands.

Note: Average difference in nonfee costs (Items 1 through 13) is \$0.51 more per AUM on public land. Average difference in total cost exclusive of permit prices (Items 1 through 14) is \$1.31 more per AUM to use private than public land.

S. 718—INTRODUCTION OF GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

Mr. JAVITS. Mr. President, I introduce, for myself and the distinguished Senator from Vermont (Mr. PROUTY),

the Gifted and Talented Children Educational Assistance Act. This legislation is designed to focus Federal resources on the improvement of educational opportunities for gifted and talented children. No additional congressional authorizations are required. Gifted and talented children are defined as "those having outstanding intellectual ability or creative talent, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs."

This measure is being introduced today in the House by Representatives JOHN N. ERLÉNBOHN, WILLIAM AYRES, MARVIN L. ESCH, EDWIN ESHLEMAN, ALBERT QUIE, OGDEN REID, and WILLIAM STEIGER, all minority members of the House Committee on Education and Labor.

The bill would launch a national effort to assist local and State educational agencies in establishing programs—and training personnel to carry out these programs—to meet the unique learning needs of especially gifted and talented children.

Specifically, the bill would: First. Amend title V of the Elementary and Secondary Education Act by including the phrase "gifted and talented" in the enumeration of areas that can be funded thus enabling State education agencies to develop appropriate plans and to acquire the necessary personnel to provide for the educational needs of students with outstanding intellectual ability and creative talent within the State.

Second. Amend the Educational Professions Development Act by adding "gifted and talented" as a priority area, focusing attention on the recruitment and development of personnel necessary to work with children of outstanding ability.

Third. Amend title II, ESEA, by adding "special programs for the gifted and talented" as a type of educational center and service and innovative program to be encouraged under title III. Because of their unique learning nature, gifted and talented children require many services and opportunities beyond the confines of the classroom or school. Title III has been shown to be an effective tool for helping school districts to provide such services and opportunities on a multischool or regional basis. It is the intent of this amendment to focus some of the efforts of title III on meeting the unique program needs of gifted and talented children.

Fourth. Direct "the Commissioner of Education to conduct a study as to how existing education programs can be best used to meet the needs of the gifted and talented and what new programs might be necessary" and report his recommendations to the Congress within 6 months.

We often view the identification and education of gifted and talented children as being limited to a suburban problem. However, today with over one-third of our schoolchildren located in the urban centers, greater efforts must be made to develop the hidden talents in our cities. Educators have noted that the great reservoir of undiscovered and undeveloped intellectual talent in America is not con-

fined to upper-class or middle-class neighborhoods. While the proportion of high IQ's may be lower in underprivileged areas, the actual numbers of the intellectually very bright in poor homes are far in excess of those to be found in the relatively few homes of business and professional leaders. This resource must not be wasted; developing our gifted and talented children to their fullest is a task of concern to the whole Nation.

The Congress has long realized that education is a State responsibility. For this reason, we have channeled resources under title V of the Elementary and Secondary Education Act to assist State departments of education to upgrade and expand their role in the education process. At present only 13 of the 50 State departments of education assign one or more full-time staff members to programs or provisions for gifted and talented children. Twenty-one States have no one responsible on a full- or part-time basis for assuring that gifted and talented students have educational experiences commensurate with their needs. The fact that nine out of 10 gifted and talented children now receiving services come from States employing full-time personnel demonstrates the importance of such personnel to the growth of special programs. Title V of ESEA has helped upgrade State departments of education and improve State administration. I hope that through this amendment that some of these excellent resources will be devoted toward the needs of gifted and talented children.

The Congress has long had a commitment to the concept of equality of educational opportunity for all children. The legislation providing for handicapped children, bilingual children, disabled children, children of American Indians, many others has helped communicate to educators throughout the world the premise that although children differ in their abilities and aspirations, each child deserves the education that will most effectively develop his unique potentials. It is certainly upon this foundation to assist the individual pursue a life which will allow him to develop a sense of fulfillment, personal satisfaction, happiness, and self-realization, that our Government is dedicated. In addition to society's obligation to provide for the individual an opportunity for self-fulfillment, it has a very real obligation to itself to assure national survival and growth through the continuing development of manpower and leadership. It is for this purpose of enabling able individuals to develop their potential to the fullest and guaranteeing that our Nation remains strong through the full utilization of its greatest minds and talents to which the Gifted and Talented Children Amendments of 1969 is directed.

In 1958, in response to sputnik, the Congress enacted the National Defense Education Act to identify our most gifted students and to stimulate resources toward meeting the educational needs of these students. However, today, a decade since the passage of NDEA, the Federal effort toward meeting the needs of the gifted and talented has diminished to the point that there is not one single Fed-

eral law or program devoting significant resources toward the education of gifted and talented youth, nor does the U.S. Office of Education employ anyone with responsibility in this area.

Some States have developed programs for the gifted and talented. However, little growth has taken place. Only about one-third of the States have established efforts to assess and improve the education of gifted and talented children. Study commissions have been formed, theoretical foundations established; however, very few of the over 3 million gifted and talented children of this Nation are receiving the special education services they need.

Our country cannot afford to allow this to continue. We are a nation concerned about the conservation of our most treasured natural resources; the time has come for us to conserve our most precious resource, our gifted and talented children.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I wonder if the Senator would permit me to join as a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Colorado (Mr. DOMINICK) be added as a cosponsor, as well as the names of the Senator from Alaska (Mr. STEVENS), the Senator from Kentucky (Mr. COOK), and the Senator from Colorado (Mr. ALLOTT), at the first printing.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill will be received and appropriately referred.

The bill (S. 718) to provide for educational assistance for gifted and talented children, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I ask unanimous consent that, if there are other Senators who wish to have their names added as cosponsors of the bill, they may have authority to do so before the bill is sent for printing today.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I am pleased to have an opportunity to support the Gifted and Talented Children's Educational Assistance Act of 1969 which is being introduced in both the Senate and the House today.

During the past few years Congress has enacted far-reaching legislation enabling the Federal Government to assist States, localities, school districts, and universities in providing an adequate education for all Americans. Recognizing that certain groups of youth have special problems which impede the learning process, I and the other members of the Education Subcommittee of the Labor and Public Welfare Committee, have sponsored legislation aimed particularly at enabling schools to develop programs for the disadvantaged, handicapped, or non-English-speaking child. These programs are now reaching large numbers of American youth who ordinarily could

not derive benefit from the educational facilities in their communities.

However, Mr. President, there remains one large group of youth which is not being assisted. These are the gifted children of our Nation, comprising from 3 to 5 percent of the school population, or numbering over 3 million. The talented child has often been the forgotten child and the underachiever despite his extraordinary potential because he becomes bored with unchallenging programs. It is often assumed, for example, that it is the less intelligent child who leaves school. A study conducted by Dr. Joseph L. French of Pennsylvania State University has indicated, however, that 11 percent of the high school dropouts, or some 80,000 youths having IQ's over 110 leave school before graduation each year. These youths have the intellectual capabilities to become professionals and leaders. We cannot afford to waste their talents.

The bill which Senator JAVITS and I are sponsoring today, Mr. President, is unusual in that it will enable State and local school agencies to assist gifted children without obligating additional funds for that purpose. It creates an opportunity without raising costs.

Essentially, the bill allows States and local school agencies and universities receiving funds under ESEA and EPDA acts to utilize those funds for the benefit of gifted children as well as handicapped children. In addition, Mr. President, it directs the Commissioner of Education to conduct a study in order to ascertain how existing educational programs can best be used to meet the needs of the gifted and talented. I strongly support this bill and ask that it be speedily enacted by the Senate.

S. 719—INTRODUCTION OF BILL TO CREATE A NATIONAL MINERAL POLICY

Mr. ALLOTT. Mr. President, I introduce a bill on a national minerals policy, cosponsored by Senators BELLMON, BENNETT, BIBLE, CANNON, CHURCH, DOMINICK, FANNIN, HRUSKA, JORDAN of Idaho, MCGEE, METCALF, YOUNG of North Dakota, HANSEN, and STEVENS.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 719) to establish a national mining and minerals policy, introduced by Mr. ALLOTT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, virtually all great civilizations have developed around or near natural resources, and the United States is no exception. In the past, the uneven distribution of natural resources has been the cause of international conflict and still remains a major factor in international relations. It has always been difficult for any country to raise itself above the subsistence level without the means to provide tools, raw materials, and natural energy to extend the scope of human and even animal muscle energy. As societies become more industrialized their dependence upon natural resources accelerates. In time,

nearly all industrialized societies have had to look to sources outside their geographic boundaries to supply their needs. As other societies or nations become more affluent the competition for raw materials increases, and with this increased competition come problems of economics. The industrialized nation either pays the price, engages in extensive searches for suitable substitutes, or may be forced to succumb to competitive economic pressures forcing it to rely on imports of the manufactured product, unless that nation is lucky enough to discover or develop a new domestic source of the needed raw material.

Minerals are, of course, a basic raw material of industry. Agriculture and silviculture also provide raw materials for industry, but because of their renewable nature do not present the same kind of problem. With respect to silviculture, this Nation's policy has long been established and implemented. It is embodied in the phrase, "sustained yield." With respect to agriculture, our policy is not so easily definable, but nevertheless it exists. While implementation has been faltering at times, I believe it can be described as a policy of improving the productivity of our agricultural lands, while conserving those lands, and of improving the quality of our agricultural products. But, what is our minerals policy? I have vainly searched for some expression of a national minerals policy in legislative and executive programs, and have come to the conclusion that none exists. We do, of course, have an oil import program, and a few loans are made through the Office of Minerals Explorations, but these can hardly qualify as a national policy.

Mr. President, 15 years ago President Eisenhower gave recognition to the continuing grave deficiency in the U.S. minerals posture when he established the President's Cabinet Committee on Minerals Policy. In his letter to Secretary of the Interior Douglas McKay, President Eisenhower said, in part:

One of the essential problems before our country is the establishment of a national policy relating to the production and utilization of minerals and metals. The prudent use and development of domestic mineral resources, as well as assured access to necessary sources abroad, are indispensable to the operation of an active economy and a sound defense.

The need for a national minerals policy has become more evident with the passage of time. House Concurrent Resolution 177, which passed the Senate on September 10, 1959, expressed the sense of the Congress concerning an overall national minerals policy as being—

That the maintenance and development of a sound and stable domestic mining and minerals industry, without critical dependence upon foreign sources is essential to national security and the welfare of the consuming public.

Despite this statement of the sense of Congress many of our most vital and strategic materials must be imported in large quantities. In some instances, we rely entirely upon foreign sources, for example: chromium, corundum, columbium, electronic grade quartz crystals, radium, and strontium. In other cases our domestic production is so negligible

that we rely almost exclusively on foreign sources; such minerals are asbestos, bauxite—the source of aluminum—beryllium, graphite, iodine, manganese, nickel, platinum group metals, rutile—a source mineral for titanium—and tin. With respect to silver and gold, the rapidly depleting Treasury stocks have been our major source of supply, but that source is destined for an early demise. Treasury silver stocks at the end of 1963 were 1,582,500,000 troy ounces. By December 1968 they had fallen to approximately 58 million ounces, and will soon be exhausted. This represents an outflow of 1.524 billion ounces of Treasury stocks in just 5 years. Imports come from principally Canada, Peru, Mexico and the Republic of South Africa, yet U.S. mine resources are far greater than any of the nations from which we import silver. The largest single use of silver is for the manufacture of photographic film. It is also used extensively in electrical and electronic equipment, besides providing the substance from which the wedding gifts that make a bride's eyes shine are fashioned.

Most of the minerals or metals mentioned are considered so essential to our industrial capability to support the manufacture of material necessary for war as to be stockpiled in the strategic stockpile. The existence of the strategic stockpile is mute evidence of our inability to produce these vital materials on demand. With respect to some commodities, such as chromium and the platinum group metals, we rely heavily upon the U.S.S.R. for import supplies. In other cases we rely principally or almost entirely upon one country as our import source, such as Canada for asbestos, nickel and selenium; Southern Rhodesia for corundum; India for strategic mica and kyanite; Brazil for electronic quartz crystals; Australia for rutile; Malaysia for tin; Japan for titanium; Peru for bismuth; and Mexico for graphite. As a former Director of the Bureau of Mines pointed out in hearings earlier last year before a Senate committee:

Major tonnages of our key basic materials are coming from foreign operations: 85 percent of our bauxite for aluminum; almost 20 percent of our copper (and probably much more in 1967 and 1968); 40 percent of our iron ore; nearly 40 percent of our zinc and more than 25 percent of our lead; all of our manganese and chromium needed for steel; our gold and silver production is about one-fourth of our industrial consumption.

As we permit our Nation to become more and more dependent upon foreign sources for minerals important to our industry, we tend to lose the ability to find and produce these minerals domestically. Our dependence tends to encumber our foreign policy and limit our freedom of movement within the family of nations. It is, therefore, in the national interest, both in terms of foreign policy and national defense, that our ability to domestically produce important mineral commodities be developed and maintained.

Projections of mineral commodity requirements will increase by about 50 percent on the average, and in some cases by as much as 100 percent, by the year 1985. Yet, there is little evidence that

facilities for this mineral commodity production requirement are being put in place, domestically, to provide for the long-range need. Such facilities require from 5 to 10 years leadtime, and require an investment in the neighborhood of \$100 million per venture. Major investment is being made in foreign countries, primarily in Canada, Australia, South America, and Central Africa. Some of the incentives for foreign investment are: cheaper labor, tax and other financial concessions granted by foreign countries, and the growth of foreign markets. Further, many foreign ores are richer and do not require new technology to mine and process, particularly with the cheaper labor.

A continuation of these trends may not only cause our capability to produce minerals from domestic sources to remain static, but in some commodities that capacity may totally disappear. Disappearing, also, is the skilled labor to support mining operations. Even in cases where we have abundant known resources we are importing more and more, such as aluminum, copper, iron, potash and zinc. Based upon present trends, we will be importing as much as 98 percent of our iron by the year 2000. While this is a simple extrapolation of present trends, and therefore not necessarily a true indicator, it should cause us to pause and consider where we are headed if the most basic elements to our industrial economy is threatened with nearly total reliance on foreign sources of supply. With respect to some critical mineral commodities, the continued availability from important foreign sources is complicated by and subject to changes in the international political climate; such minerals include among others: chromium, cobalt, columbium, manganese, thorium, and tin.

Unfortunately, it would appear that the sense of the Congress resolution—House Concurrent Resolution 177—merely expressed a pious sentiment which has been largely ignored by subsequent Congresses and administrations. I predicted this in my individual views in Senate Report 968, on House Concurrent Resolution 177, wherein I stated:

It is important to enact, as a matter of law a national policy as a guideline to all agencies and representatives of the Federal government that as a matter of policy the Federal government will assist in the development of the necessary mineral reserves and will promote the wise and efficient use of our domestic mineral resources.

It is most important, as a matter of law, to clear up once and for all the authority and responsibility of the Department of the Interior in its continuing attempts to foster the domestic minerals industry. The authority of a department can, of course, be established only by law. S. 1537 would do this. House Concurrent Resolution 177 will not.

Of course, S. 1537 was a predecessor to the bill I introduce today, and as I foresaw in 1959 in order to establish a national minerals policy it must be established as a matter of law. We foolishly believed that the "sense of Congress" would carry some weight in the Department, but as events have shown, such was not the case. But folly is not without cost and we are now paying the price.

Part of the cost is to be found in our unfavorable balance of payments over the past years. Just a casual look at eight minerals discloses that we are now importing an estimated \$700 million to \$750 million annually of antimony, asbestos, beryllium, chromium, cobalt, lead, nickel, and tin. Add to that our imports of copper, aluminum ore, and nearly \$2½ billion in oil, the imports of just those 11 commodities more than equaled our balance-of-payments deficit for 1967 which exceeded \$3.5 billion. Surely, we cannot afford to overlook such a potential area for ameliorating our serious balance-of-payments deficit.

Mr. President, in his radio address of October 18, 1968, entitled "A Strategy of Quality: Conservation in the Seventies," Richard Nixon called for the establishment of a national minerals policy. He wisely recognized the minerals industry as a vital part of the American economy and of American power. This is particularly welcome to me after having received an adverse departmental report on the measure in the previous Congress.

After agreeing with the objectives of the bill, S. 522, the Department went on to say, in their June 17, 1968, report:

There are many policies and programs of the Government that affect and influence the development of the Nation's mineral resources. Some of these include the Government's policy to control air and water pollution, to protect fish and wildlife, to preserve our natural beauty, to protect the public's health and welfare, as well as our tax and fiscal policies.

This statement clearly pinpoints the problem: We have policies for everything else but none for minerals—the basic materials of our industrial economy.

It is not difficult to perceive what happens when a conflict arises between one of the established policies and the objectives of my bill—it is resolved with consideration being given only to the "announced national policy." Unfortunately, the conflict may have only been a superficial one, and had a national minerals policy been given some consideration the matter might have been resolved in a manner which would serve both policies better.

As an example of this, consider the possible result had we had a national minerals policy as I proposed a few years ago. If this country had pursued a policy of encouraging more self-sufficiency in minerals and oil production, it would have served our policy of improving our balance-of-payments deficit, our policy of decreasing unemployment, our policy of reducing the budget deficit by increasing tax revenues, while at the same time improving our national defense posture; and, all of this could have been done without inflicting violence upon our conservation policy, for I firmly believe that we will be better equipped to handle conservation and pollution control problems as operations become larger and more efficient.

As some foreign examples have shown us, the spin-off of efficient large-scale surface mining operations will provide the technology to make land restoration both physically and economically feasible.

The spin-off of underground mining technology may hold the answer for high speed urban transit problems by making subway tunneling cheaper and more efficient. Giant boring machines are now being developed for mining purposes. The application of such technology, once developed, to urban problems of transportation would not only serve to reduce the congestion of the city streets, but would also help to reduce air pollution from automobile and bus exhaust—a major source of air pollution in all American cities. In addition, advanced tunneling technology would serve our beautification policy by perhaps making it economically feasible to bury all utility lines.

No one can accurately estimate how much the lack of a national minerals policy has retarded such technological development, but it can be safely said that such development has been retarded. The question is, "How much longer can we afford the shortsightedness of not having a national minerals policy?" In my judgment, time is running out.

The declaration of a national minerals policy would not be a panacea to all our minerals problems. It would be, however, a good, though small, first step. Such a declaration of policy can serve as a springboard from which solutions to the myriad of minerals problems could unfold. It would serve as a beacon for both legislative and administrative efforts to deal with tax problems, import-export problems, public land policies, educational programs, and the many other regulatory policies that have a direct or indirect bearing upon the viability of each segment of the minerals industry. We can no longer accept the persuasion that the sustaining of the facility for access to foreign supply, and the maintenance of an efficient and expanding domestic minerals industry are mutually exclusive to the national interest. The effort to promote and effectuate an adequate national minerals policy is trivial by comparison to the future cost of failure in such respect, and it deserves our immediate attention and best efforts. We should declare to ourselves and to the world that it is the continuing policy of the Federal Government in the national interest to foster and encourage first, the development of an economically sound and stable domestic mining and minerals industry; second, the orderly development of domestic mineral resources; and third, mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. After having declared ourselves, we should immediately get on with the business of making our policy objectives a reality.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill will be printed in the RECORD, as requested by the Senator from Colorado.

The bill (S. 719) is as follows:

S. 719

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

Act may be cited as the "Mining and Minerals Policy Act of 1969".

SEC. 2. The Congress declares that it is the continuing policy of the Federal Government in the national interest to foster and encourage (1) the development of an economically sound and stable domestic mining and minerals industry, (2) the orderly development of domestic mineral resources and reserves necessary to assume satisfaction of industrial and security needs, and (3) mining, mineral, and metallurgical research to promote the wise and efficient use of our mineral resources. It shall be the responsibility of the Secretary of the Interior to carry out this policy in such programs as may be authorized by law other than this Act. For this purpose the Secretary of the Interior shall include in his annual report to the Congress a report on the state of the domestic mining and minerals industry, including a statement of the trend in utilization and depletion of these resources, together with such recommendations for legislative programs as may be necessary to implement the policy of this Act.

S. 721—INTRODUCTION OF BILL TO ESTABLISH GROUND RULES FOR THE ISSUANCE OF CREDIT CARDS

Mr. PROXMIER. Mr. President, on behalf of myself and the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUE), the Senator from Wyoming (Mr. McGEHEE), the Senator from Utah (Mr. MOSS), the Senator from Wisconsin (Mr. NELSON), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), and the Senator from Missouri (Mr. EAGLETON), I introduce a bill to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 721) to safeguard the consumer by requiring greater standards of care in the issuance of unsolicited credit cards and by limiting the liability of consumers for the unauthorized use of such credit cards, and for other purposes, introduced by Mr. PROXMIER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. PROXMIER. Mr. President, the 90th Congress took a major step to protect the interests of American consumers when it passed the truth-in-lending bill. I introduced that bill, the essence of which was to insure the full disclosure of the cost of credit. Today, I have introduced an amendment to the Truth-in-Lending Act which I believe will take a logical and necessary step in the same direction. I am pleased that 10 Senators join me in sponsoring this measure to curb the injustices visited on consumers by the indiscriminate issuance of credit cards and the misplaced liability for their unauthorized use.

I want to discuss the features of this measure and make plain why I find it so much in the public interest.

Mr. President, the credit card business

is booming. Bank credit-card plans particularly have proliferated at an amazing rate. As of September 30, 1967, there were 197 commercial banks operating credit-card programs. In the subsequent 9 months this figure more than doubled, and as of June 30, 1968, there were 416 banks operating such programs. During this same period, amounts outstanding on bank credit-card plans jumped 50 percent, to \$953 million. As of December 31, 1967, "plastic credit" outstanding totaled \$12 billion, with \$800 million of that in bank credit cards, \$1 billion with oil companies, \$3.5 billion with department store revolving credit plans, and \$6.5 billion with retail charge accounts. Much of this was issued by large corporations operating on a nationwide scale. By all indications, the total of "plastic credit" continues to rise rapidly.

All the while, issuers of cards have broadened tremendously the scope of services available under their plans, as if to make them tickets good at all performances of a credit circus. Increasingly, for example, oil company cards are good for hotel or motel accommodations and other travel services, while general merchandise cards are good at service stations.

This explosive growth in the quantity and versatility of credit cards has been, to say the least, a mixed blessing. In their zeal to create instant volume, card issuers employ a wide variety of methods, including the purchase of outside mailing lists.

Thus, the practice of sending unsolicited cards through the mail has become a national problem. Communities have suffered saturation mailings of unwanted, unsolicited-for cards that caused antagonism and tempted faltering consumers into bankruptcy. All too often the financial burden of lost, strayed or stolen credit cards has fallen on the consumer without distinction as to whether he had used the card or applied for it. All too often the price of the issuer's precious volume has been widespread ill will.

Mr. President, hearings held last October by the Financial Institutions Subcommittee, of which I am chairman, made clear the need for consumer relief in matters of credit card issuance and liability. This amendment to the Truth-in-Lending Act will safeguard the consumer by requiring greater standards of care in the issuance of unsolicited cards, and by limiting the liability of cardholders for the unauthorized use of their cards. This bill does not prohibit the issuance of unsolicited credit cards. Rather, it sets forth some ground rules so that all sides will know how the game is to be played. I ask unanimous consent that a commentary and digest of the bill as well as a copy of the bill and an article entitled "Who Needs Money?" written by Jack Metcalfe and published in the New York Sunday News on November 24, 1968, be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The material presented by Mr. PROXMIER was ordered to be printed in the RECORD, as follows:

WHAT THE BILL WILL DO

Mr. President, this bill requires the Board of Governors of the Federal Reserve System to prescribe regulations covering the issuance of credit cards to persons who did not request them in writing. By "credit card" is meant any card, plate, coupon book or other credit device with which to obtain money, property, labor or services on credit. These regulations, which shall establish minimum standards for all card issuers to follow in evaluating the credit worthiness of prospective cardholders, serve primarily to protect consumers against overextending themselves with credit obtained through the use of unsolicited credit cards.

It also sets a limit of \$50 on a cardholder's liability for the unauthorized use of his card, and then only if certain basic conditions have been met. If they have not been met, the cardholder has no liability whatsoever. These conditions spell out a reasonable and knowledgeable relationship between the consumer who is using credit and the card issuer, who is extending credit.

It stipulates that an accepted credit card is one which the cardholder has requested in writing or signed or used. A renewal credit card is deemed accepted if it is issued within a year after a prior card has been paid for or used. A new credit card, issued in substitution for an accepted card due to a change in the corporate structure or ownership of a card issuer, is also deemed an accepted credit card.

In net effect, these provisions confer on consumers the protections they now enjoy in the use of checks. Those who would explain away the phenomenon of credit cards as merely the substitution of one credit instrument for another cannot quibble with this intent. And to whatever extent credit cards generate more spending and greater indebtedness, these provisions see to it that consumers know what is going on, although they remain as free as ever to exercise bad judgment. If we are in fact moving toward a so-called checkless society, these provisions are especially important. The credit card could be a trump card played by lenders in anticipation of the day when our customary check protections become extinct.

DISCREDITED CREDIT CARDS

Mr. President, the Federal Reserve System last summer produced a comprehensive and well documented study of bank credit cards which concluded that consumer protection legislation in this area is unnecessary. While it carefully examined the impact of credit cards on banks, it gleaned very little data about their impact on consumers. No household survey was made to determine how many consumers object to receiving unwanted credit cards in the mail. Based on examination of some specific cases, the study asserted that fewer than one percent of individuals receiving unsolicited cards returned them or otherwise objected to this method of distribution. Clearly, this one percent is just the visible tip of consumer resentment. No one should conclude from this fragmentary statistic that passive consumers—the 99 percent who do not speak up—are happy about the practice. I have received all kinds of credit cards, from oil companies and other outfits, and I never use them. I have never returned a credit card, either. I destroy them. I cut them up so they can't be used. The cards seem well-nigh indestructible, so I take the scissors and cut them into 20 pieces or so. It is a source of annoyance to me, and I am sure it nettles many other people.

Against this backdrop, it was edifying indeed to hear Royal E. Jackson testify before the Financial Institutions Subcommittee. Mr. Jackson is the very able Chief of the Bankruptcy Division of the Administrative Office of the U.S. Courts. The Division makes more or less constant surveys and analyses of the work of the bankruptcy courts, which

are necessary to make recommendations from time to time about the number of referees in bankruptcy to hold office, and so on. To find out whether credit cards are implicated in the growing volume of so-called consumer bankruptcy cases, Mr. Jackson sent out questionnaires to a cross-section of the courts handling large numbers of these cases. The results of his survey show unsolicited credit cards are one of the causes of the high rate of consumer bankruptcies.

Mr. President, the portion of consumer bankruptcy cases has been growing for 10 years. In 1958 these non-business cases amounted to 87.6 percent of the 91,668 cases filed. In 1968 these non-business cases amounted to 91.6 percent of 197,811 cases filed. Normally the data on personal bankruptcy reported to Mr. Jackson's division do not include information on the impact of unsolicited credit cards, so the cards were an unknown factor. The replies to his survey changed that. Here is what a referee in Denver wrote to Mr. Jackson:

"Without study in depth, which would necessarily include interviews with the bankrupts involved in the samples, it is not possible to express more than an opinion. My opinion is quite definite: The proliferation of credit cards induces spending by many persons, and spending beyond any reasonable expectation of being able to make payment. Merchandising and sales practices have a strong tendency in such cases to encourage reckless spending. The fact credit-card concerns continue to issue the cards without solicitation or with little or no credit checking indicates to me that the experience of the concerns has demonstrated the losses are more than offset by the profits on the increased sales. The economic and social desirability of such practices is questionable in long-range view."

From Los Angeles, Referee James E. Moriarty, who has presided over more than 10,000 bankruptcy cases, wrote:

"Credit cards do get in the hands of certain people who obviously cannot control their buying impulses or pay for that which they buy. It is an easy way to acquire property without facing up to the fact that some day payments must be made. I have no doubt but what the availability of all types of credit cards have (sic) lead to many persons coming to the Bankruptcy Court."

Referee Dale E. Hienfeldt, speaking for the three referees in the Eastern District of Wisconsin, wrote that whenever they have asked a bankrupt about credit cards:

"Without exception, each testified that the card came to him unsolicited in the mail. Most, if not all, of them were already seriously overextended in consumer credit, and receiving this card in the mail was like a gift from Santa Claus. They proceeded, without hesitation, to use the card. The amount of debts incurred with the use of the credit card ranges from two or three hundred dollars up to as much as twelve to fifteen hundred dollars in each case."

Mr. Hienfeldt cited some cases. Here are three from last August: Mr. X, with take-home pay of \$85 a week at a tannery, showed debts of \$2,093.58 to unsecured creditors, including \$574 on his bank credit card. He had received the card unsolicited in the mail two years before and used it to buy clothing and make other general purchases. Mr. Y took home \$100 a week from an industrial firm. Among \$798.99 owed to unsecured creditors, \$286 was due on his bank credit card. He had received the card unsolicited in the mail about a year earlier. Mr. Z, a dockworker for a trucking firm with take-home pay of \$120 a week, owed \$1,059.94 to unsecured creditors, including \$421.85 on his bank credit card. He, too, had received an unsolicited credit card in the mail two years earlier, and used it to buy clothing and gas and pay for auto repairs.

Referee S. W. Keelerman, Jr., wrote from Louisville, citing these cases in the Western District of Kentucky: No. 40088 was married and had five children. His take-home pay was \$510 a month, and his total indebtedness was \$4916.09. On credit cards mailed to him without any solicitation, he was indebted for \$1,079.43. No. 41893, a laborer who grossed \$3,900 in 1967, owed \$1,500 to a creditor who had sent him an unsolicited card. The bankrupt admitted purchasing \$200 worth of merchandise with the card, but contended he had lost the card and that parties unknown to him had run up \$1,300 in purchases on it. The bankrupt said he had notified the company that sent him the card, but was told they could do nothing about it and that he was responsible for the entire \$1,500.

Mr. Keelerman added this indictment: "These instances stated above are but a few of the many cases coming before this Referee in which the debtors who are already financially overburdened receive this unsolicited credit card. Subsequent purchases by them with the use of this card only help to shove these overburdened debtors into the pits of personal financial disaster."

"Apparently, these unsolicited credit cards are sent promiscuously to individuals without any regard as to the past or present credit standing."

In Seattle, Washington, an especially revealing survey was made of credit card debts listed on unsecured bankruptcy schedules for the months of September, October and November, 1968. It showed there were 503 cases and that credit cards were involved to the extent of about \$500 per case. Referee Sidney C. Vollin noted, "My impression is that the average unsecured indebtedness is somewhere in the neighborhood of \$3-4,000, so this would be a substantial percentage." The total owed on credit cards for the 503 cases was \$247,895, broken down this way: Bank credit cards, \$71,103; Oil and gas cards, \$70,682; Retail store cards, \$70,168; Travel and entertainment cards, \$35,942.

Mr. President, the findings of Mr. Jackson and the Bankruptcy Division make eloquent plea for the responsible distribution of credit cards. Too often the card issuer stakes a community-wide poker game simply by handing out these fancy embossed plastic chips to everyone, whether he can afford to play or not. One sure way to cut the consumer mortality rate is to require that the issuer first evaluate the credit worthiness of anyone he wants to deal into the game.

OUT-OF-POCKET LOSSES: WHOSE POCKET?

Mr. President, who pays when a credit card is lost or stolen? Who covers the losses resulting from fraudulent use of credit cards? Under most credit-card plans the consumer is held liable for any fraudulent or unauthorized use of the card until the issuer receives written notification of its loss or theft. Miss Betty Furness, Special Assistant to the President for Consumer Affairs, summed up one aspect this way when she appeared before the Financial Institutions Subcommittee:

"If a card is stolen in transit before it reaches the addressee, the would-be card owner may find himself getting bills for something he never saw, from someone he never knew, because of a credit card he never had."

"Even though he is eventually absolved of liability for these bills, he may be ensnared in expensive and time-consuming litigation during which time his credit rating is all but destroyed."

Mr. President, recent statutes in Illinois, Massachusetts, New York and Wisconsin specifically exempt from liability the customer who has not accepted or begun to use an unsolicited credit card. That is a start, although the question arises: What about a credit card issued in New York and used in Massachusetts? Or what about the unsolicited BankAmericard that North Carolina National Bank mailed to my office here? What

if it had been intercepted? I was not expecting such a card. Indeed, I have never done business with that bank. I guess I should be flattered that it gave me a generous \$1,000 line of credit, but I am not. I do not like to be wooed with my own pocketbook.

This bill provides that a cardholder is liable for unauthorized use of his card if and only if it is an accepted credit card and certain other conditions obtain. If they do, his liability is limited to \$50. If they do not, all liability remains where it properly belongs—with the issuer. This means the issuer must follow sound business practice or suffer the consequences. The issuer cannot transfer out-of-pocket losses to the cardholder. The issuer may no longer penalize the consumer for his own carelessness or unfairness in designing credit cards and procedures for using them. Let me describe these conditions that must be met before liability can shift to the cardholder.

First, the issuer must give adequate notice to the cardholder of the potential liability involved. This means setting it forth clearly and conspicuously either on the card itself or on each periodic statement of the cardholder's account. Doing so takes liability clauses out of the fine print category, where they were often kept secret from the very person they affected most. The typical credit card today can be read only by persons under 40 blessed with exceptional eyesight. Everyone else needs strong glasses or a magnifying glass. At the subcommittee hearings I asked a witness to read the liability clause on a typical credit card. Saying that his glasses made it just barely possible to see the crucial clause, he read:

"By acceptance of this card customer named hereon agrees to the terms of issue and assumes responsibility for purchases made through the use prior to its surrender to Humble or prior to the receipt by Humble of written notice of its loss or theft."

Mr. President, that's an Open Sesame clause, deserving of full disclosure through clear and conspicuous posting.

Second, the card issuer must provide a means of identifying the card user as the person authorized to use it such as a signature panel. So far card issuers and manufacturers have done little to personalize credit cards so that they can be used only by the rightful owner. There are some obvious reasons for this failure. One, a personalized card could only be issued upon application and would result in somewhat higher manufacturing cost. Two, there is no completely foolproof method of identification. Three, some card issuers like to facilitate their use by other members of the family or additional authorized users. There is a perfect answer to the user-identification question, however. As Eric E. Bergsten, Professor of Law at the University of Iowa, stated it before the subcommittee:

"If card issuers wish to issue cards which by their form are freely transferable, it ill behooves them to argue that they have no method of verifying the authority of the user."

Third, Mr. President, the unauthorized use must occur before the cardholder has notified the issuer that such misuse may occur due to loss or theft or other problem, and the issuer must take steps after notification to minimize the possibility of unauthorized use. In other words, a liability-until-notice requirement cannot be imposed on the cardholder unless it means something. Card issuers explain the requirement serves to encourage responsible handling of credit cards. Very well, but only if notification is a meaningful act, and not just an empty injunction. Mr. Bergsten provided considerable insight to this point when he quoted to the subcommittee from the form

reply by Standard Oil Company of Indiana to a notice that a card has been lost:

"A very small percentage of such cards reported lost, or stolen, are used illegally. With this in mind, the replacement card which we enclose bears the same number as the one you have been using."

Mr. Bergsten's reaction states the case very nicely:

"Apparently Standard Oil finds it less expensive to accept the loss from unauthorized use than it does to take such a simple precaution as issuing a new number. Notification to such an issuer is a meaningless act. To use it as the event shifting liability merely results in an arbitrary allocation of the loss. On the other hand notification is a significant event to those issuers who pass it on to their merchants promptly, and, if liability is to be shifted, doing so at that time is reasonable."

Embodying this principle, the bill provides that an issuer must take action reasonably designed to advise merchants or others—say, by distributing "hot card lists"—with whom the credit card is apt to be used that there is a chance of its unauthorized use.

FURTHER COMMENT

Mr. President, it sometimes is contended that low loss ratios on bank credit-card plans show that the unsolicited card problem has been overstated. The Task Group of the Federal Reserve System found in this respect that, for the nation as a whole, charge-offs from Jan. 1, 1967, through June 30, 1967, amounted to 1.97 percent of amounts outstanding. I see no overstatement in that figure. If a 1.97 write-off ratio is acceptable to banks, they are under no inducement to improve things. The impact on the consumer is very great at that level, however. The 1.97 percent represented \$12.4 million—enough to deposit financial distress in thousands of consumer homes. The survey in Seattle revealed that credit cards were implicated to the extent of about \$500 in each of 503 consumer bankruptcies, and gives a way of gauging just how far those losses of \$12.4 million could go.

The highest loss ratio was enough to startle anyone. That was 5.73 percent, in the Chicago Federal Reserve district. In classifying bank credit-card plans by year of origin, the Task Group found that banks with the most recent plans had the heaviest losses. The fact indicates banks learn by experience and can lower their loss ratios as time goes on, but it cannot comfort us that consumers will escape the birth-pangs of future plans. Nor does it guarantee that other issuers of credit cards will increase their carefulness and sophistication as bankers do.

Bankers claim that issuance of unsolicited credit cards is necessary to build volume overnight and put the new plan on a profitable basis as soon as possible. Perhaps so, but I should like to remind them of the obvious: The public does not owe any card issuer an instantly profitable plan. I want them to remember that in sending an unsolicited card they are inflicting themselves on someone; that in following up with zero-balance billings they are adding insult to injury. When a consumer rebels against this hammering imposition, he learns anew the frustrating truth that you can't talk back to a computer. Credit-card issuers should understand that the start-up costs and burden of proof are on them, not on the consumer. This bill will not prohibit the issuance of unsolicited credit cards or prevent others from entering the credit card business. It will insist, though, that greater standards of care be exercised in the issuance of such cards.

Let me add this personal footnote. This is a society of incessant oversell of jobs, goods and claims. Exaggeration is the standard technique. It is hardly astonishing in the overblown environment that credit-card pro-

grammers oversell participating merchants and the consumers who are to patronize them. The inevitable result is widespread disappointment. Perhaps this explains why credit-card plans can involve relatively heavy losses compared with other forms of consumer lending, even though nothing in the record suggests that heavy losses are an inherent feature of these plans. I submit that extending some truth-in-lending principles to credit-card plans will administer them a natural antidote. Mr. President, a well documented article on consumer oversell appeared in the Sunday News of last Nov. 24. I ask unanimous consent that the article, entitled "Who Needs Money?" be printed in the RECORD.

SUPPORT FOR THIS MEASURE

Mr. President, the language of this bill is much like that of a Massachusetts credit card law that became effective Jan. 1. I want to salute the people of Massachusetts for pioneering in this and in truth-in-lending and in other consumer matters, and for influencing Federal legislation. William F. Willer, Professor of Law at Boston College, appeared before the subcommittee as a representative of the Massachusetts Consumers' Council and gave his view that Federal legislation would be desirable, since many credit-card systems operate nationwide.

Here is what Andrew F. Brimmer, member of the Board of Governors of the Federal Reserve System, declared in his statement to the subcommittee:

"Even though the liability for misuse of lost or stolen credit cards has been small, there is an important matter of principle as to the extent to which the consumer should bear this burden. I believe that the entire burden of loss arising from the misuse of lost or stolen credit cards before they are received or accepted by the customer should be borne by the issuer. After acceptance and use of the card by the customer, I believe that the liability imposed on the customer should be small, inasmuch as the issuers are better able to bear the losses and to control them. Some small liability on the part of the customer is probably desirable to encourage responsible handling of cards and prompt reporting when cards are lost or stolen. Finally, the customer should be clearly informed of his liability."

"In order to achieve this result, some legislation may be desirable since not all issuers will follow such a policy unless it is required by law. The legislation might be at either the State or Federal level. And clearly, to be effective, such legislation would have to apply to travel and entertainment cards, gasoline company cards, airline cards, and other credit cards as well as to bank credit cards. Credit cards issued by banks account for less than 10 percent of the total amount of credit outstanding under all types of credit cards."

Mr. President, this legislation is quite compatible with the statement of principles drawn up last fall by the Charge and Guarantee Card Committee of the American Bankers Association. Here are several points from that statement:

"(4) These services are designed for, and are to be offered only to, those individuals who are able to handle their financial obligations properly."

"(7) Banks should institute credit screening procedures on all potential customers prior to mailing cards to such customers."

"(8) Banks will make full and voluntary disclosure in understandable and readable terms of all details of these services, with special attention to advising the customer of his established credit limit and his contractual responsibilities."

"(9) Card issuing banks should develop practical means to reasonably protect customers against liability arising from lost or stolen cards."

Mr. President, I join with these and other persons and organizations in stressing the need for further protection of consumer interests. I believe that introduction today of this amendment to the Truth-in-Lending Act moves us toward that goal.

[From the New York Journal News, Nov. 24, 1968]

WHO NEEDS MONEY?
(By Jack Metcalfe)

Suddenly, many American bankers have become shockingly open-handed. They have begun giving credit to virtually everyone and anyone in a wild spurge of generosity that is not at all characteristic of these skinflint gentlemen.

This, in substance, is the opinion of a substantial segment of experts in the consumer field. They voiced their misgivings about widespread, often unsolicited distribution of bank credit cards in testimony last month before Sen. William Proxmire's Senate subcommittee on financial institutions.

Other witnesses representing banks and bankers were just as vigorous in defense of the new credit policy, denying that it tempted spendthrifts into bankruptcy, that it was widely abused or that it was likely to have an adverse effect on the nation's economy.

Predictably, Proxmire was not persuaded. A liberal and a champion of the new truth-in-lending-law, the Wisconsin Democrat announced later that he would back legislation early in the next Congress to keep banks from tempting people who can't afford credit to live beyond their means through unneeded credit cards.

Thus, without saying so, the senator allied himself with the older generation of Americans, those who grew up believing, like humorist Ogden Nash, that bankers are just like everybody else—only richer—and that they are always happy to lend you money except when you really need it.

This traditional image is now just as out of focus as the time-honored virtues of thrift and frugality. A witness at Proxmire's hearings, President Johnson's adviser on consumer affairs Betty Furness, put it this way:

"Today, debt is actually sold as extensively as any commodity. We are constantly urged through advertising to buy on 'easy' terms, to open charge accounts, to travel now and pay later.

"Debt used to be frowned upon and discouraged. Today it's encouraged."

Miss Furness cited "excessive credit extensions" and "consumer extravagance resulting from inability to manage money well" as the two major villains in the soaring increase in bankruptcies.

While non-mortgage consumer debt has risen to a stupendous \$100-billion level in the post World War II years, Miss Furness noted, the number of personal bankruptcies has kept pace. In every year between 1952 and 1967, the total personal bankruptcies filed in federal courts (where all are handled) showed an increase, reaching 191,729 in 1967; the total did dip in fiscal 1968, but only to 181,253.

Elaborating on her theme, Miss Furness zeroed in on the newest form of easy credit—the unsolicited credit card, which she called variously "laminated liability" and the "modern Aladdin's lamp."

"I am greatly troubled with the ethics of forcing unsolicited and unwanted credit cards into the consumer's home, especially when the issuer may have no idea whether the consumer is equipped to administer that little three-inch piece of plastic properly."

Obviously, the three sons of an irate Chicago householder were not. They were aged 9, 11 and 13, said Miss Furness, who reported that the father had received a total of 18 unsought credit cards for himself.

"Frankly," she added, "it rather surprises

me to hear of bank advertising gimmicks—the parades, balloons, clowns and skywriting—aimed at promoting the use of credit cards."

"In the frenzy of competition among banks, traditional prudence seems to have been tossed aside. . . .

"Unfortunately, there are many who, thanks to the bank's conservative image, rely on its offer of credit as some sort of evaluation that they are creditworthy. 'Why else,' one distraught man asked, 'would they be willing to lend me money?'"

Those who are already seriously in debt, Miss Furness continued, are likely to believe that all their worries would be over if they could just get a little more money.

"The arrival of a credit card provides the chance—the chance, that is, to bury themselves deeper in debt."

Another witness, Royal E. Jackson, chief administrator of the U.S. courts' bankruptcy division, likened the use of credit cards by "those who are up to their ears in debt" to "trying to drink yourself sober."

"It can't be done," Jackson added somewhat anticlimactically.

To bolster his contention that the easy availability of all kinds of credit cards is undoubtedly a reason for the terrific rate of personal bankruptcies, Jackson cited reports from various referees in bankruptcy.

(Referees are officials appointed by the judges of U.S. district courts to hear bankruptcy cases. While not exactly judges themselves, they rate being called "your honor"—and they are experts in the legal jungle of bankruptcy law.)

From Atlanta came the report of the case of a "Mr. X," described as a janitor making about \$55 a week. Mr. X testified at his bankruptcy hearing that he had received a bank credit card without asking for it, that within a few months he had run up debts totaling more than \$3,000 and that when the bank confronted him with his indebtedness, officials told him that in the future he should not make purchases bigger than \$70 each.

From Montgomery, Ala., came the report of a compulsive spender, Mrs. Y, who was paying off previous debts out of her wages when she got a credit card from a local department store through the mail. The credit manager later said it was sent in error, and Mrs. Y, ignoring court warnings not to incur debts while she was in bankruptcy proceedings, went on a buying spree. She escaped prosecution on a technicality. In his report to Jackson, Referee Leon J. Hopper opined that while "she should have known better," the unsolicited card was the immediate cause of her compounded troubles.

The Los Angeles area, according to Referee James E. Moriarty, can be called the "consumer credit capital of the U.S." and as such has more than its share of the "suede shoe boys who are determined on separating the buying public from their assets." Where "easy and extended" consumer credit is huckstered like any item of merchandise, Moriarty wrote Jackson, a variety of credit card problems are bound to spring up.

Moriarty said all kinds of cards—not just those of banks—figured in bankruptcy cases he hears. "In one proceeding involving a husband and wife . . . they had a total of 36 credit cards which were retained by the court: 18 from the husband and 18 from the wife, each listed as a creditor."

Practices of Los Angeles credit jewelers rated special mention by Moriarty, who noted that they have in recent years "branched out into such lines as radios, televisions, cameras, tape recorders and other household items." He added:

"These are the shops that charge inflated prices for inferior merchandise and, upon receipt of 40-50% of the total sales price, the merchant has not only been reimbursed

for the cost of the merchandise but has also made a profit on the transaction. These are the merchants who prey on the uneducated and poor consumers."

Then, Moriarty noted, there is the category of debtors who might have a little larceny in their hearts. Like the classic case—appropriate to this season—of a Navy seaman second class who was temporarily stationed at Long Beach, Calif., in December 1962 and who got a credit card from a leading department store.

He ran up \$1,700 in charges during 15 days of December, and shortly after New Year's filed for bankruptcy. The sailor then testified that he had "purchased Christmas presents for all his relatives and friends back East."

"Certainly, this type of person cannot be considered honest," wrote Moriarty, adding judicially: "But at the same time, the department store cannot be completely absolved of blame for letting a man whose salary is very limited run up such a large number of charges."

Then there are, says the referee, those more sophisticated buyers who "adopt a plan which may be called credit card kiting schemes."

One such use of gas and oil cards is both shady and popular. This is the purchase on credit of items like tires, then reselling them for cash. From Referee in Bankruptcy Joe Lee of Lexington, Ky., comes this account of one such case:

Charles William Morgan formed a corporation, Kentucky Colonel Homes Inc., to sell prefabricated houses. It was unsuccessful, but during the short period of time it was in business, credit cards were obtained in the corporate name from American Oil Co. and nine other gasoline firms. Morgan also took out credit cards in his own name from three oil companies.

When he went bankrupt, his company owed \$5,377.07 to the 10 oil firms, including \$1,179.33, the biggest single debt, to American. In addition, he owed \$3,645.49 to three companies as an individual. He testified that he had used the credit cards for meals, lodging and living expenses for about a year.

Another flagrant misuse of credit cards was reported from Knoxville, Tenn., involving a former newspaper reporter who set out to see the world. He left town with \$180 in cash and a fistful of credit cards and headed for Australia.

When he got there, he evidently discovered that he couldn't get a job without sitting out a six-month clearance period. So he came home, via Europe, Puerto Rico and the Virgin Islands. Back in the states, the errant newsman promptly filed a bankruptcy petition. His debts totaled \$13,587.55, of which \$11,177.96 was charged on credit cards. His assets were \$8 cash, one share of stock worth \$12 and personal effects valued at \$300.

Most bankrupts don't think so big. A random sampling of Eastern Wisconsin cases showed that their take-home pay averaged between \$85 and \$120 weekly and their indebtedness ranged from \$2,523.30 up to \$3,886.47. This survey was limited to bankrupts who had been sent unsolicited credit cards, those who had used them had not run up bills for exotic travel but to make mundane purchases of clothing and household needs and for gas and auto repairs.

No such detailed information is available from New York debtors. But court officials say bankrupts in this area generally earn between \$80 and \$150 a week. If they are slightly more affluent than debtors elsewhere, they also tend to owe more, usually about \$5,000. This load often includes a big bill—\$2,000 owed to a department store or for doctors or for an undertaker's services.

These court sources are inclined to question just how much impact the increasing use of credit cards is having on bankruptcies

in this area. Considering the number of New Yorkers with crushing financial burdens, they also wonder why more debtors in this area don't avail themselves of bankruptcy as a means of wiping their slates clean and getting a fresh start. Still 3,511 bankruptcies were filed in the New York City and Long Island areas last year.

Not that this is recommended as a quick and easy escape route for that miserable soul, the honest debtor. It isn't even cheap; it costs \$50 to file a bankruptcy petition.

There are personal bankruptcies and there are those involving businesses. In addition, bankruptcies may be voluntary—that is, when they are sought by the debtors. Or they may be involuntary, when a group of creditors asks the court to declare that a debtor is bankrupt so that his assets can be preserved and split up. Almost all of these involve businesses.

A bankrupt is not relieved of any taxes he owes, either federal, state, county, district or municipality. Nor is he freed of liability for alimony, child support, damages for malicious or willful injury to someone else or his property or for a variety of other obligations, including embezzlements.

Bankruptcy court staffers say the only group of tough creditors who sometimes make a vigorous effort to get bankrupts to pay their bills are doctors. Most creditors in the New York area heave a philosophical sigh and write off their bad debts without trying to recover so much as one cent on the dollar.

That's partly because a bankrupt's property may be exempt from seizure. According to state laws, such belongings as the bankrupt's home, clothing, and furniture and the tools of his trade are off limits.

Even if a bankrupt does have some property that can be taken over by creditors, they frequently don't bother. It's more trouble to liquidate the assets than they're worth, especially if this property consists solely of the family's jalopy.

So, typically in New York, the only penalty for an honest debtor is the reputation of being a welshe. He may have trouble getting more credit. He may not.

There is no dispute that the number of bankruptcies has swelled enormously in the last two decades. But there is considerable argument over how serious this is, whether or not it indicates that the nation's economy is unhealthy.

High wages and employment have spurred credit buying to new records, a total of more than \$80 billion in outstanding installment debt. Some \$2 billion is expected to be charged this year on the bank credit card plans alone. What would this mean if America's uninterrupted spell of prosperity, now more than seven years old, should slack off?

In his subcommittee hearings, Sen. Proxmire questioned whether holders of credit cards might not be tempted to overextend themselves if they were squeezed financially during such a recession.

One witness, American Bankers Association spokesman Thomas L. Bailey, saw no problem.

"For many years," Bailey testified, "the American consumer has provided abundant proof of his ability to handle his own financial affairs. Certainly, the receipt of a credit card has not induced him to engage in a wild buying spree."

Restrictions of the kind Proxmire favored are neither "necessary nor desirable," Bailey said. The Federal Reserve System had studied the field, he said, and found "no evidence of any mounting incidence of consumer indebtedness since the recent burst of credit card . . . plans."

Nor, said the witness, have banks suffered serious losses from their credit card operations. The Federal Reserve's study showed that banks had to write off as bad debts only 1.97% of credit card business during the first six months of 1967.

So these credit card operations can be highly profitable. The Federal Reserve said the 197 banks offering such plans charged their 14 million card-holders monthly interest up to 1.5%, the highest allowable rate in most states. If the charges aren't paid off when due, this works out to a whopping 18% a year.

In addition, the banks collect from participating merchants, who numbered 390,805 when the Federal Reserve made its count. This fee, discounted from sales slips, varies widely. It can be as low as half of 1% or as high as 8%, with the average about 3.5%.

Bank credit cards are, of course, only a part, although the fastest growing part, of the "plastic credit" operation. The other principal types are the so-called travel and entertainment cards (Diners Club, American Express and the like, which charge a membership fee and generally expect payment within 30 days), oil company cards and department store cards, both for revolving credit and straight charge accounts.

As of last Dec. 30, the nation's plastic credit outstanding was \$12 billion dollars. An estimated 200 million credit cards have been issued.

All share some problems. These cards can be lost or stolen and used fraudulently—a major headache for the card holder, a source of loss for the issuer and a rich lode for the underworld.

But only the banks and the oil companies have had many difficulties with credit cards which they have mailed out without being asked, since only these two groups have gone in on a large scale for this way of drumming up business.

Despite drawbacks to the unsolicited cards, spokesmen for the banking industry defend this practice. Banks have found that it doesn't pay to ask prospective customers whether they would like to be sent a card; only seven-tenths of 1% say they do. But when cards are mailed out unasked to a "select" list, only 1% of the recipients feel strongly enough to send them back.

Presumably, a number of others do seethe in silence, but as many as 19% of the recipients do use their cards within three months.

So credit cards obviously are destined to be a permanent and growing part of the American way of life, even though they still aren't accepted at hot dog stands.

The bill (S. 721) is as follows:

S. 721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 103 of the Truth in Lending Act (82 Stat. 146) is amended by redesignating subsections (j), (k), and (l) as subsections (p), (q), and (r), respectively, and by adding after subsection (i) the following:

"(j) The term 'adequate notice', as used in section 132, means a printed notice on any credit card issued to a cardholder, or on each periodic statement setting forth the account of a cardholder, which is set forth clearly and conspicuously, in accordance with regulations prescribed by the Board, so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

"(k) The term 'credit card' means any card, plate, coupon book or other credit device existing for the purpose of obtaining money, property, labor or services on credit.

"(l) The term 'accepted credit card' means any credit card which the cardholder has requested in writing or has signed or has used, or authorized another to use, for the purpose of obtaining money, property, labor or services on credit. A renewal credit card shall be deemed to be accepted if it is issued within one year after a prior card has been paid for or used. A new credit card issued in substitution for an accepted credit card as a result of a change in the corporate struc-

ture or ownership of a card issuer shall be deemed to be an accepted credit card.

"(m) The term 'cardholder' means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

"(n) The term 'card issuer' means any person who issues a credit card.

"(o) The term 'unauthorized use', as used in section 132, means a use of a credit card by a person other than the cardholder who does not have actual, implied or apparent authority for such use and from which the cardholder receives no benefit."

Sec. 2. Section 105 of the Truth in Lending Act (82 Stat. 146) is amended by inserting "(a)" before "The Board" and by adding at the end thereof a new subsection as follows:

"(b) The Board shall prescribe regulations governing the conditions under which card issuers may issue credit cards which the cardholder has not requested in writing. Such regulations shall prescribe minimum standards to be followed by all card issuers in checking the credit worthiness of prospective cardholders in order (1) to protect consumers against overextending themselves with credit obtained through the use of unsolicited credit cards, and (2) when the card issuer is a bank insured by the Federal Deposit Insurance Corporation, to safeguard the safety and soundness of the bank."

Sec. 3. The Truth in Lending Act (82 Stat. 146) is amended by adding after section 131 the following section:

"§ 132. Liability of Holder of Credit Card

"A cardholder shall be liable for the unauthorized use of a credit card only if the card is an accepted credit card, the liability is not in excess of fifty dollars, the card issuer gives adequate notice to the cardholder of the potential liability, the card issuer has provided a method whereby the user of the credit card can be identified as the person authorized to use it, the unauthorized use occurs before the cardholder has notified the card issuer that an unauthorized use of the credit card has occurred or may occur as the result of loss, theft, or otherwise, and the card issuer has taken such action, after being so notified by the cardholder, as is reasonably designed to advise those merchants or others with whom the credit card is likely to be used of the possibility that an unauthorized use thereof may occur. For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information whether or not any particular officer, employee, or agent of the card issuer does in fact receive such information."

Sec. 4. The amendments to the Truth in Lending Act made by this Act shall become effective upon the expiration of six months after the enactment of this Act.

NEED FOR CONSUMER'S PROTECTION AGAINST THE DANGERS OF UNSOLICITED CREDIT CARDS

Mr. DODD, Mr. President, I am pleased to support the bill of the senior Senator from Wisconsin, and I congratulate him upon introducing this important measure.

It seems to me that one of the most striking financial phenomena in recent years has been the proliferation of "easy credit" plans for the American consumer.

Oil companies, department stores, jewelers, and commercial banks, issuing a barrage of plastic cards, allow the Jones' and their neighbors to eat, drive, and fly now, paying later.

In many ways the credit card represents vast convenience to the consumer. One card and no cash enable a customer

to purchase a wide variety of goods and services, no matter where he may be.

On the surface, such arrangements are quite simple. But a second glance will show that the credit card usually represents a network of complicated terms, many operating to the disadvantage of the unwary consumer.

Frequently, the exact terms of the credit plan are not spelled out for the cardholder until he finds himself in deep trouble. More often, the explanation is given, but only in small print or in accompanying brochures which quickly find their way to the trash can.

Some cards do not have adequate means of identifying the holder. Others give no notification of the holder's potential liability in cases of loss or theft.

But even more alarming, Mr. President, is the effect which such loose credit arrangements have on family budgets and individual spending.

In these days of high-pressured advertising, the American consumer is no longer primarily concerned with necessity and comfort. Status through consumption is becoming an accepted maxim of American society. Unfortunately, the lower income groups are most susceptible to this fallacy.

The dangers of such a trend are illustrated by the alarming rise of consumer bankruptcies paralleling the increased extension of consumer credit. The basic premise of a credit system, namely, that debtors will repay their debts, seems to be fading away.

The obvious conclusion is that our permissive credit institutions let people live so far beyond their means that many are finally driven to complete financial destruction. A sample shows that credit cards were cited as a contributing factor in more than half of the consumer bankruptcies filed last year.

In light of these facts, the practice of mass mailing unsolicited cards to individuals whose credit-worthiness is not established seems grossly negligent.

The financial understanding and responsibility of countless individuals is never considered until the damage has been done.

Furthermore, a party may be held responsible for the misuse of a card which he neither requested nor received. While he will eventually be able to clear himself of liability in most cases, he first may be forced to undergo lengthy and expensive proceedings, causing the near ruin of his credit rating.

In order to avoid such misfortune, after receiving an unwanted card, the consumer must take the trouble to cut the plastic cards into slivers so that they cannot be found and used fraudulently.

To allow this state of affairs to persist, Mr. President, is unwise and unnecessary. A few simple controls would bring about major improvements in the American consumer credit system.

It is with this goal in mind that I am pleased to cosponsor the bill proposed by my distinguished colleague the senior Senator from Wisconsin.

The solutions offered in this bill are not extreme, nor should they be controversial.

The enactment of Senator PROXMIER'S

proposals would effectively serve to protect both the consumer and his creditor by establishing guidelines of minimum credit-worthiness and potential liability limitations.

Adoption of this legislation, Mr. President, will surely be a major step in restoring the original intent of consumer credit, namely, healthy stimulation of the economy through increased convenience and protection for the consumer.

S. 722—INTRODUCTION OF BILL TO PROVIDE AN INCOME TAX CREDIT OR DEDUCTION FOR POLITICAL CONTRIBUTIONS

Mr. CANNON. Mr. President, at this time I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office.

This bill is identical in content to title III of the bill which I previously introduced to revise the Federal election laws.

I am introducing a separate bill for the purpose of avoiding at a later date a point of order, either during the course of the proceedings before the Subcommittee on Privileges and Elections, or on the floor of the Senate, on the ground that tax measures should be referred to and considered by the Committee on Finance only. This separate bill on tax incentive should be referred to the Committee on Finance where it can be given the careful consideration of the members of that committee.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 722) to amend the Internal Revenue Code of 1954 to provide an income tax credit or deduction for certain contributions to candidates for elective Federal office, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

S. 734—INTRODUCTION OF BILL TO REVISE THE FEDERAL ELECTION LAWS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to revise the Federal election laws, and for other purposes.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 734) to revise the Federal election laws, and for other purposes, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

Mr. CANNON. Mr. President, President Johnson submitted at the beginning of the 90th Congress the Election Reform Act of 1967. I introduced that legislation which was numbered S. 1880 and referred to the Subcommittee on Privileges and Elections.

Following hearings and study the bill was reported to the Senate where, after full debate, it was passed on September 13, 1967, by a rollcall vote of 87 to 0 and referred to the House of Representatives. Regrettably, no final action was taken by the House prior to adjournment of the 90th Congress.

Mr. President, the existing Federal Corrupt Practices Act was passed in 1925—44 years ago. No experienced Senator has to be told of the flaws, deficiencies, and general obsolescence of that act. It simply was not adopted for the purpose of covering political campaigns for all eternity.

Remedial action is required from time to time to keep any legislation up to date. However, in this area of campaign contributions and expenditures, there has been a total failure to bring the Corrupt Practices Act into conformity with modern campaign practices.

The tremendous increases in costs of running for office, including the use of television and jet transportation, have left the Corrupt Practices Act in the stone age of election finance control. In the political parlance of today: it is time for a change.

Mr. President, failure to keep pace with changing trends is not due to the absence of legislative proposals. It is due, to be frank, to the apparent disinterest or reluctance of the Congress to act in this important field.

S. 636, in 1955, was reported after hearings and study but died at the end of the 84th Congress.

S. 2436 was passed by the Senate in 1960 and S. 2426 was approved by the Senate in 1961. Neither bill received favorable action by the House of Representatives.

S. 1880 which passed the Senate in 1967 and H.R. 11233, a similar bill, were considered by the House in 1968 and H.R. 11233 was reported in 1968, but too late to be given necessary consideration by the House membership.

During the 1968 campaign year, the expenditures made by candidates of the Democratic and Republican Parties and the American Independent Party were very extravagant, both in the primaries and the general election.

Expenditures far in excess of the limits set by the Corrupt Practices Act, even for national committees, coupled with a totally inadequate requirement of disclosure of the sources of contributions and channels of expenditures, point graphically to the need for remedial legislation.

Mr. President, the Corrupt Practices Act of 1925 attempted to place limitations upon expenditures by candidates for the Senate and House of Representatives. Under no conditions can a candidate for the House spend more than \$5,000 or a candidate for the Senate spend more than \$25,000 during a calendar year.

Interstate political committees were limited to expenditures of \$3 million. But no Federal control was exerted over State or local political committees supporting candidates and primary elections were not considered at all.

Multiple national committees now spend up to \$3 million each and contributors give up to \$5,000 each to an unlimited number of committees. Thus, the best that can be said for the limitations set by the Corrupt Practices Act is that the sky is the limit. According to a report in the Washington Post on January 3, 1969, national fundraising committees supporting Richard Nixon disclosed a record \$21 million raised to fi-

nance his campaign, and reported also from information filed in the House of Representatives that many large contributions exceeding \$5,000 were given to Republican fundraising committees by individuals who recently have been announced as Nixon appointees in his new administration.

Mr. President, I ask unanimous consent that this newspaper article be printed at this point in the Record.

Mr. President, freewheeling campaign practices, such as those outlined by the Washington Post, have instilled in the minds of thousands—perhaps millions—of Americans that elective offices are bought and sold and elected officials must pay homage to the big contributors whose money helped them to win the election. If the people are ever going to have any faith in the integrity of the elective process, they must be told where money comes from and how it is spent.

In 1956 the nationwide, exhaustive survey of campaign contributions and expenditures conducted by the Subcommittee on Privileges and Elections under the chairmanship of Senator ALBERT GORE—a survey which, incidentally, never has been repeated—disclosed that 12 of the most prominent families in the United States had contributed collectively during the calendar year 1956, \$1,153,735, of which \$1,040,526 was given to the Republican Party and its candidates and only \$107,109 was given to the Democratic Party and its candidates.

It is reasonable to assume that the proportions of the contributions from such families remain the same today.

Detailed and timely reports from all candidates for Federal office and all political committees—National, State, and local—open to study by the public, not only in Washington but also in the States where candidates reside and committees have their principle offices—will have a salutary effect upon this political financing problem.

My bill requires complete disclosure from every committee spending \$1,000 or more per year and from every candidate for Federal office, covering receipts and expenditures and including primary as well as general elections.

Emphasis must be placed today upon almost total disclosure. Strict limitations on election finances is impractical and unenforceable.

This bill extends Federal jurisdiction so as to cover the following matters:

First. Over all primary elections, caucuses, and conventions to nominate or elect candidates, and over all presidential preference primaries.

Second. Over all political committees, National, State, or local, which receive or spend in excess of \$1,000 per year in support of candidates for Federal office.

Third. Prohibit all firms which are negotiating for or performing Government contracts from making any contribution in behalf of a candidate, political committee, or party.

Fourth. Require each candidate and each political committee to file quarterly reports plus two additional reports before each primary or general election, in precise detail, with the Clerk of the House of Representatives, the Secretary

of the Senate, and the clerks of certain U.S. district courts.

Fifth. My bill would require all candidates for Federal office, and all political committees receiving or spending \$1,000 or more for Federal candidates, to file detailed financial reports with the Clerk of the House of Representatives, the Secretary of the Senate, and the clerks of Federal district courts where the candidates reside or where the principal office of the political committee is located, on the 10th day of March, June, and September of each year, and also by the 31st day of January. Additional reports are required to be filed in each case on the 15th and 5th days before the date of a primary or general election.

The purpose for the timing of these reports is to furnish specific information to the public concerning the amounts of money received, the names and addresses of the contributors, and the manner in which such money is expended. In this manner, American citizens will be able to draw their own conclusions as to the kind of financial support a candidate or political party is receiving in time to express their approval or disapproval on primary election day or general election day.

Unfortunately, political committees have not been filing detailed reports of campaign contributions and expenditures in compliance with the law. Articles appearing in the Washington Post on November 9, 1968, and again on November 13, 1968, show that many Republican fundraising committees did not meet the deadline for the filing of their reports in the House of Representatives. At this date, the FBI, at the direction of the Justice Department, is investigating the failure of 21 of the Republican Committees to file their pre-election finance reports in accordance with the dates set by the Federal Corrupt Practices Act.

I ask unanimous consent that the Washington Post items of November 9 and 13 be inserted in the Record at this point in my remarks.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Jan. 3, 1969]

RECORD \$21 MILLION RAISED FOR NIXON BID
(By Walter Pincus)

President-elect Nixon's national fundraising committees reported they raised a record \$21 million to finance his race against Hubert Humphrey and George Wallace.

More than \$6 million of that total was reported received by the GOP committees between Nov. 1 and Dec. 31. Thus, it arrived either in the last four days of the campaign or after Nixon was elected.

Final 1968 filings from the 22 Republican committees, together with some 60 Humphrey-Muskie fund-raising groups and the single Wallace campaign organization, arrived at the House Clerk's office yesterday—nine days before they were due by law.

It marked the first time, in the memory of the House File Clerk employees, that the major parties had filed their dues fundraising statements before the deadline.

The FBI, at the direction of the Justice Department, is investigating the failure of 21 of the Republican committees to file their pre-election finance reports at the deadlines set by the Federal Corrupt Practices Act.

Processing of the flood of incoming reports delayed their public release yesterday. The Nixon-Agnew filings, which arrived first, were made available late yesterday afternoon. The more numerous Democratic reports should be released today.

A quick review of the lists of late Nixon-Agnew donors disclosed contributions from: David L. Packard, who was recently announced as Nixon's choice for Under Secretary of Defense. At least two contributions from Packard totaling \$6,000 were listed.

Roy L. Ash, president of Litton Industries, who was selected by Nixon to study organization of the Executive Branch of the Government. Ash was reported giving \$5,000. His colleague Charles B. Thornton, Litton board chairman, who gave \$10,000 earlier, is listed giving another \$7,500.

Robert O. Anderson, chairman of the board of Atlantic-Richfield Co., which recently made significant oil strikes in Alaska and last week voted to merge with Sinclair Oil Corp. A total of at least \$21,000 was listed in \$3,000 contributions to seven reporting committees from Anderson.

Charles E. Smith, whose real estate companies rent a substantial amount of Washington area office space to the Federal Government. Smith, his son and his son-in-law—all of whom work for his real estate business—jointly are listed as giving \$5,000 to the Nixon-Agnew Victory '68 committee. Last October, Smith hosted a fund-raising cocktail party for Vice President Humphrey. With others in his firm, he was listed as contributing \$15,000 to various Humphrey-Muskie committees.

Gene Autry, former cowboy star and chairman of the board of Golden West Broadcasters, owners and operators of a chain of radio and television stations. Autry and his wife are listed as giving \$13,000 to various Nixon committees. Golden West's president Robert O. Reynolds, and his wife were listed as giving \$5,000. In 1964, Autry gave \$20,000 to President Johnson's campaign just before election day.

Frank L. Kellogg, president of International Mining Corp. Kellogg is listed in the latest report as giving \$17,500 to various Nixon committees. Samuel B. Roman, a director of International Mining, is listed with his wife as giving \$5,000.

David Van Alstyne, Jr., a partner in the securities firm of Noel Van Alstyne and board chairman of New Idria Mining & Chemical Co. Van Alstyne is listed as giving \$19,000 in the closing days of the campaign.

William L. McKnight, former board chairman of Minnesota Mining & Manufacturing Co. McKnight, a longtime contributor to Nixon is listed as giving \$24,000 in the latest filing.

Richard C. Pistell, board chairman of Goldfield Corp., which deals in zinc, lead and gold. Pistell is listed as contributing at least \$17,500 to various Nixon committees.

The total reported raised for the Nixon campaign exceeds by some \$4 million the previous record campaign receipts in 1964 by the Goldwater organization. That fund-raising record was aided in large part by more than \$8 million in small contributions of less than \$100.

The GOP committees reported they had paid out, through Dec. 31, slightly more than \$20.4 million on the presidential campaign. This would indicate there is still at least \$600,000 available to cover remaining bills and some transition costs.

SPENT \$7.4 MILLION ON NETWORK TV

The Federal Communication Commission yesterday reported presidential candidates spent \$7.4 million for network television during last year's general election campaign—almost twice the amount spent during the 1964 election.

According to a survey of the three networks, the Republicans spent \$4.2 million

for spots and programs time last year while the Democrats spent \$2.5 million. The Wallace campaign bought network time costing \$681,491.

In 1964, the Johnson-Goldwater organizations together purchased a total of \$3.8 million in network time.

The amounts reported yesterday were only one part of the total television time purchased by the candidates. All three purchased both spot and program time in individual markets—or cities—around the country. No report is yet available on local time purchases.

The Humphrey-Muskie campaign, with its purchase of network time for showing of half-hour films, outspent the Republican in that category by some \$30,000. The Nixon organization, however, purchased 110 network spot commercial spots costing \$2.6 million. The Democrats bought 37 network spots costing \$844,313.

[From the Washington (D.C.) Post, Nov. 9, 1968]

GOP PRESSED FOR TARDY FUND REPORTS (By Walter Pincus)

Clerk of the House W. Pat Jennings yesterday sent tardy notices to five national Republican committees which raised funds for Richard Nixon's successful presidential campaign but have not yet filed reports due five days before the election under provisions of the Federal Corrupt Practices Act.

Jennings, a former Democratic Congressman, administers the filing provisions of the law. He said yesterday this was the first time, according to long-time staff members, that a major party had failed to file its pre-election reports.

Yesterday—more than two weeks after they were due by law—three additional Republican committee reports representing \$220,000 in campaign funds were delivered to the Clerk's office dated October 26.

The treasurer of one committee—and the notary who signed all three reports—said they had been completed before Election Day. Donald L. Miller, a Washington public relations man who serves as treasurer of the Committee for a Republican Congress, said yesterday he signed the report "last week . . . gave it to a messenger who took it back to the Republican National Committee."

"It was my understanding," Miller said in answer to questions, "that (the report) was to be sent (to the House clerk) that day." Miller's only explanation for its delay until yesterday was "perhaps the slowness of the mails."

Miller would not say who at the Republican National Committee sent the report to him for signing. "Give me a day," he said. "I can't tell you about it until I get to my office."

Under the law, national fund-raising committees are required to file two reports between Sept. 1 and Election Day. The first was due Oct. 25, the second Oct. 31.

Both the Wallace campaign and more than 23 Humphrey-Muskie campaign committees filed the required reports prior to the election.

The Nixon organization—which is said to have more than 20 committees handling money—filed reports for only five committees before the election. They arrived at the Clerk's office Nov. 4, the day before the voting, and nine days after the legal deadline.

Late arrival of the five reports, and failure to file by all the Nixon-Agnew committees prevented public scrutiny of the sources of contributions before the election.

In Key Biscayne, Fla., yesterday, Nixon's immediate staff refused to discuss the handling of campaign fund reports. Ron Ziegler, Nixon's press secretary, cut off questioning on the campaign committee in New York.

J. William Middendorf II, treasurer of the Republican National Committee, said yes-

terday that "paperwork has been finished on a couple of more committees" and they will be mailed to the House Clerk "as soon as we can get the treasurers to sign."

Asked how many committees remain to file reports, Middendorf replied, "I just don't have the facts." Though he is GOP treasurer, Middendorf has not directed fund-raising for the Nixon campaign. That has been handled by former Eisenhower Budget Director Maurice Stans.

Stans has not been available to answer press questions on the delayed Nixon reports.

Middendorf said, "We're not trying to cover up things . . . I just think this law is terribly archaic and burdensome." He said lack of clerks had prevented filing on time.

Asked why two of the late reports received by the Clerk Nov. 4, had covering letters dated Oct. 22, Middendorf replied, "We post-dated them . . . they were prepared the 28th or 29th."

House Clerk Jennings, in discussing the notices to the five delinquent GOP committees, stressed he had no "enforcement powers" to require disclosure. He said reminders such as those sent the Republican organizations, are often sent to House members who fail to file their required report. As for the law itself, Jennings termed it "inadequate . . . It should be revised."

Attorney General Ramsey Clark, who does have enforcement responsibility for the act, told a news conference Wednesday that the Justice Department—lacking a notice of any violation from the Clerk of the House—would not initiate any investigation of failure to file by the Republicans. Clark did say the purpose of the act was to advise voters—before election day—"from whence comes support of a candidate."

Clark's sensitivity toward his role in the GOP's delayed filings was best illustrated on Monday, election eve. At that time he first accepted—and then refused—a CBS network television news interview on the purposes of the campaign filing law. According to aides, he did not want to appear to be using his office to attack the Republicans the day before the elections.

[From the Washington (D.C.) Post, Nov. 13, 1968]

MORE DATA FILED ON GOP FUNDS (By Walter Pincus)

Seven more Republican committees—which together raised nearly \$1 million for the Nixon-Agnew campaign between August 8 and October 21—filed reports with the Clerk of the House yesterday, one week after Election Day and 17 days after the legal deadline set by the Federal Corrupt Practices Act.

The filings brought to 12 the number of Nixon-Agnew committees that have submitted reports required by law 10 days before the election. Together they represent contributions of about \$7.5 million and spending of just over \$7 million.

Nixon aides have said they spent between \$17 million and \$20 million on the campaign. Sources in the President-elect's campaign organization have said some 20 committees raised and spent money on the campaign.

Though Nixon aides admit there are still more committees that have not yet made their initial pre-election filings, yesterday's reports gave the first clear indication of who the larger donors were to the President-elect's successful campaign.

Among the more prominent names: W. Clement Stone of Chicago, president of Combined Insurance, Co. of America. With his wife, Stone has been reported as contributing \$64,000 to various Nixon-Agnew committees. Other reports show he gave at least \$18,000 to Nixon's primary campaigns in Oregon and Wisconsin.

Max M. Fisher of Detroit. An industrialist and oil man, Fisher and his wife are listed as giving \$54,000 to various Nixon committees.

Fisher, who was George Romney's finance man, is general chairman of the United Jewish Appeal. During the campaign, Fisher acted as a liaison man between Nixon and Jewish groups. He was with the GOP candidate when he addressed B'nai B'rith, the Jewish service organization, in Washington and arranged a meeting in New York between Nixon and prominent U.S. Jewish leaders. Fisher was listed as giving just \$500 to Sen. Barry Goldwater in the 1964 campaign.

Henry Salvatori of Los Angeles, Salvatori and his wife were listed as giving \$40,000. President of a California oil tool manufacturing company, Salvatori was a major figure in the 1964 Goldwater campaign as well as in Ronald Reagan's successful gubernatorial effort in California.

Two top executives of the Ford Motor Co.—Benson Ford and John Bugas—were listed with their wives accounted for \$24,000.

L. B. Maytag, Jr., of Miami, president of National Airlines, is listed as giving \$21,000 to the Nixon committees that have reported.

John Shaheen of New York is listed as giving \$7,000 by the reporting Nixon-Agnew committees. Shaheen is a financier who last year retained Nixon as his attorney to negotiate tax-exempt status for an oil refinery in Newfoundland, Canada. Recently, Shaheen proposed to build another refinery in Maine—a matter that already has been proposed by Occidental Oil Co., and is opposed by major domestic U.S. oil companies.

Richard J. Buck of New York, a vice president of the brokerage firm of Bach & Co., who with his wife was reported as giving \$15,000. Buck, along with Nixon, is also on the board of directors of Harco Corp., a manufacturer of steel products.

Nicholas de Arroyo of Washington. The former Cuban ambassador to the United States, under the Batista regime, is listed as giving \$9,000 to Nixon-Agnew committees.

Kingman Gould, Jr., of Washington. The partner in Washington building ventures of D. F. Antonelli (who contributed to the Humphrey campaign), Gould and his wife are listed as giving \$12,000 to the Nixon committees.

The Pews of Philadelphia, traditional GOP donors whose money stems from the Sun Oil Co., were listed as giving \$22,000 to the Nixon-Agnew committees.

Arthur K. Watson of Armonk, N.Y., was listed as giving \$10,000. A top official of IBM, Watson is the brother of J. Watson, Jr., who was a big donor to the Humphrey campaign.

Charles Luckman of Los Angeles. An architect who was listed as giving \$16,250 to President Johnson in 1964, Luckman and his wife gave at least \$7,000 to Nixon, according to reports filed so far.

Federal law limits a donor to \$5,000 to one committee. But it puts no limitation on the number of committees that can receive contributions. Therefore, to handle donations above \$5,000 the campaign organizations in both parties set up special committees. The Democrats had more than 25 national groups. Many of the contributors to these committees gave more than \$100,000.

Along with the seven new Nixon-Agnew committees, the Republicans yesterday also filed one report that was due five days before Election Day. Four other fundraising committees—plus the seven that filed yesterday—still must also file these reports.

Last week, House Clerk W. Pat Jennings, reminded the Republicans that the five-day reports were still outstanding. It was the first time such action had been taken against one of the two major parties.

Both the Wallace Campaign and the Humphrey-Muskie Democratic committees filed both their pre-election reports around the legal deadlines and before election day.

Aides at Nixon finance headquarters described their money reporting as "a logistical nightmare." They said nationwide fundraising had hampered the gathering of all the

fund reports. "Expense accounts are six months late," one finance aide said yesterday.

Nonetheless, like other groups filing on election eve, the Republican committees yesterday contained computer print sheets bearing the notation "List Run October 18." Unlike those filed earlier, however, the covering letters were dated November 8 or later. Earlier GOP covering letters had been dated October 22.

Yesterday's seven reports each said that money being reported had been collected between August 8—the day of the Nixon nomination—and October 21. Under the law, all contributions raised prior to September 1 should have been reported in the mid-September filing.

Mr. CANNON. Mr. President, the bill would require all clerks of the district courts, Clerk of the House, and Secretary of the Senate to receive, maintain, and prepare filing, coding, and publishing systems so as to provide broadest possible public disclosure and supervision over all campaign funds and candidates and committees.

There is a critical need for a new law governing Federal election financing and the reporting of those finances in detail.

An additional feature of this bill, Mr. President, is a new title, Income Tax Credit or Deduction for Political Contributions.

Election costs are so burdensome upon candidates and political parties that great efforts have been made to explore new sources of revenue for candidates and parties. Various proposals have been explored without much success. I believe that previous suggestions for modest tax credits or deductions have received greater approval than other plans.

Therefore, this bill will offer a tax credit of one-half of the amount of the political contribution but not to exceed a total credit of \$20 per individual per calendar year. Alternatively, a contributor could claim a tax deduction not to exceed \$100 per calendar year.

Two of my bills—S. 2426, passed by the Senate in 1961, and S. 2541, reported to the Senate in 1966—contained provisions, as reported, calling for a tax credit of one-half of the amount of a political contribution but not to exceed \$10. Alternative proposals suggest a tax deduction not to exceed \$100 in a calendar year.

Tax credits and tax deductions have been attacked on the grounds that a tax credit would be of real benefit only to the low-income wage earner; that a tax deduction would benefit the large wage earner more; that both types of incentives would be costly or difficult to administer, and so forth. Also, there is the problem of giving the benefit of a tax incentive to those who owe no tax and so forth.

However, almost every wage earner must file a return whether he pays a tax or not and some method could be devised to afford him a credit against taxes or even a partial refund. There are problems, very real problems, as we all know, in finding new and better methods for financing political campaigns. Existing, outmoded ceilings and limitations must be disposed of; reporting requirements must be broadened and made more detailed; the entire Corrupt Practices Act

should be rewritten or repealed and a comprehensive new election reform act substituted for it.

Yet at the base of the political structure is money. Without it a political party and its candidates are helpless to reach the voters with their programs. Money is vitally needed but in my opinion, there should be a cooperative effort between the country and its people.

In view of the fact that only national or interstate committees are required to file financial statements with the Clerk of the House of Representatives, an accurate estimate of the total receipts and expenditures of the major parties cannot be made. However, the Democratic and Republican fundraising committees reported expenditures in excess of \$35 million. Estimates going back as far as 1956 ranged as high as \$150 million in total expenditures on a nationwide basis for that year. In consideration of the increased costs of campaigning during the past 12 years, that estimate reasonably could be raised to over \$200 million for 1968.

Tax incentives such as tax credits and tax deductions are cooperative and mutually beneficial. Each would lose a little in revenues but gain far more in mutual trust and interdependence.

During its deliberations, I hope that the Senate will give careful consideration to the adoption of tax credits and tax deductions in preference to a system which merely depletes the Treasury without guaranteeing, in the true sense, any effective control over campaign spending.

S. 736—INTRODUCTION OF BILL FOR THE RELIEF OF THE SURVIVORS OF MARVIN R. FOLTZ

Mr. SCOTT. Mr. President, the 90th Congress enacted the Police Survivorship Act providing for compensation to any local policeman who is disabled, or to his survivors if he is killed, while apprehending persons suspected of having committed a Federal crime.

This measure was introduced by the Senator from Arkansas (Mr. McCLELLAN) and I joined in cosponsoring it and worked for its passage in both the Subcommittee on Criminal Laws and Procedures and the full Judiciary Committee.

This act is an appropriate recognition of the contribution made by local police forces in this Nation's fight against crime. Local law-enforcement officers often supplement the activities of Federal law-enforcement personnel which lessens the need for a larger Federal force. In performing this duty, local officers are sometimes severely injured or killed. This is reason enough for the Federal Government to assume some responsibility toward the local agencies which often are able to maintain only minimal compensation programs.

I today introduce legislation to aid the family of a Lancaster County, Pa. police chief who was killed by bank robbers in 1967. My bill would permit the surviving wife and daughter of Chief Marvin R. Foltz to receive benefits under the Police Survivorship Act which was passed subsequent to Chief Foltz' death. Chief

Foltz' family, which otherwise qualifies for assistance, is not now eligible for these benefits because of the effective date of the act.

Chief Foltz died attempting to apprehend three men who were in the process of holding up the Union National Mount Joy Bank in Maytown, Pa. He died a few minutes after being shot by one of the bank robbers, but did manage to wound two of the holdup men before his death. All three of the robbers were later apprehended, largely because of Chief Foltz' prompt response to the holdup alarm and this subsequent action.

Chief Foltz was an experienced policeman who had been a constable, a chief deputy sheriff for 10 years, and a department store security guard before becoming the East Donegal Township chief of police.

Both the bank involved and the East Donegal Township officials have assisted the Foltz family. However, the family really needs and deserves the benefits that the Congress provided for the survivors of policemen killed in the line of duty.

As I have stated, Chief Foltz' family would have qualified for assistance had the Police Survivorship Act been law at the time of the tragic bank robbery. Moreover, one of the compelling arguments for just this type of legislation was presented to the Subcommittee on Criminal Laws and Procedures, which held hearings on this measure, by the then legislative chairman of the Fraternal Order of Police, who brought the death of Chief Foltz to the attention of the subcommittee.

Delay in the legislative process should not penalize Chief Foltz' family. My bill is an act of simple justice on behalf of a man who continually risked his life to ensure the safety of the public.

THE VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 736) for the relief of the survivors of Marvin R. Foltz, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 739—INTRODUCTION OF BILL ON MEETING THE WELFARE CRISIS

Mr. MONTGOMERY. Mr. President, I introduce, on behalf of myself and Senator ANDERSON, Senator HARRIS, and Senator METCALF, for appropriate reference, a bill which would direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects to encourage recipients of aid to families with dependent children—AFDC—to seek employment.

The measure is identical to S. 4174, which I introduced just prior to the 1968 general elections and the ensuing congressional recess. As a result, final action was never taken on the previous bill. However, the Committee on Labor and Public Welfare did have an opportunity to request comments from the Department of Health, Education, and Welfare on the proposed measure, and in a letter dated January 18, 1969, to the chairman of the committee, former Secretary of Health, Education, and Wel-

fare, Wilbur Cohen, endorsed the legislation and recommended its enactment.

With this favorable reaction from Secretary Cohen, as well as the generally favorable reactions I have received from various State departments of welfare from whom I solicited comments, I am hopeful that prompt action will be forthcoming during this session of Congress, since I am firmly convinced that it would contribute to the solution of one of the most pressing problems of our time.

Mr. President, as I indicated to my colleagues here in the Senate on October 9, 1968, when I first introduced this measure, many people have said and with much reason that our present welfare system is bankrupt and must be completely overhauled. Many are pressing for some form of guaranteed annual income or a form of negative income tax to take its place.

Mr. President, I believe that one of the most terrible mistakes we could make in response to the welfare crisis would be to adopt a system which is based on the theory that millions of our citizens are to be handed out a dole and then forgotten. This would be wrong from so many viewpoints. It would be expensive; it would be difficult to carry out. But, most importantly, it would be in a very real sense represent a decision to put millions of people on the trash heap. It would be saying to those millions that you are so hopeless and we have so little confidence in you and in our country that all we are going to do is give you money and then relegate you to the nooks and crannies of America. Mr. President, this is not the right way, nor the best way for America.

We hear some who say that we are now such a productive Nation that it should be public policy to allow millions of people to live off the economy without producing anything which contributes to that economy. This is utter nonsense. How can anyone say that we do not have to rebuild our cities, plan better the development of our open areas, and develop our human resources? How can anyone say that when so many human needs go unnoticed and unmet? There is plenty to do in America, and I say that we had better get doing it. But, Mr. President, the way to make sure that we will not do anything is to adopt one of these schemes which is based on the theory that there is no work to do for many people and that they should be neatly discarded and then forgotten.

There is little doubt, Mr. President, that the present welfare system needs to be amended to improve the chances for people who have to depend on welfare to get off the rolls and into productive, independent lives. One thing which we must all keep in mind is that the very great majority of people who have had to go on public assistance do not want to be there. They want to get off. Mr. President, what we must make sure of is that the system works to help people get off the rolls and does not work in a way that gives people disincentives for getting off.

The Congress has, over the past 2 years, taken some important steps in that direction. We conducted a study

of the system which led to some important changes in the welfare program, although we also took some action which I believe was unfortunate but which I believe we will correct in time.

But, before I describe some of those actions we took last year, let me give the Members of this body a brief description of those who are on welfare. The Federal Government assists the States in financing four separate programs of cash public assistance. Three of the programs are aimed at adults. The first is old-age assistance, which gives money to needy people over age 65. With the coming of age of the social security program and the increased benefits which we passed last year, only a small proportion of the aged must depend on public assistance today. Only one out of 10 aged people receives public assistance and half of those also get some social security benefit. Today, the typical person on old age assistance is a widow about 76 years of age. The number of people on old-age assistance is continuing to go down even though the number of older people continues to rise. It is not this program which has created the welfare crisis.

The next adult assistance program is the program which helps the States to finance payments to the blind. The number of blind people who have to depend on public assistance also is getting fewer and fewer. Only 80,000 of the blind have to depend on assistance and the number is going down each month. It is not this program which has created the welfare crisis.

The third adult category is aid to the permanently and totally disabled. This category of assistance has been going upward on a very gradual basis ever since it was set up in 1950. And it is likely that the numbers will continue to grow gradually until the social security disability program and workmen's compensation programs are modified to protect more workers and their families who are faced with the disability of the family breadwinner. But the numbers of disabled people who have had to go on public assistance has not gone up as fast as it would have if we had not had the social security program, the vocational rehabilitation program, and other programs which help treat and prevent disability. It is not this program which has created the welfare crisis.

The one federally assisted program which has shown continued and high rates of growth is the program of aid to families with dependent children—AFDC. This program now accounts for over two-thirds of all public assistance recipients and well over half of the funds. And this is the program which is growing at high rates even during a period of high unemployment, low unemployment, and unprecedented levels of economic activity. Mr. President, this is the program which is the cause of the welfare crisis. This is the program to which we must turn our attention whenever we are considering the public welfare problem. And it is this program toward which my legislation is directed.

Let me now briefly remind my colleagues of some of the more important

provisions which the Congress enacted to deal with this growing crisis. And it is interesting to note, Mr. President, that during the period when Congress was considering these measures—from March 1967 to December 1967—this AFDC program added almost a half a million people to the rolls. Just think of that—during a 9-month period the rolls increased by well over 400,000 people. In the 1967 social security amendments, we took, I believe, several important and constructive steps to meet the welfare crisis. We required the States to supply adequate day-care services to the mothers in these families who are referred for jobs or training. We set up a special work-training program to be run by experts of the Labor Department and directed solely at AFDC recipients.

We recognized that there were only a very small proportion of able-bodied men on the AFDC rolls—less than 80,000 out of over 5½ million recipients—but we did not ignore them. We required that each of them be referred to the work incentive program within 30 days of coming on the rolls and we included other measures to assure that able-bodied men were trained and placed in jobs.

Finally, Mr. President, we required the States to ignore the first \$30 a month in earnings of a public assistance family and one-third of the earnings above that amount. Thus, the Congress attempted to meet the problem of the growing rolls by measures which were designed to furnish support to the hundreds of thousands of AFDC families who want to get off the rolls and become self-supporting and independent. Mr. President, I believe we are on the right track. People do not want to be shoved aside and forgotten while the rest of the Nation progresses. They want to be a part of that action. They want to be independent and self-reliant. But we have a welfare system which not only does not help people get off the rolls but actually hinders them in their efforts to do so. And the proposals for a guaranteed annual income or negative income tax will not change that; rather, they would actually increase the ill effects in the present system.

While the Congress has dealt with what I believe are the three main ingredients of a successful attack on the problem—adequate day-care services, opportunities for work and sound training, and an earnings incentive—we have not dealt with the third area in an effective manner. There may be more need for day-care services and we may need to give more financial support to the training programs, but I feel certain that we have not acted correctly in the area of work incentives. Thirty dollars and one-third is just too small. For example, the public assistance recipient who sees that she gains only \$1 in net income for every \$3 of work after the first few days of each month may very well think that there is not much use in leaving her children with someone else for such a small gain. But, unfortunately, Mr. President, there is hardly any research or experimentation with various forms of work incentives on which the Congress

can base an informed and intelligent decision in the matter. After more than 30 years of the AFDC program, the Department of Health, Education, and Welfare still had not done one good study of the effect of the program on incentives to work or how the problem could be met.

I personally believe that the 1967 provision will turn out to be inadequate. And, unless we take steps now to get pertinent information we still will not know the best route to take when results under the 1967 provision are in.

I suggest that a much more promising approach would be to allow all recipients to earn the difference between their monthly grant from welfare and a reasonable standard of income. This is the kind of guarantee of annual income which I would like to see—a proposal which says to the recipient that he can earn up to the guaranteed level without losing any of his public assistance. Thus, instead of having a guaranteed level which is financed out of tax money, we would have a level which people could work toward. This is the type of proposal I would like to see studied.

As I indicated earlier, AFDC recipients want to work. A study conducted in the ghettos of New York City showed that the overwhelming proportion of the women on welfare wanted to get trained and placed in good jobs. And, I submit, it will go much better in the future of our country if we have children growing up today with the example of a parent going out to work and gaining the satisfaction of being independent, rather than the example of a parent who draws his dole and spends the long days in idleness. The parent could hardly have self-respect in such a situation, and he most likely would not have the respect of children, family, or friends.

Mr. President, my bill would direct the Secretary of HEW to conduct a substantial experiment in appropriate areas of the Nation of the kind of proposal which I have outlined. Instead of the \$30 and one-third earnings exemption, AFDC families could earn the difference between their grant and the poverty level set forth in my formula.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a chart containing the formula of earnings exemptions which I have in mind for AFDC families, and setting forth specific examples of how the formula would be applied and the effect it would have in providing work incentives over and above the present law.

(See exhibit 1.)

Mr. MONTTOYA. Mr. President, there would also be included in the legislation a built-in formula for raising the income level automatically—according to the Department of Labor cost-of-living consumer indexes—when the cost of living increases; that is, standards of income levels would be kept current with living costs. Moreover, no State would be permitted to lower its welfare payments as a result of the enactment of such legislation, nor to exclude provisions for added welfare benefits for those having "special needs"; that is, medical care, special diets, care by an attendant, and so forth.

The Secretary of Health, Education, and Welfare would be required to compare the results of my proposed system with the results under the law, and with one or two other alternatives if the Secretary believes it to be desirable. The Secretary would then prepare a formal report on the results of the experiment to the Congress. We would then be in a position to evaluate the proposals in an informed manner and arrive at a decision based on facts, not theories.

I believe the proposal which I have outlined will prove to be the most effective. I believe it would reduce the costs of poverty and other assistance programs over the long haul, simplify procedures for welfare eligibility and payment determinations, and add to the working force through reduction of impediments to employment. Moreover, I believe that my proposal will show that the proponents of the negative income tax and other proposals which would hand out millions of tax dollars for doing nothing are on the wrong track, both for the people involved and the Nation as a whole.

But I am willing to put my beliefs to the acid test of experience.

Mr. President, I also submit and ask unanimous consent for inclusion in the Record at this point the text of my bill, and I urge Senators to study it and then join me in securing its prompt passage.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and chart will be printed in the Record.

The bill (S. 739) to direct the Secretary of Health, Education, and Welfare to conduct certain demonstration projects designed to encourage recipients of aid to families with dependent children to seek employment, introduced by Mr. MONTTOYA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall, under the authority contained in section 1115 of the Social Security Act, conduct demonstration projects under which recipients of aid to families with dependent children (under programs established pursuant to title IV of such Act) who participate in such projects will be permitted to earn, without having any reduction in the amount of the money payments otherwise payable to them under such programs, such amounts as may be necessary to bring the total annual income of the family unit to which they belong above the poverty level.

(b) (1) Participants in such demonstration projects will be permitted to earn (without having any reduction in the amount of the money payments otherwise payable to them under a program established pursuant to title IV of the Social Security Act) amounts as follows:

(A) In case such participant belongs to a family consisting of one member, \$600 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$2,000;

(B) In case such participant belongs to a family consisting of two members, \$800 annually, or, if greater, the amount necessary

to bring the total annual income of his family up to \$2,600;

(C) In case such participant belongs to a family consisting of three members, \$1,000 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$3,200;

(D) In case such participant belongs to a family consisting of four members, \$1,200 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$3,800;

(E) In case such participant belongs to a family consisting of five members, \$1,400 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$4,400;

(F) In case such participant belongs to a family consisting of six members, \$1,600 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$5,000;

(G) In case such participant belongs to a family consisting of seven members, \$1,800 annually, or, if greater, the amount necessary to bring the total annual income of his family up to \$5,600; and

(H) In case such participant belongs to a family consisting of more than seven members, such amounts as the Secretary shall determine to be appropriate to carry out the purposes of the demonstration project.

(2) The amounts provided for in paragraph (1) of this subsection shall, when applied to any participant in a demonstration project under this Act who lives on a farm, be reduced by 30 per centum.

Sec. 2. Demonstration projects under this Act shall be carried on for a period not in excess of 12 months. The Secretary shall, at the earliest practicable time after the termination of such projects, make a report to the Congress on such demonstration projects together with any recommendations he may have for changes in the provisions of title IV of the Social Security Act which relate to earnings by recipients of money payments under programs established pursuant to such title.

The chart, presented by Mr. MONTTOYA, is as follows:

EXHIBIT 1

TABLE OF EARNINGS EXEMPTIONS ALLOWED AID FOR DEPENDENT CHILDREN (AFDC) FAMILIES

Number of family members	Nonfarm		Farm (70 percent of nonfarm) ¹	
	Weighted cost standard	Off-setting standard	Weighted cost standard	Off-setting standard
1 member...	\$2,000	\$600	\$1,400	\$420
2 members...	2,600	800	1,820	560
3 members...	3,200	1,000	2,240	700
4 members...	3,800	1,200	2,660	840
5 members...	4,400	1,400	3,080	980
6 members...	5,000	1,600	3,500	1,120
7 members...	5,600	1,800	3,920	1,260

¹ This is consistent with the social security poverty index, which has a 30-percent reduction for rural areas.

The effect of the above would be to exempt AFDC welfare recipients from having deductions made against their welfare payments for earning additional income. Thus, a non-farm family of 4 members could earn the difference between welfare payments and income up to \$3,800, or an additional \$1,200, whichever is greater.

The following examples (based on a family of four) show how the formula would be applied, and set forth the work incentives contained in the formula over and above existing law:

1. New Jersey (non-farm): New Jersey pays a monthly assistance allowance of \$280 for a family of four—or a total of \$3,360 per annum. This represents one of the highest public welfare payments in the 50 states, meeting 100% of basic needs. Yet, there must be incentive for these families to become

self-supporting, and by applying the above formula the effect would be as follows:

The \$3360 in welfare benefits is but \$440 below the non-farm weighted cost standard; hence, the family would be permitted to earn an additional \$1200 since this is the greater amount. (*Comparison with Existing Law:* Under present law, if the mother in an AFDC family of four has annual earnings of \$2200, she would have her assistance grant of \$3360 reduced by \$1277 to \$2133 for a total income of \$4333. Under this proposal, the family would have \$3360 plus \$1200 in earnings for a total income of \$4560.)

2. *New Mexico (non-farm):* My own state of New Mexico pays \$183.36 monthly to a family of four, meeting 95% of the \$193 for monthly basic needs—for a total of \$2200. This is \$1600 below the \$3800 weighted cost standard for a non-farm family of four, but is greater than the \$1200 offsetting standard; hence the family would be permitted to earn an additional \$1600 yearly without penalty to welfare payments. (*Comparison with Existing Law:* Under present law a family of four in New Mexico would have their grant reduced from \$2200 to \$1173, based on earnings of \$2200 for a total income of \$3373. Under this proposal, however, the family could achieve a total income of \$3800 based on the same earnings.)

3. *Mississippi (farm):* The State of Mississippi pays but \$40 per month to a family of four, although basic needs as established by the State are \$194.09. Assuming that farm family costs are 70% of the cost-of-living of non-farm families, the \$480 in welfare payments deducted from the \$2600 cost standard would be \$1180—the additional amount which the family would be permitted to earn since it is greater than the \$940 offsetting figure. (*Comparison with Existing Law:* Under present law, if a family had earnings of as little as \$1080 no further assistance would be paid. But under this proposal, a family of four could have earnings of as much as \$2810 and still receive the \$480 in public assistance grants.)

S. 740—INTRODUCTION OF BILL TO ESTABLISH THE INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

Mr. MONTTOYA. Mr. President, today, on behalf of myself and Mr. BROOKE, Mr. CRANSTON, Mr. FANNIN, Mr. GOLDWATER, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HUGHES, Mr. JACKSON, Mr. KENNEDY, Mr. MCCARTHY, Mr. MCLELLAN, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MURPHY, and Mr. YARBOROUGH, I introduce a measure to establish the Interagency Committee on Mexican-American Affairs as a statutory agency. Since its creation by President Johnson as a Cabinet Committee on June 9, 1967, the presently functioning Interagency Committee on Mexican-American Affairs has sought to identify the needs of the Nation's second largest minority group, provide guidance toward Federal programs that are already in existence, and to recommend new programs to meet the unique requirements of the Spanish-speaking segment of our population.

During the past year and a half, the Interagency Committee has made numerous program contacts at all levels of government as well as with private industry and organizations. Guidance and action have been provided both to community projects and in individual hardship cases. Research has been conducted and materials published to acquaint the population with Spanish-speaking Amer-

icans and to guide this community in solving its many problems. The Interagency Committee placement service has referred well over 2,000 job applicants to both Government and private industry.

Areas of action covered by the Interagency Committee include education, health, welfare and poverty, housing, migrant labor, civil rights, immigration, military, employment, economic development, and research. While progress has been made in attaining economic independence for this deprived minority group, it becomes evident that a great need exists for a stable organization to assume responsibility for the orderly and successful completion of such transformation. I would like to note at this point that the Presidential order establishing the present Committee is scheduled to expire in June 1969.

The economic plight of the Spanish-speaking American community is the most basic problem and is largely a result of lack of educational opportunity. From this fundamental exclusion have stemmed the chronic problems in health, employment, housing, and related fields. By almost any socioeconomic measure, the Spanish-surnamed Americans, as a group, are very distant from the legendary American dream. In a phrase, one might sum up the Spanish-speaking American as being at the "bottom of the heap." In jobs—nearly 80 percent work in unskilled or semiskilled jobs—porters, laborers, elevator operators, and so forth; in education—most Spanish Americans barely complete the eighth grade and many are functionally illiterate as in Texas where 40 percent of the Spanish-speaking population is illiterate; in income—nearly 50 percent of all Spanish-speaking American families fall below the poverty line of \$3,200; in business—they own less than 1 percent of the U.S. businesses. Thus, the Spanish-speaking American is not only a numerical minority, his level of living and participation in the economy is so minor as to be difficult to measure.

The proposed Committee will expand upon the functions of the present Interagency Committee by involving all Americans of similar ethnic or cultural background.

Today, it is estimated there are 10 million Spanish-speaking Americans in the United States or 5 percent of the total population. Their diversity as a group is striking—ranging from native born Mexican Americans and Puerto Ricans to emigrants from Latin America. Their similarities in language and culture, however, are also striking.

The measure which I am introducing would provide for the alleviation of these conditions through a Central Government agency which can give impetus to an integrated Government-wide effort. I would cite examples of activities in which the Interagency Committee will engage:

The sponsoring of conferences similar to the ones held in the past dealing with problems of education and employment. Cooperation would be extended in conferences sponsored by other groups, involving government officials and private industry professionals as well as barrio residents and migrant workers, to hear

complaints and make recommendations. The Committee will be concerned with the establishment of relationships with private groups and organizations who can offer solutions to specific problems.

The analysis of community needs as presented in conferences and to contact officers and development by the Committee staff of answers to these needs. The Committee would be responsible for consulting with and advising the co-operating agencies in policies and priorities, implementation of programs and enforcement of guidelines.

The continuation of research into problem areas. The Committee is envisioned as operating with a small staff of bilingual and bicultural specialists, and, therefore, is not intended to duplicate the massive data collection processes undertaken by Cabinet departments. Rather, the Committee will foster the necessary studies and will synthesize the information obtained from agencies and from hitherto untapped community resources so as to formulate viable policy leading to a more effective and efficient Government-wide approach.

In fulfilling its advisory and educative functions for both Government and community, the Committee will obtain information from departments and agencies on the extent, nature, operation, and provisions of ongoing or proposed programs of special relevance to the Spanish-surnamed community. The Committee, insofar as possible, will rely on the facilities and services of established agencies in such matters as general technical expertise. The Committee will endeavor to promote a better flow of information going from agencies to the community so that only special publications from the Committee itself will be necessary.

The establishment of an employment aid service to direct job applicants to available positions. This activity will involve a service to aid individuals in the preparation of proper application forms both for government and private industry; distribution of these forms to offices with outreach capability; assistance in procedures to lodge complaints of discrimination; and acquainting Government and private employers with methods and resources by which they can reach the talent within the community.

The stimulation of interest among Government agencies and private groups in funding technical assistance projects in localities which have demonstrated the need for and ability to organize such projects. The Committee will seek to conduct such activities through cooperating agencies rather than allocate new funds of its own. A portion of this task must be the total involvement of local groups and organizations.

Publicizing of all of these activities to encourage wider participation by private industry and organizations so that the burden of reform is ultimately lifted from the shoulders of Government and returned to the democracy of the people.

These are but a few of the activities through which the Interagency Committee, as proposed in my legislation, will serve to assist the Spanish-surnamed community. Basically, the Committee will not be a program agency in that

it will not, itself, fund programs. Instead, it will act as a community advocate. Its constituency will be nationwide—wherever there are Spanish-speaking Americans—and its scope will be sufficiently broad to cover the problem areas in more than a piecemeal fashion. So often, in our Government, we have found that the right hand does not know what the left hand is doing simply because of the division of efforts necessitated by our size. And so often the very people who are in greatest need of information and attention are the very ones who are bewildered by the vastness of our bureaucracy, our economy, and our society.

We need not, and cannot, await a national crisis to prod us into completion of a job barely begun. Within the next few years we should eradicate all traces of the institutionalized discriminatory practices which still work to exclude the Spanish-surnamed American from skilled and white collar positions and which still hamper his advancement. Once the lines of communication are open between the Spanish-surnamed community and American employers, the community will naturally and easily find its way to all levels and manners of employment.

The most basic demand being made of our economy—and perhaps our greatest test—lies in making capitalism really work for all citizens. This is the nuts and bolts of the problem we confront. One southwestern professor of economics, accused of radical thinking, stated that he considered the free enterprise system the best one possible—so much so that he thought everyone should have a share in it.

We still have opportunity to prove that the free market economy and our whole system of Government can work for everyone, regardless of historical or ethnic origin. By the end of this century, this Nation must bring full economic participation to the Mexican-American community as well as to other underdeveloped groups of American citizens.

The establishment of an advocate Committee to aid in the uplifting of the Spanish-surnamed American is, I firmly believe, one of the tools we must utilize in this grand effort. I sincerely hope the Congress will act quickly upon this measure to insure the continuance of the Interagency Committee and its work which is not yet completed.

I ask unanimous consent to have the text of the bill printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes, introduced by Mr. MONTANA, for himself and other Senators, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to assure that Fed-

eral programs are reaching all Spanish Americans and providing the assistance they need, and to seek out new programs that may be necessary to handle problems that are unique to the Spanish American community.

Sec. 2. (a) There is hereby established the Interagency Committee on Mexican-American Affairs (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of—
(1) the Secretary of Agriculture;
(2) the Secretary of Commerce;
(3) the Secretary of Labor;
(4) the Secretary of Health, Education, and Welfare;

(5) the Secretary of Housing and Urban Development;
(6) the Secretary of the Treasury;
(7) the Attorney General;
(8) the Director of the Office of Economic Opportunity;

(9) the Administrator of the Small Business Administration;
(10) the Commissioner of the Equal Employment Opportunity Commission most concerned with Mexican-American Affairs; and

(11) such other officers of Federal departments and agencies as may be designated by the President or the chairman of the Committee (hereinafter designated) to serve at the pleasure of the person so designating such officer.

(c) The member referred to in subsection (b) (10) shall serve as chairman of the Committee. The chairman shall designate one of the other Committee members to serve as acting chairman during the absence or disability of the chairman.

Sec. 3. (a) The Committee shall have the following functions:

(1) to advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Spanish-surnamed Americans; and

(2) to advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Spanish-surnamed Americans, and on priorities thereunder.

(b) In carrying out its functions, the Committee may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Spanish-surnamed Americans.

Sec. 4. (a) The Committee is authorized to prescribe rules and regulations as may be necessary to carry out the provisions of this Act.

(b) The Committee shall consult with and coordinate its activities with appropriate Federal departments and agencies and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out its functions.

(c) The Committee is authorized in carrying out its functions to enter into agreements with Federal departments and agencies as appropriate.

Sec. 5. The Committee is authorized to request directly from any Federal department or agency any information it deems necessary to carry out its functions under this Act, and to utilize the services and facilities of such department or agency; and each Federal department or agency is authorized to furnish such information, services, and facilities to the Committee upon request of the chairman to the extent permitted by law and within the limits of available funds.

Sec. 6. (a) The chairman shall appoint and fix the compensation of such personnel as

may be necessary to carry out the functions of the Committee and may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not in excess of the daily equivalent paid for positions under GS-18 of the General Schedule under section 5332 of such title.

(b) Federal departments and agencies, in their discretion, may detail to temporary duty with the Committee such personnel as the chairman may request for carrying out the functions of the Committee, each such detail to be without loss of seniority, pay, or other employee status.

Sec. 7. Nothing in this legislation shall be construed to restrict or infringe upon the authority or any Federal department or agency.

Sec. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the functions of the Committee under this Act, and any funds heretofore made available for expenses of the Interagency Committee on Mexican-American Affairs established by the President's memorandum of June 9, 1967, shall be available for the purposes of this Act.

Sec. 9. The Committee shall, as soon as practicable, after the end of each fiscal year, submit a report to the President and the Congress of its activities for the preceding year, including in such report any recommendations the Committee deems appropriate to accomplish the purposes of this Act.

Mr. MURPHY. Mr. President, I am pleased to join Senator MONTANA in co-authoring this measure which would legislatively establish an Inter-Agency Committee on Mexican-American Affairs. The purposes of the Committee are:

First. To advise Federal departments and agencies regarding appropriate actions to assure that the Federal programs are providing the assistance needed by Spanish-surnamed Americans.

Second. To advise the Federal departments and agencies on the development of comprehensive and coordinated policies, plans and programs focusing on the specific problems of Spanish-surnamed Americans and to establish priorities thereunder.

Third. To mobilize government at all levels and the private sector to identify and attack the specific problems of Spanish-surnamed Americans.

As my colleagues know, the Mexican-American citizens are an important part of my State's population. Their contributions to my State and to the Nation are numerous and significant. In fact, Mexican Americans have contributed to every facet of California's life from Father Serra to the Mexican-American men who today are serving courageously in Vietnam. The last time I had seen statistics on the subject, Mexican-American soldiers had won more medals of honor than any other group. Despite their accomplishments there are problems confronting the Mexican-American community. I have been urging an increased effort to deal with the language problem which often confronts the Mexican-American children in my State to turn the language barrier from a liability to an asset. I coauthored in 1967 the Bilingual Education Act. On Monday of this week I wrote a letter to President Nixon, Secretary Finch, and Bureau of the Budget Director, Mr. Mayo, urging full funding of this program. I ask unani-

mous consent that the copy of the letter that I sent to the President be printed in the RECORD at this point. In addition, the Los Angeles Times, which has been such a strong supporter of this needed program, and in an editorial entitled "Breaking the Language Barrier," urged the full funding of the bilingual program. I ask unanimous consent that this editorial be printed in the RECORD at this point. I also ask unanimous consent that excerpts of my testimony last year before the Senate Appropriations Committee dealing with bilingual program be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR GEORGE MURPHY, REPUBLICAN, OF CALIFORNIA, BEFORE THE SENATE APPROPRIATIONS COMMITTEE

BILINGUAL PROGRAM

The second program I wish to discuss and urge full funding is the Bilingual Education Act of 1967 which was also incorporated in the 1967 amendments to the Elementary and Secondary Education Act. I was pleased to co-author the bill. As the members of the committee probably know, this program was conceived and initiated in the Congress and was enacted over the opposition of the Administration. The program has now been embraced by the Administration, but the level at which funds have been requested indicates that the Administration's endorsement lacks the enthusiasm which the program needs. For, like the dropout prevention program, the program is of little value unless it is given life by adequate appropriations. The House Appropriations Committee also refused to appropriate any funds for this much-needed program.

The magnitude of the problem is evident by the following appalling statistics:

(1) Of 1.6 million Mexican-American children entering the first grade in the five Southwestern States, one million will drop out before they reach the eighth grade. In my own State of California, I understand that 50 per cent of the Mexican-American children drop out by the eighth grade.

(2) Mexican-Americans in the United States have an average grade level of 7.1, compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans. Mr. Chairman, evidence and experience suggest that this need not be. Other countries have confronted the problems of educating bilingual children and some nations such as the United States and certain parts of Africa have insisted that instruction be in the national language only. Many countries have successfully solved the problem by instructing first in the youngsters' mother tongue and as soon as possible, instructing the youngsters in the national language. Last year, Governor Reagan of California signed into law legislation that would permit instruction in Spanish in California's public schools.

It would appear that even Russia has a more enlightened policy than the United States in its approach to the problem. I understand that approximately 50 per cent of the Russian population have a mother tongue other than Russian. In 1938, the Russian Government reversed its insistence that instruction be in Russian and permitted instruction in the mother tongue. As a result I am told there has been a great increase in literacy as well as the use of the Russian language. Similar experiences have occurred in Mexico, the Philippines and in Puerto Rico. In the latter case, the United States at one time insisted that the educational system in Puerto Rico instruct in English, notwithstanding the fact that the mother tongue of the children was Spanish. Mr. Bruce A. Gardner of the Office of Education in testifying

before the Senate Special Subcommittee on Bilingual Education, outlined the experience which was documented in a study by Columbia University that occurred in Puerto Rico as follows:

"The Columbia University researchers, explaining the astonishing fact that these elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted,' beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusion, one with extraordinary implications for us here . . .

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no reading problems, as we know them, among school children in Spanish-speaking countries."

A Florida effort points not only to substantiation of the Puerto Rico experience, but also to its expansion. In 1963, public schools in Dade County, Florida, embarked on a model bilingual education program. Although final statistical data is not available, preliminary reports are most encouraging. Perhaps even more significant are the results regarding the English-speaking children in the bilingual program. Amazingly, these English-speaking children are doing better in English than their counterparts who were instructed in English. Not only does the bilingual program have the potential and promise of successfully attacking education problems of youngsters whose mother tongue is other than English, but, apparently, if the Florida Study is correct, the "implications for education are extraordinary."

Mr. Chairman, I recognize the fiscal limitation under which we are laboring, but I urge you to see that these two important programs which will lay the groundwork for exciting breakthroughs in education be permitted to move ahead. Society can afford to do no less.

BREAKING THE LANGUAGE BARRIER

Issue: Will Congress this year again fail to provide sufficient financial support for bilingual teaching programs in U.S. schools?

Congress in 1967 finally decided to help break down the language barrier that so limits the educational opportunities for non-English speaking students.

To date, however, appropriations have fallen far short of the \$30 million authorized for bilingual education programs. The \$7.5 million thus far allocated has not made much of a dent in the barrier.

Millions of Mexican-American youngsters have dropped out of school simply because they couldn't understand their teachers. Half of all Mexican-American students in California schools get no farther than the eighth grade according to Sen. George Murphy (R-Calif.), one of the sponsors of the bilingual teaching bill.

The Times urges Congress not only to appropriate the full amount authorized but also to consider voting additional funds to assist these educationally deprived children.

Lack of instruction in their native tongue is a major factor in the average grade level of 7.1 for Mexican-Americans, as compared to 9.0 for Negroes and 12.1 for Anglo-Americans.

Los Angeles schools have been making an increasing effort at bilingual teaching, with almost all the money coming out of local and state funds. Instruction in Spanish is now given to more than 5,000 students in city schools, mostly at the secondary level. But money is not the only problem.

The number of Spanish-speaking teachers is far less than the demand, a problem that

the Ford Foundation will try to solve with a \$325,000 grant for language training program in education schools.

Resistance to bilingual teaching also has been noted among some principals and administrators, although such programs have been officially endorsed by school districts. The answer is more and better bilingual teaching. Although additional funds will be required, the cost will be minor in comparison to the high price society pays for every dropout.

LETTER TO PRESIDENT NIXON FROM SENATOR GEORGE MURPHY

DEAR MR. PRESIDENT: I want to call your attention to and urge your support for full funding of the Bilingual Education Act.

"The critical need for this program is evident by the following appalling statistics: (1) Of the 1.6 million Mexican-American children entering the first grade in the five southwestern states, one million will drop out before they reach the eighth grade. (2) Mexican-Americans in the United States have an average grade level of 7.1 compared to a grade level of 9.0 for Negroes and 12.1 for Anglo-Americans.

In my own state of California, I understand that fifty percent of the Mexican-American children drop out by the eighth grade. Yet, evidence and experience suggest that this need not be. Many countries of the world have successfully solved the problem by instructing first in the youngster's mother tongue and as soon as possible instructing the youngster in the national tongue.

California is moving to attack this serious problem and to reverse the above appalling statistics. In 1967, Governor Reagan signed into law needed and enlightened legislation that permits instruction in Spanish in California's public schools.

Since the enactment of the Bilingual Education Act in 1967, which incidentally was conceived and initiated by the Congress over the opposition of the former Administration, there has been the greatest of interest in California in the promise and potential of the program. Last year, the Johnson Administration gave token endorsement to the program requesting only ten million dollars of the thirty million authorized. The House of Representatives failed to appropriate a single cent. Thereafter, I personally pleaded with the Senate Appropriations Committee to reverse the shortsighted action of the House and to fund the program. As a result, the Senate Appropriations Committee provided ten million dollars and we were able to hold 7.5 million dollars in conference.

Because of the critical nature of the problem, I urge your Administration to enthusiastically get behind the Bilingual Education Program and support its full funding. As a co-author of the Bilingual Education Act, I am confident that such an investment and such an endorsement by the Administration will be wise for the nation and will make a significant difference in the lives of many children.

S. 741—INTRODUCTION OF BILL TO AUTHORIZE THE ADDITION OF CERTAIN FEDERAL RECLAMATION PROJECTS IN THE PACIFIC NORTHWEST TO PARTICIPATE IN ASSISTANCE FROM THE FEDERAL COLUMBIA RIVER POWER SYSTEM

MR. JACKSON. Mr. President, on behalf of myself and a number of colleagues, I introduce, for appropriate reference, a bill to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes.

This bill, previously designated as S. 3689, was introduced late in the second session of the 90th Congress. The measure was referred to the Committee on Interior and Insular Affairs, but further action before an adjournment was not possible.

The act of June 14, 1966 (80 Stat. 200) included a provision that reclamation projects authorized after the passage of the act might receive repayment assistance from net revenues derived from the marketing of commercial power through the Federal Columbia River power system. This repayment assistance returns to the Treasury the portion of the costs allocated to the irrigation purposes of a project which are in excess of the repayment ability of the irrigation water users.

There are a number of older irrigation projects existing in the Pacific Northwest which were authorized and constructed many years before repayment assistance from power revenues was being made available. It was originally anticipated that the irrigators would be able to repay the project costs within the customary repayment periods.

For a variety of reasons, chiefly the impact of the depression of the early 1930's, the repayment schedules could not be realized. The water users are now making payments to the extent of their ability, but the repayment contracts have been amended to extend the repayment periods beyond the 50-year period which is usual.

The bill which I am introducing today would make repayment assistance from the Federal Columbia River power system available to these older projects. If this is done, the repayment contracts can be amended to 50-year terms which will place these projects on a par with the newer projects which are being authorized under current policies.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 741) to authorize the addition of certain Federal reclamation projects in the Pacific Northwest to participate in assistance from the Federal Columbia River power system, and for other purposes, introduced by Mr. JACKSON (for himself and other Senators), was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 742—INTRODUCTION OF BILL TO PROVIDE FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF THE KENNEWICK DIVISION EXTENSION, YAKIMA PROJECT, WASHINGTON, AND FOR OTHER PURPOSES

Mr. JACKSON. Mr. President, I introduce, for myself and my colleague, Senator Magnuson, a bill to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, in the State of Washington. This bill is identical to S. 370 which passed the Senate in the 90th Congress. Final action on this measure was not taken in the House prior to adjournment.

The purpose of this measure is to bring 6,300 acres of land in the Kennewick division under irrigation. This would be accomplished through appropriate amendments to the act of June 12, 1948, which authorized the Kennewick division. The act of 1948 authorized the Secretary of the Interior to construct extra capacity in the division's main canal to provide for future irrigation of approximately 7,000 acres. The bill I am introducing would make use of this extra capacity and bring the operating capacity of the division up to full efficiency.

This project has an extremely high benefit-to-cost ratio, in excess of 3.5 to 1.

While the Kennewick division extension is basically an irrigation development which will be especially suitable for the production of specialty crops, there would also be substantial benefits to wildlife resources.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 742) to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the Kennewick division extension, Yakima project, Washington, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON) was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 743—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON, AND FOR OTHER PURPOSES

Mr. JACKSON. Mr. President, I introduce for appropriate reference, on behalf of myself and my colleague, Senator Magnuson, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division of the Walla Walla project in Oregon and Washington. This measure passed the Senate with amendments in the 90th Congress, but no action was taken in the House.

The outstanding adaptability of this project to multiple-use water resource development in the southeast area of the State of Washington, plus the substantial benefits which will accrue to sport and commercial fishing in the Pacific Northwest make it a very desirable project.

Dayton Dam on the Touchet River will be the principal feature of the project. As a result of the control which the dam and reservoir will provide over the presently unpredictable flow of the river, 10,000 acres of prime row crop farmland will be brought under full irrigation. The nearby town of Dayton will receive 1,000 acre-feet per year of municipal and industrial water, and the Walla Walla Basin will enjoy the benefits of a lake ideally suited to the multiple recreation uses of fishing, boating, swimming, picnicking, camping, and waterfowl hunting. The project is badly needed as a flood control measure for the Touchet Valley, which has suffered perennial losses from spring flooding.

Potentially an outstanding salmon stream, the Touchet will provide a restored run of anadromous fish when the waterflow, temperature, and water quality of the stream can be controlled.

The Senate Committee on Interior and Insular Affairs, after full hearings and executive consideration in the last Congress found that the Touchet division is a true multi-purpose project that would advance maximum use of an important water resource, and would benefit both the region and the Nation as a whole. Each feature of the project is physically and economically justifiable, both individually and collectively. The project has the support of all Federal, State, and local agencies, and of the residents of the area directly affected.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 744—INTRODUCTION OF BILL TO PROVIDE FOR BETTER ADMINISTRATION OF THE NATIONAL PARK SERVICE

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to provide for the better administration of the National Park Service and the power marketing programs of the Department of the Interior. Joining me in sponsoring this measure are Senators ANDERSON and MOSS.

Mr. President, this measure will enable the National Park Service to retain sufficient personnel to meet, for the present at least, the growing demands of our people for ready admission to and services in our national parks, outdoor recreation areas and historic sites. Use by the public of such areas requires of course personnel for operation, control, protection, and guidance.

Yet, while more and more persons are using more and more units of our park system more and more often, the Park Service not only cannot engage additional personnel to meet these growing needs, but rather it cannot, under present law, maintain the number of personnel it now has.

So, too, with Interior's electric power marketing agencies. Such agencies include the Bonneville Power Administration, Southeastern Power Administration, Alaska Power Administration, and the Bureau of Reclamation. Our industrial development and expanding population require more and more electric energy. The Department of the Interior's programs have a highly important part in helping meet these needs.

Yet these agencies not only are not permitted to engage additional personnel to meet these growing demands; they cannot retain the number they now have.

This situation is the direct result of the enactment last year of the Revenue and Expenditure Control Act of 1968 under which the executive agencies are not

permitted to engage personnel in excess of the number employed on June 30, 1966. I am not questioning the wisdom, over all, of this law, but I do point out that some of its provisions should be waived with respect to certain agencies which have direct and growing responsibilities to the public.

Precedent for such action already has been established for Federal Aviation Administration Traffic Control Officers, for the Post Office, the FBI, and the CIA.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 744) to provide for better administration of the National Park Service and of the electric power marketing programs of the Department of the Interior, introduced by Mr. JACKSON, (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 745—INTRODUCTION OF BILL RELATING TO CLASS I BASE PLAN FOR THE DAIRY INDUSTRY

Mr. McGOVERN. Mr. President, on behalf of myself and the Senator from Wisconsin (Mr. PROXMIER), I introduce, for appropriate reference, a bill amending the Agricultural Marketing Agreement Act of 1937, as amended. My amendment supersedes the present authority for the class I base plan.

The present authority was first included in the Food and Agriculture Act of 1965. The 1965 amendment was scheduled to expire December 31, 1969, but a 1-year extension was included in the 1968 farm bill, which extended several programs on a temporary basis.

Those familiar with the Federal Milk Marketing Program, who are acquainted with the dairy farmer leadership throughout the United States, are well aware of the immediate need to improve authority for the class I base plan as first enacted in 1965. The Senate Committee on Agriculture and Forestry has given a great deal of consideration to this matter, and I am confident the Committee is in agreement with the amendment proposed in my bill. The House of Representatives also considered need for this legislation and it was incorporated in the House version of the farm bill we passed in 1968. The amendment was not included in the report of the conferees which reconciled the Senate and House versions of their respective farm bills in 1968, but the measure was again considered as separate legislation and was passed by the House of Representatives in the closing days of the 90th session. At the same time, the Senate Committee on Agriculture and Forestry held hearings on the proposed legislation. Unfortunately, time ran out due to adjournment before action could be taken.

My bill amending the Agricultural Marketing Agreement Act of 1937, as amended, deals solely with the distribution of money among dairy farmers, which is paid by handlers for milk received from them under the terms of Federal Milk Marketing Orders. Passage of this legislation would require no expenditure by the Federal Treasury. It

would impose no new regulation on the industry. The authority would be used by producers, that is dairy farmers, and only if approved by two-thirds or more participating in a referendum. I know of no agricultural legislation that received more support among dairy farmers than the class I base plan which first was enacted in 1965. This amendment involved some rather delicate techniques in marketing milk. Regrettably the interpretations made on the provisions of the bill as passed by Congress proved to be much too rigid for the rapid changes taking place in the dairy industry. The authority granted by the 1965 amendment was used in the Puget Sound area of Washington, and nowhere else. Experience in the Puget Sound market has clearly demonstrated the need for the amendments in my bill.

Because of the rigidities in the 1965 amendment, the authority has not been used in other milk marketing areas even though dairy farmers would like to institute class I base plans in many markets throughout the United States. The amendment to the Agricultural Marketing Agreement Act of 1937, as amended, which is in my bill would pave the way for farmers to make a great stride forward, and this should not be denied them for lack of early congressional approval. The amendment included in my bill has the full support of dairy cooperatives throughout the United States and of the National Milk Producers Federation. It differs from the authority contained in the 1965 amendment in the following respects:

First. My bill contains no termination date. A termination date of authority provisions in the Federal Milk Marketing Orders is impractical in view of the procedures involved in instituting or amending milk marketing orders. Cooperative associations and dairy farmers are reluctant to develop class I base plans which have longrun effects on farm management practices unless they can be assured that the program will not be abruptly terminated.

Second. My bill would authorize use of "histories of marketings" by dairy farmers, not limited to a single period of time as was provided by the 1965 amendment. The provision in the 1965 amendment is discriminatory against young dairy farmers entering an already costly production enterprise.

Third. My amendment authorizes allocations of milk utilizations among dairy farmers, on the basis of their histories of marketing, and these allocations also would be subject to periodic adjustment. The 1965 amendment provides for allocating fluid milk utilization among dairy farmers for the same fixed period of time as was used for determining their histories of marketings. Under present authority, all market growth is set aside for new producers and the alleviation of hardship and inequity among producers before any market growth can accrue to the benefit of established producers. This provision provides hardship both to new producers and to established producers. New producers may receive allocations of fluid milk, month by month, within the range of

zero to 100 percent depending upon the amount of market growth and the amount of milk delivered by new producers. Under these conditions new producers cannot make firm plans with any assurances of participation in the fluid milk sales of a market except through purchase of base from a producer discontinuing milk production or who may choose to reduce the size of his dairy herd.

Under the present authority established producers have no claim on fluid milk utilization resulting from market growth until after allocations are made to new producers. The established producers complain bitterly that this is unfair in light of the tremendous expenditures regularly made by established producers for the sole purpose of stimulating increased milk consumption through promotion activities and educational programs.

Fourth. My bill would permit reductions in histories of marketing and of fluid milk allocations to producers who fail to deliver their allocations of fluid milk utilization in a prior period of time. Such adjustment is precluded by the 1965 amendment. Dairy farmers, and particularly in those areas of the United States where milk production closely parallels the fluid milk requirements of a market, insist that a dairy farmer who receives price assurances through the class I base plan must be obligated to deliver his share of the requirements, in the interests of maintaining an orderly market.

Fifth. My bill provides authority wherein Federal orders can include rules under which a new producer may obtain a base and thereafter participate in the market—in the same market as established producers. The 1965 amendment precludes regular participation in a market by a new producer unless he acquires a base by purchase. This, as mentioned, is an extreme hardship for young farmers entering the business.

Sixth. My bill also provides specific authorization for adjusting prices to farmers on a seasonal basis. This is additional to authority for base plans and is used in several orders as a means of encouraging delivery of milk during the time of year when production costs are highest or when fluid milk requirements for consumers are at their highest level, and to discourage production at that time of year when milk production is normally in surplus. In years past adjustments in prices to producers were made through seasonal changes in prices charged handlers for class I fluid milk. The present intermarket movement of milk is now in such provisions that the seasonal adjustment in prices charged handlers is no longer a practical answer to the problem.

Seventh. My bill provides for individual voting by dairy farmers in referendums on class I base plans, but reinstates the representative voting by cooperative associations on behalf of their members with respect to base plans which do not reflect the utilization of milk and with respect to seasonal price adjustment plans.

It is imperative that this bill be given early attention by the Congress. Farmers in many markets are anxious to develop improved methods for adjusting prices among dairy farmers—producers—for the purpose of encouraging deliveries of milk consistent with the requirements of the markets. They can make no progress until such authority is approved. The Department of Agriculture has given a great deal of attention to this matter, and I am confident the new Secretary of Agriculture will support the amendment as did the former Secretary.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 745) to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes, introduced by Mr. McGOVERN (for himself and Mr. PROXMIER), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

SENATE JOINT RESOLUTION 35— INTRODUCTION OF JOINT RESOLUTION APPOINTING THOMAS J. WATSON, JR., AS CITIZEN REGENT, BOARD OF REGENTS, SMITHSONIAN INSTITUTION

Mr. ANDERSON. Mr. President, on behalf of myself, Senator FULBRIGHT, and Senator SCOTT, I introduce, for appropriate reference, a joint resolution providing for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

I am attaching to the bill a biographical sketch of Mr. Watson and ask unanimous consent to have this and the joint resolution printed in the RECORD at this point.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and biographical sketch will be printed in the RECORD.

The joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution, introduced by Mr. ANDERSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the RECORD, as follows:

S. J. RES. 35

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the appointment of Thomas J. Watson, Junior, a resident of Connecticut, in place of Jerome C. Hunsaker, resigned, for the statutory term of six years.

The biographical sketch, presented by Mr. ANDERSON, is as follows:

THOMAS J. WATSON, JR.

Watson, Thomas J., Jr., corp. exec.; b. Dayton, O., Jan. 8, 1914; s. Thomas J. and Jeannette (Kitttridge) W.; grad. Brown U., 1937; m. Olive Field Cawley, Dec. 15, 1941; children—Thomas J. III, Jeannette, Olive, Lucinda, Susan, Helen. With Internat. Bus. Machines Corp., 1937–40, 46–, pres., 1952–61, dir., chmn., 1961–; dir. Bankers Trust Trustee Rockefeller Found.; mem. corp. Brown U.; director Am. Mus. Natural History, Air Force Aid Society, Eisenhower Exchange Fellowship California Institute Tech. Pres. of the National Council of Boy Scouts America, 1964–. Served with USAF, 1940–45; disch. rank lt. col.; sr. pilot. Member of International Chamber of Commerce (trustee U.S. council), Council Foreign Relations, Pilgrims of U.S., Newcomen Soc., Psi Upsilon, Episcopalian, Clubs: Hemisphere, N.Y. Yacht, Sales Executives, Links, Economic, Explorers (N. Y. C.); Indian Harbor Yacht, Round Hill (Greenwich). Home: Meadowcroft Lane, Greenwich, Conn. Office: Old Orchard Rd., Armonk, N.Y. 10504.

ADDITIONAL COSPONSORS OF JOINT RESOLUTIONS

Mr. BROOKE. I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania (Mr. SCOTT) and the Senator from New York (Mr. JAVITS) be added as cosponsors of Senate Joint Resolution 14, designating January 15 of each year as "Martin Luther King Day."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, on January 15, 1969, I introduced Senate Joint Resolution 6, a constitutional amendment dealing with prayer in public buildings. In addition to the cosponsors listed thereon, plus the 11 additional names of Senators added by unanimous consent on January 21, I ask unanimous consent that at the next printing the additional name of the Senator from Hawaii (Mr. FONG) be added as cosponsor on this joint resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. JAVITS. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania (Mr. SCHWEIKER) may be added as a cosponsor of the resolution (S. Res. 36), for installation and operation of suitable electrical public address systems in the Senate Chamber.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. BROOKE. Mr. President, I ask unanimous consent that, at its next printing, the names of the distinguished senior Senator from Hawaii (Mr. FONG), the distinguished senior Senator from Connecticut (Mr. DONN), the distinguished junior Senator from North Dakota (Mr. BURDICK), and the distinguished junior Senator from Vermont (Mr. PROUTY) be added as cosponsors of the concurrent resolution (S. Con. Res. 3) relating to the furnishing of relief assistance to persons affected by the Nigerian civil war.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 66—RESOLUTION TO CONTINUE FOR 1 YEAR THE EXISTING AUTHORITY FOR THE COMMITTEE ON FINANCE TO EMPLOY SIX ADDITIONAL CLERICAL EMPLOYEES—REPORT OF A COMMITTEE

Mr. LONG, from the Committee on Finance, reported the following original resolution (S. Res. 66); which was referred to the Committee on Rules and Administration:

S. RES. 66

Resolved, That the Committee on Finance is authorized from February 1, 1969, to January 31, 1970, to employ six additional clerical assistants, to be paid from the contingent fund of the Senate at rates of compensation to be fixed by the chairman in accordance with the provisions of Public Law 90-57, approved July 28, 1967, as amended.

SENATE RESOLUTION 67—RESOLUTION PROVIDING FOR ACQUIRING A MARBLE BUST OF CARL HAYDEN AND PLACING SUCH BUST WITHIN THE SENATE WING OF THE CAPITOL OR ANY OF THE SENATE OFFICE BUILDINGS

Mr. GOLDWATER (for himself and Mr. FANNIN) submitted the following resolution (S. Res. 67); which was referred to the Committee on Rules and Administration:

S. RES. 67

Resolved, That the Commission on Arts and Antiquities of the United States Senate (hereinafter referred to as the "Commission") is authorized and directed to provide for the design and sculpture of a marble bust of Carl Hayden. The Commission is further authorized and directed, subject to the provisions of Senate Resolution numbered 382 of the 90th Congress, adopted October 1, 1968, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

Sec. 2. Expenses incurred by the Commission in carrying out this resolution, which shall not exceed \$3,000, shall be paid out of the Contingent fund of the Senate on vouchers approved by the Chairman of the Commission.

SENATE RESOLUTION 68—RESOLUTION AUTHORIZING FUNDING OF THE SELECT COMMITTEE ON NUTRITION

Mr. McGOVERN. Mr. President, I submit an original resolution, and ask that it be referred to the Committee on Rules and Administration.

I have also sent to the desk a list of 54 cosponsors of the resolution. I ask unanimous consent that the resolution, together with the list of cosponsors be printed in the CONGRESSIONAL RECORD at this point in my remarks.

The VICE PRESIDENT. The resolution will be received, and, without objection, the resolution and the list will be printed in the RECORD, and the resolution will be referred to the Committee on Rules and Administration, as requested by the Senator from South Dakota.

The resolution and list of cosponsors are as follows:

S. RES. 68

A resolution to continue the Select Committee on Nutrition and Human Needs

Whereas the Senate has voted unanimously to establish a Select Committee on Nutrition and Human Needs to study the food, medical, and other related basic needs among the people of the United States:

Resolved, That the Select Committee on Nutrition and Human Needs as established under Senate resolution 281 is authorized to examine, investigate, and make a complete study of any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health including, but not limited to such matters as (a) the extent and causes of hunger and malnutrition in the United States, including educational, health, welfare, and other matters related to malnutrition; (b) the failure of food programs to reach many citizens who lack adequate quantity of food; (c) the means by which this Nation can bring an adequate supply of nutritious food and other related necessities to every American; (d) the divisions of responsibility and authority within Congress and the executive branch, including appropriate procedures for congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance, and other basic related necessities of life and health; and (e) the degree of additional Federal action desirable in these areas.

Sec. 2. For the purposes of this resolution the committee, from February 1, 1969 to December 31, 1969, inclusive, is authorized: (1) to make such expenditures as it deems advisable; (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,400 than the highest gross rate paid to any other employee; (3) to subpoena witnesses and documents; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

Sec. 3. (a) The next to last sentence of Senate resolution 281 (90th Cong., 2d Sess.) is amended by striking out "and terminate its activities not later than June 30, 1969," and inserting in lieu thereof "on or before June 30, 1969 and December 31, 1969 respectively and terminate its activities not later than December 31, 1969."

(b) The last sentence of Senate resolution 281 (90th Cong., 2d Sess.) is amended by striking out "report" and inserting in lieu thereof "reports".

Sec. 4. Expenses of the committee in carrying out its functions shall not exceed \$250,000 through December 31, 1969, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The list of cosponsors of Senate Resolution 68 is as follows:

Mr. McGovern, Mr. Anderson, Mr. Bayh, Mr. Boggs, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Case, Mr. Church, Mr. Cook, Mr. Cranston, Mr. Dodd, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fong, Mr. Fulbright, Mr. Goodell, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hughes, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Magnuson, Mr. Mansfield,

Mr. Mathias, Mr. McCarthy, Mr. McGee, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Moss, Mr. Murphy, Mr. Muskie, Mr. Nelson, Mr. Pastore, Mr. Pell, Mr. Percy, Mr. Proxmire, Mr. Randolph, Mr. Ribicoff, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Tiedens, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio.

Mr. McGOVERN, Mr. President, the resolution would authorize the select committee to incur expenses through December 31, 1969, in a total amount not to exceed \$250,000. In addition, it would amend Senate Resolution 281, 90th Congress, second session, so that the committee's termination date, July 1, 1969, is extended for an additional 6 months to December 31, 1969.

The select committee was established by the Senate on July 30, 1968. However, it did not receive authority to employ a staff or expend funds until October 4, 1968, when the Senate agreed to an authorized budget of \$25,000 through January 31, 1969.

This limited budget did not enable the select committee to acquire the full complement of professional and clerical staff necessary to begin operations until this month. The committee, however, now is fully staffed and fully operational.

We began hearings on December 17, 1968. Since that time we have held 10 days of hearings. We have not, however, had an opportunity to conduct field hearings and studies or engage in other activities which the committee feels are essential to the fulfillment of its mandate from the Senate.

The extension of the committee's termination date from July 1, 1969, to December 31, 1969, will assure that the select committee has the time necessary to undertake intensive studies in the areas which the Senate has directed it to examine, and will permit the committee to operate at a level of activity necessary to carry out its mandate for the full year originally contemplated when it was established last July and to make its report to the appropriate standing committees of the Senate at the end of this year.

Mr. President, I ask unanimous consent that a memorandum explaining the mandate of the select committee, its activities to date, and the activities which it contemplates undertaking in the future be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ACCOMPANYING SENATE RESOLUTION 68 AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS, JANUARY 27, 1969

The Select Committee on Nutrition and Human Needs has reported Senate Resolution 68 authorizing the Committee to incur expenses through December 31, 1969 not to exceed \$250,000.

The mandate of the Select Committee, as set forth in S. Res. 281, 2nd Session, 90th Congress, is to conduct a complete study of all matters pertaining to the food, medical and other related basic needs among the American people. Matters within the Committee's mandate include:

(a) The extent and causes of hunger and malnutrition in the United States, including educational, health, welfare and other matters related to malnutrition;

(b) The failure of food programs to reach many citizens who lack adequate quantity or quality of food;

(c) The means by which this nation can bring an adequate supply of nutritious food and other related necessities to every American;

(d) The divisions of responsibility and authority within Congress and the Executive Branch, including appropriate procedures for Congressional consideration and oversight of coordinated programs to assure that every resident of the United States has adequate food, medical assistance and other basic related necessities of life and health; and

(e) The degree of additional Federal action desirable in these areas.

ACTIVITIES TO DATE

The Committee was established by the Senate on July 30, 1968. However, it did not receive authority to employ a staff or expend funds until October 4, 1968 when the Senate agreed to an authorized budget of \$25,000 through January 31, 1969.

This authority enabled the Committee to take on a staff director and a secretary which were employed in early November. The Committee was not, however, with its limited budget, able to acquire the additional professional and clerical staff necessary to begin full operations until this month. It now has four professional and four clerical personnel, and it is believed to have acquired the full staff needed to fulfill its mandate.

The Committee began hearings on December 17, 1968. Since that time it has held 10 days of hearings. It has not, however, had an opportunity to conduct field hearings and studies or engage in other activities which it feels are essential to the fulfillment of its mandate from the Senate.

Because the Committee has not been able to become fully operative during the first six months of its one-year duration, and in order to assure that it has the time necessary to undertake intensive studies in the areas outlined below, the accompanying resolution provides for an extension of the Committee's termination date from July 1, 1969 to December 31, 1969. This extension will permit the Committee to operate at a level of activity necessary to carry out its mandate for the full year originally contemplated when it was established last July and to make its report to the appropriate standing committees of the Senate at the end of this year.

ASSISTANCE PROVIDED BY THE LEGISLATIVE REFERENCE SERVICE OF THE LIBRARY OF CONGRESS

The Select Committee has already received major staff assistance from the Legislative Reference Service of the Library of Congress. It will continue to use the facilities and personnel of the Legislative Reference Service as it undertakes the activities set forth in the next section of this memorandum.

Thus far, at the request of the Chairman of the Select Committee the following studies and research projects have already been prepared and submitted to the Committee.

1. "Federal Food Aid Programs" (10 pages): This is a brief summary of the legislative authority for the various Federal food aid programs including a discussion of food aid policy, and the authority contained in the following legislation:

Section 32, Act of August 24, 1935, as amended, and related legislation.

Section 402, Mutual Security Act of 1954, as amended.

Section 6, National School Lunch Act and related legislation.

Section 416, Agricultural Act of 1949, as amended, and related legislation.

Section 407, Agricultural Act of 1949, as amended.

Section 202, Agricultural Act of 1949, as amended.

Section 709, Food and Agriculture Act of 1965.

Section 379c, Agricultural Adjustment Act of 1938.

Section 210, Agricultural Act of 1956 and Act of August 19, 1958, as amended.

Act of July 3, 1956, as amended, and Act of August 17, 1961.

Section 505, Agricultural Act of 1958.

2. "Proposal for Study by the Senate Select Committee on Nutrition and Human Needs" (23 pages): This study proposal was prepared with the guidance of the Committee staff in order to assure that the research expertise of the Legislative Reference Service is available to the Committee as it determines how to carry out its mandate from the Senate. This study includes proposals in connection with the following matters:

(a) Identification of low-income people.
(b) Existing sources of help for the poor including income maintenance, Federal food programs, health and medical services, training and employment services and the interrelationships of programs for the poor.

(c) A section on health and nutrition discussing the need for study of the consequences of food insufficiency, minimum nutritional requirements, reasons for nutritional insufficiency, the detection, diagnosis and correction of malnutrition, nutrition education, nutrition research, food nutrition and the private sector.

(d) Administrative organization alternatives raising issues with respect to the administration of public assistance programs on the State and Federal levels and the administration of food programs including food stamps, school lunch and other food assistance.

3. "Legislative Background of Federal Food Aid Programs" (55 pages): This study has provided the Committee with a complete and detailed legislative history of the following programs:

Section 32, Act of August 24, 1935 and related legislation; Amendments to Section 32.

Section 402, Mutual Security Act of 1954 as amended.

National School Lunch Act and related legislation.

National School Lunch Act.

The Colmer Committee.

Section 416, Agricultural Act of 1949.

Section 416 Amendments.

Special Milk Programs.

Section 709 of the Agricultural Act of 1965.

Food Stamp Program.

The Child Nutrition Act of 1966.

In addition, the Committee staff has requested and received many other studies by the Legislative Reference Service which are generally available to the public.

The Staff of the Select Committee will continue to work very closely with and use the services of the Legislative Reference Service. The LRS will be particularly helpful in pulling together current and past research studies on matters relating to nutrition and basic human needs. Summaries will be prepared by LRS on all available research from time to time as specific requests are made by the Committee.

FUTURE ACTIVITIES

The Committee believes the fulfillment of its mission requires that it have the resources and time necessary to undertake the activities described below.

1. Examination and evaluation of Federal programs

Intensive surveys and analyses of food assistance and other nutrition-related programs and activities of the Federal government are already in the planning stage. These studies will emphasize the Federal, State and local administrative machinery for the delivery of food and related services through the food stamp, commodity distribution, school

lunch, elementary and secondary education, pre-school, health services and other nutrition-related programs. The examination will be undertaken simultaneously on two levels.

First, the Committee expects to conduct field hearings and inspection trips in from six to twelve states. These field investigations will be supplemented by intensive surveys by private consultants designed to evaluate state and local administration of federal programs.

These consultant studies will focus upon a limited number of states and encompass, among other topics an analysis of the source of food and other related services available to the poor; the nature, quality and location of State and local program administration; the relationships among programs and administering agencies; participation levels and certification procedures; local impediments to participation; the extent and nature of the needs among the local population and the extent to which such needs are met and how; and breakdowns between the Federal, State and local administering agencies particularly with respect to the implementation of Federal guidelines, and including differences in perspectives about policies and program intent.

Second, and concurrently, the Committee staff will work closely with the staffs of Federal departments and agencies, including the Departments of Agriculture and Health, Education and Welfare, the Office of Economic Opportunity, and the Bureau of Indian Affairs, and with the Legislative Reference Service of the Library of Congress which will assist the Committee in compiling information and in the conduct of specific research projects. These activities will encompass, among other topics an examination of existing laws, regulations and guidelines with a view toward determination of Federal restrictions on local participation, certification, administration, etc., and the extent to which Federal red tape impedes local administration; an analysis of State plans on file with the Federal agency, the restrictions imposed by States on program participation and administration and Federal sanctions of or impediments to such restrictions; a review of Federal monitoring of local programs, including the extent to which the Federal administering agency does or does not have knowledge necessary to evaluate State and local program administration; comparisons of program participation and characteristics of participants and an evaluation of Federal efforts to assure that particular needs are being met through the provision of the right services. This would include analyses of income levels and other standard of living characteristics of participants, and non-participants, and the extent to which Federal programs are designed and implemented to meet the needs of such persons.

These activities, together with further public hearings in Washington are expected to provide the Committee with evaluative materials which will form the basis of its assessment of present nutrition-related programs.

2. The making and implementation of Federal policy

Related to administrative evaluation studies is a study of policy-making in the Executive and Legislative branches of the Federal government.

This study will encompass such matters as the coordination of and relationships among Federal agencies and programs, including the relationships between foreign and domestic food assistance efforts and between domestic food assistance efforts and the development of space and combat foods, and the use of interagency committees and councils; federal research activities and the use of information gained from research including mechanisms for locating hunger and malnutrition; the setting of program and budget priorities among and for human needs programs; the development of guidelines and regulations

and the implementation of Congressional policy and legislative intent; the pressures and influences on policy-making; the relationships between nutrition, agriculture, welfare and other policies and their implementation.

3. The role of the private sector

The Committee will also assess the present and possible future roles of the food processing industry and other private for-profit and not-for-profit organizations in meeting nutrition and other basic needs, including Federal regulation of and restraints on the private sector. This study would cover the following topics: the fortification of existing foods and development of new foods to meet the nutrition needs of the poor, including existing efforts of the food industry alone and in cooperation with AID and USDA; the packaging, advertising, and marketing of present foods and the effect of food industry practices upon the poor; political and economic restraints upon food manufacturers; Federal regulations affecting food fortification; and the future development of local food processing businesses and agricultural cooperatives and the extent to which such endeavors have and can meet the needs of low income groups.

4. Needs of particular population groups

The Committee will also focus upon the special nutrition-related problems of particular groups of people such as Indians, migrants, Spanish-surnamed Americans, the elderly children and infants and pregnant women. These studies will encompass an evaluation of current programs to meet the needs of such groups and the participation of such groups in general assistance programs. It will also attempt to assess the need for special assistance for such persons.

Each of these areas of study will be undertaken through a combination of staff, consultant, administrative agency and Library of Congress research and through public hearings. Through these efforts, the Committee expects to develop recommendations for a coordinated program or programs to assure that the nutritional needs of our citizens are met.

The accompanying budget for the Select Committee on Nutrition and Human Needs requests a total expenditure authority of \$250,000 for the eleven-month period from February 1, 1969 through December 31, 1969. The Committee believes that this is the minimum that is essential for the support of an adequate staff and for the conduct of the activities described above. The budget does not contemplate an increase in the number of professional or clerical personnel presently employed. It does, however, allow for a substantial sum which the Committee believes necessary to undertake research projects and intensive field surveys under contract with private full and part-time consultants.

Without this requested expenditure authority, and without an extension of the Committee's termination date to December 31, 1969, the Committee does not feel that it can adequately undertake those activities which it considers necessary for the fulfillment of its mandate from the Senate.

Mr. SCOTT, Mr. President, I am co-sponsor of the resolution to extend for 6 months the Select Committee on Nutrition and Human Needs. This select committee was established by unanimous vote and has a mandate to study the problems of hunger and malnutrition. It is also committed to recommending ways to assure that the nutritional needs of all our citizens are met.

The legislation, which was approved in July, provided 1 year for the committee to accomplish this. Operating funds for it were not authorized until October 1968. Therefore, it was mid-December before

hearings could begin. During these past 2 months, the committee has taken testimony from the Secretaries of the Departments of Agriculture and Health, Education, and Welfare. The Office of Economic Opportunity also provided witnesses. Experts have reported on health, medicine, nutrition, and malnutrition, disease, vitamin deficiency, and child welfare.

During my own testimony in support of the creation of the Select Committee on Nutrition and Human Needs, before the Subcommittee on Employment, Manpower, and Poverty, I stated that we would go look throughout America and may very well find it a shocking place, but that we do not intend to leave what we find undisturbed or without change for the better.

Therefore, I wholeheartedly support extending the Committee on Nutrition and Human Needs to December 31, 1969, so that we have sufficient time to take a penetrating look at human needs, and decide on some changes.

Mr. JAVITS. Mr. President, there has been included in the RECORD a resolution for the extension of the Select Committee on Nutrition and Human Needs, and a request which seeks authorization for it, of which I am a cosponsor.

Mr. President, today, Senator GEORGE McGOVERN, chairman of the Select Committee on Nutrition and Human Needs, has introduced a resolution which authorizes that committee to incur expense through December of this year not to exceed \$250,000. As the ranking minority member of this committee, I cosponsor that resolution.

The mandate of the committee, as set forth in Senate Resolution 281, second session, 90th Congress, is to conduct a complete study of all matters relating to the food, medical and other related basic needs among the American people. The original termination date for the committee's study is July 1 of this year. However, the committee was unable to acquire the professional and clerical staff necessary to begin full operations until last month due to a limited budget.

The committee hearings, which began December 17, have produced evidence to a shocking degree that there is, indeed, hunger and malnutrition in the United States which affects millions of our fellow citizens. In order fully to examine the causes and effects of this serious situation, and its relationship to existing Federal food and health programs, the committee needs to conduct field hearings and engage in other activities which are essential to the fulfillment of its Senate mandate.

Testimony before the committee has revealed that, at present, nutrition activities in the Federal Government have led toward neither the effective gathering nor application of knowledge in this area. There has been division of responsibility among congressional committees, with fragmentary coordination and overlapping activities.

We have also learned that, in 41 States, less than 50 percent of the hard-core poor—families of four with less than a \$2,200 annual income—participate in food assistance programs in those areas.

These low participation rates are not adequate to meet basic nutritional needs. In addition, of the over 23 million poverty-level citizens, 14 million are receiving no food assistance.

Mr. President, this alone would give us all cause for grave concern. However, we have seen, through films shown to the committee, and heard, from distinguished witnesses, of the lack of adequate food. Most recently, on January 22, the committee received the preliminary results of the first nutrition survey ever conducted in the United States. Those findings, to say the least, were shocking. Dr. Arnold Schaefer, who is conducting the survey, stated that studies to date clearly indicate that there is malnutrition in our Nation occurring in an unexpectedly large proportion of the survey sample population.

To hear, that, in the wealthiest Nation in the world, there is high vitamin deficiency, growth retardation falling below national average among children, and severe dental problems among children over 10 years old is indeed horrifying. As Dr. Schaefer stated:

It is unreasonable in an affluent society to discover such signs as those seen to date.

Every American should, and must, be concerned, when problems encountered in our Nation's poverty groups seem to be very similar to those encountered in developing nations of the world.

This already morbid situation is made just so much more intolerable, when we realize that it has a most serious effect, and consequences on our millions of children who suffer from malnutrition, hidden hunger and related illnesses, due to lack of an adequate and nutritious diet. Our children are the hope of our Nation. The committee heard testimony today that by the time a child reaches 4 years old, some 90 percent of his brain growth has occurred. It is during this critical period that the brain is most vulnerable to nutrient deficiencies with the likelihood of irreversible changes being produced that remain throughout life.

Of equal concern is the fact that some of the above changes can begin occurring before birth if the mother suffers from vitamin deficiencies. It has been estimated that over 750,000 women a year deliver a child without comprehensive prenatal care. Where such women have severe vitamin deficiencies or related illnesses, the child never has a chance. Mr. President, hunger for food is greater than hunger for knowledge. Who knows how much has already been lost to our country in mental ability and productivity due to the inhibiting mental and physical effects of prolonged malnutrition—both to parent and child?

All of the above data has been revealed in testimony before the Select Committee on Nutrition and Human Needs. Our work is just beginning. We must not only find solutions and answers to the problems and questions concerning hunger and malnutrition; but we must determine how best the resources of the Federal Government through its food and health programs, can be mobilized to find a permanent solution to this shocking problem. Such mobilization must be

in cooperation with local government, the private sector, educational institutions, and voluntary organizations. These, and other methods, will be explored by the committee.

I am gravely concerned about this situation. During the 90th Congress, I authored and introduced an amendment to the agriculture appropriation bill which was offered to eliminate certain restraints on what the Secretary of Agriculture alleged to be a legal disability to use funds which he already had for food programs. Furthermore, in my effort to draw the attention of colleagues to the problem, I arranged two special showings of the CBS documentary, "Hunger in America," for the Members of Congress and their staffs. In addition, I joined in sponsoring Senate Resolution 281, which established the select committee.

Because I believe that food and health needs are related to income support and welfare systems, I plan to introduce legislation providing Federal standards of welfare payments and for increased aid for certain States unable otherwise to meet national standards.

Finally, Mr. President, I have outlined only a few of the many logs that are creating a logjam of malnutrition and are thus holding back the great streams of good health, mental ability, and human productivity from millions of American citizens. With this in mind, I cosponsor Senator McGOVERN's resolution, which will extend the committee's life, to contribute to the objective that hunger and malnutrition will forever be eradicated from our midst.

Mr. WILLIAMS of New Jersey. Mr. President, last week in an address to the Senate, I mentioned the reddened hair which announces death for Biafran children. It is not only Biafran children who suffer this ghastly protein deficiency disease. Recent studies indicate that American children suffer from the same disease and similar outrageous malnutrition. While the condition in Biafra blights our consciences, this condition in the United States blights our sensibilities more deeply. Let us consider those forgotten people who die by inches because of famine.

These people are poor. There are 27 million poor in the United States but 20 million of them are handicapped because they are under 16, over 60, or physically or mentally hampered. These 20 million poor have difficulty obtaining food. Yet only 6 million poor or nearly poor persons participate in family food programs. Many of the hungry are children. Two to four million poor children should get assistance under the national school lunch program but they do not.

While Secretary Freeman made outstanding and meritorious changes to help millions of persons heretofore unhelped, he had indicated that more must still be accomplished. He stated that 9.5 million children now attend schools where meal service is not available and pointed out that these children are the ones who would most benefit from such programs. Over 1 million of these children are potentially eligible for free or reduced price lunches. This means that

a great percentage of these children are hungry. Hungry children cannot be expected to learn.

What happens during lunch to these millions of hungry children? Children can be very cruel. Poor, hungry children without money for food must suffer the indignity of making up excuses to other children for not eating. They must suffer the accusations that they do not have any money for lunch. They must hungrily observe their classmates eat; or savoriously lick the remains of finished classmates' lunches.

Hunger can cause brain damage and retarded growth rates, but let us not forget the damage to the spirit caused by this hunger and poverty. Inferiority feelings as well as physical destruction are the real prices of our inaction. Culture and society tries to harness and inject restraints and values into children's wild energy—restraints considered essential for the mature adult. But we cannot, if we are mature adults deserving the adjective enlightened, permit hunger and malnutrition to continue.

I am cosponsoring the distinguished Senator from South Dakota's resolution because we must know the problem in detail before we can adequately solve it. The resolution would enable us to know the problem. Basic need would be identified. An individual satisfies primary needs before seeking more complex ones such as security, meaning, and fulfillment. Although elaborate psychological theories embellish this view, they only restate what appears obvious to the commonsense. One must have food, shelter, and clothing, the basic necessities by any definition.

This study is a first step toward an understanding of the minimum essentials which an individual in our society requires. The average expenditure for food in the United States is \$1,500. The average migrant laborer only earns \$1,200. Should we be surprised that some people are underfed when they earn less per year than the average person spends on food?

This situation is somewhat like the childhood nonsense game where two people discuss life—What is life? A magazine. How much does it cost? Ten cents. I only have a nickel. That is tough. What is tough? Life. What is life? A magazine, and so forth. Hunger is one of the ways of life for the poor. The dominant society seems to say, eat food to stay healthy, or buy food stamps. The poor ask how much do they cost? The rich say \$1,500. The poor say they only have \$1,200. The dominant society answers that that is tough. What is tough? Poverty, hunger, sickness, ignorance, unemployment—that vicious cycle of basic needs which we really do not know enough about so that the poor can afford life. We are a rich country, we do know. Five years ago there were 151,720 beauty shops. Last year, \$30 billion was spent on war in Asia. Today we are very close to putting a man on the moon. Let us redirect a very small part of our wealth to the understanding of the hunger and needs of the infant, the pregnant mother, and the migrant laborer. Let us not

overlook the lonely aged person or the forgotten transient. Let us consider the needs of all our citizens before hope is starved and trust vanished.

Mr. RANDOLPH. Mr. President, I am privileged to cosponsor the Senate resolution requesting extension of the Select Committee on Nutrition and Human Needs through December 31, 1969, and requesting \$250,000 for its operations during this period.

Last July the Senate unanimously voted for the establishment of this select committee. This was a significant step in the effort to better identify and analyze the problems of hunger and malnutrition. However, the committee was not authorized to expend funds and employ staff until October, and its spending authority was severely limited. It is essential that the committee continue its vital work and complete its mission.

There is no doubt that hunger and malnutrition exist too prevalently in this country; clear evidence confirms this. However, the extent of the problem has caused considerable controversy in recent months. It is my feeling that the committee's proposed field hearings and inspection trips will be meaningful in resolving this controversy and in bringing about a coordination of existing food programs. I will urge and support adequate funding of these endeavors.

Surveys indicate that many of our schoolchildren are slow learners—suffering a degree of mental retardation from inadequate nutrition. Others suffer from vitamin deficiencies and stunted growth. The U.S. Public Health Service is conducting an extensive survey to determine the extent, causes, and effects of hunger and malnutrition. Last week the select committee received a preliminary report of this survey from the Chief of Nutrition at the U.S. Center for Control of Chronic Diseases. The findings seem to reinforce those of previous studies concerning the prevalence of physical and mental retardation, disease, and deformity.

It has been estimated that millions of Americans suffer from the effects of malnutrition. This is shameful in our land of prosperity and advanced technology. We are aware of the Federal and State programs to provide food for low-income families. However, this has not been adequate. One of the aims of the select committee is to determine where there have been failures and to recommend corrective action.

SENATE RESOLUTION 69—RESOLUTION TO MAKE PUBLIC CERTAIN RECORDS OF PROCEEDINGS OF SENATE TAKEN IN EXECUTIVE SESSION IN 1898

Mr. KENNEDY submitted a resolution (S. Res. 69) to make public certain records of proceedings of the Senate taken in executive session in 1898, which was considered and agreed to.

(See the above resolution printed in full when submitted by Mr. KENNEDY, which appears under a separate heading.)

SENATE RESOLUTION 70—RESOLUTION TO PAY A GRATUITY TO LULA M. TOWLES—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 70); which was placed on the calendar:

S. RES. 70

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lula M. Towles, widow of George A. Towles, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 71—RESOLUTION TO PAY A GRATUITY TO LOUIS C. STREETS—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 71); which was placed on the calendar:

S. RES. 71

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Louis C. Streets, widower of Clementine E. Streets, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 72—RESOLUTION TO PAY A GRATUITY TO ELEANOR S. WHELAN—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 72); which was placed on the calendar:

S. RES. 72

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Eleanor S. Whelan, sister of Joseph M. Whelan, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 73—RESOLUTION AUTHORIZING THE PRINTING OF THE 69TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT—REPORT OF A COMMITTEE (S. REPT. NO. 5)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S.

Res. 73), and submitted a report thereon, which report was ordered to be printed and the resolution was placed on the calendar, as follows:

S. RES. 73

Resolved, That the sixty-ninth annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1966, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 74—RESOLUTION PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 74); which was placed on the calendar:

S. RES. 74

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mr. Jordan, of North Carolina; Mr. Allen, of Alabama; and Mr. Scott, of Pennsylvania.

Joint Committee of Congress on the Library: Mr. Jordan, of North Carolina; Mr. Pell, of Rhode Island; Mr. Cannon, of Nevada; Mr. Cooper, of Kentucky; and Mr. Thurmond, of South Carolina.

SENATE RESOLUTION 75—RESOLUTION AUTHORIZING THE REVISION AND PRINTING OF THE SENATE MANUAL FOR USE DURING THE 91ST CONGRESS—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 75); which was placed on the calendar:

S. RES. 75

Resolved, That the Committee on Rules and Administration be, and it is hereby directed to prepare a revised edition of the Senate Rules and Manual for the use of the Ninety-first Congress, that said Rules and Manual shall be printed as a Senate document, and that two thousand additional copies shall be printed and bound, of which one thousand copies shall be for the use of the Senate, five hundred and fifty copies shall be for the use of the Committee on Rules and Administration, and the remaining four hundred and fifty copies shall be bound in full morocco and tagged as to contents and delivered as may be directed by the committee.

SENATE RESOLUTION 76—RESOLUTION TO CONTINUE THE SPECIAL COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey submitted the following resolution (S. Res. 76); which was referred to the Committee on Rules and Administration:

S. RES. 76

Resolved, That the Special Committee on Aging, established by Senate Resolution 33, Eighty-seventh Congress, agreed to on February 13, 1961, as amended and supplemented, is hereby extended through January 31, 1970.

Sec. 2. It shall be the duty of such com-

mittee to make a full and complete study and investigation of any and all matters pertaining to problems and opportunities of older people, including but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

Sec. 3. The said committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

Sec. 4. A majority of the members of the committee or any subcommittee thereof shall constitute a quorum for the transaction of business, except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of taking sworn testimony.

Sec. 5. For purposes of this resolution, the committee is authorized (1) to employ on a temporary basis from February 1, 1969, through January 31, 1970, such technical, clerical, or other assistants, experts, and consultants as it deems advisable: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than \$2,400 than the highest gross rate paid to any other employee; and (2) with the prior consent of the executive department or agency concerned and the Committee on Rules and Administration, to employ on a reimbursable basis such executive branch personnel as it deems advisable.

Sec. 6. The expenses of the committee, which shall not exceed \$214,000 from February 1, 1969, through January 31, 1970, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Sec. 7. The committee shall report the results of its study and investigation, together with such recommendations as it may deem advisable, to the Senate at the earliest practicable date, but not later than January 31, 1970. The committee shall cease to exist at the close of business on January 31, 1970.

FEES FOR GRAZING LIVESTOCK ON PUBLIC LANDS

Mr. CANNON. Mr. President, in the face of urgent pleas and dire warnings of disaster for the livestock industry in the West, the Bureau of Land Management and the Forest Service have decided to raise livestock grazing fees on public lands.

I feel this is a terrible mistake, as these increases will hurt an industry that is in poor economic shape even now.

I am calling upon the new administration to rescind the order at this time, and to wait until the Public Land Law Review Commission completes its report to the American people in 1970, before further action is taken on grazing fees.

I ask unanimous consent that a few of the many letters I have received from Nevada livestockmen pointing up the problem be printed at this point in the Record.

There being no objection, the letters

were ordered to be printed in the RECORD, as follows:

MCGILL, NEV.

DEAR SENATOR CANNON: I'm a cattle rancher in eastern Nevada and I would like you to lodge an official protest with Secretary Orville Freeman and Secretary Stewart Udall against this proposed grazing fee increase and their proposal to change the present fee formula based on the price of livestock.

I would like the Public Land Law Review Commission to complete its report before any changes are made.

We are caught in a cost-price squeeze and according to a study made by the Department of Agriculture Statistical Reporting Service we are receiving only a 2% return on our investment.

If we are burdened with new fee increases it will mean financial disaster for a lot of us. The Bureau of Land Management under the Taylor Grazing Act of 1934 was intended to stabilize the livestock industry and not as a revenue measure.

Please do what you can to keep the present fee formula based on the price of livestock which is the only fair way. The price of cattle has remained about the same for the last 15 to 20 years yet we have had ever increasing operating costs.

It seems only fair that the grazing fees remain the same as the market value of the livestock.

The livestock industry and other industries directly dependent on them need your help. Thank you.

Yours truly,

JOHN C. PESCIO.

CARLIN, NEV.,
January 2, 1969.

Hon. HOWARD CANNON,
Senate Office Building,
Washington, D.C.

DEAR SIR: Thank you very much for supporting the livestock industry in its struggle against the proposed grazing fee hike.

The cost-price squeeze is so great now that even a small increase would jeopardize our livelihood.

None of us wants to give up our business, but many would be forced to do just that if this increase in fees goes into effect.

Please continue to do all in your power to stop this devastating proposal.

Sincerely,

Mr. and Mrs. TONY SESTANOVICH.

JIGGS, NEV.,
January 4, 1969.

Hon. HOWARD W. CANNON,
Senate Chambers,
Washington, D.C.

DEAR SENATOR: Thank you for the support you have given the livestock people in opposing the raise in grazing fees. We do feel this raise is premature inasmuch as the fee study is not complete.

Unfortunately the general public is unaware of the tremendous investment many people have in the public lands in the way of fencing, reseeding, developing water and general conservation practices. The fee is actually a very small part of what livestock people pay to use and improve the lands for the generations to come.

We are pleased to have the understanding of our representatives in Washington.

Very truly yours,

BARNES RANCHES, INC.,
By FERN I. BARNES.

ELKO, NEV.,
December 11, 1968.

Senator HOWARD CANNON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: It came as a very big shock to me when I heard of the proposed

increase on grazing fees on both the BLM and the Forest Service land.

This proposed increase amounts to 400%. This increase will put many livestock people out of business as the Public Domain Forage and carrying capacity is not anywhere near this amount of money.

I strongly am opposed to this and do not believe it is right for the people in the livestock industry to continue to be asked to pay an increase in grazing fees.

We are well aware as to the original intent of the Taylor Grazing Act and we strongly urge the use of the original policy where the Grazing Act was figured on the price of the livestock.

Sincerely yours,

ALEX HEGUY & SONS,
JOE W. HEGUY.

RENO, NEV.,
December 13, 1968.

Senator HOWARD W. CANNON,
U.S. Senate,
Washington, D.C.

Regarding increases of Bureau of Land Management rates in Nevada we believe that Nevada livestock producers can not economically afford the proposed increases if the necessity of increases arises from the increased budget required by BLM staff. We urge that you introduce legislation cutting the size of the BLM staff. Please keep us advised of the status of this matter cordially.

STUART B. WEBB,
President, Nevada National
Bank of Commerce.

BLUE EAGLE RANCH,
Tonopah, Nev., December 26, 1968.

Senator HOWARD CANNON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CANNON: I received quite a jolt on November 15th when I heard of the proposed grazing fee increase. I am in the process of buying a range cow operation. Judging by past records I figured the ranch could pay for itself and provide a living for my family and myself. If this becomes law, everything that we have put into this outfit will be lost.

We graze our cattle on very poor range at its best. There is no way the Department of Agriculture Statistical Reporting Service could compare the cost or return of operating on this type range to that privately owned. As if this isn't enough, they propose to change the grazing fee formula leaving the door open for as many increases as it takes to bring grazing on public lands to an end.

I certainly appreciate the fine work you have done in the past. Once again we need your help now. I hope you will lodge an official protest with the Secretary of Agriculture and the Secretary of Interior in our behalf.

Thank you very much.
Sincerely,

CARL J. HANKS.

ELKO CHAMBER OF COMMERCE,
Elko, Nev., December 12, 1968.

HON. HOWARD CANNON,
U.S. Senate Building,
Washington, D.C.

DEAR SENATOR CANNON: On February 2, 1968 we wrote you regarding the grazing fee formula change proposed by the U.S. Forest Service. Due to the late action of the Forest Service and Bureau of Land Management in changing this fee structure we again urge that you do everything in your power to forestall any action until the Land Law Review Commission has completed its study and presented its case to Congress. The impact of the proposed changes on the ranchers, businesses and local economy is quite obvious and of vital concern to everyone in Elko County.

Respectfully yours,

DR. JOHN H. MARTIN, JR.,
Vice President.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF NATO MEDITERRANEAN FLEET AND DISCUSSION OF MARITIME CONTINGENCY FORCE FOR THE ATLANTIC

Mr. SPONG. Mr. President, Soviet seapower has reached a formidable stage. Today, the Soviet Union operates the largest submarine fleet in the world and the foremost fishing fleet. Its oceanographic research vessels outnumber all the other oceanographic research vessels throughout the world. And, its merchant marine fleet contains a greater percentage of modern ships than the similar fleets of the Western nations.

Because of the totalitarian nature of the Soviet Government, the vessels generally associated with civilian activities can easily be converted to military use; and the entire maritime operation can be engaged for military and political purposes.

Overall, the strength of the U.S. Navy is unsurpassed. But, the Soviet naval advances represent new and growing challenges.

In responding to these challenges, two recent developments within the North Atlantic Treaty Organization can prove of great significance. These are establishment of a NATO Mediterranean fleet and discussion of a maritime contingency force for the Atlantic.

First, the Mediterranean fleet.

The NATO Defense Ministers, who met January 16, 1969, in Brussels, agreed to establishment of a limited multinational fleet for the Mediterranean. The fleet, as envisioned by the Defense Ministers, would operate much as the Matchmaker Squadron did in the Atlantic prior to the creation of Stanavforlant, the permanent NATO naval fleet for the Atlantic. It would come together periodically for exercises and maneuvers, which would symbolize the unity of NATO and its determination to deter aggression. The force would be strictly defensive in nature, designed not to threaten any nation, but to help secure all Mediterranean nations and to serve as a warning to any would-be aggressor. Initially, Greece, Turkey, Italy, Great Britain, and the United States would probably participate in the Mediterranean fleet.

Although creation of a continuously existing force along the lines of Stanavforlant would be preferable, I am pleased with this development. On April 22, 1968, after visiting Stanavforlant, I endorsed the idea of a comparable Mediterranean fleet, citing the Soviet naval buildup in the area and the need for a symbol of NATO political and military solidarity.

Since that time, the Soviet Union has

withdrawn a number of her vessels from the Mediterranean Basin. Her potential for returning them nevertheless remains, and this means the United States and NATO cannot relax vigilance. The Mediterranean fleet to be created can well serve as an indication that vigilance will not be relaxed.

We go only so far in establishing the force at this point because of a number of problems—both internal and external. Within the alliance, there are political questions which account for the reluctance of some members to participate; there are economic limitations on others, and there are rivalries among certain of the NATO members which could disrupt the fleet. Externally, there are fears among some members that such a force might involve all NATO members in an unwanted or undesirable situation. Certainly, this possibility exists. But a similar pitfall surrounds most military operations—both offensive and defensive—demanding that we avoid the lure of hasty, unwarranted action and internal bickering. And, not to create the force denies a means of expanding cooperation in NATO, of shoring up the alliance's southern flank, and of deterring aggression in one of the world's busiest waterways.

Second, officials at NATO's Atlantic headquarters in Norfolk, Va.—Saclant—have been working on defense plans for the North Atlantic which would include use of what has been referred to as a NATO maritime contingency force. Earlier today, diplomatic sources in Brussels confirmed agreement on plans for such a force.

Although it is premature to discuss actual details of the contingency force, reports have suggested that as many as 50 vessels might be trained for rapid assembly and deployment should a crisis arise in the North Atlantic. Such a fleet would undoubtedly serve as another means of elevating the Western naval position. I would also like to note that Saclant is particularly qualified to develop plans for the contingency fleet; first, because primary responsibility for NATO activities in the Atlantic rests here and, second, because of Saclant's experience with Stanavforlant.

Both the Mediterranean fleet and the contingency force concept represent the multinational approach in our defense efforts—an approach preferable to the unilateral one, both from an economic and political standpoint. Such an approach has an appeal the advantage of which should not be underestimated. For these reasons I believe both the Mediterranean fleet and a NATO maritime contingency force could be valuable additions to NATO and Western naval operations.

EXECUTIVE PROCEEDINGS OF THE SENATE IN 1898 MADE PUBLIC

Mr. KENNEDY. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 69

Resolved, That any records of the proceedings of the executive sessions of the Senate for April 25, May 18, and May 31, 1898 (see references in Congressional Record, 55th Congress, second session, volume 31, part 5, pages 4244, 4994, and 5352) now in the custody of the National Archives, be made available to the public for examination.

THE PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 69) was considered and agreed to.

GRANT TO ILLINOIS CENTRAL QUESTIONED

MR. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the *RECORD* a copy of a telegram I sent to Hon. John A. Volpe, Secretary of Transportation, in connection with the \$25 million grant to the Illinois Central.

There being no objection, the telegram was ordered to be printed in the *RECORD*, as follows:

January 25, 1969.

HON. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.:

The twenty-five million-dollar grant to Illinois Central at same time they were negotiating a \$95,000 position for Allan Boyd, the Director of Transportation, raises serious questions of propriety. Strongly recommend that this grant be held up pending thorough investigation.

JOHN J. WILLIAMS,
U.S. Senator.

MR. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

MR. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

U.S.S. "PUEBLO"

MR. STENNIS. Mr. President, the Navy is now conducting a court of inquiry into the loss of the *Pueblo*. The duty of this court of inquiry is to determine the facts of the incident as they pertain to the Navy, and on the basis of those facts, to recommend to the Chief of Naval Operations what action should be taken. The court of inquiry is not a trial court, but a proceeding more in the nature of a grand jury.

The court of inquiry may, depending upon the facts, recommend several actions ranging from commendation to court-martial. It has been reported by the press that one of the matters being considered by the court of inquiry is whether or not any Navy personnel, particularly the commander of the U.S.S. *Pueblo*, violated Navy orders or were derelict in their duty to the extent that the disobedience of orders, or the dereliction of duty, permitted the ship to be taken by hostile forces.

Without commenting on the merits of the case as to that question, or as to any

question that the Navy inquiry relates to, I point out that a Navy court of inquiry has the authority to take testimony on a question of that kind and to make findings on it. In fact, it is its duty.

However, the fact that such testimony is taken on that question does not imply that any person is guilty or even accused of a wrongful act.

It is my understanding that the authority of the Navy court of inquiry is limited to an examination of only the aspects of the *Pueblo* case as are wholly within the jurisdiction of the Navy. I assume the Navy officers in charge convened the court of inquiry because they believed it to be the proper procedure. This is their prerogative and responsibility. They are acting through a sense of duty, I feel sure.

However, after studying all the information material to the overall issue, as well as the available facts that pertain just to the Navy, I think it is entirely possible that because its jurisdiction is limited, the Navy court of inquiry will not be able to investigate all phases of the *Pueblo* incident that should be examined.

Not until the full facts are known about all the relevant circumstances that existed, and events which took place before, during, and after the seizure of the *Pueblo*, will it be possible to ascertain the reasons the ship was lost and take protective measures against another such incident.

Although the *Pueblo* is a Navy ship, the responsibility for the policies and conditions under which its officers and men served were shared by other authorities at higher levels in the Department of Defense.

On the basis of facts now being developed, it might be that the Senate Armed Services Committee would find it necessary to determine the facts of the case as to its own responsibility, as well as the Navy and other authorities in the Department of Defense.

Even though we wanted to begin an investigation immediately, it is impractical and virtually impossible to conduct more than one investigation of this incident at a time. Witnesses are required for the Navy hearing now in progress on the west coast. Also, it would not be proper to interfere with the hearing now in progress.

It may be that when the Navy court of inquiry is completed, much of that testimony would be useful in other hearings on the issue.

If, after this Navy court of inquiry is completed, it appears that further investigation is necessary, the Senate Armed Services Committee will proceed.

Should the committee proceed, it will not be limited to the proof before nor the findings by the Navy court.

Whatever action is taken by the committee should be taken as soon as possible after the Navy court of inquiry is completed. I have, therefore, informed the Secretary of Defense that it is likely the Senate Armed Services Committee will desire to make a study of the *Pueblo* incident. I also requested that the witnesses not be transferred or allowed to accept other commitments which would prevent their being readily available.

I want to say with emphasis that, in my opinion, it would be highly impractical—it should not happen—for the committee to proceed now into hearings on the investigation—and that is just the rudimentary part of the study—until after the Navy has completed its inquiry and has made its findings, as I would expect it to do very soon thereafter.

Certainly, I want to say that our committee is not wanting to influence the Navy and its findings as a result of its proceedings, or other conclusions in any way. The Navy has a direct, primary responsibility in the field of its inquiry.

I hope and believe that all the Congress will be patient. I believe all informed people will be patient. I hope the people of the country as a whole will inform themselves as to just what the situation is and await accordingly.

There is no intimation from what I have said here as to what our committee feels about what the Navy should do. I believe in putting responsibility where responsibility belongs. I have no idea what, according to the Navy's standards, its conclusions will be. That is our position. I hope that is clear.

MR. HOLLAND. Mr. President, will the Senator yield?

MR. STENNIS. I yield.

MR. HOLLAND. First, I congratulate heartily the distinguished Senator from Mississippi upon the stand he has taken. It is, of course, right that the Navy court of inquiry should proceed in a deliberate way to fulfill its duty to the Navy, and under the Navy precedents and Navy jurisdiction. I am happy, however, that the Senator, speaking as chairman of the Armed Services Committee of the Senate, has, in effect, given notice to the Defense Department and to the Navy Department that his able committee, which he heads so capably, does stand ready, if it feels conditions justify it, to make a committee inquiry and a senatorial inquiry into this matter at the completion of the hearings now underway.

MR. President, I say this because I think that while the Navy Department must proceed under Navy rules, regulation, precedents, and traditions, the Senate represents the people of the United States. The Senator knows, and every Senator knows, that there is great confusion in the minds of the people of the United States right now about this entire incident. I think it was a salutary thing for the Senator to say, as he has today upon the floor of the Senate, that his committee is watching this matter deliberately and without prejudging of any sort, is holding itself ready, and is giving notice to the Navy authorities and to the authorities of the Defense Department, that, if in its judgment it feels it must go into it after the naval court of inquiry has completed its proceedings, his committee will do just that.

I thank the Senator.

MR. STENNIS. I thank the Senator very much.

I am glad to get the response of the Senator from Florida. I believe his response will be similar to that of almost every Member after Senators really get

into the facts and see this matter in its true perspective.

Let me say to the American people that it is time to be patient about this matter and withhold conclusions, and let these procedures go forth in the regular way. However it comes out, I think the Navy ought to continue to have much responsibility with regard to its officers. If we tried to shift that responsibility and have it another way, we would destroy a great department and a great tradition, the Navy.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. HOLLAND. Mr. President, I am so happy that the Senator has emphasized the matter of public patience and senatorial patience. The Senator from Florida has taken exactly that course to answer the myriad of letters he has received from disturbed citizens, mostly from the State of Florida but some from elsewhere.

I think it is incumbent upon all of us to allow the naval court of inquiry to complete its duties in the fullest and most deliberate way and then decide, after we have seen the record and after we have seen the judgment of the court of inquiry, what should be done. I am glad the Senator has voiced the necessity for patience, because I think the public needs to be patient just now.

I thank the Senator for the wise statement he has made.

Mr. STENNIS. I thank the Senator. As far as the Navy and the Defense Department are concerned, I have not really discussed this matter with them. I did not want to try to influence them, and I did not want them, frankly, to try to influence me at this time. I have obtained the facts as I could. I think the public will be fully informed in time.

I yield the floor.

CLARK CLIFFORD'S POSTURE STATEMENT

Mr. PROXMIER. Mr. President, as all thinking men and women know, there is now a very clear choice for the United States and the Soviet Union to make. The two nations can either make serious attempts to limit their military arsenals or they can continue to escalate the arms race. Then, each country would place new burdens on its people and on its economy, would defer expenditures to meet critical domestic needs, and move the hands on the doomsday clock closer to midnight as each side raised the ante in a gigantic war of nerves.

No one has pointed out the problems we face and the choices we must make more clearly than has former Secretary Clark Clifford in the "posture" statement he made about the Pentagon's view of the military situation.

There are constructive steps we can take to meet these overriding problems. It is abundantly clear that the Senate should ratify the nonproliferation treaty now. It has been too long delayed and should be acted upon promptly.

It is also clear that now is the time to make arrangements with the Soviet

Union to talk about all the great problems of disarmament. To escalate further by producing more missiles and more warheads and then spend billions for anti-ballistic-missile systems to defend against the added weapons created, is a ridiculous thing to do. We must make every effort to reach agreement.

The Washington Star in an editorial last Friday, January 24, had some very sensible things to say about both Mr. Clifford's valedictory statement and the need to deescalate the arms race. I ask unanimous consent that it be printed in the RECORD.

CLIFFORD'S VALEDICTORY

There is a three-course dinner for thought in Clark Clifford's first and final "posture" statement on the Pentagon's view of the world military situation. The interest is compounded by the Soviet offer for disarmament negotiations that greeted the Nixon administration as it assumed office.

By the end of 1969, Clifford said, the U.S. missile superiority will have eroded. The Soviets will have caught up. Both sides will have more than 1,000 ICBMs, ready to fire from protected, underground shelters. In addition, he said, the USSR is "moving vigorously" to catch the United States in sea-based missiles.

It was not Clifford's purpose to throw a scare into the American public with his revelation that the missile gap is closing.

The outgoing secretary's point was that the United States and Russia both have a hard choice to make. They must either move into a new and limitless round of arms development. Or they can try to negotiate a limit to the costly and deadly madness.

The Soviets have greeted the new administration with an offer to talk about all aspects of disarmament, including intercontinental missiles and anti-missile systems. "When the Nixon government is ready to sit down at the negotiating table, we are ready," a Kremlin spokesman said.

There should be no delay. The first order of business should be the prompt ratification of the non-proliferation treaty. And as soon as it can possibly be arranged, the United States should press, with all appropriate caution, for full-scale arms talks with the Soviets.

Both nations need relief from the economic burden of another upward spiral of the arms race. The world needs some lifting of the oppressive nuclear cloud that presently covers its horizon. This period of change and of renewed beginning may be the best opportunity for real progress.

THE PEARSON-ANDERSON COLUMN TELLS OF CRIME AND VIOLENCE

Mr. BYRD of West Virginia. Mr. President, in today's Washington Post, columnists Drew Pearson and Jack Anderson reveal the awesome dimensions of the wave of crime and violence which threatens our Republic.

In the column, Pearson and Anderson discuss the contents of a hitherto unpublished report by the National Commission on the Causes and Prevention of Violence.

The report catalogs the statistical evidence of the corruptness which threatens to undermine our free society.

Importantly, however, Pearson and Anderson quote the report as stating:

The intricacies of crime statistics have little meaning for the average citizen. . . . He appears less impressed with numbers and

rates and trends than with the fact that there seem to be increasingly large sections of his city where he cannot walk safely even in daylight, much less at night, and that it is now dangerous in many communities for bus drivers to carry cash or for taxis to pick up fares in certain parts of town after dark. . . . It has also prompted many citizens to arm themselves for self-protection.

Mr. President, I have not yet seen the report in question, but from the Pearson-Anderson account it appears to be a document that all of us would do well to read.

I ask unanimous consent that the Pearson-Anderson column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD as follows:

[From the Washington Post, Jan. 28, 1969]

THE WASHINGTON MERRY-GO-ROUND: REPORT SHOWS VIOLENCE GRIPPING UNITED STATES (By Drew Pearson and Jack Anderson)

Probably the most sobering document President Nixon has found on his desk is a "progress report" on violence in America, depicting the country in the grip of a fury that has erupted on the campuses and exploded in the ghettos, that stalks the streets and may even lie in wait for himself behind some dark window.

The unpublished report, prepared by the National Commission on the Causes and Prevention of Violence, raises more questions than it answers. But seven task forces are still digging for the root causes of some of the most turbulent years in American history.

In the last five years, the report points out: 1. "239 violent urban outbursts, involving 200,000 participants, have resulted in nearly 8,000 injuries and 191 deaths, as well as hundreds of millions of dollars in property damage."

2. 370 civil rights demonstrations and 80 counter-demonstrations have occurred, involving more than a million participants.

3. Hundreds of student demonstrations "have resulted in seizure of university facilities, police intervention, riot, property damage and even death."

4. Antiwar protests "have involved some 700,000 participants in cities and on campuses throughout the country."

The Commission also cited the soaring crime statistics, particularly the homicide rate, noting: "A dramatic contrast may be made between Manhattan Island, with a population of 1.7 million, which has more homicides per year than all of England and Wales with a population of 49 million. And New York's homicide rates are by no means the highest among American cities."

Concludes the Commission: "The elimination of all violence in a free society is impossible. But the better control of illegitimate violence in our democratic society is an urgent imperative and one within our means to accomplish."

Even before he was sworn in, President Nixon had decided to devote his first 100 days to cooling the passions that have inflamed the country. He will deliberately avoid controversy and conflict. In the language of the streets, he has told intimates he intends to "cool it."

The magnitude of the headache Mr. Nixon has inherited is summarized in the report on violence which the Commission submitted to President Johnson on Jan. 9.

We have obtained a bootleg copy of the report, which covers all forms of American violence from political assassinations to highway accidents. Here are some highlights:

"The Commission has heard testimony from student protest leaders who defend the

legitimacy of violent law-breaking, and who urge that righteousness of the ends they seek and 'illegitimacy' of the present social order entitle them to oppose both prosecution and punishment. It has also heard a distinguished academician say that from the standpoint of the social order it is unwise to prosecute and punish every act of civil disobedience."

"Those who would violate valid laws to win rights they are now denied must stop to consider how those rights can be preserved in a society where their opponents are free to follow the same course. One must ask whether any society can survive if its members rely on genuine disobedience of the law as a source of political energy."

"Those who believe in the rule of law cannot rest content with condemning those whose conscience commands them to defy the law. Law itself must be responsible to social change and to the correction of injustice. Our legal system has not yet corrected the injustices our society inflicts on minority groups. . . . If respect for law is to sustain the social order, we need to sharpen the ability of the law to clear the paths to peaceful change."

"In a democratic society where ultimate power resides in the people, access to the mass media is essential for groups desiring peaceful social change. If important, discontented segments of our society are denied the right to be heard, subsequent resort to violence by these groups may perhaps be expected."

"The key to much of the violence in our society seems to lie with the young. Our youth account for an ever-increasing percentage of the population. The thrust of much collective violence—the on the campus, in the ghettos, in the streets—is provided by our young people."

"The intricacies of crime statistics have little meaning for the average citizen. . . . He appears less impressed with numbers and rates and trends than with the fact that there seem to be increasingly large sections of his city where he cannot walk safely even in daylight, much less at night, and that it is now dangerous in many communities for bus drivers to carry cash or for taxis to pick up fares in certain parts of town after dark. . . . It has also prompted many citizens to arm themselves for self-protection."

"Of the automobile accidents that account for 50,000 deaths each year in the United States, there is evidence that a substantial number result from the psychological and physiological effects of alcohol upon drivers, as well as from other factors in our culture and in the psychology of driving that promote and urge to violence."

MASS EXECUTION

Mr. RIBICOFF. Mr. President, yesterday in a public square the Iraqi Government hanged 14 men. Nine of the number were Jews.

It is difficult to express with words the shocks and abhorrence that grip civilized men when they learn of such an inhuman act. We must forcefully condemn this deed of the Iraqi Government. And if, as Israeli Premier Eshkol said, "the sole and only crime of these nine martyrs consists in their being Jews," then we must bring to the attention of the world the Iraqi Government's policy of heightened discrimination against Iraqi Jews during recent years.

Secretary of State Rogers correctly stated:

The spectacle of mass public executions is repugnant to the conscience of the world.

To my way of thinking a mass public execution can only be described as a senseless act of barbarism.

But let us see this sorrowful event in its even larger setting, as did U.N. Secretary U Thant when he said:

Mass trials and executions are always to be deplored, and are particularly abhorrent and dangerous when they are carried out in such a way as to inflame the emotions of the populace.

The Middle East hovers at the edge of full-scale war—a war that could become so broad and bitter as to encompass the great and small nations of the world.

Clearly there must be a peace treaty that acknowledges the permanent nationhood of Israel, her territorial boundaries and other rights.

Mr. President, genuine peace—the United Nations fervent call for a "lasting peace"—depends on a political settlement.

Unfortunately the day when fruitful negotiations and such a settlement will help give the world security and much needed calm is made more distant with the event of cruel acts such as that of the Iraqi Government yesterday in Baghdad's Liberation Square.

Mr. SCOTT. Mr. President, I rise today and join the Senator from Connecticut to deplore the public execution in Iraq of 14 persons accused of spying for Israel.

Mass secret trials, followed by public executions, can only inflame emotions and decrease the opportunity for peace and stability in an already troubled region of the world. The explosive situation in the Middle East is all too well known. President Nixon in his press conference yesterday referred to the need to defuse that situation.

I agree with Secretary of State William Rogers who declared:

The spectacle of mass public executions is repugnant to the conscience of the world.

Such actions are abhorrent to the conscience of civilized mankind and detrimental to the efforts of men of good will to reach a just and peaceful accord.

In the past, Arab guerrilla raids into Israel have posed a continuing threat to Israel's very existence. This latest tragedy represents a most dangerous escalation.

THE FITZGERALD AFFAIR

Mr. PROXMIER. Mr. President, last Friday the Washington Star editorialized about the case of Mr. A. E. Fitzgerald. On November 13, 1968, Mr. Fitzgerald testified before the Subcommittee on Economy in Government of the Joint Economic Committee, of which I am chairman.

He testified at our request. He had no prepared statement; but answered questions which the committee put to him. He was asked about the cost overrun of the C-5 airplane. He testified that it was \$2 billion more than was the original estimate.

At that point in the hearing and before he answered the question, I asked a representative of the Air Force if Mr. Fitzgerald was authorized to answer the

question. The Air Force said that Mr. Fitzgerald did have such authority and that it was proper for him to testify on any C-5 cost overrun.

But shortly after the date of his testimony, on November 25, the Air Force said that a September 6, 1968, notice that his status was changed from schedule A to that of the career service was a mistake. It was called a "computer error."

Still later, a memorandum was written from the administrative assistant to the Secretary of the Air Force, Mr. John Lang, to the Secretary detailing three ways "which could result in Mr. Fitzgerald's departure." One of these was suggested but "not recommended since it is rather underhanded," the memo read.

As the Star rightly points out, this issue transcends even the problem of Mr. Fitzgerald's future employment. That is important, and it is of great consequence both to him and to us all.

The issue at stake is the right of Congress to perform its constitutional function. If an employee is penalized for giving testimony when asked by an appropriate committee of Congress, then our system will be unable to function as it should.

I hope that very soon we will receive assurances that Mr. Fitzgerald will not be fired nor penalized. That would be one way for the Pentagon to reassure Congress that its right to ask for and receive appropriate information will not be abridged.

I ask unanimous consent that the very fine editorial on the Fitzgerald case, published in the Washington Star on Friday, January 24, 1969, be printed in the Record.

[From the Washington Star, Jan. 24, 1969]

THE FITZGERALD AFFAIR

Harold Brown, then Air Force Secretary, received a most extraordinary memorandum from his administrative assistant the other day. It described three alternative techniques for firing A. Ernest Fitzgerald, the efficiency expert whose testimony to a Senate subcommittee on the burgeoning costs of the C-5A super transport plane has embarrassed the Air Force.

The Pentagon has long been noted for its backstabbing and ingratiation. But we had always supposed that these things were accomplished with some finesse. Thus we are more than a bit taken aback that such delicate business as how best to fire an employee would be written up in a memorandum. May we also assume that the author made extra copies for the files?

The Air Force's bureaucratic ham-handedness is unfortunate. But the substantive issue is rather more serious. The apparent plot to fire an efficiency expert for his candor represents grossly improper behavior on the part of the public officials involved. Moreover, it hardly speaks well for the military's efficiency in administering its whale-sized chunk of the federal budget.

The new Secretary of Defense should call on the carpet those individuals responsible for this regrettable incident.

PROPOSED EEC TAX ON SOYBEAN OIL AND MEAL: A THREAT TO THE U.S. FARMER AND THE NATION

Mr. FULBRIGHT. Mr. President, I have always believed in the benefits of the reciprocal trade program initiated in 1934 by Secretary of State Cordell Hull. I still believe in that program for several im-

portant reasons. When trade between nations is as free as possible, industries are made stronger and more competitive, the consumer is given a wider choice of products, monopolies are thwarted, and the general welfare and incomes of people are improved in all the trading nations. All this can take place, however, only if trade barriers by all nations are reduced on a reciprocal basis. If one country reduces its trade barriers unilaterally while others increase theirs, domestic industries, employees, and farmers in the country which reduces its barriers are injured.

Mr. President, I am sure that the 91st Congress will express its concern over the impact of foreign goods in our markets. Last year, more than 90 Senators sponsored or cosponsored bills to impose mandatory quotas on imported products. Already a number of quota bills have been introduced in the 91st Congress.

During the import quota hearings before the Senate Finance Committee, Executive branch spokesmen told us that foreign countries not only would retaliate if we passed those bills, but also would have the right to retaliate under the General Agreements on Tariffs and Trade. Therefore, those countries which threatened to retaliate against us should realize that we, in turn, cannot condone actions on their part which adversely affect our commerce. Trade must be a two-way street.

In this regard, Mr. President, a most disturbing situation has developed which could affect my State severely and a number of other States with high levels of agricultural production. In addition, Mr. President, the situation affects the entire Nation, because it threatens a \$500 million export market which is critical in our struggle to maintain a surplus in our balance of payments. I am referring, Mr. President, to the European Economic Community's proposed internal tax on soybean meal and oil. This \$60 a ton tax on soybean oil would constitute an effective tariff barrier of over 50 percent, which would cut severely our exports of soybeans. The proposed tax is without doubt a protectionist measure on the part of the European community, to which we must react.

It is appropriate to review our trade policies since World War II, and our relationships with the European countries. We all know the poverty and devastation which World War II wrought on Europe—these nations were penniless after the war, with neither gold nor productive facilities to supply their needs. We responded generously with Marshall plan and other economic assistance amounting to over \$20 billion, much of which was on a grant basis. We also adopted a deliberate policy of lowering our tariffs without demanding reciprocity from those war-torn countries. International agreements, such as the General Agreements on Tariffs and Trade were concluded, with certain built-in biases to aid European economic recovery. Among these biases were the GATT provisions regarding import quotas, subsidies, and the waiver from the most-favored-nation obligation in the case of common markets. The European countries and Japan were allowed to retain and expand

their import quota and licensing arrangements, to subsidize their exports, and to impose special border taxes on imports—as we dismantled our tariff barriers.

Looking at what we did then from today's vantage point, one might say the only mistake we made was in assuming that those countries would always be down and unable to repay us, while we would always be so rich and powerful that we would never need to be repaid. This has not been the case.

It is this fundamental change in economic relationships which has been responsible for the views of many in this body with regard to our troop commitments in Europe, and many other matters incident to the commercial relations between the United States and Europe.

While tariffs have been reduced by all the developed countries, other barriers which are even more protective have been allowed to stay, and in some cases have grown while these tariff reductions took place. One such barrier which cuts into our own exports is the variable levy system of the European economic community.

The EEC common agricultural policy, which is being progressively extended over wider areas of foreign products, is aimed principally at making the community self-sufficient in agriculture. In order to make this policy effective, the EEC has adopted variable import levies and export subsidies, which restrict imports and cause unfair competition with our exports to markets in other countries. The latest proposed proliferation of the community's protective agricultural policies endangers one of the principal agricultural products in America—soybeans. In 1968, our soybean, vegetable oil, and meal exports to the European Common Market totaled \$457 million—one third of our agricultural exports to that market. A loss of that market would hurt the U.S. balance of payments severely.

I frankly do not understand how we can afford to maintain our six divisions in Europe in the face of European policies which cut off the main sources of foreign exchange earnings.

Mr. President, to condone such an action by the European community would not be in the interest of free trade. If we do not react, but turn the other cheek, other countries who wish to safeguard their domestic interests at our expense will be encouraged to increase their own protectionism. The result of a failure to react to the proposed agricultural policy of the European community would be to invite protectionism on a grand scale by others. This is not fair to American farmers, industries, and workers; and it must be avoided.

Mr. President, the adverse effects of the EEC agricultural policy have been recognized by the Congress as far back as 1962. When the Trade Expansion Act of 1962 was being considered, a provision was included in that act which warned the foreign countries that we would not condone an increase in their nontariff barriers, including variable import levies. Remedies under that act were invoked

during the now famed "chicken war" a few years ago. Unfortunately, section 252 of the Trade Expansion Act and the chicken war have not been a sufficient warning to these countries. Therefore, I am afraid we may have to invoke the provisions of that section again unless the EEC rejects the proposed tax on soybean products.

And, Mr. President, retaliation on a \$500 million scale will make the so-called chicken war—which involved only about \$22 million—look, in comparison, like a skirmish between quarrelling children.

Hopefully, our European friends will see reason, as many of us did, when they threatened to retaliate against us if we imposed mandatory import quotas. We did not act, and now, they must realize that the shoe is on the other foot. To avoid retaliation, they must not act.

Mr. President, I urge the President, and the departments of Government responsible for maintaining healthy trade relationships throughout the world, to use all the powers available to them to prevent a decision by the EEC which would threaten our volume of soybean exports.

I ask unanimous consent that there be printed in the RECORD the texts of communications I have received from Mr. L. C. Carter, Mr. Rodney L. Borum, and former Secretary of Agriculture Orville L. Freeman.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

ARKANSAS GRAIN CORP.,
Stuttgart, Ark., December 19, 1968.
Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.:

We are seriously concerned relative to the imposition of taxes on soybean meal and soybean oil in the EEC. The proposed tax will directly affect Arkansas farm income. Buyers in these countries are major customers of Arkansas Grain Corporation. While disguised as a "domestic internal tax" on these commodities, it amounts to the same as an import tariff. For complete explanation contact F. Molner, Soybean Council of America, Washington, D.C. Respectfully request your immediate attention to this matter which is so vital to Arkansas soybean producers.

L. C. CARTER,
Executive Vice President and
General Manager.

U.S. DEPARTMENT OF COMMERCE,
BUSINESS AND DEFENSE SERVICES
ADMINISTRATION,
Washington, D.C., January 7, 1969.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: This is in reply to your letter of December 26, 1968 to Secretary Smith concerning the possible imposition of a domestic tax on soybean meal and oil by Northern European Nations.

Apparently the concern of your constituents relates to a proposal for a tax on certain domestic and imported oils, meals and oilbearing materials consumed in the European Common Market.

This proposal was made by Vice President Sisco Mansholt of the Commission of the European Communities to the December 10 meeting of the Council of Ministers of the European Economic Community. The particular problem that the proposed tax is designed to alleviate is the huge butter surplus which has arisen as a result of the Common Agricultural Policy.

The United States Government has followed these developments closely and has expressed its concern regarding the possible effect on American trade. On December 16, United States Ambassador J. Robert Schaezel presented an aide memoire on the subject to Vice President Mansholt. So far no specific proposal for taxes on fats and oils has been agreed on by the Commission for submission to the Council.

We recognize the important consequences that a tax of this sort could have for American soybean producers, processors and foreign traders and we will continue to give the matter our careful attention.

The Departments of State and Agriculture, which have primary jurisdiction in this matter, are following developments closely and the United States Government is taking every opportunity to present its very strong views on the matter to the European Economic Community.

Sincerely,

RODNEY L. BORUM,
Administrator.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., January 17, 1969.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Thank you for your letter of January 14 expressing concern about the Common Market proposal to impose a consumption tax on oilseeds and oilseed products. Vegetable oils would be taxed \$60 per metric ton and oilseeds and meal \$30 per metric ton.

I feel that this matter of continued open access to the European Community markets for our soybeans and soybean products is one of the most important trade problems to confront American farmers since I became Secretary of Agriculture. If this proposed action by the Community should take place, I can think of nothing that would do more to turn back the clock on the effort we have made to improve access to foreign markets for our farm products.

My views are fully shared by responsible officials of this Administration and the U.S. Government has formally told the officials of the Community that their proposed action would reduce sharply the Community's imports of oilseeds and oilseed products and would result in a massive impairment of the present access available to American exports under GATT. We made it clear that this would leave us no choice but to retaliate on a large scale against the products their countries sell us. You may have seen in newspaper stories the thought that our retaliation might include such important exports as European automobiles, typewriters, office equipment, wines, and similar items that Americans buy from them in large amounts.

When I was in Europe recently, at a press conference in Paris I said that if the Community persists with this plan, our action in return would make the chicken war look pale in comparison. What we, in fact, are saying to the Community is that what it does to its agriculture is more than an agricultural matter—it concerns the whole economy of Western Europe. If the cost to help European agriculture is high, then let their industry pay the expense—but not ask the United States to pay it.

We have the strong support of American agricultural and trade groups in our efforts to keep Community markets open and we are making representation to the Community through all available channels. This is a very important matter on which we all stand together.

Our latest information is that the Council of Ministers of the European Community may consider this tax proposal later this month, but is not expected to take final action before April 1969.

Sincerely,

ORVILLE L. FREEMAN.

PROPOSED ECONOMIC POLICIES OF THE NIXON ADMINISTRATION

Mr. JAVITS. Mr. President, as Chairman of President Nixon's Council of Economic Advisers, Paul McCracken will have a key role in setting the new administration's economic policies. It is, therefore, of the greatest importance to Congress and the people to know what Dr. McCracken's views are on such vital issues as inflation, unemployment, interest rates, the balance of payments, wage-price guidelines, and other such issues.

Congress will have to await the appearance of Dr. McCracken before the Joint Economic Committee on February 17 for a full statement of his views and the proposed economic policies of the Nixon administration.

In the meantime, and as a good indication of his outlook, I invite the attention of the Senate to a long interview with Dr. McCracken, published in the New York Times on January 24. While the interview took place on January 9, it was authorized for publication by Dr. McCracken on January 21 and can therefore be taken as an authentic representation of his views.

It is clear from this interview that Dr. McCracken approaches economic policy issues with an open mind, without ideological bias.

I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

McCRACKEN HAILS ECONOMY'S TREND: CALLS SURPLUS IN JOHNSON'S FINAL BUDGET RIGHT MOVE TO HELP CONTROL INFLATION

(By Eileen Shanahan)

WASHINGTON, January 23.—The man who will head President Nixon's Council of Economic Advisers believes that the basic economic policy of the Government—after some serious mistakes—has been left heading in the right direction by the Johnson Administration.

Paul W. McCracken, who will officially become council chairman as soon as his nomination is approved by the Senate, expressed this view in an interview with staff members of The New York Times.

The interview took place in the Washington office of the Times on Jan. 9. Mr. McCracken last Tuesday authorized the publication of his remarks.

Although the interview took place before the publication of President Johnson's final budget which projected a surplus of \$3.4-billion, Mr. McCracken cited a surplus of about that size as the proper one for the budget in the coming fiscal year.

Mr. McCracken said that such a budget surplus was the right policy to begin bringing inflation under control if it was coupled with the proper degree of credit restraint on the part of the Federal Reserve System.

Mr. McCracken described the proper Federal Reserve posture as a "lesser rate of monetary expansion" than prevailed in 1968, but "not contraction."

He said that monetary policy appeared to be on this course not but that he was not certain it could be kept there and that the situation must be watched.

Even if the Federal Reserve were to pursue what he believed to be wrong policies, he does not believe it should be denied its traditional independence from Administration control, Mr. McCracken said. At least, he added, this is what he has believed in recent years.

Mr. McCracken, who served as a member of the Council of Economic Advisers from 1956 to 1959 and has just left an economics professorship at the University of Michigan, said that his views on this issue "shift a bit, depending upon whether I am an academic or in Washington."

"Back in the mid-fifties," he said, "I began to think that the Federal Reserve ought to be under the Administration. As I look back over the last 10 years, I find the mistakes have not been inherent in the organizational structure."

"The Administration and the Federal Reserve, I think, have to be in close communication. They have to be in a position to explain what they are doing, and the Administration has to be in a position to explain what it thinks ought to be done."

KEY PROBLEMS GIVEN

Mr. McCracken said that he believed the most important economic problems before the nation were bringing inflation under control without causing unacceptably high levels of unemployment, bringing the balance of international payments more securely into surplus and "bringing the disadvantaged groups into the mainstream of national life."

He warned, however, against what he called "economic hypocondriacs"—Government officials with excessive concern over every small "wobble" in the business statistics, and attempts to offset such small trends. That kind of policy, he said, can produce a "careening course" for the economy.

On other issues, Mr. McCracken said:

"Interest rates do not have to be so high as they are now, although he sees forces in the economy that will tend to keep them somewhat higher than their long-term historical levels. Among these forces are the enormous demand for capital from the housing industry to support a needed level of home construction of one and three-quarter million to two million annually in the near future."

President Kennedy's proposal to give the President authority to change tax rates with narrow limits—for purposes of stimulating or restraining the economy—is politically impractical. But he finds interesting an idea recently put forth by his colleague-to-be on the council, Herbert Stein, that the President should annually recommend a tax surcharge, which might be either negative or positive and Congress should then review and act on the recommendation.

Mr. McCracken sees the period ahead as a difficult one for economic policy, in part because he thinks it is harder to cope with inflation than with the underemployment that the Democrats faced when they came into office in 1961.

He said, in fact, that he believes there may be some sort of "malevolent law" that puts Republicans in power, at times "when it is hard to be a hero."

INTERVIEW EXCERPTS

Q. How do you feel about the particular visibility of the council during the Johnson Administration, namely its confrontations with industry on pricing situations?

A. I think it might be as well to see less of that. I have never been persuaded myself of the anti-inflationary productivity per man hour of high-level people spending their time on telephones.

Q. You are not sure of the value of the private arm-twisting then, as well as the public denunciations?

A. I realize at times you get drawn into these things. But in general I think high-level man hours might better be spent on matters more fundamental to the problem. It is very easy when you see a price or wage adjustment to say that the people who made those decisions are responsible for the inflation—without raising the question as to

what created the environment which produced those decisions.

Q. What do you think of the wage-price guideposts?

A. The difficulty is that when you start really to need the guideposts, then you are not sure what the arithmetic is. Take this past year. The price level has gone up 4 to 5 per cent. Should Washington say wage rates now ought to go up 8 per cent, 5 per cent, 5 per cent for the price rise and 3 per cent for real? But nobody will say that.

[President Johnson's] Cabinet Committee on Price Stability suggested rolling it back part way, taking account of just part of the price increase. But what does this mean to a specific union or a specific company?

CHIEF ECONOMIC PROBLEMS

Q. What do you view as the chief economic problems that you should assign top priority to as you come to Washington?

A. One is the problem of how you cool down this inflationary economy without at the same time tripping off unacceptably high levels of unemployment. In other words, if the only thing we want to do is cool off the inflation, it could be done. But our social tolerances on unemployment are narrow.

Q. Is there a tolerable level of unemployment?

A. I think the tolerable level is probably zero. That is, so long as there is unemployment, this is going to be an issue because there is unfinished business here. On the other hand, I don't think there is any steady state relationship between the price level and unemployment.

I do find myself impressed, however, with this—that from 1958 to about 1965, the rise in the price level was minimal and we got some decline in unemployment. But after 1965, the successive reductions in unemployment per point rise of the cost of living index have been rather small.

Q. That suggests that you begin getting real inflation when you begin getting below 4 per cent unemployment.

A. Our experience this time would suggest that somewhere in that zone, price-cost pressures intensify.

Q. We are now at the lowest point of unemployment since the Korean war, 3.3 per cent. Doesn't that give you some room to let it rise a little bit without causing some grave social problem and a huge political outcry?

A. I am no expert in the political dimensions of these matters. I suspect if the unemployment rate rose from 3.3 per cent up toward 4, there would be political flak. At the same time, the inflationary situation has become rather serious in this country.

Getting back to your original question, another problem is the external problem, the balance of payments. The overheated domestic economy has also played a major role in the deterioration of our external payments.

You look at the relationship between the rate of increase in imports and the rate of increase in gross national product and you will find that at about the 5 to 6 per cent rate of increase for the gross national product, which is, roughly a kind of noninflationary rate, you get about the same rate of increase in imports. But you let the rate of increase in G.N.P. go up to 8 to 10 per cent and the "normal" relationship is to have imports rising at the rate of 15 to 18 per cent per year.

There is no mystery about it of course. In a large economy where imports are fairly small, if you overheat the domestic economy, the spillover of demand creates a high leverage on imports.

FURTHER FISCAL ACTIONS

The third major problem is, of course, the whole continuing problem of bringing the disadvantaged groups in the population more into the mainstream of national life.

Q. Do you favor any further fiscal or mone-

tary actions at this time to cope with inflation and excessive demand, or should we be patient?

A. I would say that, looking at 1968, monetary policy clearly has been too expansionist, particularly after the tax increase. We presumably took the fiscal [tax] action to try to cool off the economy and then the turn in monetary policy tended to neutralize this.

Q. Are we now seeing a classic pattern of swinging back too sharply to restraint, policies that could throw the economy into reverse? A. That is a key question. It must be watched.

Q. It could be, you say? A. It could be, but that has not yet developed.

What would be the signs that would tell you—early—that there had been too sharp a swing towards tightness? A. Well, certainly one would be the rate of monetary and bank credit expansion.

Q. Do you mean if it dropped to zero or something like that? A. That would be too severe.

Q. Have you seen any signs, as yet, that the Federal Reserve is tending to throw us into reverse? A. No, and I am sure this is not their intention.

Q. On inflation. Let's assume that the Federal Reserve continues a policy of moderate expansion in money and credit—though less than we had for so long—and assume the budget is in balance, which it is. Would you expect that combination alone to cool inflation off? A. Yes, I would.

Q. And presumably without an abrupt rise in the unemployment rate?

A. I think without an abrupt rise. At least, I would be hopeful that we could effect a fairly smooth transition. This is a sticky thing.

BALANCED BUDGET

It is tempting to say we shall cool down inflation without any rise in unemployment. And, obviously, so long as there are people unemployed we have unfinished business here. But I think we cannot confidently say that we can deal with this inflationary problem without affecting unemployment.

Q. You suggest that the present budgetary and emerging monetary policy looks pretty good. Am I right in assuming that barring a major change in the war situation, a balanced budget should be continued in fiscal '70? A. Yes.

Q. What about a surplus, and, if so, of what size for '70? A. When I say a balanced budget, obviously I don't mean one with a zero surplus. I am talking about expenditures being essentially covered by revenues. But I don't see any reason in this context to go deliberately for a huge surplus.

Q. You are really talking about a zero range surplus—from a deficit of \$2-billion to a surplus of \$2-billion?

Something like that, if we were just dealing with the domestic problem. But we have the international payments matter, and there you start getting into things that have symbolic importance. For that reason, I would like to move the zone up to a surplus of \$2-billion, or something like that.

The international problem is pertinent on the large surplus, too. Theoretically, at least, if you run a large surplus, you are liable to find yourself with fairly low interest rates. But low interest rates could produce trouble.

Q. A capital outflow? A. Yes. Of course, if we had some kind of serious decline in the stock market, you could have the same problem.

Q. Because of what? A. Because there have been substantial foreign purchases of stocks. This is why the apparently improved balance-of-payments situation is a heavily cosmetic situation. If this improvement were occurring because we were improving our trade balance, then one could be more sanguine.

A. If the policies now in effect work as you expect them to, and the cooling-off

process occurs, shouldn't the trade balance improve, too? A. It ought to.

Q. What should be the objective on the balance of payments? A. I think there would be a great therapy to be had from our running a surplus for a while. It doesn't have to be a large one. It would be very helpful if we could demonstrate that if it is necessary, we can run a surplus.

Q. For a year or two. A. Yes.

Q. Beyond that, do you share the widely held view that a deficit of the order of \$1 billion, after you have achieved this demonstration effect, is probably tolerable? A. Probably.

THE RIGHT POSTURE

Q. Granted that you think inflation is an urgent problem, do you envision any need for action early in the new Administration? You suggested before we were rather in the right posture now.

A. We are getting on the right course now. If we can keep the revenue-producing capacity of the tax system in close line with Government expenditures and if we can stay on a course of lesser rates of monetary expansion—not contraction, but lesser rates of expansion—I think then we ought to be able to work ourselves out of this inflation.

Q. If you found, later on, that the fiscal and monetary actions already taken are on the way to causing an excessive slowdown in the economy, what steps should be taken then?

A. Well, I never have been impressed with the quick turnaround capability of economic policy instruments. Therefore, it is important not to get into a situation where you have to try to pull that off. The trouble is, if you try to pull it off, what you are apt to have is an over-correction the other way. Then you will start getting the policy itself producing a careening course for the economy. As I survey history, I find myself increasingly impressed with the proportion of economic instability that can be attributed to the erratic course of policy.

Q. The logical deduction from what you're saying is that you just shouldn't get too nervous over small squiggles in economic activity.

A. That is probably a good way to put it. We have been to some extent, I think, economic hypochondriacs. You get a wiggle in a statistic, statistically within the error of tolerance of the data, and everyone runs to get the thermometer.

Q. Is it not possible to argue that the past eight years of uninterrupted prosperity—a record the Nixon Administration is going to find hard to beat—may have resulted from the willingness to move fast against any sign of economic illness?

A. You are not going to get any speeches from me that the last eight years have been all bad. It has been, in many ways, a very remarkable performance. There isn't any question about that.

Now there have been a couple of major factors which have been helpful. Some of the major changes in defense spending came at a time that helped keep the economic expansion going. And while the disinflation of the late fifties was overdue, I would very much rather have come in as chairman of the council in 1961 than now, when we have become concerned about inflation.

IMPACT OF TRUCE

In fact, I think there is some kind of malevolent law about the rhythm of political life that puts some of us here when it is hard to be a hero.

Q. What about the impact of an end to the Vietnam war? Would you address yourself to the opportunities and dangers of that.

A. Well, of course, they are fundamentally opportunities. As one looks at our experience in other transition periods, I don't see why we need to be very apprehensive about what might happen in the interlude. The transi-

tion problem is far less, relative to the size of the whole economy, than in the post-Korean period. Of course, the jobs that are curtailed may be in one state and the expanding industries across the country. You have a problem of meshing these two.

Q. If the current rate of inflation is too much, what is the tolerable level?

A. I think we have to feel our way along here. We don't really have much experience in trying to cool an economy in orderly fashion. We slammed on the brakes in 1967, but of course, we got substantial slack in the economy. I wouldn't attach a figure as to what our objective ought to be at any point in time, any more than I would really attach a figure as to what our objective ought to be for unemployment. In both cases, we want them as low as possible.

But over the next two or three years, we certainly ought to be slowing down significantly the rate of price inflation so that we don't get the increases factored into wage and price decisions.

Q. To do that, you'd have to cut the recent rate of inflation in half, at least? A. I suspect so, yes.

COLLEGES SHOULD NOT YIELD TO MILITANTS' BLACKMAIL, WARNS PROFESSOR HOOK

Mr. DODD. Mr. President, recently there came to my attention the text of a speech which Prof. Sidney Hook, of New York University, one of the country's foremost philosophers, made in May of last year at a dinner marking his retirement as head of the university's philosophy department. I invite the attention of Senators to the speech because I consider it one of the most eloquent statements of the dangers that now confront our Nation's campuses.

In his article Professor Hook warned that the extremist revolt which has been sweeping the campuses of our country could result in the destruction of academic freedom. He said that the rationally committed must oppose the emotionally committed; and he called upon college administrations not to yield to the blackmail of the so-called militants.

Professor Hook said:

Under the slogans of "students' rights" and "participatory democracy," the most militant group of students are moving to weaken and ultimately destroy the academic freedom of those who disagree with them.

Dr. Hook made the point that on every campus there are always some legitimate grievances. But he said that instead of seeking to resolve these grievances peacefully through existing channels of consultation and deliberation, the campus extremists seek to use these grievances as an instrument for the destruction, first, of our free universities, and then of our society. He quoted one of the leaders of SDS at Columbia as saying:

As much as we would like to, we are not strong enough as yet to destroy the United States. But we are strong enough to destroy Columbia!

According to Professor Hook:

The first casualty of the strategy of the campus rebels is academic freedom.

It is manifest in their bold and arrogant claim that the university drop its research in whatever fields these students deem unfit for academic inquiry and investigation. This note was already sounded in Berkeley. It is focal at Columbia. It is a shameless attempt to usurp powers of decision that the faculty

alone should have. After all, it is preposterous for callow and immature adolescents who presumably have come to the university to get an education to set themselves up as authorities on what research by their teachers is educationally permissible.

Professor Hook was bitter in his criticism of those university professors and officials who have refused to face up to the campus rebels. He said intelligence was not enough to overcome fanaticism; for this courage is also necessary.

What is of the first importance—

Said Professor Hook—

is to preserve, of course, the absolute intellectual integrity of our classrooms and laboratories, of our teaching and research against any attempt to curb it. We must defend it not only against the traditional enemies, who still exist even when they are dormant, but also against those who think they have the infallible remedies for the world's complex problems, and that all they need is sincerity as patent of authority. Fanatics don't lack sincerity. It is their long suit. They drip with sincerity—and when they have power, with blood—other people's blood.

Mr. President, I ask the unanimous consent that the full text of Professor Hook's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

STUDENT REVOLTS COULD DESTROY ACADEMIC FREEDOM—COLLEGES SHOULD NOT YIELD TO MILITANTS' BLACKMAIL, PROFESSOR WARNS—ONLY COURAGE TAMES FANATICS

(By Sidney Hook)

I began my college career in the fall of 1919, almost a half century ago. My academic lifetime spans half a dozen revolutions in American education. But have no fear, I am not going to reminisce. I want to stay young, at least in spirit, and I learned from my teacher, John Dewey, whom I observed closely for the last 25 years of his life, what the secret of staying young is and that is not to reminisce about the past. Actually, I never heard John Dewey reminisce until he was in his nineties, and that was as a reluctant response to my deliberate prodding in order to extract biographical data from him.

However, there is a way of talking about the past that is not merely reminiscence or idle reverie. It occurs when we make comparisons of the past and present for the sake of a present purpose or for the sake of finding a new way out of present difficulties.

Fifty years ago when I began my college studies, it would be no exaggeration to say that the belief in academic freedom was regarded as fairly subversive even in many academic circles. The AAUP (American Association of University Professors), organized by two philosophers, Arthur Lovejoy and John Dewey, was in its infancy without influence or authority. Today, except in some of the cultural and political backwaters of the U.S., academic freedom, although not free from threats, is firmly established. In some regions it has the support of law.

Fifty years ago, the power of the chief university administrator was almost as unlimited as that of an absolute monarch. Today the administrator is a much harried man with much less power and authority among faculty, and especially students, than his forebears. Today there may be temperamentally happy administrators but their present life is an unhappy one. There seems to be an open season on them, and to such a degree that for the first time in history there is an acute shortage of candidates for the almost 300 vacant administrative posts in institutions of higher learning. When I did my

graduate work at Columbia, Nicholas Murray Butler was both the reigning and ruling monarch. I don't believe that in his wildest dreams he could have conceived of the Columbia scene today. The strongest argument I know against the resurrection of the body is that if it were within the realm of possibility, Nicholas Murray Butler would have risen from his grave and would now be storming Morningside Heights.

Having been an administrator in a small way myself, I have learned what an ungrateful job it is, and at the same time how necessary. Without administrative leadership, every institution (especially universities, whose faculties are notoriously reluctant to introduce curricular changes) runs downhill. The greatness of a university consists predominantly in the greatness of its faculty. But faculties, because of reasons too complex to enter into here, do not themselves build great faculties. To build great faculties, administrative leadership is essential. In the affairs of the mind and in the realm of scholarship, the principles of simple majority rule or of "one man, one vote" do not apply. The most "democratically" run institutions of learning are usually the most mediocre. It takes a big man to live comfortably with a still bigger man under him, no less to invite him to cast his shadow over the less gifted.

TARGETS OF ABUSE

The paradox today is that as administrative power decreases and becomes more limited, the greater the dissatisfaction with it seems to grow. The memory of favors or requests denied remains much stronger than the memories of requests granted. Faculties are fickle in their allegiance. Overly the most beloved of administrators can become the target of abuse, a figure of obloquy in the eyes of the very faculty, or a large section of it, which he himself has helped to build. In the very year that Clark Kerr received the Melkeljohn medal for academic freedom, the faculty at the University of California campus at Berkeley panicked in consequence of the events resulting from the fourth student sit-in.

In effect it repudiated him by adopting a set of resolutions that made him the scapegoat for the student lawlessness that it conspicuously refused to condemn. The faculty even voted down a motion that would have given the students complete freedom of speech except to urge the commission of immediate acts of force and violence. Another example: Vice President Truman of Columbia University was vigorously applauded at Columbia's commencement last June for, among other things, opening new avenues of communication with students. Only a few days ago he was roundly booed by a section of the Columbia faculty.

Why any scholar (and administrators are largely recruited from the ranks of scholars) should want to become a full-time administrator has always puzzled me. The duties, sacrifices and risks seem altogether disproportionate to the rewards. In speaking of administrators, one is tempted to characterize them with the words Lecky used in his great history of European morals about the fallen women of Europe . . . "The eternal priestesses of humanity blasted for the sins of their people." Well, university administrators are no longer priests, but whenever a crisis arises they are sure to be damned if they do and damned if they don't.

SYNTHETIC STORMS

One thing seems clear. In the crisis situations shaping up throughout the country, administrators are not going to enjoy a peaceful life. Their prospect of weathering the storms that will be synthetically contrived for them depends upon their ability and willingness to win the faculty for whatever plans and proposals they advance in the name of the university. For if they per-

mit students or any other group to drive a wedge between them and the faculty, they will discover the sad fact of academic life that in such rifts the faculty will either play a neutral role or even assume a hostile one.

Not only on good educational grounds, therefore, but on prudential ones as well, the administration must draw the faculty into the formulation of institutional educational policy. I say this with reluctance because it means the proliferation of committee meetings, the dilution of scholarly interest, and even less time for students. But this is a small price to pay for academic freedom and peace.

In talking about academic freedom, nothing signifies the distance we have come in the space of my lifetime so much as the fact that we now are concerned with the academic freedom of students. For historical reasons I cannot now explore, academic freedom in the United States meant *Lehrfreiheit*, freedom to teach. *Lehrfreiheit*, freedom to learn, has only recently been stressed. It does not mean the same as it meant under the German university system that presupposed the all-prescribed curriculum of studies of the *Gymnasium*. If academic freedom for students means freedom to learn, then two things should be obvious. There is no academic freedom to learn without *Lehrfreiheit* or academic freedom to teach. Where teachers have no freedom to teach, students have obviously no freedom to learn, although the converse is not true.

Second, student's freedom to learn was never so widely recognized, was never so pervasive in the United States as it is today—whether it be construed as the freedom to attend college or not, or the freedom to select the kind of college the student wishes to attend or his freedom of curricular choice within the kind of college he selects. Above all, if academic freedom for students means the freedom to doubt, challenge, contest and debate within the context of inquiry American students are the freest in the world, and far freer than they were when I attended college.

I recall an incident when I was a student in a government class at CUNY. The teacher conducted the class by letting the students give reports on the themes of the course. All he contributed was to say "next" as each student concluded. But when in reporting on the Calhoun-Webster debates, I declared that it seemed to me that Calhoun had the better of the argument, that his logic was better than Webster's although his cause was worse, the instructor exploded and stopped me. After emotionally recounting his father's services in the Civil War, he turned wrathfully on me and shouted: "Young man! When you're not preaching sedition, you are preaching secession!" Whereupon he drove me from the class. (The "sedition" was a reference to a earlier report on Beard's economic interpretation of the Constitution that he had heard with grim disapproval.) And this was at CUNY in 1920! The incident wasn't typical, but that it could happen at all marks the profundity of the changes in attitudes toward students since then. John Dewey's influence has made itself felt even in the colleges today.

MORAL PREMISE

Of course, there is still a large group of potential college students who are deprived of freedom to learn because of poverty or prejudice or the absence of adequate educational facilities. And as citizens of a democratic society whose moral premise is that each individual has a right to that education that will permit him to achieve his maximum growth as a person, our duty is to work for, or support, whatever measures of reconstruction we deem necessary to remove the social obstacles to freedom of learning. It is perfectly legitimate to expect the university to study these problems and propose solu-

tions to them. All universities worthy of the name already do. This is one thing. But to therefore conclude that these problems must become items not only on the agenda of study but for an agenda of action is quite another.

For it therewith transforms the university into a political action organization and diverts it from its essential task of discovery, teaching, dialogue and criticism. Since there are profound differences about the social means necessary to achieve a society in which there will be a maximum freedom to learn, the university would become as partisan and biased as other political action groups urging their programs on the community. Its primary educational purpose or mission would be lost. It would be compelled to silence or misrepresent the position of those of its faculty who disagreed with its proposals and campaigns of action. Class and group conflicts would rend the fabric of the community of scholars in an unceasing struggle for power completely unrelated to the quest for truth.

OBJECTIVITY IMPERILED

If the university is conceived as an agency of action to transform society in behalf of a cause, no matter how exalted, it loses its relative autonomy, imperils both its independence and objectivity, and subjects itself to retaliatory curbs and controls on the part of society on whose support and largesse it ultimately depends.

This is precisely the conception of a university that is basic to the whole strategy and tactics of the so-called Students for a Democratic Society. I say "so-called" because their actions show that they are no more believers in democracy than the leaders of the so-called Student Non-Violent Co-ordinating Committee are believers in non-violence. And indeed the leaders of the SDS make no bones about that fact. In manifesto after manifesto they have declared that they want to use the university as an instrument of revolution. To do so, they must destroy the university as it exists today.

I wish I had time to list some of the clever stratagems they have devised to focus their opposition. On every campus there are always some grievances. Instead of seeking peacefully to resolve them through existing channels of consultation and deliberation, the SDS seeks to inflame them. Where grievances don't exist, they can be created. In one piece of advice to chapter members, they were urged to sign up for certain courses in large numbers and then denounce the university for its large classes!

Freedom of dissent, speech, protest is never the real issue. They are, of course, always legitimate. But the tactic of the SDS is to give dissent the immediate form of violent action. The measures necessarily adopted to counteract this lawless action then become the main issue, as if the original provocation hadn't occurred. Mario Savio admitted after the Berkeley affair that the issue of "free speech" was a "pretext"—the word was his—to arouse the students against the existing role of the university in society.

SEEK TO DESTROY

One of the leaders of the SDS at Columbia is reported to have said: "As much as we would like to, we are not strong enough as yet to destroy the United States. But we are strong enough to destroy Columbia!" He is wrong about this, too—the only action that would destroy Columbia would be faculty support of the students—but his intent is clear.

Actually, the only thing these groups, loosely associated with the New Left, are clear about is what they want to destroy, not what they would put in its stead. In a debate with Gore Vidal, Tom Hayden, one of the New Left leaders, was pointedly asked what his revolutionary program was. He replied: "We haven't any. First we will make

the revolution, and then we will find out what for." This is truly the politics of absurdity.

The usual response present-day academic rebels make to this criticism is that the university today is nothing but an instrument to preserve the status quo, and therefore faithless to the ideals of a community of scholars. Even if this charge were true, even if the universities today were bulwarks of the status quo, this would warrant criticism and protest, not violent and lawless action in behalf of a contrary role, just as foreign to their true function. But it is decidedly not true!

There is no institution in the country in which dissent and criticism of official views, of tradition, of the conventional wisdom in all fields, is freer and more prevalent than in the university. The very freedom of dissent that students today enjoy in our universities is in large measure a consequence of the spirit of experiment, openness to new ideas, absence of conformity and readiness to undertake new initiatives found among them.

ARROGANT CLAIM

The first casualty of the strategy of the campus rebels is academic freedom. It is manifest in their bold and arrogant claim that the university drop its research in whatever fields these students deem unfit for academic inquiry and investigation. This note was already sounded in Berkeley. It is focal at Columbia. It is a shameful attempt to usurp powers of decision that the faculty alone should have. After all, it is preposterous for callow and immature adolescents who presumably have come to the university to get an education to set themselves up as authorities on what research by their teachers is educationally permissible.

Unless checked, it will not be long before these students will be presuming to dictate the conclusions their teachers should reach, especially on controversial subjects. This is standard procedure in totalitarian countries in which official student organizations are the political arm of the ruling party. Already there are disquieting signs of this. At Cornell a few weeks ago—before the martyrdom of Dr. King—a group of Black Nationalist students invaded the offices of the chairman of the economics department and held him captive in order to get an apology from a teacher whose views on African affairs they disagreed with. Only yesterday, another group at Northwestern demanded that courses in "black literature" and "black art" be taught by teachers approved by the Negro students.

And there are spineless administrators and cowardly members of the faculty who are prepared to yield to this blackmail. Under the slogans of "student rights" and "participatory democracy" the most militant groups of students are moving to weaken and ultimately destroy the academic freedom of those who disagree with them.

Let us not delude ourselves. Even when these militant students fail to achieve their ultimate purpose, they succeed in demoralizing the university by deliberately forcing a confrontation upon the academic community that it is not prepared to face and the costs of which it is fearful of accepting. In forcing the hand of the academic community to meet force with force, the citadel of reason becomes a battlefield. The students glory in it, but the faint of heart among their teachers turn on their own administrative leaders. These militants succeed in sowing distrust among students who do not see through their strategy. They also succeed in dividing the faculties.

EMBITTER RELATIONS

There is always a small group—a strange mixture of jurists and opportunists—desire of ingratiating themselves with students—who will never condemn the violence of students but only the violence required to stop

it. These students succeed, even when they fail, in embittering relations between the administration and some sections of the faculty. They succeed, even when they fail, in antagonizing the larger community of which the university is a part, and in arousing a vigilante spirit that demands wholesale measures of repression and punishment that educators cannot properly accept.

How is it possible, one asks, for events of this character to happen? There have always been extremist and paranoid tendencies in academic life, but they have been peripheral—individuals and small groups moving in eccentric intellectual orbits. But not until the last four or five years has the norm of social protest taken the form of direct action, have positions been expressed in such ultimatic and intransigent terms, have extremist elements been strong enough to shut down great universities even for a limited time.

There are many and complex causes for this. But as I see it, the situation in the university is part of a larger phenomenon, viz., the climate of intellectual life in the country. I do not recall any other period in the last 50 years when intellectuals themselves have been so intolerant of each other, when differences over complex issues have been the occasion for denunciation rather than debate and analysis, when the use of violence—in the right cause, of course—is taken for granted, when dissent is not distinguished from civil disobedience, and civil disobedience makes common cause with resistance, and readiness for insurrection. A few short years ago, anti-intellectualism was an epithet of derogation. Today it is an expression of revolutionary virility.

FANATICISM RAMPANT

In the fifties I wrote an essay on "The Ethics of Controversy," trying to suggest guidelines for controversy among principled democrats no matter how widely they differed on substantive issues. Today I would be talking into the wind for all the attention it would get. Fanaticism seems to be in the saddle. That it is a fanaticism of conscience, of self-proclaimed virtue, doesn't make it less dangerous. This past year has presented the spectacle of militant minorities in our colleges from one end of the country to another, preventing or trying to prevent representatives of positions they disapprove of from speaking to their fellow-students wishing to listen to them.

The spectacle shows that we have failed to make our students understand the very rudiments of democracy, that to tolerate active intolerance is to compound it. If we judge commitment by action, the simple truth is that the great body of our students is not firmly committed to democracy or to the liberal spirit without which democracy may become the rule of the mob.

I do not know any sure way or even a new way of combating the dominant mood of irrationalism, especially among students and even among younger members of the faculty whose political naivete is often cynically exploited by their younger, yet politically more sophisticated, allies. What is of the first importance is to preserve, of course, the absolute intellectual integrity of our classrooms and laboratories, of our teaching and research against any attempt to curb it. We must defend it not only against the traditional enemies, who still exist even when they are dormant, but also against those who think they have the infallible remedies for the world's complex problems, and that all they need is sincerity as patent of authority. Fanatics don't lack sincerity. It is their long suit. They drip with sincerity—and when they have power, with blood—other people's blood.

We need more, however, than a defensive strategy, safeguarding the intellectual integrity of our vocation against those who threaten it. We need—and I know this sounds paradoxical—to counterpose to the

revolt of the emotionally committed the revolt of the rationally committed. I do not want to identify this with the revolt of the moderates. There are some things one should not be moderate about. In the long run, the preservation of democracy depends upon a passion for freedom, for the logic and ethics of free discussion and inquiry, upon refusal to countenance the measures of violence that cut short the processes of intelligence upon which the possibility of shared values depends.

These are old truths but they bear repeating whenever they are denied. Even tautologies become important when counterposed to absurdities.

We as teachers must make our students more keenly aware of the centrality of the democratic process to a free society and of the centrality of intelligence to the democratic process. Democracy has our allegiance because of its cumulative fruits, but at any particular time the process is more important than any specific program or product. He who destroys the process because it does not guarantee some particular outcome is as foolish as someone who discards scientific methods in medicine or engineering or any other discipline because of its failure to solve altogether or immediately a stubborn problem.

COURAGE NEEDED

There is one thing we cannot deny to the intransigent and fanatical enemies of democracy. That is courage. Intelligence is necessary to overcome foolishness. But it is not sufficient to tame fanaticism. Only courage can do that. A handful of men who are prepared to fight, to bleed, to suffer and, if need be, to die, will always triumph in a community where those whose freedom they threaten are afraid to use their intelligence to resist and to fight, and ultimately to take the same risks in action as those determined to destroy them.

Yes, there is always the danger that courage alone may lead us to actions that will make us similar to those who threaten us. But that is what we have intelligence for—to prevent that from happening! It is this union of courage and intelligence upon which the hope of democratic survival depends.

GREEK-TURKISH ECONOMIC COOPERATION PROJECT

Mr. JAVITS. Mr. President, I have on several previous occasions brought to the attention of the Senate the work of the project for Greek-Turkish economic cooperation. Reports on this matter were presented on June 3, 1965, on October 20, 1965, on January 19, 1967, and on December 15, 1967.

I now present a report on this important project through the calendar year 1968.

Mr. President, first I should like to submit for the Record the substantive text of a report which I presented to the North Atlantic Assembly on November 20, 1968. That report was presented to the North Atlantic Assembly in my capacity as trustee of the Special Committee on Developing NATO Countries, of which I was chairman, and which has now been dissolved, its principal functions having been successfully discharged. I have been requested by the North Atlantic Assembly to act as the custodian of the responsibilities of that committee and it is in this capacity that I have presented my report to the North Atlantic Assembly itself.

Several developments, falling outside of the scope of the report presented to

the North Atlantic Assembly, should be reported. Chief among these is the fact of a highly successful meeting of the Eastern Mediterranean Development Institute, which took place in Brussels on November 14 and 15, 1968. The meeting was attended by a representative group of industrialists, bankers, and businessmen from Greece and Turkey, and also from the other countries of the North Atlantic Alliance. A broadly representative board of directors of the Eastern Mediterranean Development Institute was elected, and that institute was launched on what promises to be an extremely successful career.

Second, in December 1968, the work which has been done on the development of the basin of the Meric-Evros River was carried a further step forward, in the course of meetings between myself, Mr. Rubin, executive director of EMDI, and Mr. Paul Hoffman, director, and Mr. Paul-Marc Henry, deputy director of the United Nations Development Program. It is anticipated that a UNDP project team will be visiting Greece and Turkey shortly, and that further steps in the development of mutually desirable relationships between Greece and Turkey will thus have been taken.

Mr. President, I ask unanimous consent that the report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

REPORT OF SENATOR JACOB K. JAVITS, AS TRUSTEE FOR THE SPECIAL COMMITTEE ON DEVELOPING NATO COUNTRIES, OF THE NORTH ATLANTIC ASSEMBLY, NOVEMBER 1968

It may be said at the outset that initiative taken by the Assembly (then the NATO Parliamentarians' Conference) has been demonstrated to have been a valuable contribution to development and to amelioration of relations between two important countries of NATO. The work of the Project and of the Institute have been founded on the conviction that an enterprise which is essentially private in its nature, and which has relied on the mutuality of interest in the private sector on both sides, can carry on important functions even during a period marked by a variety of governmental difficulties. That this is so is, of course, attributable largely to the fact that both of the directly interested nations have continued to give their interest and their support to the project. It is also due to the willingness of businessmen, industrialists and bankers, not only of Greece and Turkey, but also of North America and Western Europe, to make a strenuous effort toward cooperative and mutually beneficial results. In great measure, the benefits of this project go beyond its own limits, and demonstrate the feasibility of mobilizing the great resources of private enterprise toward a broadly state-like end.

The technique here used may therefore suggest possibilities for much useful work, beyond the parameters of the Greek-Turkish enterprise itself. I should therefore mention at the outset the important role played by my former colleagues on the Special Committee, particularly the Deputy Chairmen of that Committee, Messrs. Spanourigas of Greece and Gülek of Turkey, and its Rapporteur, Mr. Westerterp of the Netherlands. In the work of the Institute, of which (as was the case with the Special Committee), I have the honor to be Chairman, Messrs. Gülek and Governor Karol Arlides of Greece, and Mr. George James of the United States, have given time, energy, and skilled guidance. Much credit is due to them, and to the devoted service of former Ambassador Sey-

mour Rubin, the Executive Director of the project, and Mr. Albert Zumbielh, his European associate.

Finally, the Honorable Seymour J. Rubin of the United States and Mr. Albert Zumbielh of France have consented to continue with the Institute as Executive and European Directors, respectively. Much is owed to them for the success of the project so far.

I may come now to the organizational framework as it presently exists.

As was reported in November 1967 to be the intention, the Eastern Mediterranean Development Institute was in fact organized as a non-profit corporation under the laws of the District of Columbia of the United States. A meeting of the nucleus of its Board of Directors was held in Athens, in May, 1968. At that meeting a number of important organizational decisions were taken.

It was decided, first of all, that branches or sister organizations, depending on the legal and other relevant considerations in the two countries, should be established in Greece and Turkey. Informally, steps have already been taken in this direction, continuing and expanding upon the systems of liaison which has proved its merit. In both Greece and Turkey, assurances of financial support for these national operations have been given, with a special fund already created in Greece and partially contributed in Turkey.

Secondly, it was decided to expand the Board of Directors so as to include important and representative business and financial interests in North America and Western Europe. I am glad to be able to report that invitations extended by me to a number of such persons have been accepted, and that the first order of business of the current meeting of the Institute (in Brussels on Nov. 15, 1968) will be to fill out the Board. Those who have been offered and have accepted membership on the Board have shown past interest in the project, have expressed willingness to help in the future, and are indeed a distinguished group.

Thirdly, it was emphasized at the Athens meeting that important decisions of the Institute must reflect also the agreement of the Turkish and Greek members. This is an obvious requirement, but one which nonetheless deserves mention specifically. It reflects my strong personal conviction, shared by my colleagues, that useful work in this—many other areas of international activity—must rest on the interest and involvement. Indeed the commitment of those directly affected, and with most at stake, The Institute must not, and will not, be an organization which seeks to tell our Greek and Turkish friends what is good for them. Its work must arise out of their conviction that they wish done what the Institute can do, and out of their full participation in its work, at all stages from planning to implementation. In such circumstances, the Institute can perform a valuable catalytic function, can help to mobilize outside resources, can act as a liaison with various international and national organizations. But a basic responsibility for decision must be recognized to rest with the Greek and Turkish participants.

Brief mention may be made of the financial arrangements for the Institute, and of plans for the future.

A generous grant has again been made by the Ford Foundation to help in the establishment of the Institute. I have already mentioned the financial support given or committed on the Greek and Turkish sides. Mr. George James of the Mobil Corporation of the United States has carried to other American and Canadian companies his own conviction in the worth of this work, and has mobilized substantial financial assistance. As a result, the matching requirement of the Ford Foundation grant has already been met.

It is hoped that interest in Western Europe, where connections with Greece and Turkey are strong and traditional, will be reflected in additional support.

Since the Institute plans to have no substantial staff of its own, but to rely heavily on the expertise available to its membership, these arrangements should carry the Institute through calendar year 1969. During 1969, it is hoped to transform the Institute into a broadly based organization, with a substantial membership in the business and financial communities, as well as in professional circles. Hopefully, the Institute would then be supported by numerous but relatively smaller contributions with individual projects being the beneficiaries of collateral financing by foundations or others—as was, for example, the case with the generous financing of the studies of the Meric/Evros River by the Thyssen and Volkswagen Foundations. Administrative costs will thus be kept to a minimum, with available resources being used for directly productive projects.

As will be recalled, at the meetings of November, 1967, both of the Assembly and of the International Advisory Commission of the Project for Greek-Turkish Economic Cooperation, a Work Program was approved. This document suggested that the work of the Institute might be divided into two main categories: In the general category was the continuation of efforts to encourage fruitful contacts and discussions, in the context of the international organizations of which Greece and Turkey are both members, and with emphasis on the private sector; in the specific category was work on the various projects already or to be undertaken—the Meric/Evros work, tourism, agriculture, cultural exchange, and so forth.

I am pleased to be able to report that much has been done, in both categories.

New contacts have been established and existing ones strengthened. During the meetings in Athens of May, 1968, for example, special sessions, both formal and informal, were arranged between members of the Greek and Turkish investment banking communities, and between institutions financing economic development. These meetings were a more specific followup of meetings which it has been my practice to arrange in Washington during the meetings there of the Governors of the World Bank and the International Monetary Fund. Thus, the May meetings in Athens, with a few but deeply interested participants, were followed by a useful breakfast meeting held at my invitation in the Capitol in Washington, where participation included not only the official representatives of Greece and Turkey, members of the investment banking communities in both countries, and in the United States, but also representatives of the World Bank and the International Finance Corporation.

Nor have these sessions been merely discussions, useful though discussions of this sort is. Specific proposals have been elaborated for a study of complementary investment opportunities and policies. Here a memorandum was prepared by Mr. Rubin, but only after consultation with and strong encouragement from the financiers of industrial development in Greece and Turkey. The memorandum was subsequently circulated to and discussed with the World Bank and the IFC. The breakfast meeting to which I have alluded, of October 3, 1968, was thus held on the basis of much preparatory work, and has resulted in specific proposals being elaborated in consultation with the Turkish and Greek sides. An informal agreement has been reached to exchange information relating to laws and practices which might affect complementary or even joint financing of projects. As a further step toward implementation of these proposals, and again with the full participation of the Greek and Turkish investment bankers, a survey is

being discussed with the Agro-Industrial Development Company, an American-based organization which combines the resources of several companies in the agricultural-industrial field, and which has also the participation of Adela—a highly successful enterprise in whose initiation I and the NATO Parliamentarians' Conference played a vital role.

I go into this matter in some detail for several reasons. The proposal to bring together the investment and banking interests concerned with economic development is important in itself, since it cuts across all fields of economic development, and not merely a single industry, however important. But this project also illustrates the progress of a project, from a general discussion arranged by the Institute to the elaboration in close consultation with all concerned of a proposal, the revision of that proposal after consultation with the competent international organizations, subsequent discussion of methods of implementation, and then placing the proposal before capable private organizations. It is of course too early to say what will be the outcome. It is not too early to say that the working out of a project in this manner is, in and of itself, important.

With respect to specific projects, I am unfortunately not able to report much advance in our projected work on tourism, a field which is by all objective appraisals an extremely desirable one for cooperation, with much mutual benefit to be derived. Despite much work, and many assurances of willingness to meet, it has been difficult to follow up on the useful meeting of November, 1966, and the subsequent informal talks in the following year. Nonetheless, it may be reported that this was one of the subjects discussed during the May visit of the Greek Minister of Commerce to Ankara, and it may be said that the difficulties appear to be procedural rather than substantive.

On other fronts, work is progressing, with organizations such as the FAO and the OECD participating. The most important and indeed dramatic results, however, have been achieved in connection with the Meric/Evros project.

In October, 1967, at a conference in Frankfurt, Germany, the report was finalized of the tripartite (German, Greek, Turkish) expert commission set up to make a reconnaissance survey of the Meric/Evros River basin. The economic—and political—significance of this cooperative work on this border between Greece and Turkey is evident. Although the work on the study was done by private experts, under private auspices, it received the full support of governmental authorities on both sides. The report, when completed, was forwarded to several international institutions, notably the World Bank and the United Nations Development Programme, which had taken a strong interest in this project from the outset.

As I have previously indicated, I received some months ago the visit of the Bulgarian Ambassador in Washington, who expressed the interest of his government in the matter—an interest which is both natural and useful, since the river originates and flows for almost 60% of its length in Bulgaria. As has been indicated in the report made by our own tripartite expert commission, Bulgarian cooperation would substantially improve the cost-benefit ratios of work to be done on the Greek-Turkish segment of the river. The Bulgarian authorities having further indicated their interest, and after this interest having been made known both to the United Nations Development Programme and the Greek and Turkish authorities, a further meeting took place between myself and the Bulgarian Permanent Representative to the United Nations in Geneva, under the auspices of the UNDP. In early October of this year, Mr. Rubin was informed by the UNDP

that the Bulgarians would be pleased to receive a UNDP exploratory mission.

During the week of October 30-November 6, thus, a small UNDP mission has visited Sofia, Athens and Ankara. It should be underscored that this is an exploratory mission, particularly insofar as any plans beyond the boundaries of Greece and Turkey are concerned. It is nevertheless an important fact that the UNDP is discussing with Greece and Turkey the possibility of further steps looking toward a full scale feasibility study of the Meric/Evros region, that Bulgaria, as one of the riparian states, has been informed, and that this important regional and multinational project continues to progress, with United Nations participation.

It may be further pointed out that discussions in Washington growing out of the interest in the United States in a Water for Peace programme have centered on the Meric/Evros and the work of the Institute. After the international Water for Peace Conference in Washington, in the summer of 1967, much attention has been focussed on multinational projects. In this context, the work of the Institute has attracted attention, and it has been suggested that this work might provide the starting point for two fields of investigation. One such field would be the utilization of the technique of the Meric/Evros study—that is, the use of private scientists, privately sponsored, but with full governmental support and approval. Here it may be that in certain cases more can be achieved, to the greater satisfaction of all, than would be the case if rigorous channelization through governmental departments were the rule. The second such field is the possibility of experimenting with computerization, in order to keep data both current and immediately available. Here work done by the FAO is relevant, and the establishment of a data storage, information retrieval and possibly a research center has been preliminarily discussed, with it having been suggested that a start might be made in a seminar on the subject of international river basins, which could be sponsored jointly by the Water for Peace office and the Institute. As a measure of the interest in this matter, a representative of the Water for Peace Programme will address the November 15, 1968 meeting of the Institute.

All of this represents much useful and tangible work. But I feel that most important, among the achievements to which the Special Committee, the Project for Greek-Turkish Economic Cooperation and the Institute can lay claim to a greater or lesser degree, is the greater measure of confidence in Greek-Turkish relations, both in the private and the governmental sector. Mr. Rubin has recently been able to inform the Greek business and industrial community that an invitation to come to Turkey for friendly discussions on matters of common interest will shortly be extended. Contacts in the cultural sphere, which would have been out of the question not long ago, are now under discussion. This is substantial and meaningful progress, on the basis of which a solid and continuing relationship between Greece and Turkey may be built.

HUMAN RIGHTS: WHERE OUR INVESTMENT STOPS—XIII

Mr. PROXIMIRE. Mr. President, since the United Nations was established in 1946, the United States has contributed almost \$450 million to the support of the organization.

This contribution represents a significant investment by us in the cause of peace. It also represents an investment

of confidence and hope in the United Nations itself, as one means to bring about a more ordered and peaceful world.

There is a serious reason to mention this, Mr. President. It concerns the field of human rights. While we have invested a half billion dollars to support the institutions of the organization, we have not ratified the human rights conventions which that organization has developed. After 20 years, we stand as one of four major members of the U.N. which have ratified only two or less of the almost 20 conventions. The other major countries, Mr. President, whose record rivals our own are Bolivia, Saudi Arabia, South Africa, and Thailand.

The two conventions that have been ratified by the United States are concerned with the abolition of slavery. They are important. But the "big three" of the conventions are those which outlaw genocide, abolish forced labor, and guarantee fair and equal rights for women. But these and all but two of the conventions still await the ratification of the U.S. Senate.

Mr. President, one way to make certain that our contributions to the U.N. will return a substantial dividend for mankind is to ratify these important conventions.

SUPPORT OF SECRETARY OF THE INTERIOR HICKEL BY MANY ALASKANS

Mr. STEVENS. Mr. President, in the period preceding the confirmation of the nomination of Gov. Walter J. Hickel to be Secretary of the Interior, more than 60 Alaskans came to Washington. Those in attendance consisted of many native leaders, business and community leaders, and people who have been friends of Mr. Hickel for many years.

These people to me represent a democracy really in action.

I ask unanimous consent that the names of the Alaskans who were in the Nation's Capital to support the confirmation of the nomination of Gov. Walter J. Hickel to be Secretary of the Interior be printed in the Record.

There being no objection, the list of names was ordered to be printed in the Record, as follows:

ALASKANS WHO WERE IN THE NATION'S CAPITAL AND SUPPORTED THE CONFIRMATION OF THE NOMINATION OF WALTER J. HICKEL TO BE THE SECRETARY OF THE INTERIOR

Flore Lekanof, Box 289, Star Route A, Anchorage, Alaska; consultant to AFN.

William H. Scott, 738 G Street, Anchorage, Alaska; member of the firm of Peat, Marwick, Mitchell.

Cliff R. Taro, Southeast Stevedoring Corp., P. O. Box 1411, Ketchikan, Alaska; president and general manager of Southeast Stevedoring Corporation.

Raymond C. Christiansen, Box 35, Bethel, Alaska; president, Christiansen Air Service.

Mr. Herb Lehigh, City Manager, 155 S. Seward, Juneau, Alaska; city manager of Juneau.

Mr. Charles F. Lunsford, 2633 34th Street, Anchorage, Alaska; Bear Run Building Materials.

Mr. Lewis Dischner, 1332 Hillcrest Drive,

Anchorage, Alaska; legislative representative for the Teamsters, Anchorage.

Mr. John T. Rowlett, P.O. Box 1389, Fairbanks, Alaska; Rowlett and Associates, oil and gas consultants.

William I. Waughman, 270 Illinois Street, Fairbanks, Alaska; general manager, Ustbelli Coal Mines, Inc.

Robert A. Davenny, 2414 Sustina Drive, Anchorage, Alaska; R. A. Davenny and Associates, Contracting.

Mrs. Margee Fitzpatrick, 2407 Cottonwood, Anchorage, Alaska.

Mr. David W. Redeker, 325 Dewey Circle, Anchorage, Alaska; Insurance.

Mr. Andy Milner, 2214 Sustina Drive, Anchorage, Alaska; contractor, Anchorage, Alaska.

Mrs. Bridesen C. Milner, same address as above; chairman of the board, Alaska State Bank, Anchorage, Alaska.

Alvin O. and Rosa Bramstedt, 2612 Brooke Drive, Anchorage; radio and TV.

Willard L. Bowman, 1112 E. 68th Street, Anchorage, Alaska; executive director, Alaska State Commission for Human Rights.

D. Peter Shoup, 111 4th Street, Juneau, Alaska; Alaska manager, Association of Pacific Fisheries.

R. L. Rettig, 544 Fifth Avenue, Anchorage, Alaska; president, Alaska Mutual Savings Bank.

Mr. Ken Sheppard, Box 97, Anchorage, Alaska; consulting engineer.

Mr. Ken Brady, 4001 Turnagain Blvd. East, Anchorage, Alaska; Ken Brady Construction Co., Inc., General Contractors.

Robert J. Halcor, transportation.

Mr. William L. Warren, 2400 Sustina Drive, Anchorage, Alaska; house furnishings.

Carl and Carol Brady, 712 W. 18th Avenue, Anchorage, Alaska; air transportation.

Mr. Clifford Groh, 430 C Street, Anchorage, Alaska; attorney.

Eben Hobson, Barrow, Alaska; construction.

Mrs. Al Owens, Kodiak, Alaska.

William Hensley, Kotzebue, Alaska; member of the Alaska State Legislature and vice chairman of A.P.N.

Mr. Roger Lang, Sitka, Alaska; Sitka Native Brotherhood, Education Committee, first vice president, Tungit and Haids.

Mr. Richard Frank, 265 College Road, Fairbanks, Alaska; member of the board of directors, Fairbanks Native Association.

Mrs. Walter J. Hickel, Juneau, Alaska.

Mr. Jack Hickel, Juneau, Alaska.

Senator Ernest Gruening, Juneau, Alaska.

Mr. Walter J. Hickel, Jr., Juneau, Alaska.

Mr. and Mrs. Charles Cole, 1109 Park Drive, Fairbanks, Alaska; attorney.

Mr. and Mrs. Ken Davis, 2072 Stanford Drive, Anchorage, Alaska; car dealer.

Michael Biernie, M.D., 207 E. Northern Lights Blvd., Anchorage, Alaska.

George W. and Stella Boney, 1707 Sunrise Drive, Anchorage, Alaska; attorney.

M. A. Brandt, 3130 Ilamna, Anchorage, Alaska; contractor.

Mr. Joe Kuchta, Kenai, Alaska.

Warren Christianson, 132 Lincoln, Box 4, Anchorage, Alaska.

Mr. Edward Wayer, Anchorage, Alaska.

Mr. Hal Olson, Douglas, Alaska.

Mr. and Mrs. Preston Locher, 2822 McCollie, Anchorage, Alaska; Locher Construction Co.

Mr. Ken Hinchey, 1327 W. Hillcrest Drive, Anchorage, Alaska; contractor.

A. G. Hiebert, 111 F. Street, Anchorage, Alaska; radio and TV.

Mr. Vernon W. Hickel, Anchorage, Alaska.

Mr. and Mrs. Charles Meacham, Juneau, Alaska.

Alexis Miller, Fairbanks, Alaska.

Miss Vi Bjerke, Anchorage, Alaska.

Mrs. Nancy Mood, 427 Buren, Ketchikan, Alaska.

Miss Rose Gollk, 1615 Hidden Lane, Anchorage, Alaska.

Mrs. Madeleine Hickel, Anchorage, Alaska.

Mr. Emil Notti, Anchorage, Alaska; president, Alaska Federation of Natives.

Mr. John Borbridge, Albert Kaloo Bldg., Anchorage, Alaska; vice president, Alaska Federation of Natives.

Mr. Barry Jackson, Fairbanks, Alaska; attorney.

Eldon Ulmer, Anchorage, Alaska.

Mr. John Sweet, 3000 Sheldon Jackson, Anchorage, Alaska.

Mr. Bob Zelnick, Anchorage, Alaska.

Neland Haavig, Box 901, Sitka, Alaska.

Miss Tony Stepanich, Fairbanks, Alaska.

Mr. Donald Simasko, 2101 Forest Park Drive, Anchorage, Alaska.

Miss Anne Sweet, 3000 Sheldon Jackson, Anchorage, Alaska.

PRESIDENT NIXON'S FIRST NEWS CONFERENCE

Mr. MURPHY. Mr. President, I could not have been more pleased and heartened than I was by the very impressive performance yesterday of President Nixon at his first news conference as Chief Executive. Everyone with whom I have talked since has enthusiastically volunteered the opinion, which I certainly share, that the President showed himself to be cool, confident, and competent—clearly in command of the situation and fully prepared to meet the challenges he will face.

President Nixon, in the statesmanlike inaugural address, set the tone and enunciated the goals of his administration—peace in the world and a healthy, ordered, compassionate society at home. Yesterday I believe he showed his determination and his ability to lead us "forward together" toward these goals.

As a longtime friend, I am of course proud of the President for the dignified and knowledgeable way in which he has assumed his high office—but of far wider significance, I am delighted at the hopeful prospects his leadership raises for our people and for the entire free world.

I ask unanimous consent that the text of the President's first news conference be included in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

TRANSCRIPT OF PRESIDENT NIXON'S NEWS CONFERENCE ON FOREIGN AND DOMESTIC AFFAIRS

Ladies and gentlemen, since this is my first press conference since the inauguration, I can imagine there are a number of questions. Consequently I shall make no opening statement and will go directly to your questions.

1. LEGISLATIVE PROGRAM

Q. Mr. President, Sir, do you plan to make your own State of the Union Message and do you have a major legislative program to present to Congress this year?

A. I shall have a major legislative program to present to the Congress this year. Whether that would best be presented by a series of individual messages or a State of the Union Message supplemented by some individual messages has yet to be determined. I will make a determination within the next two weeks after consultation with the legislative leaders.

2. VIETNAM PEACE PLAN

Q. Mr. President. Now that you're President, what is your peace plan for Vietnam? A. I believe that as we look at what is happening in the negotiations in Paris that as far as the American side is concerned, we are off to a good start. What now, of course, is involved is what happens on the other side. We find that in Paris, if you read Ambassador Lodge's statement, that we have been quite specific with regard to some steps that can be taken now on Vietnam.

Rather than submitting a laundry list of various proposals, we have laid down those things which we believe the other side should agree to and can agree to—the restoration of the demilitarized zone as set forth in the Geneva Conference of 1954, mutual withdrawal—guaranteed withdrawal of forces by both sides, the exchange of prisoners, all of these are matters that we think can be precisely considered and on which progress can be made.

Now where we go from here depends upon what the other side offers in turn.

3. RELATIONS WITH CHINA

Q. Mr. President, now that you are President, could you be specific with us about what your plans are for improving relations with Communist China and whether you think you'll be successful or not.

A. Well I have noted, of course, some expressions of interest on the part of various Senators and others in this country with regard to the possibility of admitting Communist China to the United Nations.

I also have taken note of the fact that several countries, including primarily Italy among the major countries, have indicated an interest in changing its policy and possibly voting to admit Communist China to the United Nations.

The policy of this country and this Administration at this time will be to continue to oppose Communist China's admission to the United Nations.

There are several reasons for that. First, Communist China has not indicated any interest in becoming a member of the United Nations. Second, it has not indicated any intent to abide by the principles of the U.N. Charter and to meet the principles that new members admitted to the United Nations are supposed to meet, and, finally, Communist China continues to call for expelling the Republic of China from the United Nations and the Republic of China has, as we—I think—most know, been a member of the international community and has met its responsibilities without any question over these past few years.

Under these circumstances, I believe it would be a mistake for the United States to change its policy with regard to Communist China in admitting it to the United Nations.

Now there is a second immediate point that I have noted and that is the fact that there will be another meeting in Warsaw. We look forward to that meeting. We will be interested to see what the Chinese Communist representatives may have to say at that meeting whether any changes of attitude on their part on major substantive issues may have occurred.

Until some changes occur on their side, however, I see no immediate prospect of any change in our policy.

4. MOST URGENT PROBLEMS

Q. Mr. President, what problems that you have to cope with do you feel require your most urgent attention?

A. Well, Mr. Kaplow, the major problems with which I've been concerned in this first week have been in the field of foreign policy because there only the President can make some of the decisions. And consequently the Security Council, as you ladies and gentlemen

are aware, has had two very long meetings, and in addition I spent many long hours at night reading the papers which involve the foreign policy of the United States.

This afternoon, I will go to the Pentagon for my first major briefing by military officials on our military situation. Going beyond that, however, I would say that the problems of our cities which have been discussed at length at the Urban Affairs Council and our economic problems which were discussed at the meeting we had in the new Cabinet Committee on Economic Policy require urgent attentions.

It's very difficult to single one out and put it above the other. There are a number of problems which this Administration confronts. Each requires urgent attention. The field of foreign policy will require more attention because it is in this field that only the President in many instances can make the decision.

5. NUCLEAR POLICY

Q. Mr. President, on foreign—foreign policy, nuclear policy in particular, could you give us your position on the nonproliferation treaty and on the starting of missile talks with the Soviet Union?

A. I favor the nonproliferation treaty. The only question is the timing of the ratification of that treaty. That matter will be considered by the National Security Council by my direction during a meeting this week. I will also have a discussion with the leaders of both sides in the Senate and the House on the treaty within this week and in the early part of next week.

I will make a decision then as to whether this is the proper time to ask the Senate to move forward and ratify the treaty. I expect ratification of the treaty and will urge its ratification at an appropriate time and I would hope an early time.

As far as the second part of your question with regard to strategic arms talks, I favor strategic arms talks. Again it's a question of not only when but the context of those talks.

The context of those talks is vitally important because we're here between two major, shall we say, guidelines. On the one side there is the proposition which is advanced by some that we should go forward with talks on the reduction of strategic forces on both sides.

We should go forward with such talks clearly apart from any progress on political settlement and on the other side the suggestion is made that until we make progress on political settlements, it would not be wise to go forward on any reduction of our strategic arms even by agreement with the other side.

It is my belief that what we must do is to steer a course between those two extremes. It would be a mistake, for example, for us to fail to recognize that simply reducing arms through mutual agreement, that failing to recognize that that reduction will not in itself assure peace. The war which occurred in the Mideast in 1967 was a clear indication of that.

What I want to do is to see to it that we have strategic arms talks in a way and at a time that will promote, if possible, progress on outstanding political problems at the same time, for example, on the problem of the Mideast, on other outstanding problems in which the United States and the Soviet Union acting together can serve the cause of peace.

6. PEACE IN THE MIDEAST

Q. Mr. President, do you, or your Administration, have any plan outside the United Nations' proposal for achieving peace in the Mideast?

A. As you ladies and gentlemen are aware, the suggestion has been made that we have

four-power talks. The suggestion has also been made that we use the United Nations as the primary forum for such talks. And, it has also been suggested that the United States and the Soviet Union bilaterally should have talks on the Mideast, and in addition to that, of course, that the problem finally should be settled by the parties in the area.

We are going to devote the whole day on Saturday to the Mideast problem, just as we devoted the whole day this last Saturday on the problem of Vietnam. We will consider on the occasion of that meeting the entire range of options that we have. I shall simply say at this time that I believe we need new initiatives and new leadership on the part of the United States in order to cool off the situation in the Mideast.

I consider it a power keg—very explosive—it needs to be defused, and I am open to any suggestions that may cool it off and reduce the possibility of another explosion—because the next explosion in the Mideast, I think, could involve, very well, a confrontation between the nuclear powers—which we want to avoid. I think it's time to turn to the left now.

7. BUDGET REDUCTIONS

Q. Mr. President, could you tell us whether you've had a chance to examine the Johnson budget, and whether you see any hopes for reductions in the Johnson budget?

A. Yes, I have examined it. As far as hopes for reduction are concerned, the Director of the Budget has just Friday issued instructions to all of the departments to examine the budget in their departments very closely and to give us recommendations as to where budget cuts might be made. For two purposes: one, because we would like to cut the overall budget, and two because we want to have room for some of the new programs that this Administration—and the new approaches that this Administration—would like to implement.

At this time, I cannot say where and how the budget can be cut. I will say that we are taking a fresh look at all of the programs and we shall attempt to make cuts in order to carry out the objectives that I set forth during the campaign.

8. CEASE-FIRE IN VIETNAM

Q. Mr. President, do you consider it possible to have a cease-fire in Vietnam so long as the Vietcong still occupy Vietnamese territory?

A. I think that it is not helpful in discussing Vietnam to use such terms as cease-fire, because cease-fire is a term of art that really has no relevance, in my opinion, to a guerrilla war.

It's when you're talking about a conventional war, then a cease-fire, agreed upon by two parties, means that the shooting stops. When you have a guerrilla war, in which one side may not even be able to control many of those who are responsible for the violence in the area, the cease-fire may be meaningless.

I think at this point that this Administration believes that the better approach is the one that Ambassador Lodge, under our direction, set forth in Paris—mutual withdrawal of forces, on a guaranteed basis by both sides, from South Vietnam.

9. NUCLEAR WEAPONS STRENGTH

Q. Mr. President, back to nuclear weapons—both you and Secretary Laird have stressed, quite hard, the need for superiority over the Soviet Union. But what is the real meaning of that, in view of the fact that both sides have more than enough already to destroy each other, and how do you distinguish between the validity of that stance and the argument of Dr. Kissinger for what he calls "sufficiency."

A. Here again, I think the semantics may offer an inappropriate approach to the problem. And, I would say that with regard to Dr. Kissinger's suggestion of sufficiency that that would meet, certainly, my guideline—and I think Secretary Laird's guideline—with regard to superiority.

Let me put it this way: When we talk about parity, I think we should recognize that wars occur, usually, when each side believes it has a chance to win. Therefore, parity does not necessarily assure that a war may not occur.

By the same token, when we talk about superiority, that may have a detrimental effect on the other side, in putting it in an inferior position, and therefore giving great impetus to its own arms race. Our objective in this Administration—and this is a matter that we're going to discuss at the Pentagon this afternoon, and it will be a subject of a major discussion in the National Security Council within a month—our objective is to be sure the United States has sufficient military power to defend our interests and to maintain the commitments which this Administration determines are in the interests of the United States around the world. I think sufficiency is a better term, actually, than either superiority or parity.

10. CRIME IN THE CAPITAL

Q. Mr. President, you talked quite a bit during the campaign about crime in the District of Columbia. We've had quite a bit of it since January the first, and I wondered how you propose to deal with it.

A. Mr. Healey, it's a major problem in the District of Columbia as I found when I suggested to the Secret Service I'd like to take a walk yesterday. I'd read Mary McGroarty's column and wanted to try her cheesecake. But, I find, of course, that taking a walk here in the District of Columbia—and particularly in the evening hours—is now a very serious problem, as it is in some other major cities.

One of the employees at the White House, just over the weekend, was the victim of a purse-snatching—which brings it very close to home. And, incidentally, I might point out in that case, that my advisers tell me that by seeing that the area is better lighted that perhaps the possibility of purse-snatching and other crimes in the vicinity of the White House might be reduced—therefore we have turned on the lights in all of that area, I can assure you.

But, to be quite specific with regard to the District of Columbia, it was not only a major commitment in the campaign, it is a major concern in the country—I noted an editorial in one of the major papers—The New York Times, for example—that Washington, D.C., was now a city of "fear and crime."

That may go too far, but at least that was their judgment. And both of the . . . all three of the Washington papers indicate great concern. Consequently, I have on an urgent basis instructed the Attorney General to present to me a program to deal with crime in the District of Columbia, and an announcement as to that program, and also an announcement as to what we will ask the Congress to do, in addition to what we will do administratively, will be made at the end of this week.

11. REVERSING JOHNSON MOVES

Q. Mr. President, why did you decide to withdraw all the appointments that had been sent to Capitol Hill by your predecessor—could you tell us why you decided to cancel the decision, for the time, in the Pacific airline case.

A. Well first on—with regard to the appointments, I had two precedents to follow, and so, consequently, I took my choice. In the one instance, President Kennedy, as you recall, did not withdraw the appointments of

judgeships which he inherited from President Eisenhower.

On the other hand, President Eisenhower had withdrawn all appointments and then proceeded to make new appointments, including some from the list that had been withdrawn. I felt that the Eisenhower approach was the more efficient way to handle it.

I should point out that, among those names that have been withdrawn, I already know that some will be reappointed. But I felt that the new Administration should examine the whole list and make its own decision with regard to whether the individuals that had been appointed would serve the interests of the nation, according to the guidelines that the new Administration was to lay down.

With regard to the action that had been taken by the previous Administration on the airlines, I received recommendations—or, shall I say requests—on the part of both the chairman of the House Foreign Affairs Committee, and the chairman of the Senate Foreign Relations Committee—that this matter be returned to the White House for further examination.

As you know, the President has authority in this field only where it involves international matters. Under the circumstances—since both chairmen were members of the other party, and since also I received suggestions from a number of other Congressmen, both Democrat and Republican as well as Senators, that this should be re-examined, I brought it back for re-examination.

One other point that should be made. There is no suggestion, in asking for a re-examination of that decision, of impropriety or illegality or improper influence. We will examine the whole situation, but particularly with regard to its impact on foreign relations.

12. DEAL ON JUDGESHIPS

Q. Mr. President, Ramsey Clark stated this morning that you gave President Johnson assurances through Attorney General Mitchell that you would not withdraw the judicial nominations of Mr. Poole, Mr. Byrnes and several others. Would you comment on that sir?

A. Well I remember exactly what did occur and it may be that we did not have an exact meeting of the minds in the event that Ramsey Clark—former Attorney General Clark—had that understanding.

What happened was that Ramsey Clark discussed this matter during the period between the election and the inauguration with Attorney General Mitchell. He asked Attorney General Mitchell to ask me whether I would object to action on the part of President Johnson in the event that he did submit these appointments to the Senate.

My reply was that I would not object to President Johnson's submitting such—submitting names to the Senate just as I did not object to his action in the trans-Pacific case or in any other area.

As you ladies and gentlemen are quite aware, I have scrupulously followed the line. We have one President at a time and that he must continue to be President until he leaves office on January the 20th.

However, I did not have any understanding with the President directly and no one including Attorney General Mitchell as far as I was concerned had any discretion to agree to a deal that these nominations having been made would be approved by me.

I have withdrawn them and now I'm going to examine each one of them, and as I've already indicated I have decided that in at least some instances some of the names will be resubmitted.

13. CONGRESSIONAL RELATIONS

Q. Mr. President, in the last Administration, the McClellan Committee ran into con-

siderable problems obtaining information on cost, performance and development on the TFX F-111 contract, I wondered if you will open the records on this and what your general view is with regard to dealing with Congressional Committees?

A. I understand not only the McClellan Committee but Mr. [Clark] Mollenhoff [of Cowles publication] did some examination in this field too. With regard to the TFX and also with regard to all of the matters that you have referred to, this Administration will reexamine all past decisions where they are not foreclosed—the re-examination not foreclosed by reason of what has gone before.

I will not, however, at this time pre-judge what that examination will indicate. I believe that it is in the best interest of the nation when a new Administration comes in with a new team that the President direct the new team as I have directed it very strongly during this first week to re-examine all decisions that may have been questioned either by Senate committees or by responsible members of the press or by other people in public or private life.

This we are doing and this is one of the areas in which we and the reexamination is going forward.

14. CURBING INFLATION

Q. Mr. President, inflation, rising inflation, Mr. President, are of great concern. What specific plans do you have to curb it?

A. In the meeting of the Cabinet committee on economic policy, which I set up—one of the three new institutions I set up—I say three new institutions if I might digress for a moment, I suppose that the nation wonders what the President does in his first week and where is all the action that we've talked about.

We have done a great deal particularly in getting the machinery of government set up which will allow us to move in an orderly way on major problems.

I do not believe for example that policy should be made and particularly foreign policy should be made by off-the-cuff responses in press conferences, or any other kind of conferences. I think it should be made in an orderly way. And so it is with economic policy.

Now, that is why in addition to the Cabinet committee and in addition to the Urban Affairs Council and the revitalized National Security Council for Foreign Affairs, we now have a Cabinet committee on economic policy.

That Cabinet committee has considered the problem of inflation and the problem is first that we are concerned about the escalation of prices to a rate of 4.8 per cent and we do not see, if present policies continue, any substantial reduction in that.

And second, we are considering what actions can be taken which will not cause an unacceptable rise in unemployment, and by unacceptable rise in unemployment, I want to emphasize that we believe it is possible to control inflation without increasing unemployment in certainly any substantial way. I should make one further point. Unless we do control inflation, we will be confronted eventually with massive unemployment, because the history of economic affairs in this and other countries indicates that if inflation is allowed to get out of hand, eventually there has to be a bust and then unemployment comes.

So what we are trying to do without, shall we say, too much managing of the economy—we're going to have some fine tuning of our fiscal and monetary affairs in order to control inflation.

One other point I should make in this respect. I do not go along with the suggestion that inflation can be effectively controlled by

exhorting labor and management and industry to follow certain guidelines.

I think that's a very laudable objective for labor and management to follow. But I think I am aware of the fact that the leaders of labor and the leaders of management, much as they might personally want to do what was in the best interests of the nation, have to be guided by the interests of the organizations that they represent.

And so the primary responsibility for controlling inflation rests with the national Administration and its handling of fiscal and monetary affairs. That is why we are—we'll have some new approaches in this area. We assume that responsibility. We think we can meet it, that we can control inflation without an increase in unemployment.

15. ESTIMATE ON WAR'S END

Q. Mr. President, during the transition period in New York, several persons who conferred with you came away with the impression that you felt the Vietnam war might be ended within a year. Do you believe the impression was correct, sir?

A. I, of course, in my conversations with those individuals—and any individuals—have never used the term six months, a year, two years, or three years. Because I do not think it's helpful in discussing this terribly difficult war—a war that President Johnson wanted to bring to an end as early as possible, that I want to bring to an end as early as possible—I do not think it is helpful to make overly optimistic statements which, in effect, may impede and, perhaps might make very difficult our negotiations in Paris.

All that I will say is this—that we have a new team in Paris, with some old faces but a new team. We have new direction from the United States. We have a new sense of urgency with regard to the negotiations. There will be new tactics. We believe that those tactics may be more successful than the tactics of the past.

I should make one further point, however, we must recognize that all that has happened to date is the settlement of the procedural problems—the size of the table and who will sit at those tables. What we now get to is really that hard, tough ground that we have to plow—the substantive issues as to what both parties will agree to.

Whether we're going to have mutual withdrawal, whether we're going to have self-determination by the people of South Vietnam without outside intervention, whether we can have an exchange of prisoners. This is going to take time, but I can assure you that it will have my personal attention, it will have my personal direction—the Secretary of State, my advisor for national security affairs, the Secretary of Defense—all of us will give it every possible attention, and we hope to come up with some new approaches.

Q. Thank you, Mr. President.

A FRIEND, IN OR OUT OF GOVERNMENT, IS A CRONY—ABILITY AND DEVOTION ARE THE ELEMENTS THAT COUNT

Mr. RANDOLPH. Mr. President, on July 3, 1968, in commenting during the controversy which overwhelmed the nomination of Associate Justice Abe Fortas to be the Chief Justice of the Supreme Court of the United States after it was submitted to the Senate by President Lyndon B. Johnson, I stated: "The charge of cronyism is not worth answering."

I still believe this, even as I recall that many persons voiced charges of cronyism

during consideration of the Fortas nomination.

Today, I ask those vociferous critics of cronyism these two questions:

Is cronyism dead? Did cronyism leave the vestibules of Government with the change of administrations?

To answer is to do so in the negative—and there is not any inference that the negative answers to the questions are bad.

But let us consider some current situations involving names of persons highly placed and prominent in the news:

Secretary of State Rogers—is he not possibly a crony of someone we know?

Secretary of Health, Education, and Welfare Finch—a crony of someone we know?

Secretary of Commerce Stans—another crony of someone we know?

Attorney General Mitchell—how about his crony relations with someone we know?

Perhaps 25 to 50 percent of the Cabinet of the President of the United States could be vulnerable to the charge of cronyism, even though they are qualified men—some of them especially well qualified for their assignments and missions. And let there be no mistake, the list of those persons who might appropriately be listed among the cronies extends well below the highest circles of Government. Indeed, we do not know how deeply our system has been "penetrated"—and in just a few short months since cronyism was so much in the news.

Now, let the voices of those who fear cronyism and decry its practice ring forth for all that is "just" and "right."

Personally, I do not harbor a dread or fear of cronyism. However, I call the "perilous" situation that prevails now to the attention of those persons who were fearful and outraged last summer and who must still find cronyism repulsive—so they might sound the tocsin of battle against this "insidious" condition. Presumably, they are committed to oppose cronyism whenever and wherever it rears its "ugly head." And, no doubt, their apparent dedication to the eradication of this threat transcends political partisanship and personal philosophies.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is ordered.

RECESS

Mr. KENNEDY. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 37 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, January 29, 1969, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—Tuesday, January 28, 1969

The House met at 12 o'clock noon.

Dr. Frank Blackwelder, All Souls Memorial Episcopal Church, Washington, D.C., offered the following prayer:

And it shall come to pass afterward, that I will pour out my spirit upon all flesh; and your sons and your daughters shall prophesy, your old men shall dream dreams, your young men shall see visions.—Joel 2: 28.

Make us aware, Eternal God, of the pouring out of Thy spirit upon all flesh today, encouraging this Congress to legislate in Thy name. This is the first day of the rest of our lives. Grant that our actions, under Thy inspiration, may bring forth new times of hope, a new age of faith, and a new era of love, through Jesus Christ our Lord. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution, as follows:

S. RES. 62

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Robert A. Everett, late a Representative from the State of Tennessee.

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

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

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

The message also announced that the Presiding Officer, pursuant to Senate Resolution 62, appointed Mr. GORE and Mr. BAKER to join the committee appointed on the part of the House of Representatives to attend the funeral of the Honorable Robert A. Everett, late a Representative from the State of Tennessee.

VISIT OF THE PRESIDENT

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

Mr. ALBERT. Mr. Speaker, the House is highly honored today by a visit by the President of the United States. In view of that fact, Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE TO ESCORT THE PRESIDENT INTO THE CHAMBER

The SPEAKER. The Chair appoints the gentleman from Oklahoma (Mr. AL-

BERT) and the gentleman from Michigan (Mr. GERALD R. FORD) to escort the President of the United States into the Chamber.

RECESS

The SPEAKER. The House will now stand in recess subject to the call of the Chair and the bells will be rung 15 minutes before the House meets again.

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

(At 12 o'clock and 4 minutes p.m., the President of the United States, escorted by the Majority Leader and the Minority Leader, entered the Chamber through the south door at the right of the Speaker's rostrum, and joined the Speaker in the Well of the House. The Minority Leader, the Majority Leader, the Speaker, and the President constituted the receiving line and Members formed in lines and filed into the Well to greet the President personally.)

(At 1 o'clock and 7 minutes p.m., the President, accompanied by the committee of escort and the Speaker, retired from the Hall of the House of Representatives.)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FASCELL) at 1 o'clock and 25 minutes p.m.

TO CLARIFY THE APPLICATION OF THE FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES

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

Mr. DULSKI. Mr. Speaker, at the request of a constituent, I have introduced legislation today to correct an inequity prohibiting the payment of a family separation allowance to certain members of the uniformed services when movement of the member's dependents to a new permanent station is not authorized, and his dependents do not reside at or near his station.

A family separation allowance of \$30 a month is authorized for members of the uniformed services under 37 United States Code 427(b), when the movement of the member's dependents to his permanent station is not authorized at the expense of the United States, and the member's dependents do not reside at or near that station.

The Comptroller General of the United States has held that the family separation allowance is not payable during periods of involuntary separation of a member of the uniformed services from his family if his dependents are living in a residence not subject to the member's management and control, and for which he has no responsibility to maintain.

The bill I am introducing provides an amendment to the authorization, to provide that the family separation allowance will be paid without regard to whether the dependents are living in a

residence or household subject to management or control of the member.

There was considerable confusion in the military departments concerning the application of the provision of law and the Comptroller General's decision, and many payments have been made to dependents which the Comptroller General has held are not in accordance with the provision of law.

The Comptroller General has advised the Secretary of Defense by letter dated April 24, 1968—B-157586—that he will not insist on immediate discontinuance of payments in question, and that he will permit the military services to continue such payments until the matter is submitted to and considered by the Congress.

There was not sufficient time to consider this matter during the last session of the Congress, and while I am not a member of the Armed Services Committee, to which this legislation would be referred, I am introducing this bill today at the request of one of my constituents so that the Congress can correct this inequity at the earliest opportunity.

Mr. Speaker, I am confident that the new administration will support this legislation as did the prior administration, and I am hopeful that the Armed Services Committee will schedule this bill for immediate consideration.

ADDITIONAL GS-16, GS-17, AND GS-18 POSITIONS

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

Mr. DULSKI. Mr. Speaker, I am today introducing a bill which will provide for additional GS-16, GS-17, and GS-18 positions for the Federal Bureau of Investigation, the General Accounting Office, and the Library of Congress.

The bill further provides for the removal of the numerical limitation of the three top grades for the National Security Agency.

The FBI and GAO would receive 30 and 26 additional supergrades respectively, as reported in H.R. 15890 of the 90th Congress. The Library of Congress would be granted an increase of 32 positions, which was originally requested in H.R. 15890.

We, as legislators, have a responsibility to make sure these important agencies operate at a high rate of efficiency. The FBI and NSA involve the national security, while GAO and the Library of Congress are congressional agencies.

At the present time the FBI has 110 of the top three grades. An increase of 30 additional positions is justifiable. In recent years, the Bureau has expanded greatly in crime control and law enforcement.

Present crime trends indicate even greater responsibilities in the future. During the year 1967, the number of crimes known to the Bureau increased by 16 percent over 1966.

There is an urgent need for top professional personnel in the technological field of criminology. Scientific techniques

must be developed to prevent as well as to solve crimes.

The cost of meeting the challenge of crime is great. In fact, public expenditures for law enforcement and the administration of criminal justice were estimated at over \$4 billion per year by the President's Crime Commission.

In order to meet this challenge we must recruit the best people in the field. The only way that this can be done is to offer positions comparable to responsibility.

The National Security Agency must have a numerical limitations exemption on the number of positions for engineering and scientific purposes.

In 1962, Congress approved in Public Law 87-793 a provision of the Classification Act (5 U.S.C. 5108) which removes any numerical limitation on "engineering positions primarily concerned with research and development and professional positions in the physical and natural sciences and medicine."

Thus, the numerical limitation applies to administrative, program, and policy positions in the Federal Government, but does not apply to scientific positions, most of which are in NASA, the Atomic Energy Commission, the Department of Defense, the National Institutes of Health, and the Veterans' Administration. There are 2,930 such scientific positions in the Federal Government at the present time.

However, the Classification Act does not apply to the National Security Agency and therefore the scientific exemption contained in the Classification Act does not apply to NSA. NSA presently has 90 supergrade positions involving research and development functions in the agency, mainly cryptology.

The numerical limitation should be removed and the agency should enjoy the same scientific exemption from the numerical limitation which all other agencies of the Federal Government now enjoy. In order to qualify, the Secretary of Defense will need to approve the positions placed in GS-16, GS-17, and GS-18 by NSA and the qualifications of the proposed appointee.

At the present time there are 64 supergrade positions for the use of the General Accounting Office. Although these positions are allocated to the GAO independent of the general pool superintended by the Civil Service Commission, all appointments and position classifications are subject to the approval of the Commission.

Of the 26 new positions, 14 will be used for accounting, auditing, and investigative responsibilities on a Government-wide basis, and 12 will be assigned for legal, policy, technical, and administrative functions.

No money is better spent than that allocated to the General Accounting Office for its extremely effective work in auditing the books of the Government and in ascertaining that the policies and programs designed by the Congress are properly, fairly, and efficiently administered by the executive branch.

The GAO has been confronted with an increasing workload in major civilian agencies stemming from a growing economy and increasing requirements related

to space, research, atomic energy, education, postal services and operations, commerce, science, transportation, power and water resources, and other significant activities of Government-wide services.

The magnitude and complexity of the operations of the Department of Defense requires that GAO place extremely heavy responsibilities upon staff.

The Library of Congress is the national library of the United States and the research and development laboratory in library technology. It is of vital importance to the development of our intellectual community that this Library have the executive talent necessary to make it the finest Library in the world.

The use of automatic data processing equipment, inaugurated in 1963, is in a crucial period of development. Its successful development will make educational and library materials available on a nationwide basis so that in communities all over America research material and original manuscripts can be made available to scholars, scientists, students, and ordinary citizens immediately and inexpensively.

The Library of Congress cannot acquire an expert cataloger who is conversant in several foreign languages and a master of the librarian's art at a salary or grade below supergrade classifications.

Mr. Speaker, my bill would provide for the establishment of certain management, administrative, scientific, and research and development positions in the three highest Federal career service salary grades.

These are needed for the successful and efficient conduct of new and/or expanded programs and functions authorized by the Congress and other essential Government activities. I am hopeful that Congress will take favorable early action.

THE RESIDENCY VOTING ACT OF 1969

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

Mr. BRADEMAS. Mr. Speaker, I am pleased today to join my distinguished colleague, Representative LEE HAMILTON, and over 50 more of our colleagues in the House in introducing the Residency Voting Act of 1969, a bill designed to enable citizens who change their residences to vote in presidential elections.

Mr. Speaker, voting is a fundamental right in our democratic system of Government, and as a nation we have gone far toward securing this right for every American regardless of the color of his skin or his economic condition. The Voting Rights Act of 1965 was a milestone in the drive to extend the franchise to all of our citizens.

Yet Mr. Speaker, there are millions of Americans who are still deprived of their right to vote simply because they have moved their place of residence from one locality to another. These otherwise eligible voters are effectively disenfranchised because they are unable to satisfy the lengthy residence requirements which operate in many of our States and localities.

In testimony before the Subcommittee on Privileges and Elections in June 1967, Assistant Attorney General Fred M. Vinson, Jr., noted that an estimated 5 to 8 million voters were disenfranchised by such residence requirements in the presidential election of 1960. For the 1964 election, he said that estimates of the number of these lost voters run as high as 15 million.

AMERICA A MOBILE SOCIETY

Contemporary America is a highly mobile society. Census data indicate that the mobility of our population has been steadily increasing with each decade of this century. Today more Americans than ever before move from one locality to another and from State to State in search of new job opportunities and a better life. It is estimated that one American in five changes his residence every year.

For such a mobile society, as President Johnson pointed out in a message to Congress on the "Political Process in America" in May 1967:

Election laws which impose unduly long residence requirements are obsolete. They serve only to create a new class of disenfranchised Americans.

Moreover, as the President further noted, to move freely about our country is a constitutionally protected right. The exercise of this right should not threaten the loss of another constitutionally protected right—the right to vote.

A 1968 survey of State election laws by the Library of Congress indicates that 32 States and the District of Columbia impose State residence requirements of 1 year, 15 States require residence for 6 months, and three States require residence of 90 days. One State's election law requires a full 2 years of residence.

In recent years, it must be noted, certain States have enacted special election law provisions to facilitate voting in presidential elections by newly arrived citizens—and, in some instances, by former citizens. But in too many States archaic residence requirements continue to obstruct the right to vote for a great number of American citizens.

Mr. Speaker, the Residency Voting Act of 1969 is designed to remedy this serious weakness in our electoral system by establishing uniform residence provisions with respect to presidential elections.

BILL APPLIES ONLY TO PRESIDENTIAL ELECTIONS

I should make clear, Mr. Speaker, that the bill applies only to voting for President and Vice President and does not apply to elections for local and State offices or to elections for Senators or Representatives in Congress. The essential purpose of the legislation is to insure that every qualified American—no matter whether or when he has changed his residence—will at least have the opportunity to register and vote for the two national offices which are elected in common by the entire Nation—President and Vice President of the United States.

As Assistant Attorney General Vinson has pointed out:

Whatever the merits of residence requirements in elections for the Senate and House of Representatives, or in State or local elections, such requirements are hardly relevant in presidential elections, where the

issues are national and transcend local boundaries.

Clearly, the lines between States—or between political subdivisions—such as congressional districts, counties, or wards—within a State—bear no relation to the ability of a voter to inform himself about the principal issues and candidates involved in a presidential election.

MAIN FEATURES OF RESIDENCY VOTING ACT OF 1969

Let me explain the principal features of the Residency Voting Act of 1969.

Section 3(a) of the bill provides that a citizen, otherwise qualified to vote under the laws of a State or political subdivision, may not be denied his vote for President and Vice President if he has been a resident of that State or political subdivision since September 1 preceding the presidential election. The citizen would, of course, have to comply with any voter registration requirements to the extent that they provide for registration after September 1.

The effect of this section, therefore, is to establish September 1 as the uniform qualifying date for presidential elections. State and local residence requirements would thereby be limited to a maximum of approximately 60 days.

The September 1 qualifying date, however, does not answer the problem of those citizens who move their residence after September 1 but before the date of a presidential election. To prevent the disenfranchisement of these citizens, section 3(a) contains an additional provision which states that if a citizen has begun residence in a State or political subdivision after September 1 preceding a presidential election, he shall be given the opportunity to register and vote in person or by absentee ballot in the State or political subdivision from which he most recently moved.

Mr. Speaker, it is important to note here that while section 3(a) would require many States to alter their election laws with respect to the residency requirement, it would not in any way abrogate the legitimate interest of the States in maintaining orderly registration procedures, keeping their voting rolls up to date and preventing voting frauds.

Section 3(b) of the Residency Voting Act is addressed to the problem of arbitrary disenfranchisement among another group of American citizens—those temporarily residing abroad. All too often these citizens are denied the right to vote because of State registration requirements, particularly requirements for registration in person.

All but two of the States presently provide for voting by absentee ballot, but only 12 States permit absentee registration for citizens unconnected with the Armed Forces or Federal Government agencies. Thus many private citizens living overseas—such as businessmen, teachers, and students—are effectively disenfranchised because they are unable to register in person.

Section 3(b) would remedy this situation by requiring any State which permits absentee voting in presidential elections to provide an absentee registration

procedure as well. In doing so, section 3(b) would substantially reinforce a measure enacted by the 90th Congress—H.R. 8176, which I sponsored in the House and which amended the Federal Voting Assistance Act of 1955 to recommend to the 50 States that they extend to their private citizens who are temporarily residing abroad and to their families the right to register and vote absentee.

A MATTER OF JUSTICE

Simple and convenient procedures for absentee registration and voting are now generally available to members of the Armed Forces, the merchant marines, and civilians employed overseas by the Federal Government and their families. It is a simple matter of justice that we should now take the necessary action to extend the same privileges to the many thousands of private American citizens who are temporarily residing overseas.

The League for Americans Residing Abroad has indicated that the best estimate of the total number of Americans overseas is near 1.5 million. And this number will certainly increase with the continued expansion of American business and cultural activities abroad. Whether or not these citizens should have the right to participate in all Federal, State, and local elections, they most definitely should be entitled to vote in the national elections for President and Vice President.

Mr. Speaker, the Residency Voting Act of 1969 proposes a long and dramatic step toward eliminating needless disenfranchisement among a great number of our fellow citizens. It seeks, first, to implement the conclusion of the President's Commission on Registration and Voting Participation 6 years ago that:

No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet State residence requirements.

The proposed statute also seeks to guarantee the right to register and vote for Americans who happen to be living outside the United States.

Mr. Speaker, I hope that all Members will give close consideration to this important legislation and support its passage in the 91st Congress.

Mr. Speaker, under unanimous consent I insert at this point in the RECORD the text of the Residency Voting Act along with an editorial on the subject of this legislation from the New York Times of November 20, 1968:

H.R. 4794

A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residency Voting Act of 1969."

SEC. 2. The Congress hereby declares that to enhance the right under the fourteenth amendment to the Constitution of citizens who change their residences to enjoy equal access to the right to vote in the election for President and Vice President of the United States, it is necessary to prohibit the States

from conditioning the right to vote on the fulfillment of certain requirements of residence or registration.

SEC. 3. (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of residence or registration of such State or political subdivision if such citizen has resided in such State or political subdivision since the first day of September next preceding such election and has complied with the requirements of registration to the extent that such requirements provide for registration after such date. If such citizen has begun residence in a State or political subdivision after the first day of September next preceding an election referred to in the preceding sentence and does not satisfy the residence requirements of such State or political subdivision, then he shall be allowed to vote either in person or by absentee ballot in the State or political subdivision from which he most recently moved if, but for his nonresident status, he has satisfied, as of the date of such move, the requirements to vote in the State or political subdivision from which he most recently moved.

(b) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

SEC. 4. (a) In the exercise of the powers of the Congress under section 5 of the fourteenth amendment to the Constitution, the Attorney General is authorized and directed to institute in the name of the United States actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief to restrain the enforcement or execution of any residence or registration requirements which, in his judgment, interfere with the provisions or purposes of this Act.

(b) Proceedings instituted pursuant to this section shall be heard and determined by a three-judge district court in accordance with the provisions of section 2284 of title 28 of the United States Code, and any appeal shall lie directly to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 5. (a) Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice in violation of the rights conferred by section 3, the Attorney General is authorized to institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them to (1) permit persons benefited by this Act to vote and (2) count such votes.

(b) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person granted rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 6. (a) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in a State or political subdivision for the purpose of establishing his eligibility to register or vote under this Act, or conspires with another individual for the purpose of encouraging such individual's false registration or illegal voting under this Act shall be fined not more than

\$10,000 or imprisoned not more than five years, or both.

(b) Whoever shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

[From the New York Times, Nov. 20, 1968]
FIVE MILLION DEPRIVED VOTERS

Five years ago President Kennedy's Commission on Registration and Voting Participation declared: "No American should be deprived of the right to vote for President and Vice President because he changed his address before the election and did not have time to meet state residence requirements." Since then a number of states including New York have taken steps to make it easier for new citizens—or, in some cases, for former citizens—to participate in Presidential balloting.

But the obstacles to voting remain formidable in many places for the one in five Americans who move each year. Mississippi maintains a two-year residence requirement. In 32 states and the District of Columbia one year's residence is required. An estimated five to six million otherwise eligible voters were barred in this manner from participation in the recent Presidential choice, a choice that was decided by a scant margin.

In the interest of fair play and truly representative elections, citizens of every state that still obstructs the right to vote through antiquated residency restrictions should press their legislatures for prompt corrective action. But the question of qualifications for choosing national officials is more than just a local issue, as the Supreme Court has begun to recognize in recent decisions.

The most reliable way to insure that every qualified American will have a right to participate in the Presidential choice is through Congressional action setting reasonable and uniform standards for the entire nation. Such legislation was submitted by the Administration to the Congress during the last session in Senate Bill 1881. This measure, which never got beyond the hearings stage in the Senate, required that no citizen otherwise qualified be denied the right to vote for Presidential electors providing he had resided in a state since the first day of September preceding the election. This, or similar legislation, demands attention from the new Congress.

INTERGOVERNMENTAL CONSUMERS COUNSEL ACT OF 1969

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

Mr. TIERNAN. Mr. Speaker, I am today introducing the Intergovernmental Consumers Counsel Act of 1969, a bill designed to modernize the regulation of the major electric, gas, telephone, and telegraph utilities.

The bill has four principal objectives: First, to require utilities to report to regulatory bodies information which is pertinent to utility regulation and to the understanding of utility rates and procedures. Second, to require the Federal Power Commission and the Federal Communications Commission to report this information to Congress and the public in a timely and convenient manner, using automatic data processing to the fullest extent possible. Third, to establish, at the Federal, State, and local levels, offices of Utility Consumers Council, to represent the interests of utility

consumers before regulatory commissions and courts. Fourth, to establish a grant program to finance study of regulatory matters.

For too long now we have allowed the utility companies to operate in nearly an autonomous fashion. Repeated power failures and high costs have been a part of the New England regions dealings with the utilities. In the Providence Journal of January 12, 1969, Irvin Becker, in an article, entitled "Can the State Change Its Outdated System of Regulating Utilities?" documents how utilities in Rhode Island, Connecticut, Maine, and Massachusetts are earning well over the "allowed" rate of return. He reports "it is difficult to find a major rate setting decision in the area since 1958"—11 years ago. He found the utility expert working for the utility companies, not for the public, and the university community—which used to furnish scholarship and leadership for the public in this field—unconcerned.

New England's electric rates are the highest in the Nation. The Federal Power Commission and most State utility commissions have agreed that a reasonable profit is slightly more than 6 percent. The FPC, when it computes the "overcharge" or "difference" earned by the power companies, uses a 6-percent figure to establish a fair rate of return. Becker noted that the power industries have ignored the rate ceilings and compiled record profits in the absence of State controls.

In the Providence area, Blackstone Valley Electric and Newport Electric are making returns of close to 8 percent. The Federal Power Commission calculated that if those two firms had been held to returns of 6 percent, their customers would have been saved an "overcharge" of about \$600,000 in 1966.

It has been pointed out that last year, in a review of corporate profits, the First National City Bank in New York estimated that all utilities have twice the return on their net worth than has the volatile transportation industry.

In State after State, the utilities have dominated the State commissions that are supposed to regulate them. Richard J. Connolly, in an article in the Boston Globe on January 6, 1969, pointed out that—

Regulatory agencies at all levels of government often become so close to the organizations they were created to police that they become ineffective.

It is my hope that with the enactment of this bill we can help make the utility companies more responsive to a growing segment of the public that is becoming increasingly aware of the neglected responsibilities of these companies. The advent of nuclear power, the growing tendency toward regional compacts, and the inability of the separate States to control the wealthy power companies casts a grave doubt over the efficacy of several proposed reforms and reorganizations of utility regulations in several States.

The utility companies are not responsible to any electorate although they have several characteristics of government, including boundaries, as States and nations do, the right of eminent do-

main and the power to require public payments through rate adjustments just as States replenish their funds through the levying of taxes.

There is, however, no public control over their actions. Regulation is supposed to be a substitute for the absence of public control. This bill, the Utility Consumers Counsel Act of 1969, will help to make this regulation more meaningful.

In addition, I urge the private and public utilities, not only in New England but throughout the country, to plan and coordinate their future development in order that the public can be assured reliable and economical power. The public has a right to reliable and low-cost utilities and should not have to settle for less.

The article from the Boston Globe mentioned above and an article from the Providence Journal follow:

[From the Boston (Mass.) Globe, Jan. 6, 1969]

DPU OVERPOWERED BY COMPANIES, NEGLECTED BY STATE—UTILITIES HAVE TOO MUCH PULL, TOO MUCH CASH

(By Richard J. Connolly)

Is the Massachusetts consumer adequately protected by his Public Utilities Department?

The question drew a smile from the career employee of the DPU. He had been around long enough to know the answer.

"The companies," he said, "have too many resources and too much influence with the commissioners."

"They all wear halos, although they are green around the edges at times," he said of the utilities.

The Massachusetts DPU, he explained, has neither the time nor resources to properly investigate the utilities, which prepare their cases with the consumers' dollars.

Few consumers have the time or confidence to appear before the DPU to oppose the utilities.

The magnitude of the electric industry alone and the extent of the power failures in the past week or so should show the inability of the DPU to keep close tabs on utility operations and delve into the cause of the blackouts without relying on the reports of the utilities.

The DPU's chief accountant, Harold F. Bertolucci, serves as a good example of the lack of sufficient personnel and the dedication of some DPU employees who are underpaid and overworked. He earns \$11,752 annually, a figure he could double in private industry.

A DPU employee for 22 years, he is a registered public accountant, holds a Boston University degree in accounting, a master's in both economics and law and is a member of the bar.

Bertolucci supervises the examination and audit of accounting returns and schedules filed by companies under the DPU's jurisdiction.

Among them:

Sixteen railroads, 10 street railways, six phone companies, 26 gas firms, 14 electric companies, 2599 motor carriers of property, 816 security brokers and investment trusts, 63 water companies, 78 motor bus lines, 40 municipal light plants, 530 regular route common carriers, 7013 irregular route common carriers and 7422 interstate licensed carriers.

He specializes in the systems of accounts used by all of those firms. He must be familiar with administrative law and with the type of equipment used by the utilities as well as their financing methods.

Bertolucci's duties are important to the protection of the consumer. He prepares drafts of decisions and rulings issued by the DPU concerning fiscal and rate cases.

TWO EMPLOYEES

With all this responsibility and with a primary function in the establishment of utility rate schedules, Bertolucci has only two employees in his office—another accountant and a woman who handles clerical work.

When the other man is in the field and the woman is sick or on vacation, Bertolucci must eat his lunch at his desk. He cannot go out because nobody is available to answer the telephone.

John W. Coughlin, who has been with the DPU for nearly 20 years, is director of the division of telephone and telegraph utilities. His task is to direct the investigation of complaints about telephone and telegraph service and to examine equipment to make sure it meets DPU requirements.

His job requires a thorough knowledge of laws and regulations relating to telephone and telegraph services, of rate structures and of the mechanical operation of telephone and telegraph equipment.

LACK OF YOUTH

Coughlin has no clerical help. He must write the division's letters. He must keep one inspector in the office each day to answer the telephone, handle complaints and assist with the office duties.

DPU Chairman Helen P. Ross also lacks clerical help. She shares a confidential secretary with six other commissioners and two lawyers. On a recent night, Miss Ross wrote 22 letters at home.

Staff and sufficient funds are needed. But the biggest deficiency is in youth. Much of the personnel is a product of the depression years. They have talent but are aging. Of six engineers, the youngest is 53.

The salary structure is unattractive. Even if young talent could be recruited (there is no recruitment program) Civil Service procedures discourage applicants.

"It may take a whole year to fill a job," one division head noted.

"If you try to fill the job temporarily, you're liable to get a politician who is worthless. If you get someone who can do a good job, he can get bumped by a veteran or a disabled veteran," he said.

"This department, like others in the state, is in real trouble," he continued. "Talented young men and women are not coming into state service because they can make more money in private industry."

Numbers are not the only answer. Because of the complexity of its task and the need to regulate highly technical industries, the DPU must have knowledgeable personnel.

The Massachusetts DPU, like other state regulatory agencies, has failed to use data processing methods, unlike the utility firms it is empowered to regulate.

Rate bases, income and rates of return are checked. But, in the opinion of one DPU official, the analysis of statistical data and comparisons are the exception. Not enough attention is paid to the cost of a utility's operation.

U.S. Sen. Lee Metcalf of Montana, long a critic of investor-owned utilities, which he refers to as the "I.O.U.s," says that state regulatory commissions are one of the most important—yet most neglected—parts of government.

Metcalf has reminded state commissions that they must keep the public informed of utility operations and must protect the consumer who cannot purchase power, water or telephone service in the open market.

EXTRAVAGANCE?

"Commissions should probe into the financial figures of the utilities to find where the money goes, whether there is extravagance, whether the public is overcharged, whether the consumer's dollar is used for political purposes or endeavors which the consumer does not favor."

Sen. Metcalf has said of some regulatory commissions:

"Responsible for the protection of the public interest in many and diverse fields, but lacking the staff and funds with which to exercise their responsibility, some commissions are able to do little more than accept and approve what is put before them by the hundreds of companies under their jurisdiction."

"Thus most rate changes are initiated by the utilities and simply approved by the commissions, which are not equipped to inquire into the reasonableness of the rates. . . . Consumers are paying dearly for the regulation that protects and benefits the investor-owned utilities at the expense of their regulated customers."

In the opinion of Sen. Metcalf, the electric consumer, for example, is caught in a vicious circle.

"He cannot obtain adequate rate reductions because many regulatory commissions do not have the staff nor inclination to reduce rates, due to the political and propaganda activities of the utilities, which are designed to prevent adequate rate reductions," Metcalf said.

Past and present DPU commissioners in Massachusetts have not been especially active on Beacon Hill in efforts to obtain more money, power, and staff to do a better job.

Even if they were, they would encounter opposition, not openly, of course, from the most powerful lobby on The Hill—that of the private utilities.

By neglecting the DPU, by not giving it enough tax dollars to do an adequate job, by not demanding tip-top efficiency, the public has cheated itself as a taxpayer and consumer.

CAN THE STATE CHANGE ITS OUTDATED SYSTEM OF REGULATING UTILITIES?

(By Irwin Becker)

The election of Frank Licht as governor presents the state with a rare opportunity to overhaul its outdated utilities regulation system.

Mr. Licht made the subject of utilities one of his major campaign issues as he urged a three-member, non-partisan commission to replace the current administrator.

Despite the move toward reform, the central question remains: Can a regulatory agency on the state level cope with a problem that is regional and national in scope?

The local division of public utilities has said that it is understaffed, poorly paid and encumbered with reviewing the activities of more than 60 firms ranging in size from small tax companies to large electric power complexes.

In the hedge podge of hearings and decisions that crowd the agency's schedule, it is not unusual for more time to be spent on deciding whether to restore telephone service after bookie raids than in reviewing the accounts of the multi-million-dollar telephone company operations.

The system is further weakened by the advantage enjoyed by the large utilities which, with customer money, can afford the best talent to argue persuasively for higher rates that the public will have to pay.

COMPANIES STRONG

Many feel that the utilities division, as in many other states, is so poorly equipped that the utilities companies are able, in effect, to dictate the manner and the terms under which they are supposedly regulated.

"In many states, it is regulation of the customer, not of the utility," Sen. Lee Metcalf of Montana, a strong critic of the electric power industry, has argued in numerous speeches.

The status of the electric companies is central to any discussion of controlling the utilities and this is especially so in New England, where electric rates are the nation's highest.

Utility regulation consists basically of de-

termining a reasonable profit for the risk-free, government protected industry. The exact amount differs in each case, but the Federal Power Commission and most state commissions have agreed that slightly more than a six per cent return is reasonable enough.

The FPC, when it computes the "overcharge" or "difference" earned by the power companies, uses the six per cent figure to establish a fair rate of return.

NOT ENFORCED

In 1957, the average rate of return set by the states was 6.14 per cent, which is a percentage based on a utility's plant investment and other economic factors.

But significantly, the states have not enforced their own profit limits and the major investor-owned electric companies earned an actual profit last year that averaged 7.44 per cent.

Some firms, operating in southern and western states, achieved a return on their investment of more than 15 per cent, which is higher than most competitive and risk corporations earn.

The difference between the established and actual returns or profits is only 1.30 per cent but the loss to customers runs into billions of dollars.

For example, a company that has a one-billion-dollar investment would get 10-million dollars less in revenues if its profit ratio dropped one per cent.

The Consumer Federation of America estimated that if the average cost for a kilowatt hour fell one-tenth of a cent this year, residential users would have saved 1.3-billion-dollars.

CEILING IGNORED

In New England, the regulatory gap is not as severe as in Texas, which has no utilities agency, but it is still a serious problem. Hardly any of the states in this region have initiated rate cases. The important issues of control of atomic energy and reliability of electric power are decided out of view and control of the states.

It is difficult to find a major rate-setting decision in the area since 1958. For some reason, there were rate hearings throughout the region in the 1957-58 period. The last utility rate cases in Rhode Island, concerning New England Telephone & Telegraph Co. and Narragansett Electric, were in 1957.

During this lapse of state control, the power industry ignored the rate ceilings and compiled record profits.

In Massachusetts, the rate of return for Boston Edison was set at 5.7 per cent in 1958. According to the FPC, the Boston firm earned 7.75 per cent in 1968.

In Maine, the profit margin of the Central Maine Power Co. was established at 5.75 per cent. Its current income return is 6.56 per cent.

In Connecticut, the three power companies—Connecticut Light and Power, Hartford Electric Light and United Illuminating—earned an average return of nearly 7.40 per cent.

EIGHT PERCENT

In the Providence area, Blackstone Valley Electric and Newport Electric are making returns of close to eight per cent. The FPC calculated that if those two firms had been held to returns of six per cent their customers would have been saved an "overcharge" of about \$600,000 in 1966.

Last year, in a review of corporate profits, the First National City Bank in New York estimated that all utilities have twice the return on their net worth than has the volatile transportation industry.

The electric companies offer several arguments in their defense. They claim the cost of money is constantly increasing, that they face competition from gas and oil interests, that they need high profits to attract investors and, that unlike municipal companies or federal projects, they pay a large amount of income taxes.

Further, the companies contend that the cost of electricity is decreasing all the time and they are making heavy investments in modern nuclear equipment so that the cost will go down even faster.

But industry critics maintain that the electric industry's contentions are phantom objections when they are viewed closely.

The cost of money argument is one instance. The industry contends that the cost of borrowing for investment is over six per cent and that this should be used to decide a fair rate of return.

The critics note that while the prime rate is now about six and a half per cent, what complaint did the industry have when the interest rates were half that 10 years ago. Would the utilities have reduced their profit margins to three per cent? They ask.

In addition, the cost of money is misleading, the critics observe. The real cost of money to a utility is the long-term interest it must pay on its bonded debt which comprises more than half its capitalization.

The latest annual FPC report states: "The average interest rate on the companies long-term debt reached a record high of four per cent in 1967." The report continues:

TAX MONEY CITED

"Much of the present debt capital of the stronger electric utilities was obtained in the 1946-56 decade when borrowing rates considerably below four per cent were prevalent."

On the question of competition, observers believe that the electric companies, the nation's largest industry in terms of value, has advantages over its rivals.

Because of excess profits, the critics assert, the electric firms can cut their prices, provide customer bonuses and absorb the loss without materially affecting their profits.

One of the major companies' most potent arguments in terms of public relations has been their insistence that they are taxpayers like everyone else and that their tax money is vital to the operation of municipal governments.

The misunderstanding on electric company taxes is based on the confusion of who is paying the money—the utility or the customer.

Several favorable tax amendments in recent years have reduced the percentage of revenues the electric industry pays in federal taxes from 14.7 per cent in 1965 to 11.6 per cent in 1967. In many cases, the savings have not been passed on to customers.

Utilities include taxes in their operating expenses and these expenses are met by collecting the levy from customers. As Senator Metcalf has charged:

"Utilities are not taxpayers. They are tax collectors. When utility taxes are decreased, as they have been frequently, many utilities do not automatically reduce rates. They thus become tax keepers."

Dr. Horace M. Gray, emeritus professor of economics at the University of Illinois, quoted in the Congressional Record, maintains that the electric industry will profit from the recently imposed 10 per cent surtax.

PROFITS SEEN

He argues that the industry will have to pay \$400,000 on the new charge but will probably collect twice that amount and pocket the difference.

Income and tax figures since the surtax went into effect are not available to affirm or contest the professor's remarks.

The cost of electricity to consumers has indeed gone down since World War I. The cost per kilowatt in 1967 dropped three cents to \$2.31 but the average annual bill increased \$5 to \$120. That hike is attributed to the increased usage by each family.

The challenge of cheap federal power and the government's 2-million dollar research investment in nuclear power has revolutionized power production. The electric industry is planning a huge outlay in the next 10

years to construct about 66 nuclear plants with a capacity of 51.5 million kilowatts.

Again, rush of the companies' into nuclear generation has riled the critics. They contend that the public paid for the development of the new power, but that the control over nuclear energy is being "handed over" to private industry.

Moreover, the critics charge that the cooperatives and the municipally owned companies, which provide 14 percent of the power needs in New England, are being excluded from sharing equitably in the distribution and profits of the new energy source.

PROBLEMS LISTED

Thus, the advent of nuclear power, the growing tendency toward regional mergers and the inability of the separate states to control the wealthy power companies cast a grave doubt over the efficacy of the proposed reorganization of utilities regulation in Rhode Island.

Dennis J. Roberts II, nephew of the former governor who is working on a utilities report for Governor Licht, admits there are difficulties to overcome if a revamped system is to be effective.

He said the initial plan on reforming the utilities division included a three-member panel with overlapping terms filled with "apolitical" appointees.

The commission should be "judicial" in nature and have the use of experts, Mr. Roberts said. He said that there is sufficient legislation now for a utilities commission to carry on its work.

He added that "some thought has been given to regionalizing or setting up a compact." Mr. Roberts said there does not seem to be any liaison among the utility divisions in New England, many of which are dealing with different offshoots of the same companies.

The new commission, he asserted, "should be aggressive in its regulatory mission. You can do quite a bit under the present law," he remarked, but very little had been done with the current setup.

"I don't think there has been a hearing of the (state's) own volition in 10 years. This is not a way to regulate utilities," he said.

He conceded, however, that a new regulatory system will run into the "very real problem" of money. "Good solid people would have to take a substantial cut in pay," he explained.

Another handicap is that utility experts are all working for the utility companies, and the universities do not have specialists who are concerned about the power monopolies.

Essentially, Mr. Roberts said, the state must settle the "question of priorities" and determine if it is "willing to spend the money" that would have to be taken from other programs.

COUNSEL URGED

Another attempt at reform is just getting started in Massachusetts, where the Consumers' Council has assailed the electric companies with overcharging Bay State residents a total of 41 million dollars last year.

The charge was made by Dr. Edward R. Willett, council chairman, who said the council would sponsor legislation assessing gas and electric companies for funds to study rate systems and make competitive bidding mandatory in certain contracts.

A council spokesman suggested that provisions of the FPC law allow an investigation of a region's utility problems if the state agencies in the area request a probe.

Another change the council favors is the appointment of a utilities counsel, who would work with the regulatory commission and represent the public in rate cases.

Maryland is the only state with a utilities counsel and efforts at the federal level to provide funds for the position have been defeated in Congress.

The Utility Consumer Counsel Bill, intro-

duced by Senator Metcalf, required the reporting of additional financial information by the utilities, including stock ownership and stock option plans.

The bill would have made federal funds available for up to 75 per cent of the cost of establishing utility counsels in cities with more than 100,000 population and at state and national levels.

The legislation contained a provision to start a grant program for a continuing study of regulatory issues, the money for the new programs would have come from the utilities, which were to be taxed at the rate of one-tenth of one per cent of their operating revenues.

Senator Metcalf maintained it was fair for the utilities to pay for their own regulation since the government paid four-billion of the industry's annual 40 billion dollars in revenues.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. The Chair understands that one Member-elect is present who has not as yet had the oath of office administered. Will the Member-elect appear in the well for the purpose of having the oath administered to him.

Mr. HANNA appeared at the bar of the House and took the oath of office.

THE DISPLAY OF BESTIALITY IN IRAQ YESTERDAY

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

Mr. FARBSTAIN. Mr. Speaker, eight Jews and six others were hanged in Iraq yesterday in a public display of bestiality reminiscent of the days of the Nazis.

When several airplanes were destroyed in Lebanon we heard cries of anguish throughout the world. Is this same world less concerned about the destruction of human lives than of property? If we are more concerned about humans than of property, then we dare not stand mute in the face of this return to the age of barbarity. If we remain silent, there is a likelihood that our silence may encourage further such acts against others imprisoned for alleged espionage which, it is charged was committed by Jews who were under house arrest since 1967.

Private pleas to stop this mass murder have been proved to be no avail.

I trust that the civilized world and our Government will raise objection more vocal than has been done to date to avoid further such savagery.

Only a roar of condemnation that will descend about the heads of the rulers of the Iraqi Government will, in my opinion, prevent similar acts of mass murder and further destruction of innocent human souls for similar false reasons.

URGENT NEED FOR EARLY ACTION ON COAL MINE HEALTH AND SAFETY LEGISLATION

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

Mr. HECHLER of West Virginia. Mr. Speaker, at 6:55 a.m., at the break of dawn today, a portion of the roof fell in No. 7 Christopher Coal Co. mine near

Mount Morris, Pa., on the Pennsylvania-West Virginia border, triggering an electrical fire which trapped a number of men.

Within the last 15 minutes, fortunately, it has been officially announced that the last of the men have successfully and safely emerged from the burning mine.

The fiery near disaster underscores the urgent need for early passage of coal mine health and safety legislation. I make a plea to the chairman of the appropriate committees of both this body and the other body to start hearings on the proposed coal mine health and safety legislation at the earliest possible date. Each day that passes subjects the coal miners to new dangers of being crushed, burned, buried or gassed, as well as being exposed to the ravages of the deadly pneumoconiosis—black lung.

The Congress can no longer afford to delay. We cannot afford to fiddle while coal miners burn. In the name of humanity, this Congress must act to pass effective legislation on coal mine health and safety.

PRESIDENT-ELECT OF THE NATIONAL ACADEMY OF SCIENCES: DR. PHILIP HANDLER

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

Mr. MILLER of California. Mr. Speaker, Dr. Philip Handler, James B. Duke professor and chairman, Department of Biochemistry, Duke University, has been declared president-elect of the National Academy of Sciences. Dr. Handler, who is 51, will begin a 6-year term as the 18th president of the Academy on July 1. He succeeds Frederick Seitz, who has served in that position since 1962. Dr. Seitz was named president of the Rockefeller University in 1968 and will be serving in both capacities until Dr. Handler takes office.

The announcement was made January 17 by Dr. Detlev W. Bronk at a luncheon in the State Department Building honoring the winners of the National Medal of Science. Dr. Bronk, who was one of the medalists, was president of the Academy from 1950 to 1962.

Dr. Handler has not only had a distinguished career in enzyme research but has also played an energetic role in national scientific affairs in recent years. He has been a member of the National Science Board since 1962 and chairman since 1966. From 1964 to 1967 he was a member of the President's Science Advisory Committee.

The National Academy of Sciences is a private organization, established in 1863 by an act of Congress to elect to membership the outstanding scientists and engineers in the Nation and to serve as an independent adviser to the Federal Government on questions of science and technology. Its present membership is over 800, but its advisory activities involve more than 5,000 scientists and engineers, as well as a staff of more than 750. Its annual budget, including that of the National Research Council which

serves as its principal operating agency, is over \$25,000,000.

Mr. Speaker, let me bring out at this point that Dr. Handler has been both an effective and distinguished friend and adviser not only to the Congress in general but to the committee in particular.

Because he is chairman of the National Science Board, we have had reason to be in close liaison with Dr. Handler and we have benefited very considerably from our collaborations with him—formal and informal.

It is with genuine pleasure that I and, I am sure, all the other members of the Science Committee take cognizance of Dr. Handler's election to the Academy presidency. We confidently hope to continue our working relationship with Dr. Handler in his new capacity. We are indeed fortunate to be able to do so.

IRAQ WEARS THE MARK OF CAIN

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

Mr. PODELL. Mr. Speaker, Hitler's hand has reached from Gehenna and sprung the traps from under those innocent victims Iraq has just put to death. Clear and visible upon the brow of Babylon is the mark of Cain. There is no defense for what they have done.

It is one thing to make war. It is another to come in stealth across a nation's borders at night to murder, destroy, and burn. It is again another to threaten that nation's very existence, up to and including genocide. All this and more have the Arabs done or threatened to do to Israel.

But what the Iraqis have perpetrated here is solely an act of murder against a group of Iraqi citizens because they happened to be Jews. This is an act straight out of the Goddamning of the Wagnerian twilight of Nazi Germany.

Mark well the methods utilized by Iraq. Public execution, a method long ago dispensed with by civilized nations, who extend even to the condemned the right to die privately. But the Iraqis tore a page from the book of the Middle Ages.

Not content with this barbarism, they draped a sign around the neck of each of the condemned, noting his religion—Mr. Speaker, his religion. If this is not damning proof of the reason for their execution, then there can be none. So much for the Arab argument that they make war only upon Zionism, rather than upon the religious faith of Judaism.

The next act of this brutal and gory scenario involves the public display of the hanged men. I am certain their families have had this marked indelibly upon their memories. I can only recall the hostages suspended from lampposts after their execution by the S.S. in a dozen different European countries during World War II. It calls to mind the horrors of Lidice, Malmédy, Babi Yar and Belsen.

But the final act was the most revolting. Iraq was not content with going back to the Middle Ages or even the Dark Ages. She was not even content with Hitler's methods. She instead reached back to the

mists of man's tribal history as she removed the bodies and hanged them from a gate overlooking the capital city of Babylon. How horrible. How degrading to the human spirit. How demeaning for all mankind.

Mr. Speaker, where is the action of the U.N.? Where are the howls of indignation to match those we heard when the Israelis destroyed planes at Beirut? Everywhere throughout the Arab world the Jewish remnant languishes in prisons or lives in fear of a repetition of this atrocity. Where are those who condemned Israel for fighting to stay alive? Where are the bleeding hearts of yesterday? Where indeed.

They are in the same place they were in when the Jews were massacred for the 2,000 years of the Diaspora. They are gone. They are where they were when Jews were butchered by the Crusaders and the Turks—by the Inquisition and the Moors—by the Czars and the Soviets—by the Nazis at Auschwitz and the synagogue burners in New York City.

Where is the conscience of the world? Where is the guilt of mankind? Where is the idealism the bible and organized religion speaks of? Where is the humanity of the holy Koran? Where are the honorable and compassionate men?

Mr. Speaker, a nation and a people have a right to live, including defending that right by violence and bloodshed. This applies to Israel and the Jewish people as well as to all others on earth.

Mr. Speaker, I call upon the Attorney General to open our gates to the agonized remnants of the Jewish communities of the Arab States. In this emergency I call upon the United Nations to negotiate the release of those Jews in these lands who wish to depart from their bed of agony and torment. This is a simple humanitarian gesture that is practical and easily arranged. Further, it is a perfect outlet for the Arab States. They accuse many of their Jewish citizens of being Israel spies. This is their opportunity to easily, cheaply, and quickly be rid of any more potential Israeli spies and Jewish martyrs. Because Israel was founded as a refuge for the persecuted, these Jews are automatically Israeli citizens if they choose to go to Israel. Further, the immigration quotas for these Arab States to our own country are, I am sure, not filled; they would easily accommodate these pitiful refugees, if they were allowed to go. The choice is simple and the chance to act is now.

WILLIAM M. McMILLAN

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

Mr. STEED. Mr. Speaker, on December 30, 1968, the postal service and this Nation lost, through retirement, a truly outstanding and dedicated public servant—William M. McMillan, Assistant Postmaster General for Operations.

I suppose it was destined that a man who was born in a town named for the first Postmaster General—Ben Franklin, Tex.—and who chose to make the postal

service his career, should become one of the most respected and knowledgeable officials ever to serve the U.S. postal service.

Mr. McMillan started his career as a substitute clerk in the post office in Albany, Tex., on July 1, 1927, and over a span of 41½ years rose successfully through the ranks to be a postal inspector, inspector-in-charge of the Fort Worth inspection service, regional director of the Wichita and Dallas postal regions, and finally in February of 1964 was nominated by President Johnson and confirmed by the Senate to be the Assistant Postmaster General for Operations. During his 5 years in this position, he was responsible for the collection, handling, and delivery of nearly 400 billion pieces of mail, employing over 700,000 people in over 34,000 post offices throughout the United States.

As chairman of the Appropriations Subcommittee for Treasury, Post Office, and the Executive Office of the President, I have personally observed Mr. McMillan's dedication to our great postal service and the many contributions he has made to it. I can attest to his leadership, his wise counsel and advice, his unfailing integrity, and the deep concern he has always demonstrated for adequate and responsible public service. Over the past 5 years he has appeared before our committee many times to explain and justify the Department's request for the appropriation of billions of dollars and I always found him well prepared, extremely knowledgeable and highly practical in his solutions to problems of the Government. He was always vitally concerned with the kind and level of postal service provided this Nation, but equally cognizant of his responsibility to taxpayers of this country whose moneys were entrusted to him to pay for the service they expected.

Over the years he demonstrated a rare talent for understanding the postal service needs of this country while at the same time not losing sight of his fiscal responsibility as a steward of public funds. This, Mr. Speaker, is a very desirable and much needed trait in these days when too often the expedient rather than the hard but responsible approach to problems seems to be the order of the day.

Speaking for myself, Mr. Speaker, as well as for the members of my committee, I want to say that the void left by the retirement of Mr. McMillan will not be easily filled. This Government has lost a good and faithful public servant. His devotion to public service, his ability to handle the tremendous burdens placed on his shoulders, his concern for people—postal workers as well as the public he served—and his own high standard of personal integrity will stand as a benchmark for those who follow him.

I wish him every happiness and contentment in his well earned and richly deserved retirement.

THE CRIME SITUATION IN WASHINGTON, D.C.

(Mr. ANDREWS of Alabama asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, in my opinion the crime situation in Washington, D.C., has reached the point of—I do not know how to express it. It is intolerable.

I do not see any help in the future for the citizens of this Nation's Capital.

The President was quoted in the paper last night as having said that he could not even walk around the White House for fear of bodily harm.

I am today offering a resolution providing for the deployment of two companies of U.S. Marines on the streets of Washington, D.C. I hope this resolution will be considered seriously. As I see it, it is the only hope for the law-abiding citizens of the District.

Our police department has done the best it could. They have been hamstrung by guidelines from the Mayor and the Commissioners and court decisions.

If Members will stop and think, it will be just a few months, perhaps a few weeks, before the high school students will be coming to visit the Nation's Capital. I hope that none will come from my district. I have warned all school principals not to send any up here for fear that they might be injured. But now is the time to take action. I say to you, in my opinion, if the U.S. Marines cannot protect the Nation's Capital, then there is no hope for law-abiding citizens in Washington, D.C.

JOSE MARTI—CUBAN PATRIOT

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

Mr. FASCELL. Mr. Speaker, today marks the anniversary of the birth, in 1853, of Jose Marti, the Great Cuban statesman, teacher, philosopher, and poet who inspired and led his people in their struggle for independence.

Born in Cuba of Spanish parents, Marti devoted most of his life to fighting against the country of his forefathers. He was banished time and again from his homeland for his political and revolutionary activities, and spent much time in Spain, Guatemala, and in the United States.

He arrived in New York in 1881 where he set about uniting the Cuban exiles, renewing and reviving the revolutionary spirit of his compatriots, and drafting a democratic constitution for his nation.

In 1894, Marti attempted to lead a company of armed Cuban revolutionaries from the United States to Cuba but was intercepted. The following year, however, he succeeded in reaching Cuba and joined the forces of General Gomez Baez. He fell in battle on May 19, 1895, near the little town of Dos Rios, giving his life for Cuba's freedom.

Mr. Speaker, Jose Marti will always remain enshrined in the hearts of the Cuban people, not only as a great political leader and a revolutionary, but also as one of the most gifted poets and writers of the Western Hemisphere. It was his writing, more than anything else, that has endured to nurture the flame of freedom in the hearts of his countrymen.

As the inscription on his monument in New York City says—he was the "Apostle of Cuban independence—Leader of the peoples of America and defender of human dignity."

Mr. Speaker, the anniversary of Jose Marti's birth brings to mind the tragic plight of the Cuban people and their continuing struggle for liberation from the tyranny of Castro's brand of communism.

This struggle is of great import and concern to all Americans—from Hudson Bay to the Strait of Magellan. For if freedom is allowed to be permanently suppressed in Cuba, the consequences of that state of affairs will, in time, be tragic for all of us.

As John Donne once wrote, "No man is an island entire of itself." Neither is a country. And the loss of freedom in Cuba diminishes freedom for all of us.

Mr. Speaker, a new administration has taken the reins of our Government. According to President Nixon's pre-election statements, this administration is not only dedicated to, but also prepared to work for, a change in the status quo of Cuba.

We applaud that resolve and give it our wholehearted support. And we look with anticipation to the results which it will produce.

As a Representative in Congress of the city of Miami which today is home to many thousand Cuban exiles, I have worked to the best of my ability to promote the realization of Jose Marti's hopes and dreams for his nation. I will certainly continue to do so in this Congress.

I could mention at this point that, with the new Congress taking office, I have been urged to resign as chairman of the Subcommittee on International Organizations and Movements and to seek the chairmanship of the Subcommittee on Inter-American Affairs on which I have served as the ranking Democrat.

There is certainly no part of the globe which is of greater importance to the future security and economic progress of the United States than this, our own hemisphere. For that reason alone, the chairmanship of the Subcommittee on Inter-American Affairs carries with it responsibilities and opportunities not provided by some of our other subcommittees.

I am fully conscious of this.

I also want to reiterate that the future course of developments in Cuba, and the prayers of Latin America as a whole, are of deep concern to the people of Miami—perhaps more so, because of our geographical position, than to the people of other American communities.

These considerations will play a large role in my plans and activities during the 91st Congress, and I will have more to say on this subject in the next few days.

DIRECT POPULAR ELECTION

(Mr. O'HARA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. O'HARA. Mr. Speaker, I introduce today, for appropriate committee reference, a joint resolution proposing an

amendment to the Constitution to provide for direct popular election of the President and Vice President of the United States.

In introducing this legislation, I have been joined by 38 Members of the House of Representatives representing both political parties.

The proposed joint resolution is exactly like Senate Joint Resolution 1 introduced earlier in the Senate by the junior Senator from Indiana Senator BAYH, on behalf of himself and 40 other Senators, again representing both political parties.

Mr. Speaker, there are two popular myths concerning the election of the President.

Many Americans believe that when they mark an X beside a presidential candidate's name, they are voting for that candidate.

They also believe that in the democratic tradition, the man who gets the most popular votes will always win.

Of course both these statements are false.

This proposed constitutional amendment will make them fact.

Under our present electoral college system, voters do not vote directly for the candidates, but for slates of presidential electors.

And because of the electoral vote allocation, it is entirely possible for a candidate to win the popular vote, but to lose the Presidency to the second-place, or even third-place candidate.

If this situation did not already contain sufficient potential for electoral chaos, we must also recognize that at present there may not be any enforceable constitutional requirement that the electors actually vote for the candidate to whom they are pledged.

An elector, at his personal whim, might cast his vote for whomever he chooses. This happened in our last presidential election.

Earlier this month, when the House and Senate met in joint session to certify the vote of the electoral college, the Senator from Maine Senator MUSKIE and I joined in a historic, though unsuccessful challenge of the vote of a "faithless elector" from North Carolina.

While we had hoped to establish a precedent that might have deterred future faithless electors, the purpose of that challenge was in part educational—to once again remind the public and the Congress of the power of the presidential electors, and the danger inherent in that power.

You will remember that this elector was one of 13 elected by the voters of North Carolina when they marked their ballots for the Republican nominee, Richard Nixon. Yet this elector chose to disregard the mandate of the voters of his State, and instead of voting for Mr. Nixon when the electors met, he cast his ballot for third-party nominee George Wallace.

While that single errant vote is of little immediate consequence, one can recognize that a substantial block of such faithless electors could swing the election to a candidate who failed to lead in the popular vote.

Thus the danger remains that electors,

by either capriciously abandoning the candidate to whom they are pledged, or by casting their vote at the candidate's direction in a political power play, could thwart the public's will.

Mr. Speaker, this amendment would absolutely insure that the man with the most votes will win the election. It simply abolishes all the trappings of electoral votes, and says that the popular vote—the vote of the people—will determine who shall be President.

I recognize that other Members have proposed legislation that would correct the most flagrant flaws in the present system. Specifically, they would abolish the electoral college as now constituted, and they would eliminate the present winner-take-all formula for allocating electoral votes.

While disposing of the body called the electoral college, these other proposals would retain the electoral vote, either allocating it proportionately within a State according to popular vote, or by congressional districts.

While these proposals are attractive to some, each one fails democracy's test—that the popular vote winner will in fact be elected President.

In each case, as long as the electoral vote is retained, with clusters of electoral votes rigidly held within a State framework, the possibility remains that a man who did not win the most popular votes could be elected President.

In testimony before the Senate Subcommittee on Constitutional Amendments last week, an opponent of the Bayh amendment, who has endorsed both the district and proportional plans, admitted that under either of these formulas John F. Kennedy would have lost the Presidency in 1960 while winning the popular vote.

The only way to completely eliminate this possibility is to elect the President by popular vote, as provided for in this amendment.

Imagine, if you will, that it is late election night 4 or 8 years hence, and that Chet Huntley and Walter Cronkite flash the news to the Nation: "Candidate A has a clear lead—probably insurmountable—in the popular vote, but, because of some electoral vote formula, candidate B has won the election."

Can you imagine the outcry across the land?

President Nixon has said that he doubts that a President so elected could lead the Nation. I agree.

Since the Harrison-Cleveland election of 1866, we have managed to avoid such a situation.

Few Americans would want this to remain a possibility.

But the potential exists now, and it will still exist, if we retain the structure of electoral votes, whether distributed by congressional district or on a proportional basis.

Now the eminent Members of this House and the Senate who support these other plans realize that there are grave dangers in the present system. They also agree that the present winner-take-all system of allocating electoral votes is undemocratic, since it effectively disenfranchises millions of voters.

They say that their plans would correct this defect in the present system, that, in effect, their proposals are more democratic than the present system.

And they are correct—they are more democratic—but they do not go the full way. They stop short of that final step that assures that the will of the people, in every case, shall prevail.

And the election of the President by popular vote is the only way to give each voter—no matter where he lives or for whom he votes—precisely the same voice in the election of our Chief Executive.

Mr. Speaker, we recognize that the President should be the choice of a substantial number of voters. In order to assure this, in case there should be three or more candidates, this constitutional amendment requires that the winning candidate receive a plurality of at least 40 percent of the popular vote.

If no candidate received the minimum 40-percent plurality, there would be a runoff election. If past history holds true, this would rarely occur. President Lincoln, in 1860, was the last President to receive a plurality of less than 40 percent, and he was very, very close to that mark.

The proposed amendment provides that the Congress will set the date for such a runoff. The Nation should not endure prolonged uncertainty over the identity of its next President. And the President-elect should have as much time as possible before inauguration to organize his administration.

It is my intention that the election be held as promptly as possible after the general election.

Mr. Speaker, events of last year brought us to the threshold of electoral stalemate and chaos.

Most of us here recognize the need for reform. Yet the proliferation of proposals for reform are now threatening the opportunity for change at a time when its prospects are brightest.

This past Sunday the Washington Post declared in an editorial:

The overriding fact about our national electoral system is that, from the viewpoint of the twentieth century, it is one of the worst that could be devised. Almost everyone wants it changed. The arguments against using it again in its present form are so overwhelming that Congress should move promptly to supplant it with the best substitute that can be worked out.

The Post suggested that the "best substitute" may be the Bayh amendment.

This is the amendment I introduced here today with the announced support of 37 Representatives.

I support this amendment because I think it the best of all proposals submitted thus far, and because I think it is what the people want.

With the weight or reason, and the momentum generated by the junior Senator from Indiana, Senator BAYH, I believe we can enact this joint resolution.

And I believe that logic—and the people—will persuade the State legislatures to ratify it—irrespective of supposed narrow State interests.

Mr. Speaker, some editorial cartoonists across the Nation have depicted the electoral college as a rickety footbridge, ropes frayed, planking missing, spanning a

bottomless chasm. Others have pictured it as a wheezing, rusty mechanism, ready to collapse.

Fortunately, there was no collapse in 1968.

We may not be so lucky next time.

Mr. Speaker, I include the editorial, "Road to Reform," from the January 26 edition of the Washington Post, the names of the sponsors, and text of the resolution at this point in the Record: [From the Washington Post, Jan. 26, 1969]

ROAD TO ELECTORAL REFORM

It was long ago established that there is no perfect system for election of the President and Vice President in this Federal Republic. Every proposal that has been devised to date leaves something to be desired. This fact is once more getting emphasis from the hearings conducted by Senator Bayh's Subcommittee on Constitutional Amendments.

But the same can be said of virtually every reform that is sought in government or elsewhere. It means only that there is very little perfection in human affairs. The process of legislation, in Congress or elsewhere, is not one of discovering and enacting perfect remedies for the ills of our time. It is, rather, a process of accommodation from which emerges the most acceptable compromise to meet the problem at hand.

We hope that Senator Bayh's subcommittee and the Senate itself and the House, too, are embarking on such a process in regard to electoral reform. For the overriding fact about our national electoral system is that, from the viewpoint of the twentieth century, it is one of the worst that could be devised. Almost everyone wants it changed. The arguments against using it again in its present form are so overwhelming that Congress should move promptly to supplant it with the best substitute that can be worked out.

What are these defects? The first is, of course, that the President is chosen by electors who may be "appointed" in any manner that the state legislature may approve. The idea of entrusting the choice of the President to third parties who may not even be chosen by the voters, or who may disregard the voters' wishes if they are, is so deeply repugnant to present-day democratic principles that it should no longer be tolerated as the basis of our electoral system.

In a close contest, this strange system may give us a President with an electoral majority but without even a popular plurality. In a three-way contest, it may leave the door open for the second and third candidates in the popular and electoral votes to snatch the Presidency away from the No. 1 candidate. In the case of no electoral majority, the choice is thrown into the House with a crude and undemocratic requirement of voting by states.

The problem of the reformers is to eliminate these peril-points in the system by the most effective means possible. Senator Dominick seemed to be making a strong case for the distribution of each state's electoral votes on the basis of its congressional districts or the division of each state's electoral votes among the candidates in proportion to the popular vote cast. But he admitted that either alternative would have elected Richard Nixon in 1960, although John F. Kennedy led in the popular vote. It is too late to offer the country a new system that would increase the possibility of installing in the White House a candidate who has lost the popular vote.

Fortunately, the subcommittee does have before it a plan for direct popular election of the President, with 41 Senators sponsoring it. This is the Bayh resolution. Unless the hearings turn up some more promising approach to the problem, it would be better to use this as a base for the proposed constitutional amendment with such changes as

may be necessary to win a two-thirds vote in the Senate. The risk of chaos under the present system is too great to make a state-made tolerable.

H.J. RES. 317

Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Section 1. The people of the several States and the District constituting the seat of Government of the United States shall be the electors of the President and Vice President. In such elections, each elector shall cast a single vote for two persons who shall have consent to the joining of their names on the ballot for the offices of President and Vice President. No persons shall consent to their name being joined with that of more than one other person.

"Sec. 2. The electors in each State shall have the qualifications requisite for the electors of Members of the Congress from that State, except that any State may adopt less restrictive residence requirements for voting for President and Vice President than for Members of Congress and Congress may adopt uniform residence and age requirements for voting in such elections. The Congress shall prescribe the qualifications for electors from the District of Columbia.

"Sec. 3. The persons joined as candidates for President and Vice President, having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, a runoff election shall be held between the two pairs of persons joined as candidates for President and Vice President who received the highest number of votes certified.

"Sec. 4. The days for such elections shall be determined by Congress and shall be the same throughout the United States. 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. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the Congress for such elections in the District of Columbia.

"Sec. 5. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"Sec. 6. If, at the time fixed for declaring the results of such elections, the presidential candidate who would have been entitled to election as President shall have died, the vice-presidential candidate entitled to election as Vice President shall be declared elected President.

"The Congress may by law provide for the case of the death or withdrawal of any candidate or candidates for President and Vice President and for the case of the death of both the President-elect and Vice President-elect and, further, the Congress may by law provide for the case of a tie.

"Sec. 7. The Congress shall have power to enforce this article by appropriate legislation.

"Sec. 8. This article shall take effect on the 1st day of May following its ratification."

(Cosponsors of House Joint Resolution 317: Messrs. ADDABO, ANNUNZIO, BOLAND, BOLING, BYRNE of Pennsylvania, DICKINSON, DONOVUE, ELLBERG, WILLIAM D. FORD, Mrs. HANSEN of Washington, Messrs. HARVEY, HATHAWAY, JACOBS, KYROS, LONG of Maryland, MIEVA, MOLLOHAN, MOORHEAD, and NEDZEL.)

MINE DISASTER AT MOUNT MORRIS, PA.

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

Mr. O'HARA. Mr. Speaker, shortly before I first came to the floor today, we received word of another mine disaster. This morning a fire swept a coal mine in Mount Morris, Pa.

All the workers were able to escape the mine, thus averting what could have been another major mine disaster like the bitter tragedy at Farmington, W. Va.

But the happy thought that at Mount Morris, only property, and not human lives, were destroyed, cannot lull us into a false sense of security about mine safety. The near tragedy at Mount Morris is as compelling a reason as was the mass slaughter at Farmington to double our efforts to get effective coal mine safety and health legislation on the books—and to make effective enforcement of that legislation a fact of life in the coal fields.

It is tragic indeed that it takes disaster after disaster and death after death to arouse the Nation's indignation to the point where something can be done about coal mine safety—and, for that matter, about all the unsafe and unhealthy working conditions throughout American industry which annually take a grievous toll of life and limb and health and money from the working people of this country.

It is too late, Mr. Speaker, to indulge in arguments over who is at fault in these disasters. It is too late for anyone to worry about his reputation as a supporter of mine safety. It is too late for further recrimination. It is time now—not tomorrow, not next week, but now—to begin immediate steps to secure the passage of pending legislation to stop this slaughter of our fellow Americans.

Back in the bloody days of the unionization of the mining industry, there was a song called "Which Side Are You On?" which began:

They say in Harlan County
There are no neutrals there.

I say that today, in Harlan County, Ky., in Marion County, W. Va., in Greene County, Pa., and, Mr. Speaker, in the District of Columbia and throughout this Nation, there are no neutrals in the fight for mine safety legislation.

The only question each of us must answer is "Which Side Are You On?"

CRIME IN THE DISTRICT OF COLUMBIA

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, last Thursday, January 23, I introduced three bills which would provide for additional judges for the U.S. District Court for the District of Columbia, additional assistant U.S. attorneys for the District of Columbia, and additional manpower for the District of Columbia Jail Agency.

I introduced this legislation because I believe that increased manpower is the best attack we can mount against the crisis of crime that exists in this city.

Mr. Speaker, it is a crisis, and the Congress, as the legislative body for this city, ought to realize it.

Since January 1, there have been 575 armed robberies in the District of Columbia. An average of 22 per day. In 1968, the average was 12.7 per day. This represents an increase of 78 percent over the daily rate for 1968.

I might add, Mr. Speaker, that these figures do not include purse snatching, and fear of robbery, which would more than likely push these statistics considerably higher.

Since January 1, there have been 19 homicides in the District of Columbia. In 1968, there were a total of 209 homicides. If the current rate of 1 homicide every 1.4 days continues, there will be 260 homicides during 1969, or an increase of 25 percent over 1968.

This shocking increase in the rate of crime is taxing our judicial machinery.

Over 5,000 defense motions are heard by the U.S. District Court for the District of Columbia each year.

This is the Capital of our Nation, and it should be a showcase for all the freedom-loving people of the world; but tragically, that is not the image in which this city is seen.

Henry Brandon, Washington correspondent of London's Sunday Times, gives the following description of Washington:

You carry only sufficient money to keep the hold-up man satisfied. You acquire a burglar alarm or a watchdog. You don't stay out late. You avoid walking in unfrequented streets. You leave the lights on when you leave your house. You acquire your own gun.

Brandon further adds:

In a curious way many Washingtonians have become accustomed to living with crime almost in the way that Londoners learned to live with the World War II blitz.

Mr. Speaker, what we need here in Washington is a blitz on the crime crisis.

While Washington has reported 575 armed robberies for the first 26 days of January, the city of London reported a total of 165 "confirmed" robberies in all of 1967, and this was a decrease of 21 over 1966.

Certainly we can make Washington a safer city.

DR. FREDERICK BROWN HARRIS

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

Mr. SAYLOR. Mr. Speaker, with the retirement of Dr. Frederick Brown Harris

as Chaplain of the Senate, an outstanding spiritual leader leaves Capitol Hill.

In addition to his service in Congress, Dr. Harris has given courageous and outspoken moral guidance through his newspaper columns and other writings. One of his more memorable contributions appeared in the Washington Evening Star of June 21, 1964, as he recalled the Allied invasion of France two decades earlier. Following are the concluding paragraphs of that column:

And new in the perspective of history in this Year of Our Lord 1964, America faces a foe as heinous and ruthless—and even more so—than did those who responded to the Eisenhower command. In this hour of destiny it is vitally necessary for Americans to keep before them the true dimensions of the Communist ideology and the extent of its thrust. To ignore it in the comfortable and self-satisfying enjoyment of our own prosperity and freedom is to court disaster. It is to turn into defeat the victory won by our boys but twenty years ago. It is to betray the cause for which they died. Well has it been said by a close student of world affairs, "The very nature of communism, itself, makes it impossible for its leaders to compromise, to negotiate in any realistic sense, or to consider anything short of total domination of the world."

While some are talking glibly of accommodation and coexistence, America needs to listen to those who have seen communism at first hand and have suffered under its terror. A Lutheran pastor and theological professor in Estonia until the Communists took over is now teaching on the faculty of the Theological Seminary in Chicago. Listen to him—"The Soviet rule extirpates every human value, obliterates the voice of conscience, violates the sense of morality, uproots human virtues, and erases freedom of thought. The aim of this ruthless process is the death of the individual. The result of this dehumanization is that man is thrust down to the level of an animal."

There can be no peace with such a system. To be true to those who have been sleeping for 20 years where poppies bloom, this is the time to mobilize America's might, moral as well as material, against such a foe. And, in the spirit of that fateful "O.K. we'll go," to vow in the memory of Normandy, that whatever the cost, "government of the people shall not perish from the earth."

Mr. Speaker, now, too, America must keep this counsel. If there is any tendency to assume that the Russian leaders are becoming more human, we need only to remember the help that they have provided Hanoi and the bestial way in which they have been treating the people of Czechoslovakia for the past year.

Dr. Harris' admonition is a reminder that, regardless of how soon the Vietnam war is resolved, America must continue to strengthen its defense structure as long as communism has strength enough to trespass.

In looking forward to a cessation of hostilities in Indochina, the administration must plan ahead for assurance that every veteran will be able to continue schooling or find employment without delay. Yet these preparations should in no way be interpreted as an expectation of a cutback in mobilization requirements. On the contrary, there can be no deemphasizing the Red threat and the need for greater defense efforts in this country.

Just as Dr. Harris warned that to ignore the true dimensions of the Commu-

nist ideology and the extent of its thrust would be to betray the cause for which our boys died in World War II, so, too, would any move to relax America's guard at this time, constitute a cruel hoax on the principles for which our servicemen were sent to Vietnam.

Congress has benefited by its association with Dr. Harris. His views from the pulpit and in writing will continue invaluable to the Nation and to the world.

ONLY MAN DESTROYS HIS OWN ENVIRONMENT

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

Mr. SAYLOR. Mr. Speaker, in the Sunday Star there appeared an editorial entitled "Only Man Destroys His Own Environment."

The statements in this editorial are prophetic and I draw it to the attention of my fellow colleagues of the urgency needed to conserve and restore our own resources. The editorial follows:

ONLY MAN DESTROYS HIS OWN ENVIRONMENT

It was doubtless embarrassing to the new administration and it is very rare in the Senate's long history of advising and consenting to presidential appointments, but the hold-up last week of the Senate's consent to Secretary Hickey's appointment was a very good sign for the cause of conservation.

The Secretary is ex officio the nation's chief conservationist. The delay in confirmation indicated senatorial doubts as to the appointee's fitness in that respect. It also indicated a real concern for the importance of conservation.

As Governor of Alaska and, earlier, as a successful Alaska businessman, Secretary Hickey operated on the last large-scale frontier this country has. On the frontier, whether it be, as it was once, 50 miles inland from the Atlantic, or over the great ranges of the West, or now in Alaska, the natural concern of man is to tame the country and to wrest a living from it.

But this country is no longer on a frontier, regardless of the Alaskan experience. Our desperate need is not mastery of the land but its salvation from ourselves. Our true situation may be seen in two contrasting images of nature:

The water sparkles sweetly over stones worn smooth and round, picks up the vanguard of a deep spot, tugging along the speed grasses of the bank, splashes and whitens over gray rocks, plunges into a fall, smooths across the surface of a dark pool and resumes its varied progress from spring-source to sea, by way of forest and field, town and city, stream and great river. All along the way the water refreshes what it moves beside, the grasses, the fish, the fisherman, the town air, the city streets, the secret corners of the human heart.

It's a pretty picture but there's another: The water moves sluggishly over God knows what unseeable rubbish on the bottom, taking its murky colors and its acrid smells from the industrial and human wastes poured into it as it goes. The vegetation on the shore is nonexistent. To touch the water, for a plant, is to die. If a child, ignoring the counsels of its elders, ventures on a swim, he comes out with green hair or worse. The ruined water attracts more ruins: People dump their dumpings and old autos, old tires, old wreckage of all kinds may be seen as little islands here and there or as new promontories on the shore, each contributing its share of noxious ugliness. When the wind is off the rivers, the city suffers just a little

more than normally. There are no fish, no fishermen, and the human spirit can look elsewhere for sustenance.

There was a time when most of America's streams corresponded to the first picture. There rapidly approaches a time when most will correspond to the second.

There are other pairs of pictures, most of them rather depressing. There is the air itself as it comes refreshed from water, sun and trees, and the air we know in our throats, eyes and lungs smudged by factory smoke, poisoned by the carbon monoxide of a million internal combustion engines, polluted a little, even, by the burning tobacco we carry about with us.

There are the trees. Only God can make them, but man is endlessly inventive of the ways to unmake them. Pollution in general and at large will do the job, but it takes time. We have usually preferred the direct attack with ax and saw and no planning for the future. Americans in Vienna at the end of World War II noted that the Viennese, with considerable reluctance, set out to gain their winter's firewood from the famed Wienerwald, the enchanting forest outside town. But the Viennese did so only under the close guidance of the foresters who carefully planned what might be cut and what must be spared. On the record, a similar restraint among Americans faced with the same winter would be unthinkable. All the trees would go.

We are, after all, the people who "took the top off Minnesota, sent it down the river." From Plymouth and Williamsburg we set a course of destruction of trees and followed it, axes ringing, clear to California, where even now there are citizens who can't wait to sink their steel into the last of the giant redwoods.

The historical reasons for the destruction are well-known and are no excuse. There was just so much abundance of everything in nature that traditional European caution and prudence were abandoned. The homesteader cut down trees to build his house and to clear his fields. The mills were built beside streams because water power rather than wind power was the tradition. When water was replaced as a power source, the mills stayed there and began fouling the streams with their wastes. They still do. The fabled "city of dreadful night," first in London, then in the new world, became the very type and symbol of the new industrialization of the 19th century. No one did anything about it and it really didn't hurt to anyone that anything could be done. The people who profited from air pollution used their profits to move away from the pollution. The victims stayed on and became further victimized, whether in the inner city or in the hills and hollows of West Virginia, ravished by strip miners.

The Indians, who were here first and who have a pretty good record of victimization themselves, could never understand the white man's uses of nature. The Indians killed animals for food and killed only what they needed. The white man—as with the buffalo and the passenger pigeon—made an industry out of slaughter. The more the merrier until there were no more at all. The Indians used trees for poles and for canoes and left the rest standing. The white man seemed to chop down trees simply because they were there. The pollution of air and water, of course, was unthinkable to the Indian. He didn't know how to do it. We do.

Conservation is the name of the movement against all these assaults upon nature by man. But in sober truth, the situation today almost seems to call for restoration rather than for conservation. There is so little left to conserve, so much to be restored if nature's balm is ever again to be known from its sources.

The initial impulse toward conservation came from the honorable human shock at the sheer mindless destruction being visited

upon nature by man. This remains the root philosophical reason for working for conservation. It is, really, the same instinctive response as that of the Indians. The destruction is simply wrong. It must be stopped. We are the less human for the senseless slaughter we perform or permit upon all nature.

This is still a basic and compelling argument.

But we have created for ourselves a more urgent one. The truth is that nature does maintain a balance, disrupt it as we will. For the kind of reckless abandon of the American attitude toward natural resources, there is always a bill sent in eventually. Payment may be deferred, but payment is exacted. Our bill is beginning to come in. The sooner we pay it in conservation and restoration, the less it will amount to in the very real deprivations of water and air and in the no less real spiritual results of such shortages.

We live in cities, but we live with nerves, eyes, brains, reflexes, hands and feet fashioned for other environments, those of nature. Like the salmon going back up the Columbia River, we need, we physically and spiritually need, the solace of nature, of woods and water, of sand and sea, of sweet air and freshening breeze. We destroy these gifts at our peril. And we have largely destroyed them.

PRAYER AND BIBLE READING

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

Mr. SAYLOR. Mr. Speaker, the isolated protest of the astronaut reading from the Book of Genesis during the moon flight might appear to be unworthy of notice, yet it should remind the Nation that the Supreme Court sided with atheism in banning prayer and Bible reading from the public schools. Another mischief against the Divine Being was the Court's rejection of the teachers' loyalty oath to keep Communists off school facilities.

To protect the Nation against similar disastrous decisions, I have introduced House Joint Resolution 82 to authorize Congress, by two-thirds vote of both Houses, to override decisions of the Supreme Court. I ask that it be acted upon as quickly as possible. Its urgency becomes more recognizable with each passing day.

As Government extends its responsibilities in child education, it is all the more important for teachers to be free to emphasize man's dependence upon God. Having established that many parents are incapable, for whatever reason, of giving youngsters a proper start in life, the Federal Government is involved in numerous projects aimed at helping children of preschool age to make up for the vacuum in the home. Without the assurance that there is no legal objection to his beginning at the beginning—with the Creator—an instructor would find it difficult, if not impossible, to establish values and to provide the proper philosophy upon which children may grow in wisdom and in age.

Without a safeguard such as offered in House Joint Resolution 82, there is danger that any employee of Federal, State, or local government will hesitate to utter the name of God in the execution of his duties. Lord help us all if such

reluctance seizes those who are placed in charge of neglected children.

Mr. Speaker, there are other reasons why responsible citizens want some assurance that the Supreme Court will not be able to impose upon the intent of the Founding Fathers and the will of our people. There is a new fear that there will be attempts to remove chaplains from the armed services, remove God's name from the Pledge of Allegiance, and remove God's name from other areas of American life.

Millions of Americans were thrilled to hear of the lunar astronauts' reference to prayer and the Bible. We were filled with emotion when those three courageous pioneers in space stood before the stands in the Super Bowl in Miami and led in the recitation of the Pledge of Allegiance with its dedication to God.

We will tolerate no debilitation of this spirit and this reverence. Your support of House Joint Resolution 82 is of vital importance to this Nation and its people.

SCHERLE CALLS FOR BIPARTISAN PROBE OF "PUEBLO" INCIDENT

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

Mr. SCHERLE. Mr. Speaker, today I am introducing a resolution designed to create a special Joint House and Senate Bipartisan Committee to consider the events leading up to the capture of the U.S.S. *Pueblo*. This special joint committee would be comprised of 16 members, one-half from Members selected by the Speaker of the House, and one-half appointed by the President of the Senate.

News reports of the Naval Board of Inquiry into the *Pueblo* incident have raised questions as to the ultimate responsibility for this sordid affair. Testimony released to date indicates that the responsibility for the capture and subsequent imprisonment of 82 Americans was the result of indecision and inaction in the highest echelons of the administrative branch of our Government.

Two weeks ago I visited personally with Commander Bucher and many members of the crew of the *Pueblo*. I was asked repeatedly by them, "Why wasn't our call for help answered? We held out as long as we could, but help never came."

That question has haunted me and brought a sense of guilt regarding the conduct of many of our Nation's top officials. The information made public so far shows that the White House, the State Department, and the Defense Department were caught short of policy, short of plans, and short of guts. In defending the U.S.S. *Pueblo*, responsible military personnel passed the buck because no one knew what to do or would accept the responsibility for doing it; the usual timidity exercised by the State Department handicapped immediate and effective action; and the White House was thrown into chaotic fear, precluding the exercise of judgement, which allowed a defenseless U.S. naval vessel to fall into Communist hands. Despite the fact that the ship made numerous calls for help, none ever came—why?

The proceedings of the Naval Board of Inquiry to date are producing many unanswered questions. Press reports state that the Air Force will not be called to testify as to its role in this matter. Why not?

A full-scale congressional inquiry is demanded by the American people and they deserve nothing less.

PORNOGRAPHY—THE RISING TIDE OF SMUT

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

Mr. SCHADEBERG. Mr. Speaker, on April 15, 1968, Public Law 90-206 went into effect, a law designed to help Americans stem the floodtide of obscenity engulfing the mailboxes and minds of our youth.

I called attention to Public Law 90-206 in March of 1968, hoping to alert the parents of my district to this weapon for fighting smut with the following statement, made public at that time:

WASHINGTON, D.C., March 20, 1968.—Representative Henry C. Schadeberg (R-Wisc.), said today that beginning on April 15, First District parents will be able to "at least partially slam the door on smut mail now flowing like a sewer into the hands of our children and homes."

The Wisconsin Congressman said that on April 15 Public Law 90-206 goes into effect, which allows householders to "fight back against obscene material sent to their homes by advertisers of obscene mail both in District Courts where it is received or where it originates. We can police our own mail boxes now," he said.

Congressman Schadeberg outlined the following three steps that can be taken on April 15 and thereafter and he urged "civic groups, church groups, the PTA and other community organizations to assist parents, who wish to protest the mailings and slam the door on future ones."

1. If you receive an advertisement which you judge to be obscene, write a letter to the Postmaster General in Washington, D.C., or to your local Postal Inspector. Demand that he send an order to the mailer directing him to remove your name and address immediately from all of his mailing lists. You may also request that the Postmaster General's order include the names of any minor children and other family members at your address.

2. If you continue to receive questionable mail in violation of the order, you may then request the Attorney General to seek a court order against the smut mail advertiser.

3. If you then get a court order and still receive the smut mail, the sender will be subject to contempt of court citations and a possible jail sentence.

He said that by the April 15th deadline his District as well as his Washington Office would have forms available which will be sent to the parents on request, which "will be handy for parents who wish to protest the mailings."

Congressman Schadeberg said that he is also investigating the possibility of amending Public Law 90-206 or introducing new legislation which would make it illegal for advertisers to sell or otherwise obtain the names of citizens for advertising mail solicitations without the permission of the individual.

"It is my feeling that something can and should be done in this area, not only as a step forward in terminating obscene mailings but to help take the burden off the

backs of our postmen and our mail service, and alleviate some of the perpetual annoyance from junk mail deliveries." The Congressman said that "a man's name is one of his most valued possessions, yet it is bandied about, sold, re-sold, stolen and otherwise covertly obtained without his consent."

He said the legislation he will seek would exempt mailings by political organizations, Veterans' groups, community schools, church and service organizations and would be "aimed squarely at where the problem lies, in the back rooms of smut peddlers and others who invade our privacy via the U.S. Mails."

He noted that J. Edgar Hoover, head of the FBI, regards smut as a serious problem, one that is conducive to creation of crime. Hoover declares: "It is impossible to estimate the amount of harm to impressionable teenagers and to assess the volume of sex crimes attributable to pornography, but its influence is extensive." He points out that police throughout the Nation "unequivocally state that lewd and obscene material plays a motivating role in sexual violence. In case after case, the sex criminal has on his person or in his possession pornographic literature or pictures."

"The new legislation provides the American householder with an effective, enforceable, tough law against invasion of moral privacy by smut peddlers using the mails. It allows the recipient to decide what kind of mail is to be delivered in the family mail. It is a solid step toward guaranteeing individual rights," Congressman Schadeberg said. He said his office will have a form letter available without cost for parents to send to local postmasters, plus one requesting the Attorney General of the United States to take legal action if smut peddlers persist in their obscene mailings.

"Parents will not have to put up a cent in costs, other than the price of a postage stamp in putting a stop to the unwanted mail," he said.

Congressman Schadeberg said he is distributing the form letters to newspapers and urging them as a public service, to print them so parents can clip them out and use them for immediate communication with the proper officials.

Mr. Speaker, I was hopeful at the time I made the above statement that the muck-peddlers would find it more difficult to peddle their filthy wares. Such has not been the case, I am sorry to report.

I believe the fault with Public Law 90-206 was not in its intent but in the nature of the enforcing arm on which the Congress leaned in order to help clean up the mails. The Post Office Department is a service organization or agency, designed and charged with the single purpose of delivering the mails. It is not an enforcement agency. It is neither equipped nor has the time to pursue this new obligation, according to the information I have in respect to the problem of policing pornography.

I am now convinced that Congress must do more in this area. With this conviction in mind I am today submitting new legislation to attack the problem of smut mailing from another starting point—the producers of this filth and the mailing list brokers who supply them with the names for their filthy mailings.

A person's name is as sacred as his privacy and his reputation. It is the private property of each American and it should be illegal for anyone, for any purpose, to bandy our names about for any

purpose whatsoever, without the express consent of each one of us.

Daily I receive letters from my constituents expressing their amazement and disgust over receiving filthy materials through the mail. In several instances the smut material is addressed by hand and sent from some hotel in a foreign country. Recently I came into possession of a particularly vicious smut mailing. It was sent to a young college girl, whose name, I am certain, was secured from her high school annual, which, according to custom, is placed in the public library in her community and is thereby available for any caller to copy from at will.

There are thousands of others just like this young miss, hundreds in fact from the high school from which she graduated. I can only assume that each year each graduating class is to have the names of its young female graduates punched into the smut mail forcing them to become the prey of every diseased pornography peddler in the publishing business.

I believe this should not only be stopped but made illegal. And I believe it can be if Congress will approve the legislation I am submitting, making a Federal offense to use the name of any individual without the clear consent of that individual, whatever his or her age and status in life. I believe that stiff penalties should be provided for name brokers who violate the restrictions in my bill when it becomes law. The bill is as follows:

H.R. 4850

A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 4061. Registration of mailing list brokers; furnishing of information with respect to mailing lists

"(a) Each broker engaged in the sale or exchange of mailing lists shall file with the Postmaster General a registration statement, in such form and detail as the Postmaster General shall determine, which shall cover, among other matters prescribed by the Postmaster General, (1) the name under which he is doing business, (2) the scope and general character of the business, (3) the location of his principal business office, and (4) the names and addresses of the directors and the chief executive officers if the broker is a corporation, association, partnership, or other business association.

"(b) Each individual and each corporation, partnership, or other business organization or association using, buying, selling, renting, exchanging, or otherwise making available to others any mailing list shall, on request, furnish to the Postmaster General, in such form and detail, and at such times, as he shall determine, information respecting (1) the name of the individual, corporation, partnership, or other business association or organization, and (2) the identity of individuals having a financial interest in any such organization or association, including the responsible officers and employees thereof. Postal officials, upon request, shall

be permitted to examine records and particulars of transactions or mailings pertaining to any such mailing list.

"(c) As used in this section, 'broker' means any person who engages either for all or part of his time, directly or indirectly, as agent, dealer, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in mailing lists owned, rented, or used by another person.

"(d) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section. Such regulations shall provide that a broker shall obtain the written consent of each person to be included on such list before placing the name of such person on such list and that a broker or user of such list shall remove the name of such person from such list on the request of such person."

(b) The table of contents of chapter 53 of title 39, United States Code, is amended by inserting—

"4061. Registration of mailing list brokers; furnishing of information by suppliers, buyers, and users of mailing lists."

Immediately below

"4060. Foreign publications free from customs duty."

Sec. 2. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new section:

"§ 1735. Mailing list brokers, suppliers, buyers, and users

"Whoever, being required by section 4061 of title 39, United States Code, to furnish information to the Postmaster General, fails or refuses to furnish such information as the Postmaster General shall request under such section, or violates any regulation of the Postmaster General under such section, shall be fined not more than \$5,000, or imprisoned not to exceed one year, or both."

(b) The table of contents of such chapter 83 is amended by inserting

"1735. Mailing list brokers, suppliers, buyers, and users."

Immediately below

"1734. Editorials and other matter as 'advertisements'."

Sec. 3. The foregoing provisions of this Act shall become effective on the nineteenth day following the date of enactment of this Act.

Mr. Speaker, obviously, certain exceptions must be made—for the Red Cross, veterans organizations, city and State governments, and other legitimate organizations who use such information for legitimate purposes. I would expect that an appropriate committee of Congress will conduct hearings on my measure, eliciting information from decent publishers and organizations, all of whom, I feel certain, are equally anxious to clean out the smut mailers, who not only poison the minds of our young with their filth but add immensely to the taxpayer's burden of paying for our postal services.

The legislation I propose would require name brokers to register with the Postmaster General of the United States, who shall be provided with additional funds and help for the purpose of collating information concerning all mailing brokers, legitimate or otherwise. Once collected, on an annual basis, such information shall be turned over to the Department of Justice, which holds the enforcement power to punish lawbreakers and which has the know-how and the personnel to handle such matters. I would further amend Public Law 90-206, turning over to the Department of Justice the assign-

ment of recipient for complaints concerning smut from the people and for corrective action where warnings are ignored or violations occur.

One other aspect of the pornography flood engulfing our young minds that needs reexamination concerns the establishment in 1967 of the Commission on Obscenity and Pornography.

There are several things wrong with this effort and organization. The Commission has been supplied with \$643,000 for operating expenses and salaries. No interim reports are required as to how these funds are being used or what progress is being made. The Commission does not have to give an accounting until July 31, 1970. I mention these factors, not in criticism of its distinguished members, but lay the blame at our own doorstep for not writing tighter legislation so that the American people might have an opportunity to take part or determine how well the fight against smut peddlers is going. I believe the 91st Congress might well amend H.R. 16489 to require an interim report. I believe further that Congress should signify its intent for the Commission to report to an appropriate committee of the Congress from time to time. I hesitate to suggest which committee of Congress this might be, prior to consulting with the leadership, but the urgency of the need for action is so imperative that I offer the suggestion that either the new House Committee on Standards of Official Conduct or the Government Operations Committee may well be appropriate bodies for riding herd on the Commission on Obscenity and Pornography.

I will also, at the proper time, submit to Congress legislation designed to make permanent an investigative subcommittee of the House, staffed and instructed to pursue the problem of smut mailing and filth peddling on a permanent basis, with appropriate reports to Congress on a regular basis.

The present setup and composition of the Commission follows:

COMMISSION ON OBSCENITY AND PORNOGRAPHY AUTHORITY

Public Law 90-100, October 3, 1967.

RESPONSIBILITY

To study the nature and volume of traffic in obscene and pornographic materials. To study effects of obscenity and pornography on minors. To recommend legislative, administrative, and other appropriate action that the Commission may feel necessary to regulate the flow of such traffic without interfering with constitutional rights. To evaluate existing laws pertaining to obscenity and pornography and to evaluate and recommend definitions thereof.

MEMBERSHIP

Eighteen members appointed by the President, composed of persons having expert knowledge in fields of obscenity and antisocial behavior; and with special competence with respect to obscenity laws and their effect on juveniles.

William B. Lockhart (Chairman), Dean, University of Minnesota School of Law.

Edward D. Elson, President, Atlanta News Agency, Atlanta, Ga.

Dr. Edward D. Greenwood, Psychiatrist, Menninger Clinic, Topeka, Kans.

Rev. Morton A. Hill, S.J., Executive Secretary, Operation Yorkville, Inc., New York, N.Y.

Dr. C. William Jones, Assistant Professor of Broadcast Film Art, Southern Methodist University, Dallas, Tex.

Honorable Kenneth B. Keating, Associate Judge, New York Court of Appeals, Albany, N.Y.

Dr. Joseph T. Klapper, Director, Social Research, Columbia Broadcasting System, New York, N.Y.

Dr. Otto N. Larsen, Professor of Sociology, University of Washington, Seattle, Wash.

Rabbi Irving Lehman, Temple Emanu-El, Miami Beach, Fla.

Freeman Lewis, Executive Vice President, Pocket Books, Inc., New York, N.Y.

Rev. Winfrey C. Link, Executive Director, Four-Fold Challenge Campaign, Nashville, Tenn.

Dr. Morris A. Lipton, Professor of Psychiatry and Director of Research Development.

Hon. Thomas C. Lynch, Attorney General, State of California.

Barbara Scott, Associate Counsel, Motion Picture Association of America, Inc., New York, N.Y.

Cathryn A. Speits, Instructor, South Dakota School of Mines, Rapid City, S. Dak.

Dr. Frederick H. Wagman, Director, University of Michigan Library, Ann Arbor, Mich.

Dr. Marvin E. Wolfgang, Director, Center for Criminological Research, University of Pennsylvania.

STAFF

An office for the Commission staff was set up in Washington in August, and is located at Suite 500, 1016-16th Street, N.W. Their telephone number is 382-8655. The staff director of the Commission is Dr. W. Cody Wilson.

REPORT

The Commission is required by statute to file a report of its findings with the President no later than January 31, 1970.

Mr. Speaker, the Commission has a purpose, and I am not criticizing that. I merely feel an urgency concerning the matter which Congress, in its wisdom, apparently did not in passing the law. I urge a speedup in the Commission's work and the eventual transfer of its duties to a more permanent body, such as the House of Representatives.

Congress as an investigative body has focused its spotlight of exposures on the issue of Communist infiltration, influence peddling and graft in our Government, with salutary results in most instances. I believe the subject of pornography should be so investigated. It is equally serious and far more lasting in the harm it is doing to our young than many of the subjects of congressional hearings. I urge this Congress to consider an immediate investigation, using the legislation I have proposed as the vehicle, along with any additional legislative steps proposed by other Members. I welcome them all as I know the parents of America will welcome immediate congressional attention to this disgraceful situation.

GIFTED AND TALENTED CHILDREN EDUCATIONAL ASSISTANCE ACT

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

Mr. ERLBORN. Mr. Speaker, the ultimate objective of a free public education in a democratic society is to provide an equal opportunity for each youth to develop his potential abilities to the fullest.

In recent years, we have seen a widening of the gap between the obvious need and current supply of creative and talented people who are properly educated. This has happened because the development of talent often has been hindered by economic and cultural factors. Thus, the time has come for systematic efforts to be made at the State and national levels to identify and nurture the demonstrated and potential talents of our people.

Mr. Speaker, I have today, together with my colleagues, Messrs. AYRES, QUIE, REID of New York, SCHERLE, ESCH, and ESHLEMAN, introduced the "Gifted and Talented Children Educational Assistance Act." Today, we ask our Nation to adopt as policy the fact that the education of these exceptional children is a national concern.

This bill provides no money; nor does it earmark any funds. Experience has shown us that funds alone are not the answer to the problems facing us. Instead, we must attack the attitudes that bind us to the status quo.

The bill will do the following:

First. Define gifted and talented children as those having outstanding intellectual ability or creative talent, the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs.

Second. Amend title V "Grants To Strengthen State Departments of Education," Elementary and Secondary Education Act, section 503(11) by adding after "handicapped," "the gifted and talented."

This amendment will enable State education agencies to develop appropriate plans for providing for gifted and talented children within their State and to acquire necessary personnel to implement such plans. At present, only 13 of the 50 State departments of education assign one or more full-time staff members to programs for the gifted and talented, while 21 States have no one responsible on a full- or part-time basis for such programs. Nine out of the 10 gifted and talented children now receiving services come from States employing full-time personnel.

Third. Amend the Education Professions Development Act, title V "Teacher Programs," part C "Fellowships for Teachers," Higher Education Act, section 521 "Statement of Purpose," by adding in the last sentence after "handicapped," "gifted and talented."

There is a lack of trained personnel to administer and provide education for gifted and talented children. This amendment will make the preparation of such personnel a priority to which the Education Professions Development Act should focus its attention. At present there are only 26 colleges and universities in the Nation offering programs to prepare teachers and other personnel to work with gifted and talented children. If programs for these children are to be increased to any substantial degree, there will need to be a substantial increase in the number of personnel training programs as well as the number of personnel prepared.

Fourth. Amend title III "Supplementary Educational Centers and Services," ESEA, section 303 "Use of Federal Funds" (a) (3), by renumbering "(1)" as "(J)" and adding a new "(I)" as follows: "(I) special programs for the gifted and talented; and".

Because of their unique learning nature, gifted and talented children require many services and opportunities beyond the confines of the classroom or school. Title III has demonstrated itself to be an effective tool for helping school districts to provide such services and opportunities on a multischool or regional basis. It is the intent of this bill to permit some of the efforts of title III to meet the program needs of gifted and talented children. The use of demonstration programs in Illinois, California, and several other States has had a significant effect on stimulating local communities to develop programs for gifted and talented youth. Title III has provided some assistance in this regard.

Fifth. Direct the Commissioner of Education to conduct a study as to how existing education programs can be best used to meet the needs of the gifted and talented and what new programs might be necessary, making report and recommendations within 6 months.

The resources delineated in the bill represent the most crucial resources needed for program development; however, there are other Federal resources that could provide assistance. For this reason, the Commissioner is asked to show how these resources can be directed toward the needs of highly gifted and talented children.

Once again I stress that these measures are in line with our interest in giving State and local authorities a greater decisionmaking base. The bill does not mandate that they serve the gifted and talented but only increases their ability to do so if they so desire.

REPRESENTATIVE TALCOTT URGES HUMANITARIAN RELIEF TO BIAPRANS

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

Mr. TALCOTT. Mr. Speaker, our international problems are not confined to Vietnam, Korea, the Middle East or Eastern Europe. We are making problems in Africa. England's vaunted reputation for diplomatic correctness is unfounded. We ought not to blindly follow its lead—especially in Biafra. We should lend all of our strength and influence—short of military intervention—to achieving a ceasefire.

A united Nigeria may be a worthy goal, but not at the price of the extermination of the Ibos of Biafra. The war appears to me to be a clear case of genocide—against the most outstanding black people of Africa. The Ibos have more Ph. D.'s than the rest of Africa combined. They developed a SAM missile independently of the great powers from practically nothing.

Any war is bad, but this war is without any redeeming aspect, and we are aggra-

vating, rather than ameliorating, the conflict.

Mr. Speaker, I am today introducing a concurrent resolution intended to dramatize the unnecessary suffering in Nigeria and to urge our Government to respond to alleviate the distress for solely humanitarian reasons.

SIXTH APPEARANCE OF CULVER MILITARY ACADEMY'S BLACK HORSE TROOP IN A PRESIDENTIAL INAUGURAL PARADE

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

Mr. STANTON. Mr. Speaker, I take this opportunity to call to the attention of the members of Congress that this month marks the sixth appearance of Culver Military Academy's Black Horse Troop in a Presidential Inaugural Parade.

This year the world-famous cavalry unit was selected as a national representative in the parade. At the suggestion of Col. Donald W. Griffin, a 1917 graduate of Culver, who is now executive secretary of the National Association of Independent Schools, the troop organized and presented a unique display of American flags in keeping with President Nixon's theme of "Forward Together."

Banners from each one of the 54 States and territories which make up our America were carried by members of the Black Horse Troop as they presented "The United States on Review."

The flags were gifts of my fellow alumni of the Black Horse Troop who live in the various States and territories. Their presentations—and mine today—are evidence of the loyalty and respect for the Black Horse Troop, the largest equestrian unit in the United States today.

PRESCHOOL SUPPLEMENTARY EDUCATION ACT

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

Mr. WHITEHURST. Mr. Speaker, on January 23, a bill entitled "Preschool Supplementary Education Act," of which I am a cosponsor, was introduced by the gentlelady from Hawaii (Mrs. MNK).

This legislation will provide Federal assistance to improve educational services in public and private nonprofit child day care centers. It would make possible preschool education where now little more than custodial care is offered.

In a time when working mothers are no longer a rarity, and the value of preschool education has been shown through the success of the Headstart program, I feel assistance of this type is needed to fill the gap between those not qualifying under the poverty guidelines, and not at that economic level which financially permits meaningful preschool education.

I am proud to be associated with the gentlelady from Hawaii in introducing this legislation and hope it is greeted favorably by my colleagues.

CONGRESSIONAL SALARY INCREASE

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

Mr. LLOYD. Mr. Speaker, the President's Commission on Executive, Legislative, and Judicial Salaries, in completing its study and releasing its recommendations has stated:

Present salary levels are not commensurate with the importance of the positions held.

The Commission further stated:

We believe the salary rates proposed in this report will improve our capacity to attract and retain men of ability and dedication.

While this conclusion may or may not be justified by the evidence, it is clear that the citizens of my district, the Second District of Utah, do not agree that salaries, particularly congressional salaries should be raised, at least not at this time, or to the extent proposed by President Johnson. A principal objection is the fact that by this pay raise to Members of Congress which is in the neighborhood of 40 percent, we will be setting an example which will encourage further excessive increases which will add fuel to the fires of inflation which are already blazing dangerously, and at a time we should be working to put out these fires. I agree.

A resolution to disapprove the President's action has been introduced. After conversation with some members of the standing committee to which this resolution has been referred, however, I conclude that the standing committee may not act within the necessary 30-day period, due to the fact that it has taken approximately half that period to become organized and the remaining time does not allow time for hearings which are considered necessary.

However, this does not foreclose the opportunity of the Rules Committee to take the resolution from the standing committee and bring it directly to the floor of the House for a rollcall vote. I am, therefore, joining in the action initiated by the gentleman from Iowa (Mr. Gross) by submitting today a resolution calling upon the Rules Committee to follow that procedure. If enough Members of this House will follow, it will give the Rules Committee the consensus which would encourage it to act.

LEGISLATION INTRODUCED TO PROVIDE FOR MANDATORY JAIL SENTENCES WHEN A FEDERAL FELONY IS COMMITTED WITH A FIREARM

(Mr. HASTINGS asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. HASTINGS. Mr. Speaker, I am introducing today legislation designed to provide for mandatory jail sentences when a Federal felony is committed with a firearm.

My proposal, which amends and strengthens the Gun Control Act of 1968, calls for mandatory minimum terms of imprisonment when an individual has

been convicted of a Federal felony involving the use of a firearm.

In the case of a first conviction, the sentence is 1 to 5 years and for subsequent convictions it is 5 to 25 years.

It should be noted, Mr. Speaker, that such sentences under my proposal are to run consecutively rather than concurrently with any sentence imposed for the felony itself. The sentences may not be suspended and probation cannot be granted.

This proposal is similar to the one adopted by the House in the 90th Congress as an amendment to the Gun Control Act. The provision was weakened by the other body.

Mr. Speaker, we need look no further than the front pages of our daily newspapers for the reasons for this proposal. The American people are deeply and justly concerned about our crime rate and the increasing amount of violence connected with that rate.

I commend this proposal to the attention of all the Members and urge the House to consider it in prompt fashion.

HOUSE RESOLUTION 133 INTRODUCED BY REPRESENTATIVE GROSS CALLING FOR DISAPPROVAL OF PRESIDENT JOHNSON'S RECOMMENDATION FOR OUTRAGEOUS PAY INCREASES

(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, on January 15 I introduced House Resolution 133 calling for disapproval of President Johnson's recommendation for outrageous pay increases for Members of Congress as well as top bracket officials and employees in the executive and judicial branches of Government.

If the House of Representatives is to be given the opportunity to work its will on these recommendations—and Members were assured they would have that opportunity when the enabling legislation was approved in 1967—then the House Post Office and Civil Service Committee must report a disapproving resolution to the House floor next week. All reports indicate the committee has no intention of acting to this end.

Thus, Mr. Speaker, I am today calling on the chairman of the Rules Committee to hold a hearing immediately and take House Resolution 133 from the legislative committee for action on the floor.

It will be a travesty on the taxpayers and our legislative procedure, Mr. Speaker, if a legislative, executive and judicial pay bill, costing millions of dollars, is permitted to go into effect in February—at the expiration of 30 days—without any consideration by any committee of the House and without a record vote.

I trust that the leadership of the House will not permit such a travesty.

CHARLES Y. LAZARUS CHAMPION OF FREE ENTERPRISE

(Mr. DEVINE asked and was given permission to extend his remarks at this

point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, last fall one of my fine constituents received well deserved recognition, both personally and as president of the American Retail Federation.

Charles Y. Lazarus received the first Free Enterprise Award of the National Newspaper Association and American Newspaper Representatives. He was cited as "the best friend the American consumer has" in advertising and selling his wares in the "keen competition of our free enterprise marketplace." Mr. Lazarus was also cited as "a concerned and knowledgeable interpreter of the free enterprise system to the public and to the Government" in contributing to preserving the Nation's free economy.

In responding for retailers of the Nation, Mr. Lazarus delivered an outstanding address entitled "The Future of Retailing in America," which follows:

THE FUTURE OF RETAILING IN AMERICA—THE INTEREST OF THE PUBLIC AND THE COMING TIME

(By Charles Y. Lazarus)

It is a special honor to represent American retailers everywhere in accepting this first Free Enterprise Award on this anniversary occasion, and to share with you my convictions about the future of retailing.

In leading through the copy of the Sentinel, that first little newspaper of the Northwest Territory, I developed quite an affection for the publisher, Mr. W. Maxwell, and am happy to be a part of a program celebrating the 176th anniversary of his exercise in free enterprise.

Today's editors probably find it quaint and amusing that he buried, on back pages, the newest stories in the whole paper, and ran the boiler-plate fiction on page one. The stories that must have generated the most reader interest were the report of the epidemic in Philadelphia that was killing 100 people a day, and the attack by Indians on a military convoy near Cincinnati with a loss of 15 soldiers and 70 horses. This Indian raid story was actually the only local Northwest Territory news in the whole paper. But there were some indications of the newspaper of the future in this first issue too.

The sole letter to the editor complained about the taxes.

At a time when business paper-work must have been minimum, the Sentinel had problems with it. The publisher was forced to report that he had lost the subscription list—so please, he said, come and get your copy of the paper at the office.

There were just two ads in the paper, but they forecast the future. One offered a reward for the return of a lost pocketbook—obviously, the beginning of classified advertising. The other was for the Adgate Manufacturing. Mr. Adgate was a retailer who accepted either cash or country produce in exchange for goods, and promised superior quality at reduced prices. His discreet little ad forecast the future close relationship of mass media and retailers.

Mr. Maxwell's credo was "open to all parties but influenced by none." He was truly a great activist—a fine example of the personal commitment and involvement that today's crisis demands, a postmaster, a judge, a lawmaker, a military man, an editor. And he wrote, in his front page statement of purpose, that he hoped the paper could be a vehicle for all who had something to say or to sell and he hoped that men of public spirit would "consult not merely their own personal interest but the interest of the public and the coming time."

"The interest of the public and the coming time" is a much more significant respon-

ability of free enterprise now than it was as America moved toward the 19th century.

This is a double anniversary occasion, of course—25 years ago, the American Newspaper Representatives founded their organization here, in joint session with the Wartime Conference of the National Newspaper Association. We in retailing are honored by this award and accept it as a gracious symbol of your encouragement.

The area in which I hope this encouragement will be taken most to heart is a public, not a private one: the total environment of America's cities. We retailers belong to the city. We are nourished by the city. And only to the extent that we contribute to the welfare of the city can we ourselves flourish.

We have known this and acted on it for generations. But in recent years something has been missing. Clearly, we have not had enough foresight, or enough will, or we have not cooperated enough with other groups, such as yours. Whatever the cause, the results have finally shaken us badly. This is a good sign for the future, since dissatisfaction is a great spur to progress.

In saying this, I am borrowing a life-long slogan of the senior member of the Lazarus clan, who addressed your national convention here in Cincinnati 26 years ago. Fred Lazarus, Jr. used this discontent with many things as they are not only to build a family store into a great national organization but to lead retailers everywhere into deeper involvement with the problems of their communities. I am proud to follow in his footsteps.

In accepting this award, I serve as a stand-in for retailers that range from the proprietors of neighborhood stores to big department stores and national chains. The American Retail Federation numbers all kinds and sizes of stores in its membership that operate in all sizes and types of urban communities from suburbia to the ghetto. The Federation numbers 49 state and 27 national retail organizations within its membership. We work together in the ARF for the same reasons that you work together in the NNA and the ANR, and other federations of communications media. We strive to preserve the freedom of the marketplace of goods and services. You strive to preserve the freedom of the marketplace of information and ideas.

This audience needs no refresher course from me on the current problems of the cities. You have witnessed the growth of crime, smelled the pollution, photographed the hovels of the poor, counted the dead and estimated the destruction after riots, and felt the fear in your neighbor's hearts and know that the guns are piling up in private homes. You have printed and aired the vigorous calls for law and order. And because you are likely to be the most knowledgeable men in your communities, you know that law and order, though necessary, can only be one phase of a solution to the complex urban crisis.

I do not know the solutions to the urban crisis, but I can suggest some things we haven't been doing that we need to be doing. What we may be learning now, rather late, is that free enterprise requires urban responsibility.

We accepted urban responsibility very naturally 50 to 75 years ago. We not only believe that the future of retailing and media and all the other elements of free enterprise were bound up in the well-being of our cities and the environment in which we operate. We supported our belief with personal and vigorous action. Back around the turn of the century, it was a combination of downtown bankers, retailers and newspaper men who promoted the growth and well-being of our cities. We were very close in those days. The relationship of retailer and media, now, tends to be that of advertiser and advertising medium rather than that of citizen businessmen and editors mutually intent on developing a healthy urban climate. Our early working relationships were

good for business because they were good for everybody.

We pushed for paved streets, street lighting and for horse drawn trolleys; for police protection and fire protection; for sewers and water lines; for schools and hospitals. We supported efforts to found the Boy Scouts in our towns, the YMCA, the Community Chest. We were personally involved in local government, and we had a lot to do with the character of yesterday's America. We exemplified free enterprise meshed with true urban responsibility.

As our cities and the demands of our businesses grew, some managements drew away from involvement in the local community's problems. For efficiency's sake, because of growth and mergers, some career managers with no real permanent stake in the local community, replaced the personal owner management of many of our businesses and communication media. Community relations became a professional field of work, delegated out of management, too often handled from the distant home office of big national companies. Because so many businesses and media too became national in scope, we were passive about the transfer of much government from Main Street to Washington. In effect, free enterprise disconnected its hot line to the local community and to true urban responsibility.

The communication media, and particularly television, are often saddled with the blame for some of the frightening things that happen. This is like blaming the stick that beats the dog instead of the wielder of the stick. You report what's happening; you don't generate it.

But there is a great deal of blame that can be attached to you, and to us in business, in terms of our passivity, our personal disengagement. The communications media, and perhaps particularly television, are tyrannized by the majority. Yet it was the rights of the many minorities—religious, ethnic, age, professional, commercial, political—that concerned the founders of our country, and the framers of our Constitution. An almost forgotten idea of Thomas Jefferson's was that provision should be made for re-writing the U.S. Constitution every 19½ years. This idea was buried so completely that few have ever heard of it. But it was typical of this man's conviction that a democratic society must be open to change, and to the rights of minorities, such as the minority too young to vote on the Constitution.

When the minority becomes unheard and invisible, when the majority becomes apathetic and delegates even local problems from the street corner to Washington, then national priorities are set, not by participation, but by consent.

What are the results?

With the consent of the majority, highways for private cars and trucks have been subsidized at a cost of billions a year. The minority who need mass transit to get to work are too often left isolated in a maze of freeways.

With the consent of the majority, government has subsidized 10,000,000 housing units for middle income and luxury income families in the last 34 years. For the minority, only 650,000 low-income units have been built. And urban renewal programs have bulldozed away at least that many existing homes of the poor.

With the consent of the majority, we put \$4 billion a year into agricultural subsidies, and much of this goes to big agriculture. This \$4 billion is twice what we devoted to the war on poverty. Much of this subsidy is for not working the land, yet some of the loudest complaints about help for the poor come from organizations dominated by the richest and most powerful farmers.

With the consent of the majority, open housing is too often non-existent, except in theory. The rent that poor people pay for decrepit and rat-ridden living quarters is

often enough for decent shelter outside the ghetto, but we won't let them out despite laws that guarantee otherwise.

With the consent of the majority, we have allowed automobiles and industry to pollute our air and water. Free enterprise is too often construed as freedom to develop without regard for all.

With the consent of the majority, schools in many of our poorer areas are little more than failure factories. In this toughest and most challenging area of education, the most essential for breaking the failure pattern of the disadvantaged, there is the least creative innovation in teaching, the least attempt to bridge the communications and achievement gap that separates the underprivileged from the rest of society.

As the minority rioters stated in Miami during the Republican Convention, they had been trying peacefully to get somebody in government to listen to their housing and jobs story for three years. Only after some violence did the nation listen.

If you are in a minority, and you cannot get anyone to listen, let alone act, you create a crisis. This is the new public relations technique for militant minorities. And it works. It is the best space and attention grabber of all: open warfare.

How did this come to pass? How did this proud democracy get to the point where its minorities felt they could reach the ear of the affluent majority only by sit-downs, fire, looting and death? Each and everyone of us is to blame. Elsewhere I have said my say to the businessmen and to the educators. Today I should like to add a few words about the role of the communications media.

After all, a riot, like a flash of anger in a man's fist, is a form of communication. It is dramatic evidence that more normal media for expressing discontent have been either unavailable or inadequate. Or, as you might say in your defense, the audience was not listening.

Let us listen to your defense first. I know that it is a good one. The poor and the Negro were played down, not because you weren't aware of them, but because the rest of us did not want to look. You write for your subscribers. If they don't want to read about something, you don't write about it. If you did, they would leave you in droves. So would your advertisers—including the retailers. This would be a sure road to bankruptcy. And one more medium of communications would bite the dust. What good would that do anyone, including the minorities?

There is a lot to be said for that point of view. Nevertheless, I don't buy it. I don't buy it because it ignores three ingredients that, to me, are basic to great journalism or any other business or profession in this great country. They are talent, purpose and involvement. Let's take them in order.

You all know that you can get the attention of your readers for any subject—even the most unlikely ones—because each of you has done it. All you have to do is put a talented writer to work on the assignment and give him enough freedom and space. The results are predictable. He will be read, no matter what the subject. This is partly because a good writer can communicate to even a normally inattentive audience. And it is partly because your media carry considerable authority and the priority they give a subject will automatically become the priority given it by a great many readers, listeners and viewers.

Using this technique, you have forced some states to clean up their mental institutions. You have awakened an apathetic electorate and encouraged them to throw a gang of incompetents out of public office. You have built new libraries, put the Community Chest over the top and modernized the accounting methods in city hall. And I suspect that some of you have even persuaded your readers that a political hack was really a statesman.

What about purpose? A clear sense of purpose is a requirement in a successful effort to inform, to enlighten, to fight ignorance, to support courage and to anticipate the future and above all to lead. A clear sense of purpose can also involve you in hot water, but leadership usually involves coping with controversy. A clear sense of purpose means being an important factor in community success and feeling a responsibility to improve community environment. This is a cause worth fighting for. Even thinking about the family life and business problems in the cities of the future is depressing unless we can anticipate changes in present urban trends.

Involvement becomes a necessity if improving the urban climate of the future is a clear objective.

The insight that develops into creative solutions to problems rarely develops from second-hand information. It usually develops from the personal involvement of talented and knowledgeable individuals. You and your writers are among the most all-around talented and knowledgeable individuals in our communities. You are also accepted as the natural spokesmen of our communities. You are believable to a degree that some businessmen are not because it is often assumed that business has an axe to grind.

The only axe the enlightened business community has to grind is for the public good first, and our private good second. The urban climate and environment that is good for everybody will be good for business too.

Businessmen have had a recent and revealing demonstration of the benefits of personal involvement in urban problems. Many of the country's large, as well as small, employers have had close and personal involvement with the unemployed of their cities in the JOBS program of the National Alliance of Businessmen. They have learned that personal involvement changes the point of view. Looking at a mass of the so-called hard-core unemployed, you feel hopeless. But look at them one or two or six at a time, study how to help a particular individual become a member of a particular work-force and the results can be very satisfying. Because of this approach—individual involvement—thousands of men and women labeled permanent employment problems a year ago are working and earning decent wages today.

Though there are more, white poor than black poor in this country, the Negro is the more visible because he is always in his uniform—he is black. Like all uniformed personnel, we see him in the mass—regiments of blacks. Personal involvement—yours, ours—strips off the uniform and reveals the individual beneath.

We believe that business—the retailer, the banks, the communications media, and all the other solid local concerns, have a heavy responsibility toward the local community. If we don't accept the responsibility as a moral duty, we must accept it as a way of protecting our assets and our future well-being.

There are, of course, parasitic businesses that move in when the take is good and move out when the sales go sour. They couldn't care less about the climate of a community. But most businesses and most communications media are not geared this way. We are here to stay. And part of the price of staying is caring: caring about the schools we operate, the air we breathe, the water we drink, the government we support, the health of our citizens, the peace and tranquility of our neighborhoods.

We have no right to lambaste the Federal government for taking over and fumbling our local problems if we are so short-sighted as to delegate responsibility to Washington for what is, in every city, a local sickness. The mix of problems in each community is unique, and it takes local involvement, in depth, to work out the local solutions to the urban crisis.

There is no omniscient "they" in government. "We, the people" are government, and it is our obligation to change Lincoln's phrase to read "government of all the people, by all the people and for all the people."

Earlier in this talk I mentioned the ancient and honorable relationship between the communications media and the retailers, a relationship that helped build the cities of this country. I said that it had deteriorated from one of cooperation to one at times of mutual exploitation. I am aware of the fact that I seem to have put most of the blame on the editors and publishers and left the retailers relatively unscathed.

I want to repair this one-sided picture. I think we retailers are equally to blame. To our shame, I think we have to confess that we have too often looked upon you solely as vehicles for our advertising. We have warned you not to criticize us and we have come to you for support of our pet causes.

The times are too perilous to continue this selfish relationship. If we are not doing our part toward improving our cities, you should say so—out loud. Would we like this? Not at all. But if you are the kind of newspaper, radio or TV station that is consistently fighting with courage for a better community, your audience will multiply and you will be so strong, lively and well-supported that we will not dare do anything more than growl.

On our side, we will have to look at something other than your circulation figures and whether you are giving proper position to our ads and enough play for our promotions. We will have to criticize you when your editorial job is feeble, your perspective narrow and when you fail to report fully on the needs of the whole community—minorities included.

But mutual criticism is not as good as mutual encouragement. And best of all, would be mutual cooperation. We need each other. And our cities need us both.

Your organization is meeting here in Cincinnati to celebrate the founding in this city of the first newspaper in the Northwest Territory 175 years ago. In the first issue of that paper the editor wrote about the danger to the infant village from slaughter and pillage by the Indians.

Now these villages have grown into great urban complexes. The danger they are in does not come from any outside enemy. It comes from within, from the destructive results of our apathy, our intolerance and our blindness.

All this is beginning to change. Many of our citizens have shaken off their apathy. And some inroads have been made on the Urban problem.

But, let's face it. The progress we have made looks much more impressive to white observers safely cloistered in their suburban sanctuaries than it does to black men who know only the despair of the metropolitan ghetto.

I think I can tell you that, for the first time, business is facing up to this problem—with its dollars, with its time with its brains and with its heart. We want more allies. We need more help. Specifically, more of your help.

We need more of your help as employers. In my business we have had to learn how to train the so-called unemployable, to work on the sales floor, to buy and sell and supervise. Are you satisfied that you have done all you can? In the back shop? On the city desk?

We also want and need more of your help as partners in solving the problems our communities face. Certainly your role is as objective observer and reporter of what's going on. But we can't afford to let you sit on the sidelines in splendid isolation. We need more of your brains and your compassionate concern. And, you have to figure out how, at one time, you can be both critic and participant.

Last, we need to ask you to do that hardest job of all—see yourself as others see you. Let me make it clear that I am one of your

biggest fans. I think we all have reason to applaud the performance of the American Press and Media. But, that view is not shared by the disadvantaged. They often think of you as part of the problem—not part of the solution.

I urge you, therefore, to look once again at your newspapers—to listen once again to your broadcasts—making sure that you are doing all within your power to bridge that gulf of misunderstanding that is a part of the root of our problem.

Together, let us summon up the will, the strength and the foresight to work together and transform our cities from what is too often a cause for shame into an achievement worthy of our pride and a future in which all citizens and all business will grow and prosper.

CONGLOMERATE ACTIVITIES

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

Mr. KEITH. Mr. Speaker, two decades ago a unique economic cycle quietly began. Today, still largely unstudied, it sweeps across the economic landscape and, in its wake, a new industrial America is emerging.

I am speaking, of course, about conglomerate mergers.

Already the Nation has been warned. The Cabinet Committee on Price Stability recently reported that our Nation's economy is undergoing a "massive restructuring from conglomerate merger activity."

My discussions with economists and leaders in industry convinces me that we have already begun to feel the impact of the great merger wave of the 1960's. What concerns me most is that conglomerates appear to be causing our society to lose vital services which the independent regulatory agencies are bound by law to protect.

Furthermore, although the character of our industrial system is gradually being altered by merger activity and the pace of this activity is accelerating each year, no one has paused to study in detail what its causes and effects might be.

Who knows how often the acquisition of a faltering carrier by a successful conglomerate will result in an emphasis on increased profits at the expense of providing the people with necessary services?

Who can say whether a regulatory agency, under present laws, has sufficient authority to protect the public interest when a company which has been under its direct control suddenly becomes a mere atom in a complex conglomerate molecule?

Who is certain that investors in companies acquired in mergers and people who invest in conglomerates themselves are receiving adequate protection under present securities laws from the possibility of misleading financial disclosures and stock price irregularities?

Who can tell us that, if mergers are motivated primarily by the possible benefits of questionable tax and speculative practices, the commuter, the consumer, or the small investor will not have to pay a price?

Mr. Speaker, I submit that it is time

that we were informed about these matters. It is time that this revolution in American business, in which the economic balance of power may actually be shifting, be spotlighted and examined in depth before it becomes the tail that wags the dog—before conglomerates can possibly influence public policy decisions out of all reasonable proportion to their actual concern for the public good.

And so, Mr. Speaker, today I am filing a joint resolution which will authorize the six independent regulatory agencies to examine the effects of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce. The agencies concerned are: the Civil Aeronautics Board, the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Trade Commission, the Federal Power Commission, and the Federal Communications Commission.

My proposed study will look with equal emphasis on both good and bad effects of conglomerates and decide whether the independent regulatory agencies, as they are presently constituted, have adequate authority to supervise conglomerate activities.

In conclusion, Mr. Speaker, may I reiterate that this matter is urgent. We cannot possibly know whether conglomerate mergers are beneficial or harmful to our economic way of life until a comprehensive study, such as the one I am proposing, is carried out. I urge my colleagues to consider this resolution as soon as possible. Otherwise, we may find that without our knowing very much about them, conglomerates will have already taken the larger share of what should be the prerogative of the people—the right to determine what is in the public interest and how that interest is best served.

Mr. Speaker, the resolution follows:

H.J. Res. 315

Joint resolution directing a joint study by the Civil Aeronautics Board, Interstate Commerce Commission, Securities and Exchange Commission, Federal Trade Commission, Federal Power Commission, and the Federal Communications Commission with respect to the effect of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce

Whereas as the result of recent actions leading to the control of air carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such air carriers to perform their duties and responsibilities to the public in accordance with the Federal Aviation Act of 1958; and

Whereas as the result of recent actions leading to the control of rail carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such rail carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of motor carriers by conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such motor carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of water carriers by

conglomerate organizations not primarily concerned with transportation cast doubt upon the ability of such water carriers to perform their duties and responsibilities to the public in accordance with the Interstate Commerce Act; and

Whereas as the result of recent actions leading to the control of gas pipeline companies by conglomerate organizations not primarily concerned with the transportation of gas cast doubt upon the ability of such gas pipeline companies to perform their duties and responsibilities to the public in accordance with the Natural Gas Act of 1938; and

Whereas as the result of recent actions leading to the control of communications facilities by conglomerate organizations not primarily concerned with communications cast doubt upon the ability of such facilities to perform their duties and responsibilities to the public in accordance with the Communications Act of 1934; and

Whereas the activities of conglomerates in acquiring or attempting to acquire control of other companies as well as such transportation carriers and communications facilities has a noticeable effect upon the free and orderly operation of the securities markets and also involves the protection to the security holders in the acquired companies afforded them under the various securities acts; and

Whereas many other effects of the activities of conglomerates on interstate and foreign commerce as well as the over-all economy are unknown: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States, That the Chairman of the Civil Aeronautics Board, the Interstate Commerce Commission, the Securities and Exchange Commission, the Federal Trade Commission, the Federal Power Commission, and the Federal Communications Commission shall, acting jointly, and utilizing the facilities and personnel of their respective agencies, conduct as expeditiously as possible a full and complete study and investigation of conglomerate activities, including acquisitions and mergers, and their effects on transportation (air, ground, water, and gas pipeline) and communications industries, the securities markets, and interstate and foreign commerce. The Chairmen shall as soon as practicable after completion of the study and investigation authorized by this joint resolution prepare and submit a report thereon to the President and to the Congress. Such report shall include such legislative recommendations as the Chairmen deem advisable.

Sec. 2. There is hereby authorized to be appropriated the sum of \$2 million to carry out the study and investigation required by the first section of this joint resolution.

SPECIAL ORDER TRANSFERRED

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that the special order granted the gentleman from New York (Mr. BINGHAM) for today for 1 hour, be transferred to January 29.

The SPEAKER pro tempore (Mr. FASCELL). Is there objection to the request of the gentleman from Virginia?

There was no objection.

CENSUS REFORM

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

Mr. QUILLLEN. Mr. Speaker, I am happy to join the gentleman from Ohio (Mr. BETTS) in his fight for census reform. I feel we should repeal criminal penalties attached to the 67 subjects now

on the 1970 census questionnaire, and I introduced H.R. 3829 on January, 16, 1969, in an effort to do this.

There are now more than 67 Congressmen sponsoring bills to eliminate the \$100 fine and 60-day jail sentence which can be imposed on citizens who refuse to reveal personal information about themselves and their households. The proper alternative to the present harassment is to limit mandatory questions to such subjects as name, address, age, sex, head of household, and persons in home at time of census, and leave the remaining ones to be answered on a voluntary basis. The great majority of citizens will cooperate with the Census Bureau to supply essential information needed.

I do not think that there is any justification for the mandatory requirement that forces all citizens to provide information as to—

First, income, dollar by dollar, from all sources including public assistance, alimony, unemployment and disability insurance, pensions, and investments;

Second, the value of property or the amount of rent paid;

Third, educational, marital, employment, and military history;

Fourth, with whom bathroom and kitchen facilities are shared;

Fifth, a long list of household items including dishwasher, television, radios, automobiles, and second home; and

Sixth, where each person and his parents were born.

I must point out that the constitutional purpose of the census is to count people and that the gathering of a hundred other facts about them is a secondary objective. I note that in 1960 the Census Bureau failed to count 5.7 million Americans and has predicted a greater undercount in 1970 unless the forms are simplified and most questions put on a voluntary basis.

WILBUR COHEN AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 30 minutes.

Mr. COHELAN. Mr. Speaker, on January 23 I presented to the House the first half of Secretary Wilbur Cohen's annual report of the Department of Health, Education, and Welfare for fiscal year 1968. I did so because of the importance I attach to the Secretary's review of his Department's work and to the recommendations he includes for future programs.

I would like at this time to submit the second and final section of Secretary Cohen's report, covering education, welfare, and the financing of the Department's programs. I hope that they will have the careful attention of the Members of the House.

I would like also to reiterate my own appreciation to Secretary Cohen for the remarkable contribution he has made to public service and for the imaginative proposals he has left for our consideration as we seek to improve the quality of health, education and welfare available to the people of our country. His great

professional skill and experience, in combination with his personal warmth, consideration, and kindness, left their mark on these programs and enhanced the quality of the public service to which he contributed so generously throughout his career.

The second half of Secretary Cohen's report follows:

ANNUAL REPORT OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FISCAL YEAR 1968—II

(Second half)

IV—SCHOOLING: THE GREAT STEPS FORWARD

In education, as in health, we have taken great steps forward in the last years. In education, as in health, we need to move forward faster still, emphasizing the needs of the young. They are, after all, our Nation's future.

About one of every three of us is a student—a teacher—or educational administrator. And six percent of our income goes to formal education.

The fact that we are now truly an "educational society" is reflected at HEW. The more than 75 laws enacted in the past eight years have touched the lives of millions—and changed the face of the Department. The Office of Education which for almost a hundred years was primarily a statistics gathering organization, is now a bustling agency administering funds that are giving millions of our children fuller opportunities: special help for poor boys and girls; books and other educational material; grants, loans, and work study help for young men and women who want to go beyond high school; aid for more than half our colleges and universities; and research grants that have improved the whole process of education. Most importantly, after a century of debate, the fears and bugaboos about Federal control and all the rest have proved groundless; the issues have been clarified and the facts straightened out. The Federal role in education has been established.

We have made a good beginning. Still, we are barely keeping pace with our Nation's rapidly growing and constantly changing education needs. No one can afford to stop learning in a society where, by 1975, some three-fourths of our labor force will be producing goods and services that did not exist ten years before. Future generations need as early a start as possible. And the follow through should be a life time pursuit.

The Nation must make a greater investment in education at all levels. We must close whatever gaps we suffer.

Strengthening Federal support

Without an increase in our overall investment in education, we cannot assure each child that the goal of his education depends on ability, not geography, or his family's financial capacity.

We must narrow the range of per student expenditures among the States, and within the States. We must share the cost of educating poor and handicapped children. We must mobilize our research and development resources so that we can improve the whole range of educational activities. And to get the most for our dollars, we must streamline and coordinate our programs through efficient administration, effective performance and evaluation. Therefore, I recommend:

That the property tax—the chief source of revenue for the schools—be modified, supplemented by other sources of revenue, and eventually eliminated.

That within the next four years today's Federal share of 8 percent of elementary and secondary school expenditures be sharply increased year by year, from \$1½ billion to the full authorization of \$3.5 billion annually.

That, to assure that all funds for education are well spent, we encourage and support the national assessment of the state of

learning in the United States, already authorized by Congress, for a five-year period.

That legislation be enacted to place all income to the United States from leases and royalties from shale oil and other minerals in a trust fund, and the proceeds be used for the support of education—in accordance with our Nation's education laws.

A real headstart

A growing body of knowledge tells us that very, very young children can be stimulated to learn far more than has been expected in the past, and that learning really does begin at birth. One scientist believes that by beginning at the earliest possible stage in the child's development, we could perhaps stretch the IQ of future generations by as much as 30 points.

All children need attention, time, and money spent on them before they reach the age of six. Yet the children who most need to have their minds stretched and their environments enriched—including two-thirds of the 2,000,000 poor children between the ages of three and five—lack such opportunity. Therefore, I recommend:

The extension of Head Start for low-income children, for all handicapped children, and ultimately for all children who could benefit, urban and rural—first for five year olds, then for four year olds, then for three year olds.

Effective follow-up for preschool programs, incentives to attract highly qualified teachers to work with disadvantaged children, and use of advanced educational equipment and of individual tutoring.

New school construction and operating fund programs to improve the quality of education.

Schools which serve as vital centers of community activity; school systems which strengthen community ties with the schools and encourage real parental participation.

Day-around, year-round schools

We have a tremendous investment in school plant in the United States; we should put it to better use. One of the greatest wastes we suffer is the school that opens at 8:30 a.m., closes at 3:30 p.m., and shuts for three months in the summer.

Today's slum school especially is often only a building where children are kept for so many hours a day. If it expanded in hours, and community service, it could become something much more: a neighborhood "capital", a source of pride and a symbol of individual and communal achievement.

Schools in both slum and suburb should be kept open afternoons, evenings and all year long. But twelve months of the same old thing will not do. The school should become a place for young and old to go for useful education covering a wide range of programs—vocational training, work experience, advanced courses, cultural activities, community service, and remedial training of all kinds. Therefore, I recommend:

Federal support to help school systems seeking to convert to full time education, starting with schools for disadvantaged children.

The many aspects of education

Our educational institutions—like our citizens—should develop their individualities and keep these individualities. There must be many different kinds of such institutions—each of them as good as possible, in its own way.

The student who wants to learn to work with his hands as a draftsman, for instance, should have that chance just as the Shakespeare scholar has his. The landmark Vocational Education Amendments of 1968 give us the tools to increase opportunities for vocational education. They point the way to new bonds among government, school systems and private industry. In this new partnership, opportunity is joined to educational experience through cooperative, part-time work-study, and both lead to specific jobs.

Once a student finishes high school, he

should continue to have a varied choice of learning styles. Yet, we are far from the goal of giving different sorts of educational opportunities beyond high school to all young people who deserve such opportunities and can benefit from them. We have made progress. The growth of junior colleges over the past decade, has been phenomenal—with schools opening at the rate of about one a week. They have already proven their potential. But we must make sure that no economic or racial barrier stands in the way of talented students who want to go beyond high school—whatever the direction.

What's more, new sorts of jobs and new kinds of careers constantly demand that schools and colleges foster the art of learning in the broadest sense, and provide training outside the formal educational structure. More and more pupils need the kind of broadly based general education that helps them adapt to lifetime changes. Not only must they have a sound basic education, but they need opportunities for continuous learning while they are at school and college, and throughout their lives. This means their schooling must reach into the community—and into the world of culture, art, and government as well.

We have more than eight million vocational education students in the country today. What is more, businesses and industries show increasing interest in training and retraining programs. Nearly two million people are now involved in vocational, technical and professional training outside the formal educational establishment. Many more are enrolled in correspondence courses. Television's educational courses reach still others. But the potential has barely been tapped. Therefore, I recommend:

That we triple the number and dramatically improve the quality of opportunities in vocational education under the new Vocational Education legislation.

That we develop a whole series of continuing education programs—through vocational and technical schools, junior colleges and universities—educational television, community schools—and any other possible resource.

Higher education

The 1960's have seen an unprecedented increase in the Federal commitment to higher education—from \$2.5 billion in 1963 to almost \$6 billion in 1968. Clearly, America's colleges and universities owe their growth and vitality in large measure to such great laws as the Higher Education Facilities Act of 1963 and the Higher Education Act of 1965. In enacting the Higher Education Amendments of 1968 the Congress took another major step in the strengthening of higher education.

With all this progress, ability to pay, rather than ability to learn, still prevents many talented students from entering and completing college. Students with the same achievement levels, but with different family incomes even attend college in strikingly different ways. Moreover, many question the future financial health of higher education. They especially doubt its ability to take on large numbers of additional students, and to pay for high-quality graduate education. The Nation has a valuable resource in its specialists with graduate degrees and the research they make possible. States and individuals cannot afford to nurture this costly resource alone.

The time has come for a bold new commitment to higher education, a commitment with two major thrusts: to promote equality of opportunity by ensuring that all able students can afford to go on to post-secondary education, and that institutions are able to accommodate them; and to strengthen graduate education and research by supporting graduate students and helping institutions develop a limited number of centers of excellence for graduate teaching and research.

Student aid should be our chief concern. Aid for students who need it most, or who would not otherwise go to college, should have our first priority.

Still, institutional aid enhances the education of each individual student, and equality of opportunity in higher education is an empty goal unless colleges and universities have the resources for high quality education. Part of these resources must come from tuition and fees, part from State and local government, part from private giving. But without increased Federal help, these resources will not be sufficient. The Federal Government must also directly help the institutions meet the financial burden of serving many more students. Therefore, I recommend:

The expansion of Federal student aid programs, such as educational opportunity grants and college work study until the number of federally aided students reaches about three million by 1976—instead of the present 1½ million—with Federal aid available to the majority of students now at college from families with incomes under \$9,000 a year, and to the thousands of potential college students from such families.

Cost-of-education allowances paid to every institution which enrolls a federally aided student (undergraduate and graduate).

A variety of aid for graduate education and research to strengthen graduate research and increase the number of centers of excellence.

Consolidation of Federal aid programs for higher education construction and equipment to give colleges and universities more flexibility to use Federal funds in accordance with their own plans and priorities. New and expanding institutions and those who must replace deteriorating plant and equipment need help for the capital cost of institutional expansion.

Congressional examination of all kinds of institutional grants, to learn more about the impact of formula aid on the quality of higher education, on the balance between public and private colleges, and on the maintenance and growth of support by State and local governments.

Family life and sex education

Americans depend on their families for warmth, security and sustenance. The family shapes its children, directs their talents and encourages them as they define their values.

Society cannot control the family, or teach people how to raise families successfully and lead successful family lives. It can, however, try to teach what we know of successful family life and sex education.

In August 1966, at my suggestion, the Office of Education issued a policy statement supporting the inclusion of important, long-neglected family life and sex education courses in elementary and secondary school curricula. Many school districts around the country have begun to include such courses as a regular part of children's education from kindergarten through high school. Often such courses become centers of a stormy political issue.

Even highly emotional political controversies prove useful when they excite open and public discussion of a significant—and too often taboo—subject. Expanded programs of family life and sex education will contribute to the stability of families, to the reduction of venereal disease and illegitimacy, and to the fuller appreciation of human life. Therefore, I have broadened the responsibilities of the Department's Committee on Population and Family Planning to include consideration of sex education and improved and strengthened family life.

Student unrest

The numerous, often violent, disturbances on our college and university campuses have worried and upset the Nation. Reflecting this disenchantment with young dissidents, the

90th Congress enacted certain legislation aimed at denying students who participate in violent and disruptive demonstrations the benefits of federally financed grants, loans, and fellowships.

Surely the student activities at which such legislation is directed are destructive and self-defeating; I cannot condone them. Whatever the need for reform in our academic life, physical harassment, obstruction, and vandalism cannot be used as acceptable means of dramatizing it. Nonetheless, I am deeply concerned about the practical effect of the "student unrest" provisions.

In the first place, they present the colleges and universities which must enforce them with a confusing set of conflicting and overlapping regulations. For example, section 504 of the Higher Education Amendments of 1968 and section 411 of the 1969 Appropriation Act both turn on the conviction of an individual student of a crime. However, in each section, the nature of the crime, the identity of the convicting court, the procedural incidents, and the consequences of a finding against the student are defined differently.

Moreover, these provisions may have grave consequences for the education programs administered by the Department of Health, Education, and Welfare. They involve the Federal Government in the maintenance of campus discipline—usually and properly a college and university function. By imposing rigid Federal standards, they may restrict the ability of college and university administrators to deal with disruptive students on the basis of each individual, particular situation. And, by making the consequences of a student's participation in a demonstration turn ultimately on the size of his pocketbook rather than on the strict nature of his conduct, the unrest provisions discriminate on economic grounds.

All in all, then, they may do more to exacerbate campus tensions than to ease them, and do more to hamper official capacity to deal with these tensions than help it. Therefore, I recommend:

That the public interest would be better served if Congress followed the Senate proposal, vesting in the college or university full discretion for determining how a student's misconduct should affect his eligibility for Federal assistance.

That, in any event, Congress correct the present conflicting and overlapping nature of the laws in this area by eliminating the restriction now imposed by section 411 of the 1969 Appropriation Act.

Selective service and national manpower policy

Descriptions of the American draft system range all the way from pure praise to simple acceptance to "Kafkaesque in its inscrutable arbitrariness."

Whatever the truth, the continued education and training of the graduate and professional manpower required by the national interest warrant the review and modification of the Military Selective Service Act of 1967 (Public Law 90-40). Men of military service age deserve more equitable treatment from their country.

A random selection system within the age groups eligible for service may be the long range solution. Any single deferment, regardless of age or educational level, should be based upon the ultimate national interest and security. Pending congressional action on Public Law 90-40, the selective service procedure should be modified so that young men and women eligible for service suffer a minimum of uncertainty.

Therefore, I recommend:

That a prime age group (age 19) be designated as the first to be inducted into the service, and that those who are now past age 19 (but not yet 26) and who are not entitled to deferment, be treated for this pur-

pose as if they were 19 (be placed in the 19-year old pool).

Since all fields of higher education are, or may be, of equally critical importance to the balanced development of the Nation, that no higher education field or discipline be considered more important or critical for selective service deferment purposes than any other.

Y—ASSURING A DECENT LIVELIHOOD

Our American society firmly believes that an able-bodied man should pull himself up by his own bootstraps. It is only gradually coming to grips with the fact that he can't pull himself up by his bootstraps if he hasn't any boots.

It has been shocking to realize that the man criticized for quitting his job had to do so to take care of motherless children—or that children fall asleep in class because they have been kept up all night in crowded rooms—or that they cannot achieve good marks because they are hungry and undernourished.

As a Nation, we are facing the reality first confronted in the 1930's: No child, no man can thrive on an empty stomach; the key to opportunity is a decent income earned with dignity. But we have not gone as far in assuring this income as have most of our fellow democracies.

It is an ugly paradox that this is true in our wealthy country, with its vigorous capacity for growth and for change. It is a paradox that some suffer hunger in the midst of surplus, rat-haunted slums near comfortable suburbs, a lack of steady, decent jobs in a period of high employment; that when most Americans enjoy an extraordinary high standard of living, we still have some 22 million human beings living in poverty.

Social security

For the first time since the world began, we, as a Nation, have the capacity to end poverty. The most formidable weapon in our arsenal is one most Americans have not usually thought of as an anti-poverty program—Social Security. The Social Security and Unemployment Insurance Systems moderate the loss in earnings due to retirement, death, disability and temporary unemployment. They offer American workers and their families basic, necessary protection.

For instance, social security is the main source of continuing income for retired people—many would be destitute without it. Social security benefits keep 10 million people above the poverty level. Without these benefits, they would have to depend on relatives who often could not readily afford such support, or they would have to go on relief rolls. Without these benefits, nineteen out of twenty beneficiaries would not achieve even a moderate living standard.

Over 24 million American men and women are receiving old-age, survivors or disability insurance checks totaling \$2 billion each month. Still, the social security recipient keeps body and soul together on an average of \$100 a month. And the minimum benefits are now only \$55 for a single person and \$82.50 for a couple.

Whenever suggestions are made concerning increasing social security benefits, several inevitable but proper questions arise: Can we afford it? Should the cost be borne by payroll contributions?

In considering these important questions, we should remember that the employer's net social insurance contribution rate today is lower than it was expected to be when the social security program was enacted in 1935. I have transmitted to the Chairman of the House Committee on Ways and Means and the Senate Committee on Finance a report on this matter which in my opinion justifies additional payroll contributions for further improvements in the program.

I recommend:

That social security benefits be raised substantially to a \$100 per month minimum for

an individual and \$150 for a couple over the next several years. This would have a dramatic effect—lifting 4.4 million people out of poverty. The first step toward this goal would be a 10 percent general boost and a jump from \$55 to \$80 minimum for an individual and from \$82.50 to \$120 for a couple. This would move 1.2 million persons out of poverty. This first step alone would take 150,000 aged men and women off the welfare rolls and greatly reduce the number of needy crippled, disabled and blind, at an annual savings in local, State and Federal funds of \$255 million. Federal funds would then be freer to concentrate their helping efforts on the families most in need of preventive—and where it is too late—rehabilitative services.

That the maximum earnings base on which social security benefits are computed (now \$7,800 a year) be completely eliminated in determining the employer's contribution.

That the maximum earnings base for determining the employee's contributions and benefits be increased by steps to \$15,000 a year so that the social security system will cover about the same proportion of wages as it did in 1939.

Consideration be given to changing the ratio of employer-employee contributions, from a 50-50 basis to two-thirds from the employer and one-third from the employee. This step would recognize the fact that the employer can deduct his contributions as a business expense in computing his tax, while the employee must pay an income tax on his deduction.

That the Congress consider refunding part of all of the payroll tax paid by those below the poverty level out of general Federal revenues.

That the level of unemployment insurance be raised substantially, that Federal standards be set for it, and remaining gaps in coverage be closed; that workmen's compensation benefits be improved for those who cannot work because of disabilities suffered on the job.

That the Congress enact legislation providing for payment of social security benefits to persons at age 60 on an actuarially reduced basis in either of two cases: if at any time unemployment for the United States should exceed $\frac{4}{5}\%$ for any four consecutive months, or if the Council of Economic Advisers advises the President that unemployment is likely to exceed five percent for three consecutive months.

That the retirement test on which there is no loss of income be increased from \$1680 a year to \$1800 and that this amount be automatically increased in the future in relation to increased earnings.

The right to welfare

Nobody likes our present system of public welfare. Those who get it say it demeans them. Those who administer it feel strangled by its paperwork—especially its eligibility forms. Those taxpayers who pay for it worry rightfully about its \$8 billion cost. Here at the Department of Health, Education, and Welfare—the Federal agency charged with the administration of the public assistance system—we are committed to its change and improvement. This Secretary, who has worked toward this for 34 years, would also like to end the dole.

But how? Most people turn to public welfare in despair—not greed—and as a last resort. Although 22 million Americans are poor, only 9 million of them receive relief, millions less than might qualify. The great majority—or about 7 million—of our public welfare recipients are either very old (2 million) or very young (4.2 million) or blind (85,000) or permanently and totally disabled (700,000). Unskilled, hampered by a lack of education, families travel to our great cities because they dream of opportunity, not handouts. Once on relief, they usually hunger to get off and into decent self-respecting lives, the kind most Americans take for granted.

It's no wonder. The average monthly welfare check for an aged man or woman is \$70.25, for a family with 3 children, \$162 (or \$39.50 per person). As in any category system of relief, the recipient can starve unaided if he does not qualify under specific labels of dependency. And because states match Federal welfare funds in different amounts, there are gross discrepancies in welfare payments. In Mississippi, a needy mother of 3 gets an average of \$35 a month (\$8.45 per person). In New York, \$282.35 (or \$71.75 per person).

There are also great discrepancies in rules and regulations. The number and style of "investigators" approving or disapproving the welfare client varies. But too many states are still entangled in a quest for the "worthy poor." If six people witness a murder, the alleged murderer can enter a court of law, raise his right hand, swear to his innocence and rate a lawyer. He is innocent until he is proven guilty. But an ill-clothed welfare mother of an undernourished five-year old is often treated as guilty of some infraction of existing rules until she is proven innocent. Beseet by complex problems, bewildered by intricate forms, she presents herself at the public assistance headquarters. The welfare worker almost always has to spend so many hours checking her statements about income, or property, or relationships, or residency, that there is little time left to help set the family on the road to independence by unravelling the personal and family difficulties which beset so many.

All of this has now begun to change. Long ago, the Social Security Act, by demanding a few basic ground rules, set in motion a process which over recent years has effected a quiet revolution in the rights of the poor. The legal framework required of public assistance plans has been strengthened by Congress. The doors of the courts have been opened to demands that these programs meet constitutional standards of equity and rationality, both in substance and in procedure. The emergence of the legal service programs for the poor has made possible challenges to a host of questionable practices.

Today there is a growing recognition of the legal right to the receipt of public assistance, a legal right to insist that it be fairly designed and fairly administered—and a legal right to invoke the Constitution to assure the fairness of the system. What lies ahead is the task of applying these rights, point by point, so that the poor may come to stand truly equal before the law. The Fourteenth Amendment to the Constitution applies to the poor and the disadvantaged as well as to other citizens of the United States. Constitutional decision is the responsibility of the courts, but the Secretary of HEW also has major responsibilities for the fair and proper administration of public assistance.

An end to the dole

Most Americans are compassionate, they are pragmatic; they accept the fact that they cannot let over 4 million children starve. They do not so easily accept the fact that there are 1.4 million adults—mostly parents—taking care of these children on the relief rolls—or understand the complex social forces that put them there. All are agreed that we should take a good hard look at our public welfare system, and work toward its reform. My first recommended step in such an effort—raising the minimum social security benefit—would take 150,000 needy aged men and women off the welfare rolls.

We must also turn our attention to the world of work and work opportunities, to the problems of welfare administration, and improved services.

A major study carried out in 1966 by Dr. Lawrence Podell of the City University of New York shows what many of us suspected—that most welfare mothers want to work. Seven in ten mothers interviewed preferred to work for pay rather than stay at home;

two-thirds planned to work in the future (the fact that one in six never went beyond fourth grade and another one in six never graduated high school indicates the level of job they could hope for).

We must concentrate on better training and better jobs for welfare recipients. We must also achieve such training and such jobs for the one-third of the poor who belong to families whose heads hold full-time year round jobs. Wives and children share in any higher earnings achieved by underemployed and unemployed men. If we could lift these families above the poverty level, we could concentrate more effectively on smaller numbers of hard-core poor who are left—on and off the welfare rolls. Therefore, I recommend:

A greatly expanded program of work incentives, and opportunities for productive and self-supporting work (jobs-job training—and the development of New Careers possibilities).

The establishment of a national Federal welfare payment administered according to national standards, to be available to individuals in need in all the states. The Federal courts have pointed the way to this reform in several states by declaring welfare residency laws illegal. If the Federal Government picked up the check, welfare payments and policy among the states would be equalized. And the budget burden of our great cities would be eased, leaving them freer to use their funds for constructive social services—schooling—recreation—and all the rest. Such a system would include financial incentives for men and women to seek employment, adequate day care for the children of working mothers, an effective job training program, legal protection, visiting nurse and family planning services.

Cutting down wasted professional time by using a simplified Eligibility Application Form instead of a detailed investigation, to determine the eligibility of public assistance recipients. This has been tried with some success in New York and California, and would, of course, require scrupulous sample checking. Each of us who pays an income tax is asked to declare our income; and each of us knows that his declaration is reviewed and may be questioned. Each of us knows that if he is found guilty of fraud, he will be punished; the same would be true in public welfare. The public sympathizes with the plight of the aged, the blind, and disabled. We should start our new policy with them. The funds saved could well be used for constructive, rehabilitative social services.

Consumer protection

A family's standard of living can be raised not only by increasing its resources, but also by assuring that it uses them wisely. The poor and the aged are susceptible targets for consumer fraud. The woman on welfare who knows how to avoid being shortchanged at the supermarket is that much ahead. So is the man who knows how to ask fair treatment from his landlord, whatever his income.

For many years consumer problems were pushed aside, and consumer protection programs relegated to a minor, insignificant place. After all, consumer interests were fragmented, and opposition to them well organized and well financed. Now the leadership of some dedicated members of Congress and the increased attention devoted to consumer problems by the national news media have changed the picture. New laws protect us against a wide variety of dangerous products and unfair practices—from infant blankets to automobiles, from unwholesome food to consumer credit.

Within the Department of Health, Education, and Welfare we have taken a number of steps to focus attention on consumer protection, and to provide more and better in-

formation to consumers. I recommend, in addition, that HEW:

Authorize a central or agency publication to give consumers information about consumer choices developed through government-sponsored, taxpayer-paid research.

Offer Federal financial aid to states to improve their consumer service programs.

Provide for the coverage of certain prescription drugs under the Medicare program.

Authorize payments for drugs under Medicare and Medicaid at reasonable prices normally paid by drug dispensing establishments—like pharmacies or hospital clinics.

Publish and disseminate an up-to-date U.S. Drug Compendium of prescription drugs listed by their generic name with pertinent information on each drug.

Require that all prescription drugs in tablet or capsule form bear an identification which would reveal the manufacturer and identify the drug; the manufacturer's name and the generic or established name should also appear on the label of prescription drug containers.

Federal credit unions

Federal Credit Unions have come to be an important part of consumer protection, as a method of saving for more than ten million wage-earners. Assets of the 12,600 credit unions now stand at about \$6.6 billion. I have been a member of credit unions since 1936 and I know what they mean to struggling young families.

Through the members of the credit unions are generally working people of modest means, who can ill afford to lose their savings (which average only \$562), the Federal Credit Unions remain the only federally-chartered savings institution without deposit insurance. Therefore, I recommend that:

Federal Deposit Insurance protection be provided to credit union members, similar to the protection of deposits in banks. The fact that liquidations have been infrequent—combined with the Credit Unions' excellent record—would keep such insurance costs to a minimum.

Income maintenance

The goal for the years ahead is to weave a net—through employment efforts, our social insurance system, a reformed public assistance program, and intensified consumer protection—through which no American may fall. But even with the best of intentions, the most skilled craftsmen, and the strongest thread, it will take time to make a foolproof web—one without a single hole.

The recommendations of the President's Commission on Income Maintenance, which is examining all practical alternative income maintenance systems should be very helpful. HEW's goal should be to assure a decent minimum for every American individual and every American family. Such an income maintenance system should have built-in incentive encouraging every able-bodied man and woman to contribute as fully as possible to our economy, as well as to share in its benefits.

VI—TO BETTER THE QUALITY OF AMERICAN LIFE: PAYING THE NEW BILL

To reach great goals, we must make great choices. As a Nation, we must decide what kind—what quality of life—we want to accomplish for our people. And we must set priorities, so that we have the means to move toward greater health and education and social opportunities.

This we can do. We need only the will to do it.

Our gross national product increased by more than half between 1960 and 1968. The vitality of the economy, and our capacity to harness the power for stable, steady growth have proven formidable.

If our Nation continues its present course, total production will increase an average of \$40 to \$50 billion each year, and grow larger

as time passes. The same is true of Federal revenues. Given no change in tax rates, they will increase by more than \$15 billion a year.

Can we afford improved health, education, and welfare?

Our gross national product for 1969 is estimated to be \$920 billion and will undoubtedly exceed \$1 trillion in 1971. At this rate of growth, the gross national product should reach \$1,300 billion by 1976 and exceed \$1,500 billion by 1980. There is absolutely no question that we have the resources to improve our health, education, and welfare if we commit ourselves to making the proper priorities in our tax system and other programs.

In 1960, our gross national product was slightly less than \$500 billion and we spent in the United States, \$79 billion for all health, education, and welfare activities, public and private. This amounted to 16 percent of the gross national product.

By 1963, our gross national product had increased \$80 billion to \$575 billion, our health, education, and welfare expenditures to \$100 billion, and the proportion of these expenditures to gross national product to 17.4 percent.

By 1968, the GNP had increased nearly another \$50 billion to \$622 billion, health, education, and welfare expenditures to \$163 billion, and the proportion of such expenses rose to 19.8 percent.

These trends unmistakably indicate that during the next eight years, as our gross national product rises, so the proportion of the gross national product invested in health, education, and welfare can and will rise. With a GNP of \$1,300 billion in 1976, the proportion invested in health, education, and welfare could rise to 25%, making possible \$325 billion to be invested in health, education, and welfare compared to \$163 billion in 1968—a doubling in the eight year period. This would enable us to be investing by that time about \$50 billion more in health, \$60 billion more in education, and \$55 billion more in social security and welfare. And we could do that simply by more equitable sharing of a bigger pie.

A Nation which spends more than \$8 billion for tobacco and \$11 billion for alcohol, a Nation in which 12 million people own pleasure boats, can surely use its increased revenues for human beings. A Nation in which 79 percent of the households own one car, and one quarter of the households own two or more cars, can afford to improve the quality of life of its least fortunate citizens. But it has to want to pay the price.

Paying the HEW bill

The taxes we pay are simply the price of Government services and commodities. Tax collection is the mechanism through which consumers—or the general public—pay the price.

Americans rightfully want to pay reasonable prices. No one wants to pay too much for a car, or a loaf of bread, or drugs. No one wants to find he's bought meat so tough he can't eat it, or that a house exactly like his could have been built for less money.

By and large, Americans have received good value for their health, education, and welfare tax dollars. Look at the substantial dramatic gains of the past years.

We have strengthened our chances for the blessing of good health—dramatically lowering infant mortality rates, for instance, and begun a new life-giving community approach to mental health and illness. We have overcome the Federal aid to education barriers, and millions of school children benefited—through books, new imaginative ways of learning, and help toward college education. We have improved the quality of education and enhanced equal opportunity. Fewer high school drop-outs—rehabilitation for handicapped people and those on welfare

rolls—medicare and other improvements in social security—a significant drop in the number of Americans living in poverty: This is the story of the past years.

Many people have asked each other HEW Secretary, when we have moved forward so rapidly, why must we pay the price for more social services? The answer is two fold.

First, the needs are still great. They are especially great for our least fortunate families. A Nation which still has 22 million poor—living in a world of bad health, housing and food, little clothing, and a hopeless, depressing environment—cannot sit back and rest on its laurels.

Second, the better the quality of life for most of us, the more those who have not achieved such a life, ask. They watch television, they read the popular magazines. They want the best for themselves and their children. HEW programs are designed to help them achieve it.

Increased social services will have to be financed through taxation—as they have been in the past. And, as in the past, increased health, education and welfare expenditures will add to the stability of the economy, its toughness, its strength, and its potential for growth. The more educated Americans, the more Americans in good health, the more trained and able to work, the greater our national muscle. We must invest more in the health, education, and welfare of our children. I have recommended increased education and health services for children. I also recommend:

That the appropriations and authorization for child welfare services (foster care, adoption, care of abused children and all the rest) be increased in order that all children and families in the Nation will have a better chance to lead lives of productivity and fulfillment.

Tools for policymaking

So big have become our institutions, public and private, so complicated our enterprise, that meeting our health, education and welfare needs will take even more than determination—and even more than willingness to pay. We must shape more effective tools for policymaking.

As organizations grow, the time needed to implement decisions gets longer. We are increasingly required to make every important and very expensive long-range decisions which, while not irreversible, are very hard to change. If we are not careful, inaction—or doing nothing—will become our chief strategic device, our policy tool.

We dare not let this happen in urgent areas of social planning. Health, education and welfare problems—and related problems in housing or transportation—demand broad active planning.

But we do not have the necessary information to make carefully reasoned policy choices and form sensible plans. We agree, for example, that we want to eliminate poverty. But how—specifically? Many ideas compete in the theoretical market place: guaranteed income, negative income tax, family allowances, wage supplements.

The trouble is that we lack some of the most crucial information about such programs, and their effect on individual lives. If the American people are to decide between alternatives they must have more facts. What effect would a children's allowance have on family size? How would wage earners react to various kinds of negative income tax proposals?

Again, we agree that we must do something about the quality of life in our major urban centers. Again, how—specifically? Again we don't have enough information—or even refined enough ways of measuring the consequences of urban living upon the very young, the elderly, or upon their health and education. Therefore, I recommend:

That the Federal Government undertake a substantially enlarged statistical program—

gathering and disseminating information necessary for sound social planning from and to States, local governments and other interested organizations. This would include information on the effectiveness of family planning and other health programs, an ongoing national assessment of educational achievement, comparative facts on the effectiveness of delivering health care, job training and preschool education.

That the President or the Department of Health, Education, and Welfare each year issue a social report, as the Council of Economic Advisers issues an economic report, measuring the quality of our society for the President, the Congress and the public.

The budget

As we cut a larger and larger piece of the national pie for social goods and services, we must improve our chief policy making tool—the budget.

Budget timing and process now impose almost impossible burdens on Department and agency staffs, creating difficult problems for program administration, and impairing the quality of decision-making. In recent years Congress has acted on the HEW budget only after the fiscal year has begun on July 1. This means that one year's HEW budget planning must begin before the previous year's budget has been finally acted upon. Senior Department officials spend enormous amounts of time and energy working on two separate budget years at once. This has become the pattern. It is not a sensible one. Therefore, I recommend:

That the budget be put on a calendar year basis so there is enough time for Congress to study and act on important HEW matters. The President would present his budget proposals in January of each year and the new appropriations would be available on January of the following year. Everyone involved would have more time to do a better job; the results would be much improved.

Congress fund programs well in advance of the time they go into effect, especially if they involve school districts, universities, states, or municipalities (which must prepare their own budgets anywhere from six to eighteen months before the budget year of the Federal Government).

Congress takes a vacation in the month of August, not only to enable its members to have a vacation, but to give key congressional and executive staff an opportunity for much needed rest. No private industry would operate on the present timetable, which is wearing out the senior people in the executive departments and on congressional staffs. A brief pause in the legislative year would improve the Congress' ability to complete its work, and it probably also would do a great deal, in the long run, to improve the quality of legislation.

Civil rights

Better schools, more hospitals, higher income—all such changes mean little unless they are equally available to all Americans. That is why the Civil Rights legislation of the 1960's stands as one of the most significant measures taken to improve the quality of life in the United States.

HEW now shares major responsibility for the enforcement of such laws, based on the concept that all Americans should enjoy services and benefits made possible by their Federal tax dollars, without regard to race, color or national origin. Though this proposition seems eminently fair, it is nevertheless a fairly recent concept in the administration of Federal grant programs.

Title VI of the 1964 Civil Rights Act specifically and unequivocally prohibits racial discrimination of every kind in federally assisted programs. It also requires Executive agencies to end Federal support of any program in which discrimination is practiced.

The 1964 Civil Rights Act has had a great impact on the desegregation of hospitals, nursing homes, elementary and secondary

schools, colleges and universities. HEW's efforts to enforce such principles in its administration of Medicare—which have been almost 100 percent successful—is one of the great untold stories of the past years. Quietly, steadily, the country's hospitals have been desegregated, more patients are treated equally, and more doctors are admitted to staff privileges. The pattern of discrimination has been broken. Considerations of good health can now take precedence over those of race. In education the record shows steady—albeit slow—progress in desegregation. This thrust has been expanded to all educational agencies in the Nation.

The record shows the significant change that has taken place in compliance of school districts organized on a dual, racially-segregated basis. In 1963, before the enactment of the Civil Rights Act, only 1.17 percent of Negro students in the 11 Deep Southern States were attending school with whites; in September 1967 this percentage had increased to 13.9 percent. Nearly all school districts with white and Negro teachers have begun the process of faculty desegregation.

Amendments to the Elementary and Secondary Education Act enacted in 1967 spread the effects of Civil Rights measures by requiring that HEW's compliance program "be uniformly applied and enforced throughout the fifty States." Subsequently the Department began to study the distribution of minority students and faculty—Spanish-surnamed, Oriental, and Indian, as well as Negro—from Northern and Western school districts. More than 30 preliminary reviews and five full reviews of school systems have taken place. Preliminary review shows that civil rights problems are nationwide and concern all minority groups.

In a very real sense, the Nation is at a turning point in its efforts to bring alive the principles of equality and justice. I recommend:

Title VI of the Civil Rights Act continue to be not a panacea, but an indispensable ingredient in the total Federal approach to equal educational opportunity.

Legislation to provide Federal financial aid to school districts which have an approved plan of desegregation for school construction, teachers' salaries and other needed services where such school districts demonstrate a fiscal incapacity to carry out such plans.

The civil rights program in the Department of Health, Education, and Welfare be administered by a Deputy Under Secretary with responsibility for compliance, technical assistance, and education.

Improving the quality of the environment

On Christmas Day, 1968, three Americans circling the moon transmitted photographs to Earth which more forcefully than any other event in history emphasized the fragile and destructible nature of our environment. We know far better now than ever before how thin and precious is the veil of atmosphere that surrounds and enwraps the oceans and rivers, how incredibly complex and delicate is the balance, which permit the existence of life on Earth.

Today this Earth of ours faces a major environmental crisis. Urbanization, the increase of population, fantastic advances in technology, and the mistakes of the past have brought biological, radiological and chemical contamination of land, air, food and water; crowding; noise; destruction of natural resources, and many other threats to human health and well-being. We cannot have it all one way or the other. The human race cannot prosper unless it makes use of the riches of the Earth. But man cannot survive if he turns these resources against himself in the form of pollution and contamination, and hazardous living conditions.

Such problems cannot be solved piecemeal. They require continuous, coordinated study and action. To this end a new organization—the Consumer Protection and Environmental

Health Service was set up last July within the Department of Health, Education, and Welfare. As the one agency in the Federal Government approaching all the complex environmental problems from the viewpoint of human health, safety and welfare, HEW should provide a central focus for the Nation's environmental efforts.

Throughout the environment, the forces of change far outnumber those aimed at understanding the significance of change. Our vast and growing capability in the fields of science and engineering has enabled us to push on, all too often without knowing where we are going, what we are doing to our world, and to ourselves.

As a first major step toward this essential knowledge, I have directed the establishment of the National Institute of Environmental Health Sciences among the nine National Institutes of Health. This new institute is a further commitment on the part of the Department of Health, Education, and Welfare, and of the Federal Government, to the principle that human well-being and health must not suffer because of man-made environmental changes.

We must continue and expand our environmental control efforts.

Therefore, I recommend:

Expansion of our efforts to reduce air and water pollution—two of the greatest threats to man's health and economy.

Application of all of our knowledge to reduce accidental deaths and injuries, and expansion of occupational health programs.

Elimination of the food contamination which causes food-borne disease.

Elimination of substandard and unsafe drinking water supplies.

Protection of the American people from exposure to all harmful radiation.

An increase in our efforts to control community noise.

Expansion and improvement of solid wastes management.

Increase in our efforts to reduce home and neighborhood environmental health problems, including a drastic reduction of the number of rats in the United States.

Expansion of research and evaluation of the effects of environmental stresses on the individual.

Cooperation with the private sector

The private sector in 1968 was responsible for \$62 billion of the \$163 billion invested in the Nation's health, education and welfare. The amount spent by the private sector grew from \$35 billion in 1933 and will continue to grow with the years.

There is ample room in our society for a substantial and creative role for the private sector. Business enterprise can help train young people—including the disadvantaged—for New Careers. They can help perform nutrition research, to solve the terrible problems of hunger and malnutrition. The television and communications industry can forge direct lines between patient and doctor. New learning machines can bring about great changes in curriculum and bring more knowledge for more children. A non-hazardous cigarette might emerge from industry-government cooperation. Such cooperation could also result in the development of technological ways to control air and water pollution.

Business and government are not enemies. They should and could be effective partners in a wide range of constructive activities which would mean better health—education—and welfare for all Americans.

The need to choose

Eight years ago, when I returned to HEW from university life, there were about 100 programs in the Department. Today we administer more than 250 programs.

Statistics, of course, are significant only as they affect human beings. Statistical changes at HEW have touched—changed—and im-

proved the personal lives of millions. They now spell hope and opportunity in the most profound sense of those over-used words.

But we cannot afford simply to continue what we're doing. We cannot afford to stand still. When our population is increasing so dramatically and the complexity of our problems is intensifying, standing still is going backwards. We have built up the momentum; we must go forward.

To do so we must be willing to pay the bill. We must continue to improve the administration of present programs of course. But in this world you cannot get something for nothing. We must choose what we want to do in health, in education, and in social opportunity, and find sensible, convenient and equitable ways to pay for it.

Here at HEW, we have progressed far toward the achievement of the Republic's oldest, fondest dream: making a better society on this earth than has ever been made before. We have increased the individual American's real freedom. We have done so by giving him greater options. Social Security and Medicare give parents, grandparents and children the freedom to choose different paths. They have more choice as to what to do with their money and their talents. No longer does a family have to give up a youngster's college education to pay a grandparent's medical bills. Education programs give young and old alike the equipment to choose between careers. (After all, the illiterate man has no real freedom to choose what he wants to do.) The development of an effective measles vaccine prevents the crippling of thousands of children and lifts a burden from parental shoulders. Rehabilitation programs make work possible, life bearable, and return the investment made in them many times in earnings and taxes.

It is my hope that the United States will use its vast resources to abolish poverty, improve the health and education of all our people and achieve an adequate system of social security. It is my hope that those who do the Department of Health, Education, and Welfare's work will never lose sight of their goals, and will press forward to create better programs for all Americans.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HUNT) to revise and extend their remarks and include extraneous matter:)

Mr. QUILLLEN, for 15 minutes, today.
Mr. SANDMAN, for 5 minutes, today.
Mr. ADAIR, for 30 minutes, January 30, 1969.

(The following Members (at the request of Mr. DANIEL of Virginia) to revise and extend their remarks and include extraneous matter:)

Mr. COHELAN, for 30 minutes, today.
Mr. WOLFF, for 15 minutes, January 30.
Mr. MONTGOMERY, for 60 minutes, on February 4.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

(The following Members (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. PETTIS.
Mr. GUBSER in three instances.
Mr. STANTON in three instances.
Mr. ROBISON.

Mr. HASTINGS in five instances.
Mr. CONTE.
Mr. WEICKER.
Mr. ASHBROOK in two instances.
Mr. SCHWENGLER.
Mr. ZWACH in two instances.
Mr. CARTER.
Mr. MAILLIARD in two instances.
Mrs. REID of Illinois.
Mr. DON H. CLAUSEN.
Mr. CHAMBERLAIN.
Mr. POLLOCK.
Mr. AYRES.
Mrs. DWYER in three instances.
Mr. CLEVELAND in two instances.
Mr. ANDERSON of Illinois.
Mr. MCKNEALLY.
Mr. SKURITZ.
Mr. WYMAN.
Mr. ESCH.
Mr. MILLER of Ohio.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mrs. HANSEN of Washington in three instances.

Mr. ROBINO in two instances.
Mr. YATRON.
Mr. PURCELL in two instances.
Mr. KOCH in four instances.
Mr. CASEY in two instances.
Mr. RARICK in four instances.
Mr. DANIELS of New Jersey.
Mr. GALLAGHER.
Mr. DINGELL in two instances.
Mr. OLSEN in two instances.
Mr. MATSUNAGA.
Mr. ROGERS of Florida in five instances.
Mr. GONZALEZ in four instances.
Mr. SLACK in two instances.
Mr. HAGAN in two instances.
Mr. DOWNING in two instances.
Mr. PICKLE.
Mr. PICKLE.
Mr. PICKLE.
Mr. STEED.
Mr. VANIK in two instances.
Mr. THOMPSON of New Jersey.

ADJOURNMENT

Mr. DANIEL of Virginia, Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 29, 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:

442. A letter from the Secretary of Commerce, transmitting the 56th Annual Report of the Secretary of Commerce for the fiscal year ended June 30, 1968, pursuant to the provisions of 5 U.S.C. 604; to the Committee on Interstate and Foreign Commerce.

443. A letter from the Secretary of Defense, transmitting a report on disbursements from the appropriation for "Contingencies, defense" contained in the Department of Defense Appropriation Act, 1969, pursuant to the provisions of that act; to the Committee on Appropriations.

444. A letter from the Acting Comptroller General of the United States, transmitting a report concerning the claim of Mr. Corbie F. Cochran against the United States, pursuant to the provisions of 45 Stat. 413 (31 U.S.C. 286); to the Committee on the Judiciary.

445. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a request for withdrawal and return of case No. A-1758471 previously transmitted, involving suspension of deportation under the provisions of section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H.R. 4781. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAIR:

H.R. 4782. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 4783. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4784. A bill to amend title II of the Social Security Act to increase from \$1,680 to \$3,000 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. ANDREWS of Alabama:

H.R. 4785. A bill to authorize the Board of Commissioners of the District of Columbia to request the assignment of U.S. Marines to assist in law enforcement in the District of Columbia; to the Committee on Armed Services.

By Mr. ANNUNZIO:

H.R. 4786. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. BATTIN:

H.R. 4787. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4788. A bill to authorize the appropriation of funds for the construction, reconstruction, and improvement of the Alaska Highway; to the Committee on Public Works.

H.R. 4789. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on honey and honey products and to impose import limitations on honey and honey products; to the Committee on Ways and Means.

H.R. 4790. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mr. BETTS (for himself, Mr. BUSTER, Mr. BUSH, Mr. ERLANDSON, Mr. GUDRE, Mr. HECKLER of Massachusetts, Mr. HUNT, Mr. McCLOSKEY, Mr. MILLS, Mr. MONTGOMERY, Mr. MOSS, Mr. PRICE of Texas, Mr. RHOES, Mr. RIEGLE, Mr. ROTH, Mr. SAYLOR, and Mr. STRATTON):

H.R. 4791. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for

other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN (for himself, Mr. ANDERSON of Illinois, Mr. RIZALE, and Mr. BYRNE of Pennsylvania):

H.R. 4792. A bill to provide educational assistance to children of civilian employees of the United States killed abroad as a result of war, insurgency, mob violence, or similar hostile action; to the Committee on Post Office and Civil Service.

By Mr. BRADEMANS (for himself, Mr. ADDABO, Mr. ASHLEY, Mr. BINGHAM, Mr. BOLAND, Mr. BURLESON of Missouri, Mr. BURTON of California, Mr. BYRNE of Pennsylvania, Mr. CASEY, Mr. CLAY, Mr. CORMAN, Mr. DERWENSKI, Mr. DINGELL, Mr. DONOHUE, Mr. DUNCAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. ESCH, Mr. FARBERSTEIN, Mr. FLOOD, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. GARMATZ, Mr. GILBERT, and Mr. GUZE):

H.R. 4793. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. BRADEMANS (for himself, Mr. BURKE of Florida, Mr. THOMPSON of Georgia, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. TUNNEY, Mr. ULLMAN, Mr. WHITEHURST, Mr. MOSS, Mr. CHARLES H. WILSON, Mr. WINN, Mr. YATRON, and Mr. CASEY):

H.R. 4794. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. BURKE of Massachusetts (for himself and Mr. CORMAN):

H.R. 4795. A bill to amend title IV of the Social Security Act to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. BURTON of Utah (for himself and Mr. LOFT):

H.R. 4796. A bill to provide that the land reserved for any national monument shall not exceed 2,500 acres; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 4797. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. CELLER:

H.R. 4798. A bill to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

By Mr. COOLIDGE:

H.R. 4799. A bill to authorize the release of 100,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 4800. A bill to amend title II of the Merchant Marine Act, 1936, to create an independent Federal Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONYERS (for himself, Mr. CELLER, and Mr. KOCH):

H.R. 4801. A bill to assure to every American a full opportunity to have adequate employment, housing, and education, free from any discrimination on account of race, color, religion, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. COWGER:

H.R. 4802. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Fed-

eral employees; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 4803. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DONOHUE:

H.R. 4804. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 4805. A bill to amend title 37, United States Code, to clarify the right to a member of a uniformed service to a family separation allowance without regard to whether his dependents live in a residence or household subject to the management or control of the member, and for other purposes; to the Committee on Armed Services.

H.R. 4806. A bill to amend title 5, United States Code, to provide for additional positions in certain Federal agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ERLÉNBERG (for himself, Mr. AYRES, Mr. QUIN, Mr. REED of New York, Mr. SCHERER, Mr. ESCH, and Mr. ESHELEMAN):

H.R. 4807. A bill to provide for educational assistance for gifted and talented children; to the Committee on Education and Labor.

By Mr. FALLON (for himself, Mr. GARMATZ, and Mr. FRIEDEL):

H.R. 4808. A bill to authorize appropriations to be used for the elimination of every grade crossing along the high-speed rail line between Washington, D.C., and New York City; to the Committee on Public Works.

By Mr. FEIGHAN:

H.R. 4809. A bill to amend section 101(a) (27) (D) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 4810. A bill to authorize the release of 50,000 short tons of lead from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 4811. A bill to extend for 2 years the period for which payments in lieu of taxes may be made with respect to certain real property transferred by the Reconstruction Finance Corp. and its subsidiaries to other Government departments; to the Committee on Government Operations.

By Mr. GARMATZ:

H.R. 4812. A bill to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4813. A bill to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GREEN of Oregon:

H.R. 4814. A bill to extend the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until June 30, 1969; to the Committee on Education and Labor.

By Mr. HARVEY:

H.R. 4815. A bill to amend title I of the Housing Act of 1949 to authorize loans to assist older persons who have been displaced from their homes by urban renewal projects to purchase comparable homes, free of additional debt; to the Committee on Banking and Currency.

H.R. 4816. A bill to provide for the appointment of postmasters by the Postmaster General, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4817. A bill to amend title II of the

Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HASTINGS:

H.R. 4818. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. HAYS:

H.R. 4819. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. KLEPPER:

H.R. 4820. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture.

H.R. 4821. A bill to place in trust status certain lands on the Standing Rock Sioux Indian Reservation in North Dakota and South Dakota; to the Committee on Interior and Insular Affairs.

By Mr. KYROS (for himself, Mr. ADAMS, Mr. ADDABO, Mr. ANDERSON of Illinois, Mr. BEVILL, Mr. BYRNE of Pennsylvania, Mr. CLARK, Mr. DANIELS of New Jersey, Mr. DIGGS, Mr. DONOHUE, Mr. GAYDOS, Mr. HATTAWAY, Mr. HECHLER of West Virginia, Mr. KAZEN, Mr. KEE, Mr. MATSUNAGA, Mr. MIKVA, Mr. PEPPER, Mr. SAYLOR, Mr. THOMPSON of Wisconsin, Mr. TUNNEY, Mr. WIDNALL, and Mr. YATRON):

H.R. 4822. A bill to amend title IV of the Public Health Service Act to provide for the establishment of a National Lung Institute to the Committee on Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 4823. A bill to amend title 10 of the United States Code so as to provide that the Chief of the Medical Service Corps of the Navy and Air Force shall be a brigadier general or rear admiral, as the case may be, and for other purposes; to the Committee on Armed Services.

H.R. 4824. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. LLOYD:

H.R. 4825. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink; to the Committee on Ways and Means.

By Mr. McDABE:

H.R. 4826. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4827. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 4828. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4829. A bill to amend the Internal Revenue Code of 1954 to increase from \$600 to \$1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. McMILLAN:

H.R. 4830. A bill to authorize realistic, economic, and modern building heights and bulk in the District of Columbia, to provide

new business and employment opportunities for all, to expand the tax base, to stimulate and assist efforts to break the poverty cycle and strengthen the economy, to provide parking, to rebuild and renew blighted, slum, burned-out, and underdeveloped areas, to conserve and make the best, and maximum, use of land, to achieve the best design, to save tax funds, and for other purposes; to the Committee on the District of Columbia.

By Mr. MATSUNAGA:
H.R. 4831. A bill to amend title 5, United States Code, with respect to the concurrent payment of foreign post-pay differentials and nonforeign post cost-of-living allowances, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MIKVA:
H.R. 4832. A bill to amend title 42, United States Code, to limit the information which may be required by local school authorities from recipients of free or reduced-price school lunches under the National School Lunch Act, and for other purposes; to the Committee on Education and Labor.

By Mr. MOORHEAD:
H.R. 4833. A bill to establish a commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. MORTON:
H.R. 4834. A bill to amend title 10 of the United States Code to provide that nationals of the United States and citizens of the Trust Territory of the Pacific Islands may be enlisted in the Armed Forces; to the Committee on Armed Services.

H.R. 4835. A bill to authorize the Secretary of the Interior to establish the Constellation National Historic Site, in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4836. A bill to establish and develop the Chesapeake and Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4837. A bill to amend the Migratory Bird Treaty Act to prohibit the baiting of waterfowl, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 4838. A bill to establish the National Oceanographic Agency; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER:
H.R. 4839. A bill to extend to volunteer fire companies the rates of postage on second- and third-class bulk mailings applicable to certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. PATMAN:
H.R. 4840. A bill to amend chapter 55 of title 10 of the United States Code to provide medical and maternity care in service facilities for certain members of the uniformed services and their dependents after such members are separated from active duty; to the Committee on Armed Services.

H.R. 4841. A bill to provide for Federal control over foreign banking corporations operating within the United States, the District of Columbia, the several territories and possessions of the United States, and the Commonwealth of Puerto Rico; to the Committee on Banking and Currency.

By Mr. PERKINS:
H.R. 4842. A bill to amend section 302(c) of the Labor-Management Relations Act, 1947, to permit employer contributions for a joint committee or joint board empowered to interpret provisions of collective bargaining agreements; to the Committee on Education and Labor.

By Mr. PHILBIN:
H.R. 4843. A bill to improve educational quality through the effective utilization of educational technology; to the Committee on Education and Labor.

H.R. 4844. A bill to amend title 39, United

States Code, to provide for the mailing of newsletters of nonprofit organizations addressed to members of the U.S. Armed Forces, without cost to such organizations; to the Committee on Post Office and Civil Service.

By Mr. PREYER of North Carolina:
H.R. 4845. A bill to authorize the Secretary of the Interior to exchange certain lands at Guilford Courthouse National Military Park, in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RARICK:
H.R. 4846. A bill to provide for the issuance of a commemorative postage stamp in honor of the brave men who served on the U.S.S. *Liberty* and the U.S.S. *Pueblo*; to the Committee on Post Office and Civil Service.

By Mr. RODINO:
H.R. 4847. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; to the Committee on Science and Astronautics.

By Mr. RUMSFELD:
H.R. 4848. A bill to expand and improve the provisions of the Oil Pollution Act, 1924; to the Committee on Merchant Marine and Fisheries.

By Mr. SAYLOR:
H.R. 4849. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHADEBERG:
H.R. 4850. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SKUBITZ:
H.R. 4851. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. STANTON:
H.R. 4852. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. STUCKEY:
H.R. 4853. A bill to designate the Okefenokee National Wildlife Refuge as the Okefenokee Wilderness; to the Committee on Interior and Insular Affairs.

By Mr. TALCOTT:
H.R. 4854. A bill to amend subsection (a) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 to aid law-enforcement officers taking courses through correspondence schools; to the Committee on the Judiciary.

H.R. 4855. A bill to provide for the appointment of postmasters and rural carriers on the basis of merit; to the Committee on Post Office and Civil Service.

H.R. 4856. A bill to amend title 18, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4857. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

H.R. 4858. A bill to amend title 38 of the United States Code to include within the parental beneficiary class under the servicemen's group life insurance program persons who stood in loco parentis to a deceased insured; to the Committee on Veterans' Affairs.

H.R. 4859. A bill to amend the Internal Revenue Code of 1954 to authorize a tax

credit for certain expenses of providing higher education; to the Committee on Ways and Means.

H.R. 4860. A bill to amend section 213 of the Internal Revenue Code of 1954 to provide that certain expenses of child adoption shall be treated as medical expenses; to the Committee on Ways and Means.

H.R. 4861. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain contributions to the support of an aged parent or divorced mother who is not gainfully employed; to the Committee on Ways and Means.

H.R. 4862. A bill to amend the Internal Revenue Code of 1954 to authorize a deduction from gross income for certain expenses of employing full-time household help; to the Committee on Ways and Means.

H.R. 4863. A bill to provide for the establishment of a Commission on Revision of Federal Taxation; to the Committee on Ways and Means.

H.R. 4864. A bill to amend the Internal Revenue Code of 1954 to authorize and facilitate the deduction from gross income by teachers of the expenses of advanced education (including certain limited travel) undertaken by them, and to provide a uniform method of proving entitlement to such deduction; to the Committee on Ways and Means.

H.R. 4865. A bill to authorize the distribution of a portion of the Federal tax revenue to the States for elementary and secondary education purposes; to the Committee on Ways and Means.

By Mr. TIERNAN (for himself, Mr. HATHAWAY, and Mr. ECKHART):
H.R. 4866. A bill, Utility Consumers Counsel Act of 1969; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. MIZE, Mr. MONAGAN, Mr. DUNCAN, Mr. DONOHUE, Mr. WOLFF, Mr. ADAMS, Mr. LUKENS, Mr. MIKVA, Mr. UDALL, Mr. HATHAWAY, Mr. ASHLEY, Mr. GIBBONS, Mr. EVINS of Tennessee, Mr. PREYER, Mr. BRINGHAM, and Mr. DOWNING):

H.R. 4867. A bill to establish a commission to make a comprehensive study and evaluation of the methods of selecting candidates for the offices of President and Vice President of the United States; to the Committee on House Administration.

By Mr. UDALL:
H.R. 4868. A bill to provide needed facilities and services not otherwise available for the accommodation of visitors in the areas administered by the National Park Service, by authorizing the Secretary of the Interior to guarantee loans which are part of concessioner investments in such facilities and services, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. STEIGER of Arizona):

H.R. 4869. A bill to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:
H.R. 4870. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:
H.R. 4871. A bill to amend the Internal Revenue Code of 1954 to provide that no garnishment of compensation and no seizure of property may be made by the Internal Revenue Service without a court order; to the Committee on Ways and Means.

By Mr. WOLD:
H.R. 4872. A bill to provide for the apportionment of funds in payment of a judgment in favor of the Shoshone Tribe in consolidated docket Nos. 326-D, 326-E, 326-F,

326-G, 326-H, 366, and 367 before the Indian Claims Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYLLIE:
H.R. 4873. A bill to amend title II of the Social Security Act to increase to \$3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. YATES:
H.R. 4874. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

H.R. 4875. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

H.R. 4876. A bill to amend title VI of the Public Health Service Act to improve the existing program for assistance for construction and modernization of hospitals and other medical facilities and to provide for the making of loans for such modernization; to the Committee on Interstate and Foreign Commerce.

H.R. 4877. A bill to amend the act of March 3, 1905, relating to the dumping of certain materials into the navigable waters of the United States; to the Committee on Public Works.

H.R. 4878. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to unmarried widows and widowers and single persons who have attained age 30 and maintain their own households; to the Committee on Ways and Means.

By Mr. ZWACH:
H.R. 4879. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 4880. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4881. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. ADAIR:
H.J. Res. 304. Joint resolution to direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of the display of violence in television programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.J. Res. 305. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BOW:
H.J. Res. 306. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 307. Joint resolution to provide for the designation of the second week of May of each year as "National School Safety Patrol Week"; to the Committee on the Judiciary.

By Mr. BROOMFIELD:
H.J. Res. 308. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. CELLER:
H.J. Res. 309. Joint resolution authorizing the Secretary of the Interior to provide for the commemoration of the 100th anniversary of the establishment of Yellowstone National Park, and for other purposes; to the Committee on the Judiciary.

By Mr. CLARK:
H.J. Res. 310. Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DE LA GARZA:
H.J. Res. 311. Joint resolution to adopt a specific version of "The Star-Spangled Banner" as the national anthem of the United States of America, and for other purposes; to the Committee on the Judiciary.

By Mr. DERWINSKI:
H.J. Res. 312. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. DOWDY:
H.J. Res. 313. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. GAYDOS:
H.J. Res. 314. Joint resolution designating March 30 of each year as "Shut-In's Day"; to the Committee on the Judiciary.

By Mr. KEITH:
H.J. Res. 315. Joint resolution directing a joint study by the Civil Aeronautics Board, Interstate Commerce Commission, Securities and Exchange Commission, Federal Trade Commission, Federal Power Commission, and the Federal Communications Commission with respect to the effect of conglomerate activities on the transportation and communications industries, the securities markets, and interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:
H.J. Res. 316. Joint resolution creating a Federal Committee on Nuclear Development to review and reevaluate the existing civilian nuclear program of the United States; to the Joint Committee on Atomic Energy.

By Mr. O'HARA (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BOLAND, Mr. BOLLING, Mr. BYRNE of Pennsylvania, Mr. DICKINSON, Mr. DONOHUE, Mr. EILBERG, Mr. WILLIAM D. FORD, Mrs. HANSEN of Washington, Mr. HARVEY, Mr. HATHAWAY, Mr. JACOBS, Mr. KYROS, Mr. LONG of Maryland, Mr. MIKVA, Mr. MOLLOHAN, Mr. MOOREHEAD, and Mr. NEDZI):

H.J. Res. 317. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. HALPERN, Mr. OLSEN, Mr. PATTEN, Mr. PEPPIE, Mr. POBELL, Mr. PAYOR of Arkansas, Mr. ROONEY of Pennsylvania, Mr. ST. GERMAIN, Mr. ST. ONGE, Mr. SCHWENKEL, Mr. SHIPLEY, Mr. THOMPSON of New Jersey, Mr. UNALL, Mr. VIGORITO, Mr. WALDIE, Mr. WOLFE, Mr. WRIGHT, and Mr. YATRON):

H.J. Res. 318. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WHALLEY:
H.J. Res. 319. Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia, as signatory bodies, for certain amendments to the compact creating the Potomac Valley Conservancy District and establishing the Interstate Commission on the Potomac River Basin; to the Committee on Public Works.

By Mr. DERWINSKI:
H. Con. Res. 103. Concurrent resolution expressing the sense of the Congress with respect to the intervention in Czechoslovakia

by the military forces of the Soviet Union and its satellites; to the Committee on Foreign Affairs.

By Mr. GUBSER:
H. Con. Res. 104. Concurrent resolution calling upon the President to terminate foreign direct investment controls; to the Committee on Foreign Affairs.

By Mr. LLOYD:
H. Con. Res. 105. Concurrent resolution calling upon the President to implement the foreign economic policy of the United States by terminating controls on foreign direct investment; to the Committee on Foreign Affairs.

By Mr. SCHERLE:
H. Con. Res. 106. Concurrent resolution to establish a joint congressional committee to investigate the capture of the U.S.S. Pueblo; to the Committee on Rules.

By Mr. SYMINGTON:
H. Con. Res. 107. Concurrent resolution expressing the sense of Congress with respect to the furnishing of relief assistance to victims of the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. TALCOTT:
H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress relating to the furnishing of relief assistance to persons affected by the Nigerian civil war; to the Committee on Foreign Affairs.

By Mr. GETTYS:
H. Res. 162. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. LLOYD:
H. Res. 163. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. MONTGOMERY:
H. Res. 164. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. NICHOLS:
H. Res. 165. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. O'NEAL of Georgia:
H. Res. 166. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. POAGE:
H. Res. 167. Resolution to provide funds for the Committee on Agriculture; to the Committee on House Administration.

By Mr. POLLOCK:
H. Res. 168. Resolution relating to the clerk hire allowance of Members of the House of Representatives; to the Committee on House Administration.

By Mr. RARICK:
H. Res. 169. Resolution relative to commitment of U.S. Armed Forces; to the Committee on Foreign Affairs.

By Mr. SIKES:
H. Res. 170. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of Georgia:
H. Res. 171. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for

the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

H. Res. 172. Resolution relative to consideration of House Resolution 133; to the Committee on Rules.

By Mr. WAMPLER:

H. Res. 173. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress in the budget for the fiscal year ending June 30, 1970; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 4882. A bill for the relief of Allison Jean Fernandes; to the Committee on the Judiciary.

H.R. 4883. A bill for the relief of Shee Ming Mah; to the Committee on the Judiciary.

H.R. 4884. A bill for the relief of Luis U. Uruay; to the Committee on the Judiciary.

H.R. 4885. A bill for the relief of Stanley Wing Soon Wong; to the Committee on the Judiciary.

By Mr. ADAMS (by request):

H.R. 4886. A bill for the relief of German D. Anulacion; to the Committee on the Judiciary.

H.R. 4887. A bill for the relief of Onofre Oliver Napeñas; to the Committee on the Judiciary.

H.R. 4888. A bill for the relief of (Juan) O. Francisco Orbinio; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 4889. A bill for the relief of Vincenzo Aclerno; to the Committee on the Judiciary.

H.R. 4890. A bill for the relief of Giuseppe Aloia; to the Committee on the Judiciary.

H.R. 4891. A bill for the relief of Giuseppe and Stella Ambroselli and minor child Michael Ambroselli; to the Committee on the Judiciary.

H.R. 4892. A bill for the relief of Francesca and Antonio Ardizzone; to the Committee on the Judiciary.

H.R. 4893. A bill for the relief of Lorenzo Ardizzone; to the Committee on the Judiciary.

H.R. 4894. A bill for the relief of Giovanni Badalamenti; to the Committee on the Judiciary.

H.R. 4895. A bill for the relief of Gino Badolati; to the Committee on the Judiciary.

H.R. 4896. A bill for the relief of Gaetana Battaglia; to the Committee on the Judiciary.

H.R. 4897. A bill for the relief of Riccardo Bazzoli; to the Committee on the Judiciary.

H.R. 4898. A bill for the relief of Antonino Bellone; to the Committee on the Judiciary.

H.R. 4899. A bill for the relief of Lorenzo Canale; to the Committee on the Judiciary.

H.R. 4900. A bill for the relief of Gilda and Arturo Canestraro and minor children, Sandro and Mirena Canestraro; to the Committee on the Judiciary.

H.R. 4901. A bill for the relief of Francesco Casello; to the Committee on the Judiciary.

H.R. 4902. A bill for the relief of Rosario Corrao; to the Committee on the Judiciary.

H.R. 4903. A bill for the relief of Matilde Cortes; to the Committee on the Judiciary.

H.R. 4904. A bill for the relief of Vincenzo D'Agusto; to the Committee on the Judiciary.

H.R. 4905. A bill for the relief of Pantaleo DeSanti; to the Committee on the Judiciary.

H.R. 4906. A bill for the relief of Aniello DeSimone; to the Committee on the Judiciary.

H.R. 4907. A bill for the relief of Bartolomeo DiNatale; to the Committee on the Judiciary.

H.R. 4908. A bill for the relief of Mordechai Elbaum; to the Committee on the Judiciary.

H.R. 4909. A bill for the relief of Gusto Farinella; to the Committee on the Judiciary.

H.R. 4910. A bill for the relief of Giuseppe and Nunzia Gattuso; to the Committee on the Judiciary.

H.R. 4911. A bill for the relief of Paul Hypolite; to the Committee on the Judiciary.

H.R. 4912. A bill for the relief of Jakob Kohen; to the Committee on the Judiciary.

H.R. 4913. A bill for the relief of Gaspare LaMarca; to the Committee on the Judiciary.

H.R. 4914. A bill for the relief of Giuseppe LoBuono; to the Committee on the Judiciary.

H.R. 4915. A bill for the relief of Ruel Longmore; to the Committee on the Judiciary.

H.R. 4916. A bill for the relief of Faro Lucese; to the Committee on the Judiciary.

H.R. 4917. A bill for the relief of Natalina Miceli; to the Committee on the Judiciary.

H.R. 4918. A bill for the relief of Antonetta Paocchio; to the Committee on the Judiciary.

H.R. 4919. A bill for the relief of Ernestina Palumbo; to the Committee on the Judiciary.

H.R. 4920. A bill for the relief of Salvatore Polizzi; to the Committee on the Judiciary.

H.R. 4921. A bill for the relief of Sebastiano and Rosa Riccobene and minor child Rosa Maria Riccobene; to the Committee on the Judiciary.

H.R. 4922. A bill for the relief of Francesco Romanotto; to the Committee on the Judiciary.

H.R. 4923. A bill for the relief of Kalman Rubinstein; to the Committee on the Judiciary.

H.R. 4924. A bill for the relief of Maria Russo; to the Committee on the Judiciary.

H.R. 4925. A bill for the relief of Martino Saluzzo; to the Committee on the Judiciary.

H.R. 4926. A bill for the relief of Cologero Sanzone; to the Committee on the Judiciary.

H.R. 4927. A bill for the relief of Marino and Antonia Stancio; to the Committee on the Judiciary.

H.R. 4928. A bill for the relief of Rocco Stancio; to the Committee on the Judiciary.

H.R. 4929. A bill for the relief of Maria Grazia Tarantino; to the Committee on the Judiciary.

H.R. 4930. A bill for the relief of Maria Terracciano; to the Committee on the Judiciary.

H.R. 4931. A bill for the relief of Salvatore Tola; to the Committee on the Judiciary.

H.R. 4932. A bill for the relief of Giuseppe Ventura; to the Committee on the Judiciary.

H.R. 4933. A bill for the relief of Giuseppe Vivona; to the Committee on the Judiciary.

H.R. 4934. A bill for the relief of Marco Viscogliosi; to the Committee on the Judiciary.

H.R. 4935. A bill for the relief of Nunzio Vitale; to the Committee on the Judiciary.

H.R. 4936. A bill for the relief of Dimitrios Vlachakis; to the Committee on the Judiciary.

H.R. 4937. A bill for the relief of Ng Chio Kwan, also known as Daniel Yong; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H.R. 4938. A bill for the relief of Mr. and Mrs. Antonio Saladino and family; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 4939. A bill for the relief of Dr. Francis E. Alouf; to the Committee on the Judiciary.

H.R. 4940. A bill for the relief of Rosa Lombardo; to the Committee on the Judiciary.

H.R. 4941. A bill for the relief of Jack Swiergala; to the Committee on the Judiciary.

H.R. 4942. A bill for the relief of Dr. Victor M. Uribe-Castillo; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 4943. A bill for the relief of Dr. William W. Lee and his wife, Rowena C. Yee Lee; to the Committee on the Judiciary.

H.R. 4944. A bill for the relief of Tomazos G. Leonidas; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 4945. A bill for the relief of Presentacion Solana Agudo; to the Committee on the Judiciary.

H.R. 4946. A bill for the relief of Renato Costanti; to the Committee on the Judiciary.

H.R. 4947. A bill for the relief of Consuelo Guia Ramos; to the Committee on the Judiciary.

H.R. 4948. A bill for the relief of Cosimo Rega; to the Committee on the Judiciary.

By Mr. BARING:

H.R. 4949. A bill for the relief of Fu Sheng Cheng (also known as Fred Cheng); to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 4950. A bill for the relief of Luigi Bottari; to the Committee on the Judiciary.

H.R. 4951. A bill for the relief of Giuseppe Ciprietti; to the Committee on the Judiciary.

H.R. 4952. A bill for the relief of Adrian Thales Halmar Corfield; to the Committee on the Judiciary.

H.R. 4953. A bill for the relief of Jane Nathalie Corfield; to the Committee on the Judiciary.

H.R. 4954. A bill for the relief of John Fraser Rohn Corfield; to the Committee on the Judiciary.

H.R. 4955. A bill for the relief of Gabriele DiGiacomo; to the Committee on the Judiciary.

H.R. 4956. A bill for the relief of Flavia Marino; to the Committee on the Judiciary.

H.R. 4957. A bill for the relief of Luis Maria Quinteros; to the Committee on the Judiciary.

H.R. 4958. A bill for the relief of Antonio F. Savini; to the Committee on the Judiciary.

H.R. 4959. A bill for the relief of Gaspare Serafino; to the Committee on the Judiciary.

H.R. 4960. A bill for the relief of Adua Taraschi; to the Committee on the Judiciary.

H.R. 4961. A bill for the relief of John Venezia; to the Committee on the Judiciary.

By Mr. BATES:

H.R. 4962. A bill for the relief of Giovanni Sanfilippo; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 4963. A bill for the relief of Antonio Esposito, Giuseppa Esposito, and Maria Rosa Esposito; to the Committee on the Judiciary.

H.R. 4964. A bill for the relief of Giuseppe Esposito; to the Committee on the Judiciary.

By Mr. BOW:

H.R. 4965. A bill for the relief of Francesco Ferrante; to the Committee on the Judiciary.

H.R. 4966. A bill for the relief of Milba and Rodolfo Latorre; to the Committee on the Judiciary.

H.R. 4967. A bill for the relief of Enrique M. and Margarita Lopez; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 4968. A bill for the relief of John S. Angelou; to the Committee on the Judiciary.

H.R. 4969. A bill for the relief of Panagiotis George Coutsoucos; to the Committee on the Judiciary.

H.R. 4970. A bill for the relief of John Fotopoulos; to the Committee on the Judiciary.

H.R. 4971. A bill for the relief of Spyridon Geroulis; to the Committee on the Judiciary.

H.R. 4972. A bill for the relief of Petroula Kapranos; to the Committee on the Judiciary.

H.R. 4973. A bill for the relief of Christopher John Kyriazis; to the Committee on the Judiciary.

H.R. 4974. A bill for the relief of Ioannis Liskopoulos; to the Committee on the Judiciary.

H.R. 4975. A bill for the relief of Spyridon-onysios Limberatos; to the Committee on the Judiciary.

H.R. 4976. A bill for the relief of Panagiotis Lyberopolou; to the Committee on the Judiciary.

H.R. 4977. A bill for the relief of Florentina S. Mallari; to the Committee on the Judiciary.

H.R. 4978. A bill for the relief of Dimitrios Papastathis; to the Committee on the Judiciary.

H.R. 4979. A bill for the relief of Stavros Vasiliadis; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 4980. A bill for the relief of Mohammad Saeed Ahmed; to the Committee on the Judiciary.

H.R. 4981. A bill for the relief of Guido Aquilini; to the Committee on the Judiciary.

H.R. 4982. A bill for the relief of Thomas J. Beck; to the Committee on the Judiciary.

H.R. 4983. A bill for the relief of James M. Buster; to the Committee on the Judiciary.

H.R. 4984. A bill for the relief of Wilfried K. Byl; to the Committee on the Judiciary.

H.R. 4985. A bill for the relief of Santiago Peith Castellanos; to the Committee on the Judiciary.

H.R. 4986. A bill for the relief of Ali Riza Korkut; to the Committee on the Judiciary.

H.R. 4987. A bill for the relief of Mrs. Rizelene Lanuzo and her minor daughter, Leolina Lanuzo; to the Committee on the Judiciary.

H.R. 4988. A bill for the relief of Mrs. Luitgard R. Oswald; to the Committee on the Judiciary.

H.R. 4989. A bill for the relief of Yusef Sagrilioglu; to the Committee on the Judiciary.

H.R. 4990. A bill for the relief of Cecilia A. S. Peixoto da Silveira; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 4991. A bill for the relief of Heydar Reghaby; to the Committee on the Judiciary.

By Mr. CASEY:

H.R. 4992. A bill for the relief of Miss Melody P. de Guzman; to the Committee on the Judiciary.

H.R. 4993. A bill for the relief of Jurgen Schmidt, his wife Hanna Schmidt (nee Kock), and their son Michael Schmidt; to the Committee on the Judiciary.

H.R. 4994. A bill for the relief of Donald Tooms, his wife Astrid Tooms, and their children Louise Tooms and Donald Craig Tooms; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 4995. A bill for the relief of Teresa Metrisciano; to the Committee on the Judiciary.

H.R. 4996. A bill for the relief of Mrs. Malvin Riesel; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 4997. A bill for the relief of Dr. Jaime E. Lazaro; to the Committee on the Judiciary.

H.R. 4998. A bill for the relief of Dr. Lydia L. Lazaro; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 4999. A bill for the relief of Flora Zervas; to the Committee on the Judiciary.

By Mr. CORDOVA:

H.R. 5000. A bill for the relief of Pedro Irizarry Guido; to the Committee on the Judiciary.

H.R. 5001. A bill for the relief of Luis Barca Ruiz; to the Committee on the Judiciary.

By Mr. COWGER:

H.R. 5002. A bill for the relief of Alberto C. Fowler; to the Committee on the Judiciary.

H.R. 5003. A bill for the relief of Vashdev Ramchand Khiani; to the Committee on the Judiciary.

H.R. 5004. A bill for the relief of Nimet Weiss; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 5005. A bill for the relief of Dr. Esteban G. Friera; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 5006. A bill for the relief of Naim Nissem Ben-Zur, Elana Ben-Zur, Liora Ben-Zur, Orna Ben-Zur, and Mayer Ben-Zur; to the Committee on the Judiciary.

H.R. 5007. A bill for the relief of Gaetano Cappello; to the Committee on the Judiciary.

H.R. 5008. A bill for the relief of Ciro Guastella; to the Committee on the Judiciary.

H.R. 5009. A bill for the relief of Stefano Inzalaco, Calogera Inzalaco, Angelo Inzalaco, and Giovanni Inzalaco; to the Committee on the Judiciary.

H.R. 5010. A bill for the relief of Domenico Vilasi; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 5011. A bill for the relief of Giuseppe Bastiani; to the Committee on the Judiciary.

H.R. 5012. A bill for the relief of Sergio Farina, Maria Farina, Sergio Giovanni Farina, Gino A. Farina, Maria L. Farina, and Blanca Farina; to the Committee on the Judiciary.

H.R. 5013. A bill for the relief of Domenica Gagliano; to the Committee on the Judiciary.

H.R. 5014. A bill for the relief of Irene Moreno; to the Committee on the Judiciary.

H.R. 5015. A bill for the relief of Rosa Ortiz; to the Committee on the Judiciary.

H.R. 5016. A bill for the relief of Angel Saghazarian; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 5017. A bill for the relief of A. Hughlett Mason; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 5018. A bill for the relief of the survivors of Marvin R. Foltz; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 5019. A bill for the relief of Desanka (nee Rogic) Haen; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.R. 5020. A bill for the relief of Sabatino Rossi; to the Committee on the Judiciary.

By Mr. GAYDOS:

H.R. 5021. A bill for the relief of Arrighi Renato; to the Committee on the Judiciary.

H.R. 5022. A bill for the relief of Dorlano Santalmas; to the Committee on the Judiciary.

By Mr. GIAMMO:

H.R. 5023. A bill for the relief of Dr. Venkatachala Iyengar Sreenivas; to the Committee on the Judiciary.

By Mrs. GRIFFITHS:

H.R. 5024. A bill for the relief of Pablo Gregorich; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 5025. A bill for the relief of Dr. Leo Hsueh; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 5026. A bill for the relief of Young II Ahn; to the Committee on the Judiciary.

H.R. 5027. A bill for the relief of James L. Baker; to the Committee on the Judiciary.

H.R. 5028. A bill for the relief of Renee Aljean (Hogarth) Ballesteros; to the Committee on the Judiciary.

H.R. 5029. A bill for the relief of Yip Shing Butt, his wife, Kum Wah Chan Butt, and their minor daughter, Siu Wah Butt; to the Committee on the Judiciary.

H.R. 5030. A bill for the relief of Dominador Villena Calip; to the Committee on the Judiciary.

H.R. 5031. A bill for the relief of Mrs. Kyung Nam Cho; to the Committee on the Judiciary.

H.R. 5032. A bill for the relief of Du-Nam Lee Chung; to the Committee on the Judiciary.

H.R. 5033. A bill for the relief of Victor Amaro Cuco; to the Committee on the Judiciary.

H.R. 5034. A bill for the relief of Nasser Honarvar and his wife, Sabrah Honarvar; to the Committee on the Judiciary.

H.R. 5035. A bill for the relief of Myung Ja Jun; to the Committee on the Judiciary.

H.R. 5036. A bill for the relief of Honesto M. Magdirla; to the Committee on the Judiciary.

H.R. 5037. A bill for the relief of Ok Sun Maher and her children, Chris Maher and Donna Maher; to the Committee on the Judiciary.

H.R. 5038. A bill for the relief of Sheng Tong and Sheng Mee; to the Committee on the Judiciary.

H.R. 5039. A bill for the relief of James F. Nugent and Catherine F. Nugent; to the Committee on the Judiciary.

H.R. 5040. A bill for the relief of Vincent Rohaly; to the Committee on the Judiciary.

H.R. 5041. A bill for the relief of Mrs. Milagros Acuna Ross; to the Committee on the Judiciary.

H.R. 5042. A bill for the relief of Manuel Salazar; to the Committee on the Judiciary.

H.R. 5043. A bill for the relief of Joe A. Seljan; to the Committee on the Judiciary.

H.R. 5044. A bill for the relief of Rachanee Tangtrongschit; to the Committee on the Judiciary.

H.R. 5045. A bill for the relief of Maria Nelly Toscano; to the Committee on the Judiciary.

H.R. 5046. A bill for the relief of Kyung Hie Won and his wife, Jung Hie Rhee; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 5047. A bill for the relief of Justin S. T. Hsu (also known as Su-Tieng Hsu); to the Committee on the Judiciary.

H.R. 5048. A bill to authorize and direct the Secretary of the Department in which the Coast Guard is operating to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

By Mr. HOWARD:

H.R. 5049. A bill for the relief of Eusebio Briones; to the Committee on the Judiciary.

H.R. 5050. A bill for the relief of Georgios Dracos; to the Committee on the Judiciary.

H.R. 5051. A bill for the relief of Mario Gargano; to the Committee on the Judiciary.

H.R. 5052. A bill for the relief of Guido Ghessell; to the Committee on the Judiciary.

H.R. 5053. A bill for the relief of Secundo Neri; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 5054. A bill for the relief of Anna Gambino; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 5055. A bill for the relief of Israel Wald; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 5056. A bill for the relief of Antonio Amato; to the Committee on the Judiciary.

H.R. 5057. A bill for the relief of Maria Palestini; to the Committee on the Judiciary.

H.R. 5058. A bill for the relief of Angelo Panari and Pierina Panari; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 5059. A bill for the relief of Dr. Hossein Pirooznia; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 5060. A bill for the relief of Mrs. Elba Engracia Davila-Martinez; to the Committee on the Judiciary.

H.R. 5061. A bill for the relief of Mrs. Edith Erdi; to the Committee on the Judiciary.

H.R. 5062. A bill for the relief of Mr. Paulino Narvios; to the Committee on the Judiciary.

H.R. 5063. A bill for the relief of Andreino Simonetti; to the Committee on the Judiciary.

By Mr. McDONALD of Michigan:
H.R. 5064. A bill for the relief of Mrs. Nazar I Abu-Merta; to the Committee on the Judiciary.

H.R. 5065. A bill for the relief of Dr. Mahmoud Wael Lotfi; to the Committee on the Judiciary.

H.R. 5066. A bill for the relief of Generosa Siano; to the Committee on the Judiciary.

By Mr. MATSUNAGA:
H.R. 5067. A bill for the relief of Yuka Awamura; to the Committee on the Judiciary.

H.R. 5068. A bill for the relief of Miko Imoto; to the Committee on the Judiciary.

By Mr. MIKVA:
H.R. 5069. A bill for the relief of Heja Kalember; to the Committee on the Judiciary.
H.R. 5070. A bill for the relief of Florentina Layagan Tungpalan; to the Committee on the Judiciary.

By Mr. MILLER of California:
H.R. 5071. A bill for the relief of Cho Fae Man; to the Committee on the Judiciary.

By Mr. MOORHEAD:
H.R. 5072. A bill for the relief of Deme-troula Georgiades; to the Committee on the Judiciary.

By Mr. MORSE:
H.R. 5073. A bill for the relief of Antonia Campo; to the Committee on the Judiciary.

By Mr. MURPHY of New York:
H.R. 5074. A bill for the relief of Benedetto and Valeria Amato; to the Committee on the Judiciary.

H.R. 5075. A bill for the relief of Vito Amato; to the Committee on the Judiciary.

H.R. 5076. A bill for the relief of Nadia Canducci; to the Committee on the Judiciary.

H.R. 5077. A bill for the relief of Giuseppe, Giuseppe, Rose, Pietro, Rosario, and Santa Inzerillo; to the Committee on the Judiciary.

H.R. 5078. A bill for the relief of Victoria Tallas; to the Committee on the Judiciary.

By Mr. NEDZI:
H.R. 5079. A bill for the relief of Mrs. Kee Po Fu Young; to the Committee on the Judiciary.

By Mr. OTTINGER:
H.R. 5080. A bill for the relief of Giovanni Bizzarro; to the Committee on the Judiciary.

H.R. 5081. A bill for the relief of Giuseppe Croce; to the Committee on the Judiciary.

H.R. 5082. A bill for the relief of Rocco Croce; to the Committee on the Judiciary.

H.R. 5083. A bill for the relief of Salvatore DeSimone; to the Committee on the Judiciary.

H.R. 5084. A bill for the relief of Antonio DiCampi; to the Committee on the Judiciary.

H.R. 5085. A bill for the relief of Vincenzo Lombardo and his wife, Gaetana Castrogiovanni Lombardo; to the Committee on the Judiciary.

H.R. 5086. A bill for the relief of Giuseppe Martinetti; to the Committee on the Judiciary.

H.R. 5087. A bill for the relief of Giovanni Menegazzo; to the Committee on the Judiciary.

H.R. 5088. A bill for the relief of Walter Pedro Narbaiz and his wife, Nelda DiCamelo Narbaiz; to the Committee on the Judiciary.

H.R. 5089. A bill for the relief of Angelo Noto and his wife, Maria Pluchino Noto; to the Committee on the Judiciary.

By Mr. PHILBIN:
H.R. 5090. A bill for the relief of Francesco Andreottola; to the Committee on the Judiciary.

H.R. 5091. A bill for the relief of Enrico Carrieri; to the Committee on the Judiciary.

H.R. 5092. A bill for the relief of Salvatore Gaspero; to the Committee on the Judiciary.

H.R. 5093. A bill for the relief of Giovanni

Marzullo; to the Committee on the Judiciary.

H.R. 5094. A bill for the relief of Giuseppe Francesco Scichlone; to the Committee on the Judiciary.

H.R. 5095. A bill for the relief of Chul Ok Yoo; to the Committee on the Judiciary.

By Mr. REES:
H.R. 5096. A bill for the relief of Philemon M. Hou; to the Committee on the Judiciary.

H.R. 5097. A bill for the relief of Miss Hiroko Kurokawa; to the Committee on the Judiciary.

H.R. 5098. A bill for the relief of Mr. Pyoung Tai Kwun; to the Committee on the Judiciary.

H.R. 5099. A bill for the relief of Mrs. Agueda C. Monserrat; to the Committee on the Judiciary.

H.R. 5100. A bill for the relief of Mrs. Prima C. Ruivivar and her minor son, Francisco C. Ruivivar; to the Committee on the Judiciary.

H.R. 5101. A bill for the relief of Mr. and Mrs. Katse C. Semanya; to the Committee on the Judiciary.

H.R. 5102. A bill for the relief of Patricia M. Stevens; to the Committee on the Judiciary.

H.R. 5103. A bill for the relief of James Yu-Wan Sun; to the Committee on the Judiciary.

H.R. 5104. A bill for the relief of Carol Philippa Wettlauffer; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:
H.R. 5105. A bill for the relief of Kai-Loo Huang; to the Committee on the Judiciary.

By Mr. ROYBAL:
H.R. 5106. A bill for the relief of Rogelio Tabban; to the Committee on the Judiciary.

By Mr. RUMSFELD:
H.R. 5107. A bill for the relief of Miss Maria Mosio; to the Committee on the Judiciary.

By Mr. ST GERMAIN:
H.R. 5108. A bill for the relief of Giuseppe Biotti; to the Committee on the Judiciary.

H.R. 5109. A bill for the relief of Ferminia R. Cabral; to the Committee on the Judiciary.

H.R. 5110. A bill for the relief of Jose Laranjeira Cerqueira; to the Committee on the Judiciary.

H.R. 5111. A bill for the relief of Maria Fernanda Pascoal da Silva; to the Committee on the Judiciary.

H.R. 5112. A bill for the relief of Concepcion Perdigon de Peralta-Ramos; to the Committee on the Judiciary.

H.R. 5113. A bill for the relief of Maria De Jesus Da Silva Ferreira; to the Committee on the Judiciary.

H.R. 5114. A bill for the relief of Ana Adelina Machado; to the Committee on the Judiciary.

H.R. 5115. A bill for the relief of Maria Inez Pacheco de Andrade Medeiros; to the Committee on the Judiciary.

H.R. 5116. A bill for the relief of Caterina Messina; to the Committee on the Judiciary.

H.R. 5117. A bill for the relief of Lubella Maria Mendes Moniz; to the Committee on the Judiciary.

H.R. 5118. A bill for the relief of Othon Da Rocha Rebelo; to the Committee on the Judiciary.

H.R. 5119. A bill for the relief of Maria da Conceicao Silva Lourenco Salvador; to the Committee on the Judiciary.

H.R. 5120. A bill for the relief of Nicola Santangelo, his wife, Merina (Taricani) Santangelo, and their minor child, Antonio Santangelo; to the Committee on the Judiciary.

H.R. 5121. A bill for the relief of Geraldine Texeira Claudette Skeete; to the Committee on the Judiciary.

H.R. 5122. A bill for the relief of Rui Carlos Vasconcelos and his daughter, Nair de

Fatima Teixeira de Sousa Vasconcelos; to the Committee on the Judiciary.

H.R. 5123. A bill for the relief of Teresa Vinci; to the Committee on the Judiciary.

By Mr. SCHNEBEL:
H.R. 5124. A bill for the relief of Naoko Straub; to the Committee on the Judiciary.

By Mr. SCHWENGL:
H.R. 5125. A bill for the relief of Giorgios Miron Kalkmakis; to the Committee on the Judiciary.

H.R. 5126. A bill for the relief of Guillermo O. Rumingan and his wife, Febe A. Rumingan; to the Committee on the Judiciary.

By Mr. SYMINGTON:
H.R. 5127. A bill for the relief of Dr. Viven-cio P. Baltan and his wife, Rosalina Estrera Baltan; to the Committee on the Judiciary.

H.R. 5128. A bill for the relief of Dr. Caesar Octavio Jimenez-Pazos; to the Committee on the Judiciary.

H.R. 5129. A bill for the relief of Bernard Kim; to the Committee on the Judiciary.

H.R. 5130. A bill for the relief of Chong Wan Lee, his wife, Hong Sam Lee, and their children; Paul Lee and John Lee; to the Committee on the Judiciary.

H.R. 5131. A bill for the relief of Dr. Chandrasekarapuram Narayanan, his wife, Yamuna Narayanan, and their children, Manoj Narayanan, Vinodh Narayanan, and Pramilla Narayanan; to the Committee on the Judiciary.

H.R. 5132. A bill for the relief of Dr. Jacques Sauvage, his wife, Jacqueline C. Sauvage, and their children, Dominique Jose J. Sauvage, Anne Michele Sauvage, and Jean-Jacques M. Sauvage; to the Committee on the Judiciary.

By Mr. TAFT:
H.R. 5133. A bill for the relief of Pagona Anomerianaki; to the Committee on the Judiciary.

H.R. 5134. A bill for the relief of Miss Elizabeth Schofield; to the Committee on the Judiciary.

H.R. 5135. A bill for the relief of Dr. Subhash Shah; to the Committee on the Judiciary.

H.R. 5136. A bill for the relief of George Tilson Weed; to the Committee on the Judiciary.

By Mr. TALCOTT:
H.R. 5137. A bill for the relief of Mrs. Tran Kim Lang; to the Committee on the Judiciary.

H.R. 5138. A bill for the relief of Pham Thi Ly (also known as Mrs. Hai-Linh Tran); to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:
H.R. 5139. A bill for the relief of Luigi Giuliano and his wife, Giuseppina Testa Giuliano, and their children, Micheline Giuliano and Magdalena Giuliano; to the Committee on the Judiciary.

By Mr. VAN DERLIN:
H.R. 5140. A bill for the relief of Erman Donald; to the Committee on the Judiciary.

H.R. 5141. A bill for the relief of Parvin Gohari; to the Committee on the Judiciary.

H.R. 5142. A bill for the relief of Julita Sidiarini Hepolo; to the Committee on the Judiciary.

H.R. 5143. A bill for the relief of Mrs. Alejandrina Medina de Ibanez and her minor children, Norah Silva Ibanez and Juan Lewis Ibanez; to the Committee on the Judiciary.

H.R. 5144. A bill for the relief of Maria Lidia Hernandez Johnson; to the Committee on the Judiciary.

H.R. 5145. A bill for the relief of Muriel Bertha Reed; to the Committee on the Judiciary.

H.R. 5146. A bill for the relief of J. Jesus Vasquez; to the Committee on the Judiciary.

By Mr. WEICKER:
H.R. 5147. A bill for the relief of Antonietta Maria Calone; to the Committee on the Judiciary.

H.R. 5148. A bill for the relief of Stefania Chaber; to the Committee on the Judiciary.
H.R. 5149. A bill for the relief of Italia Fonzona; to the Committee on the Judiciary.
H.R. 5150. A bill for the relief of Ilona Galambos; to the Committee on the Judiciary.

H.R. 5151. A bill for the relief of Christine (Krystyna) Gorayska; to the Committee on the Judiciary.

H.R. 5152. A bill for the relief of James Vincent, Eugenia, Serafina, Rocco Fernando, and Nicola Melia; to the Committee on the Judiciary.

H.R. 5153. A bill for the relief of Gloria Molina Tan; to the Committee on the Judiciary.

H.R. 5154. A bill for the relief of Veto, Giovanna, and Maria Tarantino; to the Committee on the Judiciary.

By Mr. WHALLEY:
H.R. 5155. A bill for the relief of Rudolph Wolfgang Scheuigen; to the Committee on the Judiciary.

H.R. 5156. A bill for the relief of Werner Max Wehnmann; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 5157. A bill for the relief of Sister Elisa (Antonietta Frongia) and Sister Maria Claudina (Luciana Cancedda); to the Committee on the Judiciary.

H.R. 5158. A bill for the relief of Irini Chalmoukiki; to the Committee on the Judiciary.

H.R. 5159. A bill for the relief of Precioso Abayan Gabrillo, Jr., and his wife, Erlinda Ignacio Gabrillo; to the Committee on the Judiciary.

H.R. 5160. A bill for the relief of Epa A. Onate; to the Committee on the Judiciary.

H.R. 5161. A bill for the relief of Bernward Karl Paulke and Winfried Paulke; to the Committee on the Judiciary.

H.R. 5162. A bill for the relief of Kamisetty Ramamohan Rao, his wife, K. Karuma Rao, and their children, K. Ramesh Rao and K. Sasirekha Rao; to the Committee on the Judiciary.

H.R. 5163. A bill for the relief of Morad Rashid; to the Committee on the Judiciary.

H.R. 5164. A bill for the relief of Samir Tarsha; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 5165. A bill for the relief of Jakob Karl Blumer and his wife, Brigitte Blumer; to the Committee on the Judiciary.

H.R. 5166. A bill for the relief of Amnon Feldman; to the Committee on the Judiciary.

H.R. 5167. A bill for the relief of Vito Portuesi and his sister, Maria Miceli and her husband, Giacomo Miceli; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

40. By the SPEAKER: Petition of Edmund A. Langr, Laurel, Md., et al., relative to taxation of citizens for public education; to the Committee on Education and Labor.

41. Also, petition of Louis Kushner, Monticello, N.Y., relative to election to the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BAIL REFORM NEEDED

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CARTER. Mr. Speaker, a recent article by Thomas W. Lippman of the Washington Post shows a classic example of the need to tighten the Bail Reform Act. The man accused of rape was sentenced to a prison term of 10 to 30 years. Prior to his conviction for rape, he had been arrested for various other crimes, including auto theft, housebreaking, carnal knowledge, housebreaking a second time, and petty larceny—and he was released on these several charges on his personal bond. Finally, he committed such a revolting crime that he was at last sentenced to prison for a term of 10 to 30 years.

The folly of releasing a habitual criminal on his own bond or on probation is exemplified in the article which I include at this point in the RECORD:

JUDGE GIVES RAPIST 10-30 YEARS

(By Thomas W. Lippman)

In a case he called a "classic example" of the need to tighten the Bail Reform Act, a judge yesterday sentenced a convicted rapist to a prison term of 10 to 30 years.

Judge John J. Sirica of U.S. District Court said the crime committed by Philip E. Duckett, 23, was "particularly vicious." But he reserved his strongest words for the legal system that allowed Duckett to be free to commit the crime in the first place.

His remarks, which he prepared in advance, were made part of the record in Duckett's case.

On May 27, 1966, Judge Sirica said, "this defendant was placed on probation" after pleading guilty to a charge of auto theft, a felony.

While he was still on probation, he was arrested on Aug. 24, 1966, on two other felony charges—housebreaking and carnal knowledge. He was released on personal bond to await his trial. His probation was not revoked.

The following April, still on probation and still awaiting trial on the later charges, he was picked up again, this time for housebreaking and petty larceny.

Since his record of appearing in court when required was good, he was again released pending trial.

Less than two weeks after that, he was charged with the rape for which he was sentenced yesterday, an attack on a teen-age mother whom he dragged into the incinerator room of her apartment house as she was preparing to leave for night school.

Duckett's story, Judge Sirica said, "is a classic example of ineffective legislation." He said it "illustrates the pressing need for reform and revision" of the Bail Reform Act to permit judges to take into consideration danger to the community when setting conditions for pretrial release of suspects.

Under existing law, judges are required to grant a suspect's release unless they strongly believe that he will not appear in court when required. Revisions of the act to permit "preventive detention" are under consideration in Congress.

Supporters of the Bail Reform Act say that the real solution is not preventive detention, which they consider unconstitutional, but speedier trials. They would point to the long period that Duckett was free on personal bond while awaiting trial as an inducement to additional acts of violence.

The unrealistic manner in which an armed robber was released on probation is shown in a second article from the Washington Post by Alfred E. Lewis, also a Post staff writer.

Armed robbery in many States is a capital offense and carries with it a penalty of life in the penitentiary, or death. In this particular case, a 17-year-old high school senior who confessed robbery of a bank has been set free on probation.

YOUTH GETS PROBATION IN HOLDUP

(By Alfred E. Lewis)

A 17-year-old high school senior who confessed to the armed robbery of a bank here two weeks ago has been set free on probation by the Juvenile Court.

The Eastern High School student, who has no previous police record, was arrested Jan. 7 following a high-speed chase away from the \$2438 holdup of Public National Bank, 7838 Eastern ave.

Ten days later, the youth admitted taking part in the robbery at a hearing before Juvenile Court Judge John Fauntleroy. Fauntleroy suspended an indefinite commitment to Welfare Department custody and put the youth on probation, with an order to

return to court in 90 days for a review of his conduct.

The 17-year-old was driving the car the police chased from the bank. A 16-year-old companion was found in the trunk. He has not yet appeared in Juvenile Court.

Police said they also found three loaded guns and \$818 in cash in the car. Det. Sgt. Harry Noone of the Robbery Squad said he believes that three youths were involved. He said the officers chasing the car saw it stop once and let out a teen-ager who got into another car and drove off in a different direction.

The disposition of the 17-year-old's case was not known until yesterday. Judge Fauntleroy could not be reached for comment.

It seems to me that an attempt should be made to rehabilitate this young man.

ANTI-SEMITISM IN POLAND

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. JAVITS. Mr. President, the winds of dissent coursing through Communist Eastern Europe, where the youth are raising questions about justice and individual freedom, have brought a chill counterblast of anti-Semitism in Poland. This reaction to popular demands for freedom is sadly reminiscent of the tactics of czarist times when the Imperial Russian Government blamed the Jews for its woes. Fortunately, to its great credit the Catholic Church, which still has considerable influence with many Poles, has opposed this campaign.

Of the once thriving Jewish community of 3.5 million who lived in Poland before World War II, only a pitiful remnant of between 20,000 and 25,000 souls—less than 1 percent of Poland's population—remain to be buffeted by this government-encouraged anti-Semitism.

The New York Times of December 30, 1968, contained an excellent analysis of the status of Poland's Jewish population. I ask unanimous consent that it be

printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent to have printed in the RECORD the petition presented to the U.N. Human Rights Commission, adopted at the Chanuka Lights of Freedom Rally sponsored by the Student Struggle for Soviet Jewry on December 22, 1968, at which I had the honor to speak. This petition sets forth in explicit terms a request for justice for Poland's Jews and merits sympathetic consideration by the United Nations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAVING OR STAYING, THE JEWS OF POLAND
FIND THE ROAD HARD
(By Jonathan Randal)

WARSAW.—"If I leave I'm a traitor," a Polish Jew said recently, "and if I stay I'm a Zionist."

The remark epitomizes the dilemma of Jews who have remained in Poland in this year of burgeoning anti-Semitism. They have been subjected to economic hardship, suspicion and harassment. Large numbers have chosen, with official encouragement, to leave.

The exodus itself is an officially unchronicled event, in contrast with the outspoken propaganda of the regime's "anti-Zionist" campaign, as the current anti-Semitism is euphemistically called here.

CITIZENSHIP IS RENOUNCED

The departing Jews become unpersons, obliged to renounce Polish citizenship and the country they considered home.

Only the Polish Ministry of Interior and Jewish welfare agencies in Vienna know exactly how many Jews left Poland this year. Neither has any desire to divulge the statistics.

The regime apparently fears further adverse publicity abroad. The welfare agencies believe any publicity at all may bring pressures to bear on the Polish Government to end the emigration. Such has been the case in the past in other Soviet Bloc countries.

Nonetheless, on the basis of extensive interviews in Poland and Western Europe it appears almost certain that more than 3,500 of Poland's 25,000 Jews have left this year. Some estimates suggest that up to 7,000 have emigrated.

Jews now number less than a tenth of 1 per cent of Poland's population. By the end of 1969 fewer than 10,000 are expected to remain as a fading reminder of the community that before the Nazi holocaust numbered 3.5 million.

The majority of those remaining probably will be the sick and aged, waiting to die. But some Jews will stay because they have not been discriminated against personally or because they are afraid to start their lives again in a foreign land.

"There's an old joke," a Polish emigre recalled recently, "that if everyone were allowed to leave Poland only a few thousand undecided Jews would remain."

GOMULKA PROVIDED EXCUSE

Rarely in its long history in Eastern Europe has indigenous anti-Semitism been so blatantly well-organized as in Poland this year. Somewhat ironically, the excuse for the latest wave was provided last year by Wladyslaw Gomulka, the Polish Communist leader.

Mr. Gomulka, whose wife is Jewish, denounced anti-Semitism soon after gaining power in 1956. But in a speech shortly after the Arab-Israeli war in June, 1967, he condemned pro-Israeli "fifth columnists" in Poland and said Zionists were free to leave for Israel.

His ire apparently stemmed from the ill-concealed delight of many Poles that "our"

Jews had beaten "their" Arabs. There was a widespread feeling of a vicarious Polish victory because many Israelis were of Polish stock, over the Soviet Union, which armed the Arabs.

Perhaps unwittingly, Mr. Gomulka's speech set in motion events that boomeranged less than a year later when his rivals almost toppled him from power.

Nationwide student unrest over diminishing cultural and democratic freedoms served as a pretext for unleashing a carefully prepared "anti-Zionist" campaign in March.

WEAPON IN POWER STRUGGLE

In turn, that campaign became a major weapon in an anti-Gomulka power struggle launched by Maj. Gen. Mieczyslaw Moczar, then Interior Minister and his nationalist followers.

Within 48 hours of the first disturbance at Warsaw University, which many Poles are convinced was a provocation organized by General Moczar, mainly Jewish students and professors were pinpointed as the ringleaders by newspapers favoring the minister's line. Much of the "evidence," it is said, was carefully prepared by the so-called Jewish Section of the Interior Ministry.

In subsequent days and weeks, "Zionists," "revisionists" and discredited Stalinists—most of whom turned out to be Jews—were held responsible for the student disorders and purged from the party and their jobs.

Among the hundreds of officially announced Jewish victims were more than a dozen Jews of deputy ministerial rank, Central Committee members, prominent officials purged because of their grown children's alleged misbehavior and wives and husbands purged because of their spouses' purported misconduct.

THOUSANDS BELIEVED OUSTED

No meaningful statistics have yet been published, but it is generally believed that thousands of top and middle-level Jews, party members and non-Communists, were among those dismissed.

Jews had long held influence in the party disproportionate to their numbers in the population. Many joined the party in reaction against the nationalistic, and often anti-Semitic, Polish Governments of the period between the two World Wars.

The party in that period took its direction from Moscow, and it was to the Soviet Union that many Jewish Communists fled to avoid extermination at the hands of the Nazis. They returned to their homeland—a dominant force among the Polish Communists who survived the war—with the liberating Soviet Army.

"Stalin used the Jews because he had no other choice—there were practically no other trained Communists in Poland in 1944," a Jewish emigre has remarked. In the eyes of Polish nationalists these Jewish Communists were as suspect of undue subservience to Moscow in 1968 as they had been in 1938.

This spring, anti-Semitism became clever politics, especially for General Moczar's nationalists determined to use the weapon to eliminate the entrenched pro-Gomulka bureaucracy.

At times, the officially maintained distinction between disapproved anti-Semitism and approved "anti-Zionism" became blurred. Television news programs, for example, showed placards at a factory meeting denouncing "Zionists" and "moses," an abusive word equivalent to "kike."

His authority challenged under the cloak of anti-Zionism, Mr. Gomulka fought back. In a speech 10 days after the student disorders began he said: "It would be a misunderstanding if we saw in Zionism a danger for socialism in Poland, for the country's social-political system."

But his plea for moderation was ignored. Party cells in various ministries and state enterprises outdid each other in calling for the

ousting of all "Zionists" from all important posts.

In late June, the first campaign subsided publicly, apparently because of foreign reaction that included Sweden's cancellation of Premier Josef Cyrankiewicz's scheduled official visit.

In July Zenon Kliszko, Mr. Gomulka's associate, came close to an official admission that the campaign had turned into an anti-Semitic witch hunt.

He complained to the Communist party's Central Committee that "the Jew and the Zionist are being made identical."

At the committee meeting, Stefan Zolkiwski, a professor dismissed from his Academy of Sciences post, warned that the purges had "thrown back Polish science and arts by 20 years."

Wilhelm Billig, a Jew and an alternate member of the Central Committee who had been ousted as director of the atomic energy program, said the purge victims, "wrongly deprived of their posts," would be hard to replace.

The July meeting of the Central Committee was the first and last occasion given to purge victims to express their dissent in public. The party had already written off the Jews inside and outside its ranks. The purges continued without publicity for a time.

INVASION REVIVED CAMPAIGN

Then, with the invasion of Czechoslovakia in August, the public anti-Zionist campaign in Poland was revived and even the optimists began applying for emigration papers.

The awakening was particularly unpleasant for those Jews who had spent their adult lives in "the movement," as they refer to the Communism party.

"Twenty years wasted," lamented one purged official who berated himself for not having left in two previous waves of emigration—immediately after the war and following the liberal upheaval in 1956.

The 1968 emigrants range from unskilled workers, tailors and electricians to university professors, scientists, party bureaucrats and, inevitably, members of the secret police.

"When others were being persecuted in Poland important Jewish party members kept quiet," an emigre remarked, "and now thousands of Jews are paying the bill for a few rotten individuals."

So far-reaching have been the purges that for the first time since the communists took power a generation ago no Jew is a member of the ruling Politburo. "Politically, the most important Jews are two men in the Central Committee and Gomulka's wife," an emigre commented.

Dismissal from any job in a Communist Society, where the state is the only significant employer, has made it difficult for purged Jews to find suitable new jobs.

Typical of those who initially did not want to emigrate was a manager of an import-export organization who, after his ouster, refused a job as a streetcar conductor. "Besides," he said, "I'm too fat."

Unwilling or unable to stem the "anti-Zionist" campaign, the regime has fallen back on a hallowed pre-World War II tradition—emigration.

"There's an old saying," a Jew recalled, "which maintains that cutting off the head is the best way to stop a headache."

Among the emigrants are Ida Kaminska, director of the Jewish Theater, who now is in the United States and dozens of intellectual and cultural figures once the pride of the regime.

But as a disappointed emigre put it: "The big loss for Poland will not be the big names, but the unknown technocrats and research people who were working quietly on worthwhile projects."

A young teacher emigrated after she had been dismissed for allegedly teaching her students Hebrew lullabies. "It's ridiculous,"

she said. "I don't know 10 words in Yiddish, much less any Hebrew."

SWASTIKAS ON DOORS

Some emigrants were harassed into leaving by swastikas painted on their doors or insulting anonymous telephone calls. Some Jewish students emigrated after their scholarships were canceled last fall.

Emigrating young university graduates must reimburse the state for the cost of their higher education which often is more than a year's average salary.

Once the decision to emigrate has been made, the formalities are relatively simple, although many deporting Jews find them humiliating.

All departing Jews apply to the Dutch Embassy, which has handled Israeli interests since Polish-Israeli diplomatic relations were broken in June, 1967.

Whether or not the prospective emigrants are headed for Israel, the Dutch issue a document guaranteeing the bearer entry to Israel and travel costs as far as Vienna.

The document is then filed with the Interior Ministry. After the applicant has formally renounced Polish citizenship a special travel document is issued, usually within a month. Emigrants are then given a month to wind up their affairs and put their apartments in perfect order before returning them to the state. What galls many departing Jews is that by being forced to abandon their Polish citizenship, they can never return to Poland, the procedure, they feel, helps support the party's charges that their emigration to Israel proves that they had been unloyal "Zionists" all along.

VALUABLES HEAVILY TAXED

Customs regulations allow the emigrants to take small amounts of most household items with them, including three carpets for each family and automobiles if they are at least a year old. Jewelry, silverware, precious stones and stamp collections are heavily taxed above the small duty-free allowance.

Moreover, Jewish émigrés complain that bountiful bribes were necessary to have customs agents inspect their unaccompanied luggage. "We had to leave before the 21st when the travel document expired," recalled one man, "and until we came across with money we were told it would be impossible to pass through customs until the 27th."

Customs inspection tends to be rigid. A well-known Jewish professor had the bindings and sides of his books slashed open by customs officials searching for hidden dollars. Another émigré recalled, "the customs people put every plate up to the light to make sure they didn't have hollow compartments."

MARRIAGES ARE AFFECTED

The anti-Zionist campaign has been especially difficult for mixed marriages between Jews and Roman Catholics. A Polish doctor came home one evening, according to reliable sources, and ordered his Jewish wife to emigrate with the children, complaining that he had been threatened with loss of his job because of her.

In a different vein, émigrés report that in recent months Polish officials have not allowed the non-Jewish spouse of mixed marriages to leave unless the marriage is at least one year old.

Many emigrants with no special skills or relatives in the United States or other countries end up by going to Israel where all Jews are welcome.

Emigrés seeking entry to the United States and other non-European countries are sent to Rome to avoid embarrassing the neutrality and hospitality of the Austrian Government. There, two or more months may elapse before their documents are processed, even more if an applicant for the United States has been an active Communist party member.

JUST WAITING FOR A WHILE

Theoretically barred from immigrating to the United States, these party members, however, are reported to be benefiting from a tolerant interpretation of the immigration laws making an exception for victims of political persecution.

Many Jewish émigrés prefer to believe, as one young man put it, that "we are not gone for good but are just waiting outside for a while."

In the meantime, the emigrants are heading in roughly equal numbers to Israel and Western countries as geographically dispersed as Sweden, Australia, the United States and Venezuela.

The exodus has given rise to sentiments in Poland ranging from indifference and shame to a boast by a provincial party secretary that "if there were no Jews, I would invent them."

"Don't worry," a bitter young Jewish woman said, "when we are all gone they will start blaming Poland's problems on the bald."

And so, every day before the Chopin Express leaves Warsaw at 7:10 P.M., small groups of Polish friends escort departing Jews to the uncovered tracks of the Gdansk Station.

A LINE FROM SANTAYANA

Watching the scene recently, a Pole quoted a line from George Santayana—"Those who fail to understand the lesson of history are condemned to repeat its errors"—and added: "Strange to recall that line, but I suppose it was ago."

He was alluding to the short walk separating the station from the site of the former Warsaw Ghetto, razed by the Germans a quarter of a century old.

No one suggests a parallel in enormity between the current outflow of Jews to other countries and the forced departures that occurred during the Nazi occupation in World War II, when death camps were the final destination. The parallel exists only in the reason—anti-Semitism—that the Jews are leaving.

A diplomat who recently saw a colleague off at the station recounted overhearing a conversation between a couple whose young daughter stood a short distance away. "Tell her after a month," the man said before kissing his wife and boarding the train.

TEXT OF PETITION PRESENTED TO U.N. HUMAN RIGHTS COMMISSION; CHANUKAH "LIGHTS OF FREEDOM" RALLY; DECEMBER 22, 1968; SPONSORED BY THE STUDENT STRUGGLE FOR SOVIET JEWRY

U THANT,
United Nations, N.Y.

DEAR MR. THANT: On this Sunday, December 22nd, which is both the climax of Human Rights Year and the Jewish festival of Chanukah, the Feast of Lights, this protest rally held at the United Nations, in the presence of distinguished legislators, Senators Jacob K. Javits and Charles E. Goodell and others, DEMANDS:

1.—Immediate cessation of the current trials of Polish students—mostly Jewish—arrested and held since March 1968, and their immediate release from imprisonment.

2.—Reinstatement and compensation for those large numbers of Polish Jews dismissed from their jobs, evicted from their apartments, and subjected to systematic social harassment.

3.—Cessation of the absurd accusation against Polish Jews' involvement in a "Zionist conspiracy" to subvert Poland.

4.—Dissolution of the so-called "Jewish desk" in the Ministry of Interior, whose function it is to produce anti-Jewish propaganda and to seek out Jewish ancestry of high government officials.

5.—Emigration of those Jews who seek to leave, without harassment of person or property.

We protest most strongly against this political exploitation of anti-Semitism by the Polish authorities.

RABBI STEVEN RISKIN,
Lincoln Square Synagogue, Chairman,
"Lights of Freedom" Rally.

JACOB BERNBAUM,
National Coordinator.
GLENN RICHTER,
New York Coordinator.

DAIRY IMPORT ACT OF 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, I have periodically commented on the sad plight of American farmers over the past several years. I have indicated the economic crisis in which most farmers find themselves by inserting in the CONGRESSIONAL RECORD the present parity indices of several agricultural commodities. In all cases, these levels are far below the goals which Congress has sought to achieve through much of the agricultural legislation which has been enacted over the past 40 years.

In the case of milk and dairy products, one of the prime factors responsible for the failure of farm prices to reach full parity, is the overwhelming quantities of imports of dairy products which continues to flood our shores. Largely, these imports represent evasions of existing quotas established under section 22 of the Agricultural Adjustment Act. In an attempt to provide some relief to American dairy farmers, action is taken under section 22 to place limits on specific products. Unfortunately, importers have traditionally found loopholes in the limits that have been set. Furthermore, a substantial portion of the imports that are brought into the United States are heavily subsidized by the exporting country. Such tactics have resulted in record imports of dairy products since 1965.

In 1965, for example, 0.9 billion pounds of milk equivalent was imported. This compares with 2.7 billion pounds in 1966; 2.9 billion pounds in 1967; and 1.9 billion pounds in 1968. It is estimated that the new quotas will permit imports in the amount of 1.4 billion pounds of milk equivalent in 1969. It is obvious that more effective controls of dairy imports are indispensable to the welfare of American dairy farmers and to the general public. More effective import controls are necessary so that dairy farmers will have an opportunity to achieve parity prices. More effective import controls are also necessary to assure the general public an adequate supply of milk and dairy products. Such a supply is necessary to meet the growing needs of our growing population and our Federal programs, both domestic and foreign. Because the procedure under section 22 of the Agricultural Adjustment Act is so slow and cumbersome, evasion of these section 22 quotas has actually been rewarded by our Government. Products which have evaded existing quotas have been allowed to establish an import history and, when they are

finally brought under control, such products that have been given quotas thereby adding to the overall import explosion.

What is needed, therefore, is permanent legislation which will stop the evasion of section 22 quotas once and for all. To this end, I am today introducing the Dairy Import Act. The Dairy Import Act is a fair and realistic proposal which will serve to set an overall limit on the amounts of butterfat, nonfat milk solids, casein or caseinates, in any form, which may be admitted for consumption to the average level which was imported in the 5 calendar years, 1961 to 1965.

Mr. Speaker, I am hopeful that the Dairy Import Act will receive favorable consideration this year. The Johnson-Freeman administration opposed this legislation with the result that millions of dollars of unnecessary costs were added to the dairy price support program, hundreds of dairy farmers were driven out of business, and prices to dairy farmers were not permitted to approach parity levels. I am hopeful that the new administration will recognize the urgent need for this legislation and lend this support.

AIR TRAVEL IN THE UNITED STATES

HON. JAMES B. PEARSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, January 28, 1969

Mr. PEARSON. Mr. President, the January 4, 1969, issue of the Saturday Review concentrates its efforts on outlining travel, its problems and promises in the United States. One article which interested me most was by Evert Clark and was entitled "Stack-ups, Breakdowns, Hang-ups, and Hope." The article describes the conditions which exist in our present national airport/airway system and focuses attention upon the conflicts which present major obstacles to solving these air transportation problems. Mr. Clark provides insight into these obstacles through his discussion of the roles which officials in industry and government must play to meet the needs of a modern air transportation system.

I feel, also, that the article presents a persuasive argument for the necessity of better aviation planning and more inputs into the decision processes in aviation policymaking. These arguments would, I think, lend support to a bill I introduced last Friday, a bill that would create a National Aviation Planning Commission. With public attention drawn to the failings of current air transportation planning at the Federal level, a greater understanding of the problem can be achieved, and the need for positive action will be recognized.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STACK-UPS, BREAKDOWNS, HANG-UPS, AND HOPE

(By Evert Clark)

Can the aviation world, waking up ten years late, avoid stumbling over itself in the rush to correct a worsening situation?

A new definition of the air traveler has emerged from the congestion and chaos of 1968: He is a man who spends 60 per cent of his time in traffic jams on the ground and 40 per cent in traffic jams in the air (and sometimes goes to Havana). If that seems an exaggeration now, it may not be by the end of 1969.

For a time last year it appeared that help—in the form of federal airport and airways legislation—was on the way. But help got lost (in traffic, naturally). Contentions among the various segments of aviation and between the Congress and the Executive branch stalled the proposed laws, and they expired in the manner of a gas-starved automobile on a freeway. It is the same old problem.

"The problem of sufficient airport access capacity is plaguing every major airport in the world," Alan S. Boyd told a Cleveland audience in mid-November. Mr. Boyd has just become a somewhat relieved lame-duck Secretary of Transportation. He was there to praise the city's "wisdom and foresight" in opening a rapid transit rail line to its airport. And he was unable to hide his incredulity that Cleveland, in the snarled and tangled latter Sixties, was "the first—and to date the only—city to provide a direct rapid transit line for its airport travelers."

The Department of Transportation provided two-thirds of the \$18.6-million cost of the Cleveland project. Twenty stainless steel "Airporter" cars make the eleven-mile run from downtown Union Terminal to the Cleveland-Hopkins Airport in a scheduled twenty minutes, though it sometimes takes thirty. Pairs of the electrically driven, red and silver cars carry eighty passengers at 35 cents a seat. Through the first month the project appeared successful, despite some imperfections. Now New York and Boston are planning similar systems.

The line of cars waiting to get to Chicago's O'Hare Airport stretched five miles in last year's pre-Thanksgiving rush. Mr. Boyd told the Cleveland city fathers: "Los Angeles International Airport had to go on the air every hour prior to last Christmas to warn of the parking space shortage. Air traffic controllers, trying to get to work at Miami International, were stalled in line for two and a half hours—trying to get from the entrance of the airport to the terminal."

The uncharitable view would be that the controllers deserved it. As the traffic cops of the air, they constantly delay people aloft and on the airport taxiways. By now, everyone knows the controller. He is the beleaguered civil servant whose job it is to keep 'em flying—or keep 'em grounded until there is room to fly 'em safely. It was through the plight of the overworked controller that the growing congestion crisis was first dramatized to the public in the spring of 1967. Since then, his life has been eased a bit by better pay and overtime and the hiring of many new hands. But he has also been told to expect the six-day week for perhaps another two years, until the new controllers are fully trained.

To land a job, the air controller must pass rigorous physical and psychological examinations. But what happens to him after a few years at the radar scope and the earphones? James Hill, counsel of the Air Traffic Control Association (one of the three groups vying for controllers' dues and loyalties), told the Republican Platform Committee last summer that medical research shows that "controllers" as a result of undue pressure and tensions, suffer irritability, inability to sleep, nervousness, tremors, cramps, head-aches, and nausea, and that with time, as with any tension or pressure when it is not relieved, it degenerates into the three usual products of unrelieved pressure and tension—heart attacks, ulcers and mental illnesses."

The passenger, pampered in the air but bewildered at the baggage counter, in the ticket

line, and on the freeways, may soon yield the same diagnosis. Mr. Boyd read his Cleveland audience a passenger's letter to the editor of *The New York Times* that reveals some early symptoms:

"Upon my last arrival at Kennedy International Airport, I could not even get a cab. The terminal was chaos and pandemonium. Pushing, shoving and yelling. Cabs and private cars were intermingled, weaving in and out in complete confusion. People were grabbing door handles trying to get a cab... cursing at the same time...."

Any Fun City visitor knows that New York's Kennedy is the extreme example. It is the bottleneck extraordinaire in the national and international air network. But as Mr. Boyd's examples of Chicago, Los Angeles, and Miami demonstrate, New York is not alone. Traffic is worst at the twenty-two major "hub" airports. But that is like saying automobile traffic jams are only at the intersections.

For ten full years the New York area has been warned that it must build a fourth jetport or face air traffic strangulation. Experts pick sites and the residents reject them; or local boosters propose sites and the experts reject them. It takes seven to ten years to get an airport built after everyone agrees on where it will go. Yet a Port of New York Authority official says the New York situation "is still nowhere." And Dr. Richard R. Shaw, assistant technical director of the International Air Transport Association, says, "unless something else is done, airlines will leave New York, the world's biggest airport headache, and go to Boston, Washington, Baltimore, or anywhere else."

Dallas and Fort Worth had their troubles too, but finally buried the hatchet in mid-December and broke ground for the world's largest airport, an 18,000-acre layout with a six-lane highway cutting the center. The \$500-million airport is to be three times the size of Kennedy. Said Boyd, of the highway plan: "Such an idea would—only a few years ago—have qualified a man for residence in an asylum. Yet most major airports today would be tremendously improved by such service roads."

Chicago is planning a third major airport, in Lake Michigan. Los Angeles, in better shape than most, nevertheless plans another superfield. And Miami has driven the alligators, wild turkeys, and deer from a 38-square-mile tract 40 miles west of town to build an airline training base that may become a commercial field twice the size of Kennedy International. Now, Miami is worrying about rapid transit through the intervening Everglades. Other cities—Houston, Kansas City, etc.—are copying. But they will be lucky if the traffic does not grow faster than the grass between the runways.

Until the mid-1960's, the airways-airport system was, like a newly recruited controller, an unusually healthy specimen. Alarm over mid-air collisions in the late 1950's had brought some airways modernization. The jets, introduced in 1958, had not yet produced the expected traffic boom. Most airports had room for the planes, room for the automobiles, room for the people.

"As a result," David D. Thomas, acting federal aviation administrator, recalled, "there was a period of general procrastination within the total aviation world in developing and initiating the airports, navigation aids, air traffic facilities, and communications required by a jet market. People were simply too busy with today to prepare for tomorrow."

The aviation world is no longer in a dallying mood. It is frantic. But it is also as frantically as ever—especially when it is asked to spend some money. In the legislative battles of 1968, the airlines and airport operators generally, but reluctantly, accepted the Administration's proposals for higher charges to finance airways and airport improvement.

Airlines would have charged passengers 8 percent per ticket instead of 5 percent. Airports, outside the federal structure, would have increased landing fees, rental on ticket counter space, etc. These powerful aviation interests demanded something in return—including an aviation trust fund, which the Administration did not want. Business and private fliers, seeing higher gas taxes, less subsidization, and an ascendancy of the airlines, balked at most of the federal ideas. Congress, seeing no aviation consensus even in crisis, resisted action.

It is evident that sooner or later someone must pay, or the taxiways and runways will look as jammed as an airport access road. Airlines receive more than one new jet a day. General aviation adds eighty-five new planes a week to the airways. This is an estimated doubling of landings and takeoffs at FAA-controlled airports in five years and a quadrupling by 1980 can be expected. It is no wonder that Administrator Thomas repeatedly says: "The future has been arriving faster than anyone expected. In terms of the predictions of the early 1960s, 1975 is already here."

The airways system of towers and landing and navigation aids was built in the span of more than twenty-five years at a cost of \$2 billion. It now needs an infusion of \$2 billion more in the next five. Although the federal government has put a bit more than \$1 billion into state and local airports (about 30 per cent of their total cost) in twenty years, 900 new airports are needed and 2,000 more need improving. The cost, by FAA estimates: \$4 billion to \$5 billion in the next six years.

What are a new President and a new Secretary of Transportation to make of all this? First, they will inherit a final Johnson transportation budget that is somewhat austere. But Mr. Johnson will hint that almost any financing scheme—user charges and even a trust fund, perhaps—would be an acceptable way to get the air lines modernized quickly. Next, the Administration will leave office saying it is not convinced that massive federal outlays are necessary to help build the non-federal airports. It will endorse federal leadership (and some funding) of airport planning—but not money to provide the concrete of runways and the brick and glass of terminal buildings.

If these sound like Republican principles—pay as you go and keep the decision-making at the local level—Mr. Boyd and his crew have already heard that charge from other Democrats. Whether Mr. Nixon will accept Mr. Boyd's hand-me-downs remains to be seen.

Without being too specific, Mr. Nixon pledged during the campaign to attack "a crisis in air transportation which requires new and imaginative solutions." He said he would consider removing the 40,000-man Federal Aviation Administration, which operates the airways, from the Transportation Department, but most observers doubt that he would gut a two-year-old executive department by taking away its most important component.

With urbanologist Daniel Patrick Moynihan in the White House at Nixon's side, former Massachusetts Governor John Volpe (familiar with the area around the Northeast Corridor) as the new Transportation Secretary, and former Michigan Governor George Romney (who helped give the city the automobile) at the Department of Housing and Urban Development, Mr. Nixon has at least surrounded himself with men who are acutely aware of transportation's darker problems.

The departing Administration leaves behind one powerful weapon with which to wing, if not shoot down, the air congestion crisis. This is a FAA rule, issued last fall and effective in April, limiting landings and takeoffs in bad weather at five "high-density" airports—JFK, LaGuardia, Newark, Washing-

ton National, and Chicago O'Hare. The rule not only requires the airlines and other users to allocate the flights among themselves (or have the Government do it), but bans private planes from JFK at certain rush hours.

This ban is a revolutionary change of policy. In effect it declares that airline travel is now mass public transportation, which will be given priority treatment in accord with its newly recognized status. The change ends the sacred first-come, first-served philosophy under which the lone eagle in the Cessna had the same right to the sky as the commercial jet. It may be challenged in court and surely will be damned in hangar bull sessions till eternity. Even the airlines—the apparent victors—deplored it as only a stopgap measure.

But M. Cecil Mackey, assistant secretary of transportation for policy management, said the high-density rule is the shadow of things to come. The new rule is not oriented to types of aircraft or operators of aircraft, he said, but to the total number of people served.

"Taxis have free parking in front of hotels, where private cars can't stop. Buses can pull right up to Shea Stadium. We have exclusive bus lanes on some highways. The railroads have long had condemnation privileges. This concept of 'the most people served' has been very slow in coming to aviation." In ten years or less, Mr. Mackey believes, major airports will serve only airliners and all other aircraft will fly to smaller specialized fields.

The same principle may eventually drive private autos from the city streets in favor of mass transit. Until then, the hopeful airline passenger may be helped temporarily by the high-density rule—assuming he can get to the airport. But in the long run? In 1968, United States airlines carried more than 150 million passengers. They claimed to be adding new passengers at the rate of 40,000 a day. If the forecasts hold up, on any given day in 1980 more than one and a half million passengers will clamber aboard airliners somewhere in the United States.

There are, of course, no forecasts on the number of air traffic controllers who will get hung up in highway jams on the way to the tower, or how many taxicab handles will be grabbed at Kennedy Airport, or the length of time Secretary Volpe's plane will spend in airline stackups this year. This is not to mock the grave problems confronting our airport systems, but if the new Administration and millions of passengers are to avoid insomnia, nervousness, tremors, cramps, headaches, and all the other maladies that afflict traffic controllers, a sense of humor might help.

LT. COL. GUS GRISSOM, LT. COL. ED WHITE, AND LT. COMDR. ROGER CHAFFEE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, today, when we are still congratulating ourselves on the incredible triumph of our space program, achieved last month—it is necessary for us to pause for a moment to commemorate the second anniversary of our first, and only, space tragedy.

I refer, of course, to the disaster which so suddenly struck, on January 27, 1967, those three unique and wonderful American explorers, Gus Grissom, Ed White, and Roger Chaffee.

When that sudden flash obliterated these three great individuals, the United States of America lost three heroes; and those of us who have worked so closely with the space program lost three warm and irreplaceable friends.

There were those of faint heart who said, at the time of the tragedy, that these three men had lost their lives in vain, and even urged that our enormous program for the exploration of the unknown be minimized, or abandoned.

Mr. Speaker, the death of Gus Grissom, Ed White, and Roger Chaffee was infinitely regrettable. No nation could fail to be diminished by the loss of three men such as these. But, let there be no doubt whatsoever about this great truth: These men did not die in vain.

In the 2 years between that triple tragedy on the launch pad, and the enormous triumph of Apollo 8 last month, more than 5,000 changes were made in the spacecraft to render it safer, and to make the recurrence of any similar catastrophe all but impossible.

I sincerely believe, Mr. Speaker, that the triumph of Apollo 8 in December of 1968 would not have been possible if it had not been for the disaster of January 1967. The most brilliant scientific minds in the world—the minds of those who make our space program possible—were instantly bereft of any complacency they might have had, and were inspired to feats of unparalleled brilliance in insuring the safety of those who would follow in the footsteps of the three astronaut martyrs.

Most of us, Mr. Speaker, have not been so foolish as to ignore and minimize the perils of space exploration. Our astronauts live with the possibility of disaster every day of their lives, and so does everyone else involved in the program. The moon, and those attainable elements of the universe that lie beyond the moon, can never be conquered without hazard. It is a credit to the scientific advancement of the Nation that our honor roll of space martyrs contains only these three names. It is also cause for fervent thanksgiving to God Almighty that our losses have not been more numerous.

This is not said in any way to make the horror of January 27, 1967, seem less appalling than it was. It is said, rather, to give that tragedy a greater meaning, a deeper significance.

As we mourn anew the loss of these three magnificent young Americans 2 years ago, we can also take heart from the fact that the United States of America has once again shown the vitality and the courage to build a triumph from the ashes of disaster.

This was the particular endowment of our Founding Fathers; the particular endowment of our western pioneers. It has always been the special endowment that has made, and kept, our country great; the talent for learning the lessons of catastrophe and building upon that knowledge the foundations of ultimate triumph.

The lesson to be learned on this second anniversary of the death of Gus Grissom, Ed White, and Roger Chaffee is that we still possess this magnificent heritage. May the Nation never lose it.

For once we do, we shall deserve to lose the position of leadership and precedence we now enjoy. It is the faculty that distinguishes a first-class nation from those nations of lesser merit.

Had we not suffered the tragedy of 1967 we might not have achieved the victory of 1968.

ONE HUNDRED MAJOR BILLS SIGNED INTO LAW BY PRESIDENT LYNDON B. JOHNSON

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, during his last week in office, President Lyndon B. Johnson went to the AFL-CIO's national headquarters here in Washington to personally thank the trade union movement for the support and cooperation it gave in such great measure during the last 5 years. It was a simple ceremony—unannounced and largely unheralded. But in at least two respects, it was unique. As far as I can determine, a President of the United States has never before gone in person to a private organization to recognize its contributions to the Nation. And, no organization deserves such recognition more richly than the AFL-CIO. Its entire history is unswerving determination to shape a better life in a better world—a life with the fullest possible measure of social and economic justice—for every human being, regardless of race, color, creed, or station in life. So that all of our colleagues and Americans everywhere can know what the President said for himself and for the Nation, I include, under unanimous consent, his remarks and AFL-CIO President George Meany's response in the CONGRESSIONAL RECORD, as follows:

[From the AFL-CIO News]

TRANSCRIPT OF REMARKS AT CEREMONY IN AFL-CIO LOBBY, JANUARY 13, 1969, AT WHICH PRESIDENT LYNDON B. JOHNSON MADE A PRESENTATION TO GEORGE MEANY, PRESIDENT, AFL-CIO

MEANY: Ladies and gentlemen, the President of the United States.

The President: Mr. Meany, Secretary Wirtz, my dear friends.

Woodrow Wilson said labor is not a commodity, it is a form of cooperation. And before I leave this town, I asked for the privilege to come here and to talk briefly with you when I wasn't asking for anything of you, not even cooperation.

I wanted to tell you, on behalf of myself, my family and the American people how much I think we all owe you for the leadership that I have seen you exert during my five years in the presidency.

I looked over my diary last night and I have met with Mr. Meany and his assistants many times, but with Mr. Meany himself, 49 times, in personal meetings either in my office, the oval room or in the mansion.

In addition to that, he has called me, or I have called him, 82 additional times. We have had some rather extended conversations in those telephone calls.

Now, during this period of five years, our general goal has been the greatest good for the greatest number. We have tried to improve working conditions; we have tried to

improve wages, we have tried to see that profits were reasonable.

We passed minimum wage bills and things of that nature that directly applied to labor. But the thing that we have borne down on is the education of our young, medical assistance for our old, conservation of our resources—human and natural.

I know of no living single group that I think has been more responsible for the advances that have been made in this field in the last five years than the AFL-CIO, headed by George Meany, and supported by millions of men and women throughout this country.

The President of the United States and the President of the AFL-CIO have not always agreed on procedure or on method. I think we have always agreed on purpose and objective.

When Mr. Meany hasn't agreed, he said so in a friendly and firm manner. And I have tried to do that also.

I remember how disappointed I was when he came to the Cabinet room and told me that he regretted it about as much as anything he had done that year but he couldn't go along with my suggestions to merge the Commerce Department and the Labor Department. That disappointed me.

But I was really disillusioned when he brought about half a dozen other fellows like Joe Beirne with him to pound the table and just say, "Thou shalt not pass."

But if that was a disappointing morning, there were many, many other happy events.

And I am sure that my grandchildren and your grandchildren are going to live in a more peaceful, more prosperous and better world because of the leadership you people have given the American people.

So I said to Mr. Meany, in one of our little social chats not long ago: "I am going to invite myself to come over to your office. I don't think that will break tradition or precedence because I would remind you that you have invited yourself to come to my office many times."

I made a little investment and I want to bring you, from the hundreds of measures that we have passed, the 100-landmark measures that the Cabinet presented me with a little plaque and pen set on before I left.

I would like to present to the working people of this country and to their gallant, able and trusted leaders, a symbol of what the last five years have been all about.

Thank you, very much.

MEANY. Mr. President, on behalf of the AFL-CIO, its leadership, its millions of members, and on behalf of the many, many millions more who will be beneficiaries of the legislation which you signed into law and which is represented by the pens and titles of the various bills enacted over the last five years, I want to thank you.

Now, I am not going to take a long time—I could take quite a bit of time discussing the war on poverty, civil rights, hospital and medical facilities, conservation, Social Security, Medicare, urban housing, redevelopment, minimum wages and manpower training and many, many other things.

But I would like to concentrate just on one phase of the Lyndon Johnson record for the past five years because I feel that in the years to come, our grandchildren and their children will be beneficiaries of the education legislation passed in the last five years.

Long after we are gone, future generations will benefit from this type of legislation.

If nothing else had happened in these five years except the education program, this Administration would have gone down in history as one of the greatest since the establishment of the Republic.

I am not going to read the list, it is too long. But I would like to perhaps summarize it by saying in fiscal 1960—just eight years ago—there were \$600 million authorized in funds for federal aid to education. In fiscal 1969, for federal aid to education, federal

funds authorized add up to \$6 billion. In other words, instead of \$600 million, we have \$6 billion for education in fiscal 1969.

During the darkest days of the Civil War, President Lincoln signed a Land Grant College Act to provide federal land for construction of state colleges. This gave education a tremendous boost. And students today are beneficiaries of what President Lincoln did 106 years ago during the dark days of the Civil War.

It is my opinion that our children, the children of all Americans—not just the children of trade unionists but the children of all Americans and their grandchildren, will be beneficiaries of the last five years of the administration of Lyndon Johnson in the White House.

They will be beneficiaries through greater educational opportunities, greater leadership because leadership and learning complement one another and in today's world, an uneducated citizenry would mean truly a backward nation.

In this field alone, in addition to all of the other things that happened and in which we are interested in the last five years, I think that Lyndon Johnson will go down in history as one of our greatest Chief Executives.

Thank you, very much.

ONE HUNDRED MAJOR BILLS SIGNED INTO LAW BY PRESIDENT LYNDON B. JOHNSON

Higher Education Facilities of 1963, December 16, 1963.

Vocational Education Act of 1963, December 18, 1963.

Revenue Act of 1964, February 26, 1964.

Civil Rights Act of 1964, July 2, 1964.

Davis-Bacon Act Amendments of 1964, July 2, 1964.

National Commission on Food Marketing, July 3, 1964.

Urban Mass Transportation Act of 1964, July 9, 1964.

Government Employees Salary Reform Act of 1964, August 14, 1964.

Hospital and Medical Facilities Amendments of 1964, August 18, 1964.

National Commission on Technology, Automation & Economic Progress, August 19, 1964.

Economic Opportunity Act of 1964, August 20, 1964.

Graduate Public Health Training Amendments of 1964, August 27, 1964.

Food Stamp Act of 1964, August 31, 1964.

Land and Water Conservation Fund Act of 1965, September 3, 1964.

National Arts and Cultural Development Act of 1964, September 3, 1964.

Wilderness Act of 1964, September 3, 1964.

Farm Labor Contractor Registration Act of 1963, September 7, 1964.

National Defense Education Act Amendments of 1964, October 16, 1964.

Appalachian Regional Development Act of 1965, March 9, 1965.

Elementary and Secondary Education Act of 1965, April 11, 1965.

Manpower Act of 1965, April 26, 1965.

Social Security Amendments of 1965 (Medicare), July 30, 1965.

Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965, August 4, 1965.

Community Health Services Extension Amendments of 1965, August 5, 1965.

Voting Rights Act of 1965, August 6, 1965.

Health Research Facilities Amendments of 1965, August 9, 1965.

Housing and Urban Development Act of 1965, August 10, 1965.

Department of Housing and Urban Development of 1965, September 9, 1965.

Labor Union Officials Bonding Amendments of 1965, September 29, 1965.

National Foundation on the Arts and the Humanities Act of 1965, September 29, 1965.

Railroad Retirement Amendments of 1965, September 29, 1965.

High-Speed Ground Transportation Re-

search and Development Act, September 30, 1965.

Water Quality Act of 1965, October 2, 1965.

Immigration Act Amendments of 1965, October 3, 1965.

Heart Disease, Cancer, and Stroke Amendments of 1965, October 6, 1965.

Economic Opportunity Amendments of 1965, October 9, 1965.

Clean Air Act Amendments of 1965: Motor Vehicle Air Pollution Control Act; and Solid Waste Disposal Act, October 20, 1965.

Health Professions Educational Assistance Amendments of 1965, October 22, 1965.

Highway Beautification Act of 1965, October 22, 1965.

National Vocational Student Loan Insurance Act of 1965, October 22, 1965.

Service Contract Act of 1965, October 22, 1965.

Federal Employees Salary Act of 1965, October 29, 1965.

Higher Education Act of 1965, November 8, 1965.

Vocational Rehabilitation Act Amendments of 1965, November 8, 1965.

Veterans Readjustment Benefits of 1966, March 3, 1966.

Railroad Labor Disputes, June 20, 1966.

Federal Employees Compensation Act Amendments of 1966, July 4, 1966.

Federal Salary and Fringe Benefits Act of 1966, July 18, 1966.

Library Services and Construction Act Amendments of 1966, July 19, 1966.

National Traffic and Motor Vehicle Safety Act of 1966, September 9, 1966.

Fair Labor Standards Amendments of 1966, September 23, 1966.

Child Nutrition Act of 1966, October 11, 1966.

Clean Air Act Amendments of 1966, October 15, 1966.

Department of Transportation Act, October 15, 1966.

District of Columbia Minimum Wage Amendments of 1966, October 5, 1966.

Railroad Retirement, October 30, 1966.

Allied Health Professions Personnel Training Act of 1966, November 3, 1966.

Child Protection Act of 1966, November 3, 1966.

Clean Water Restoration Act of 1966, November 3, 1966.

Comprehensive Health Planning and Public Health Services Amendments of 1966 (Partnership for Health), November 3, 1966.

Demonstration Cities and Metropolitan Development Act of 1966, November 3, 1966.

Elementary and Secondary Education Amendments of 1966, November 3, 1966.

Fair Packaging and Labeling Act, November 3, 1966.

Higher Education Amendments of 1966, November 3, 1966.

Indiana Dunes National Lakeshore, November 5, 1966.

Manpower Development and Training Amendments of 1966, November 7, 1966.

Economic Opportunity Amendments of 1966, November 8, 1966.

Mental Health Amendments of 1967, June 24, 1967.

Veterans' Pension and Readjustment Assistance Act of 1967, August 31, 1967.

Food Stamps Act of 1967, September 27, 1967.

Vocational Rehabilitation Amendments of 1967, October 3, 1967.

Public Broadcasting Act of 1967, November 7, 1967.

National Commission of Product Safety, November 20, 1967.

Air Quality Act of 1967, November 21, 1967.

Urban Mass Transportation Act Amendments of 1967, December 1, 1967.

Mental Retardation Amendments of 1967, December 4, 1967.

Partnership for Health of 1967, December 5, 1967.

Civil Rights Commission Extension, December 14, 1967.

Congressional Redistricting, December 14, 1967.

Flammable Fabrics Amendments of 1967, December 14, 1967.

Age Discrimination in Employment Act of 1967, December 15, 1967.

Wholesome Meat Act, December 15, 1967.

Postal Revenue & Federal Salary Act of 1967, December 16, 1967.

Economic Opportunity Amendments of 1967, December 23, 1967.

Elementary & Secondary Education Act of 1967, January 2, 1968.

Social Security Amendments of 1967, January 2, 1968.

Civil Rights Act of 1968, January 11, 1968.

Consumer Credit Protection Act of 1968 (Truth in Lending) May 29, 1968.

Omnibus Crime Control & Safe Streets Act of 1968, June 19, 1968.

Housing & Urban Development Act of 1968, August 1, 1968.

Accessibility of Public Buildings for Physically Handicapped, August 12, 1968.

Natural Gas Pipeline Safety Act of 1968, August 12, 1968.

Wholesale Poultry Products Act, August 18, 1968.

Food Stamp Amendments of 1968, October 8, 1968.

Regional Health Amendments of 1968, October 15, 1968.

Higher Education Amendments of 1968, October 16, 1968.

Vocational Education Amendments of 1968, October 16, 1968.

Radiation Control for Health & Safety Act of 1968, October 18, 1968.

Gun Control Act of 1968, October 22, 1968.

Manpower Development & Training Amendments of 1968, October 24, 1968.

Presented To The American Federation of Labor and Congress of Industrial Organizations on January 13, 1969, In Recognition of Labor's Contribution To Legislation Beneficial To All Americans.

(Signed) LYNDON B. JOHNSON.

SOME REMARKS THAT DESERVE SERIOUS REFLECTION

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, recent remarks by the distinguished senior Senator of my State's delegation, the Honorable HARRY F. BYRD, JR., have drawn notable editorial comment from members of the Nation's press. I am pleased to insert four of these editorials in the CONGRESSIONAL RECORD so that all the Members might have the opportunity to see them:

[From the Somerset (Pa.) American, Aug. 30, 1968]

A STUPID BLUNDER

Senator Harry Byrd, Jr., of Virginia would like to know why the U. S. Department of State has restored Stokely Carmichael's passport. The question is a good one and one which many Americans would like to have answered.

Last December, Stokely's passport was revoked because he had traveled to restricted areas, specifically, Castro's Cuba and to North Vietnam.

Senator Byrd had this to say: "Carmichael obviously gave aid and comfort to North Vietnam, a nation at whose hands the American people have suffered 191,328 casualties,

38 per cent of those casualties having occurred during the past six months.

"Yet, the Department of State has restored this passport, thus making possible other such trips and other such denunciations of the American people, and the American soldiers in Vietnam."

"Is it any wonder that more and more citizens are losing confidence in the government when the government acts in such a foolish and absurd manner as it has in pampering Stokely Carmichael, not only by permitting him to make reasonable statements on foreign soil, but also permitting them to incite rioting in this country without penalty?"

[From the Findlay (Ohio) Courier Republic, September 14, 1968]

SOME REMARKS THAT DESERVE SERIOUS REFLECTION

The United States Senate the other day added the sum of \$215,000,000 to the appropriation for the work of the Office of Economic Opportunity (OEO) for the coming fiscal year. But the action was not taken until after quite a bit of debate on the program. This is the agency that conducts the war on poverty.

There was general agreement that phases of the OEO program are performing constructive service. But there was much expression of views regarding some of the program's shortcomings.

Sen. Harry F. Byrd Jr., of Virginia, made some statements that deserve accent. He was discussing the general subject of helping the poor.

"When Congress appropriates funds to help the poor" said the Virginia Senator, "I want that money used to help those for whom it was intended." He made this statement after calling OEO "a very wasteful agency, poorly administered and with inadequate auditing procedures."

Sen. Byrd said that too often "the word 'poverty' is used not in reference to deprivation but rather to describe a difference in income and standard of living."

"The American system," he went on to say, "is based on economic incentives and these inevitably lead to some economic disparities. If equality of income is the goal of the war on poverty, then we are not talking about the American system but socialism. We are not talking about bringing the minority up but rather talking the majority down."

There are people who deserve to be helped through public and private efforts, but there are too many who just do not want to work, the Senator declared.

The senator read to the Senate a list of instances where, he said, OEO money has been used "to finance extremists and militant elements whose approach is to riot and to demonstrate and to agitate for more and more federal funds."

"The federal government," he said, "should not be in the business of underwriting revolution. We have not created OEO to preside over the dismantling of the American way of life."

"Until such time as this program can be put on a different foundation—one that assures that the taxpayers' money is being used for the purpose of helping the poor of the country—I cannot support additional appropriations for the Office of Economic Opportunity."

"When Congress appropriates tax funds to help the poor I want it used to help those for whom it is intended."

Democrats, in the debate in the Senate, were among the sharpest critics of the OEO. Sen. Byrd is a Democrat as is Sen. John McClellan, of Arkansas, who declared it's time to clean up the OEO and put the money where it will do some good.

As we said at the outset, Sen. Byrd's remarks deserved accent and serious reflection, as do those of Sen. McClellan.

[From the Cheyenne (Wyo.) State Tribune, Sept. 24, 1968]

WHAT IS THE DIFFERENCE?

Sen. Harry F. Byrd Jr., D., Va., recently wrote to Secretary of State Dean Rusk urging that this country withdraw communist Poland from the most favored nation status in trade with the U.S. which is accorded it by the U.S. government.

Senator Byrd cited the present Polish regime's repressive measures against Jews, its support of North Vietnam, and the participation of Polish troops in the Soviet invasion of Czechoslovakia as reasons why this country should no longer grant Poland most favored status.

In his letter, Byrd cited a July 24 demand by Rep. Paul Findley of Illinois along the same lines. Findley received the following reply from Assistant Secretary of State William Macomber which said: "... we do not believe this is the time for so drastic an action as withdrawal of (most favored nation status) from Poland because the evidence is not conclusive that an opposite trend has developed from that which is described in the attached Presidential determination on Poland. ... The 'presidential determination' referred to said Poland is not 'a nation dominated or controlled by the foreign government or foreign organization controlling the world communist movement.' ..."

In view of Czechoslovakia, Senator Byrd asked the State Department if that was still its view with regard to Poland. Macomber, the same who replied to Rep. Findley, wrote Byrd:

"We are unable to judge whether Polish troops were ordered by the Polish government to take part in this action because of the latter's subservience to Soviet policies or whether the Polish government acted willingly because it also deemed the signs of liberty in Czechoslovakia as a threat to its own communist system."

The question is: What difference does it make? The fact it acted at all should be reason for removing it from the most favored nation status.

[From the Bridgeport (Conn.) Telegram, Oct. 22, 1968]

FEDERAL DEBT CLIMBING

Throughout this year, and for a few months before, the Congress debated the surtax on income taxes. It was finally passed only after it was accompanied by a mandatory requirement that government spending be cut by \$6 billion. Yet the total revenue to be raised this year by new tax legislation will amount to \$15.3 billion, almost exactly this year's interest on the national debt.

Citing this coincidence, Senator Harry F. Byrd, Jr., of Virginia called it "a dramatic, if painful lesson, in the cost of deficit spending." He had been holding forth on the size of the growing national debt. During the 90th Congress, the federal debt ceiling was boosted about \$28 billion. It now stands at a record \$357.9 billion.

"We would be well past that ceiling today, were it not for this year's tax legislation—the 10 per cent surtax—and the \$6 billion reduction in expenditures which the Congress demanded in return," Byrd said.

Byrd has inherited his role of watchdog of the treasury from his father, whose seat in the Senate he occupies now. He brought home the problems with this homily: Trying to hold firm on federal debt limitation is like trying to take away your wife's credit cards—the objectives are worthwhile but virtually impossible to accomplish. Regrettably, we must agree.

THE ATOM AS EXCAVATOR

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, in recent days, newspapers around the world have reported on a very exciting project currently under discussion between the U.S. Atomic Energy Commission and the Government of Australia. The Australian proposal is to use underground nuclear explosives to blast a new deepwater harbor at Cape Kerauden in Western Australia.

Worldwide reaction to this proposal has been positive. One reason undoubtedly is the strong friendship between the United States and Australia. Another must be the possibility to do so much good with the peaceful uses of atomic energy.

One of my colleagues on the Joint Committee on Atomic Energy, the Honorable CRAIG HOSMER, of California, has taken the lead in Congress in urging approval and prompt action on this project. His role and the forward-looking position of the Australians were the subject of an editorial in the Washington Sunday Star this week.

The editorial follows:

THE ATOM AS EXCAVATOR

Although its economic and technical feasibility is still subject to study, there is great promise in Australia's proposal to build a big new port with the help of the United States Atomic Energy Commission and its nuclear explosives.

As outlined by David E. Fairbairn, Australian Minister of National Development, the plan calls for blasting out a deep-water harbor on the northwest coast near Cape Kerauden on the Indian Ocean. This is an isolated region, but it contains great deposits of iron ore, and it would quickly become populated and prosperous if it had a port through which the ore could be shipped. The hope is that the AEC will be able to do the job with something like five 200-kiloton charges placed in a row 1,100 feet apart and detonated 800 feet beneath the ocean floor.

The question is whether such a detonation could take place without sending radioactive fallout over other countries. If it did so, it would be in violation of the test ban treaty's shortsighted provision inhibiting the use of peaceful nuclear explosives even though they might release only a harmless degree of radioactivity. But this aspect of the proposed Cape Kerauden project may actually be academic. Over the years, the AEC has developed explosive designs and emplacement techniques—all classified information—that may well be effective enough to keep the fallout within national bounds or reduce it to an amount too negligible to warrant international complaint.

Ironically, while the test ban may inhibit them, the non-proliferation treaty specifically encourages and provides for just such projects as the one Australia proposes. The nuclear powers, that is to say, are obligated to give aid, including explosive materials, to the non-nuclear powers to insure that they will not be left behind, technologically or otherwise, if they become parties to the treaty and thus forswear their sovereign right to make atomic weapons or explosives of their own.

In that respect, if it is adopted, the Australian proposal will be a trail-blazer in the

application of the non-proliferation treaty's provisions for cooperation between the atomic "haves" and "have-nots." And beyond that, of course, if the project is carried forward to success, it will demonstrate that the atom is a revolutionary sort of excavator to be used for the speedy and economic building of harbors and waterways around the world, including a new canal across Central America.

California's Representative Craig Hosmer, one of the most knowledgeable members of the Joint Atomic Committee, is so impressed by the potentials of Australia's plan that he has urged that the AEC be given \$300,000 forthwith to begin working on it. The suggestion is a good one. It should have President Nixon's favorable attention.

I AM A TIRED AMERICAN

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. POLLOCK. Mr. Speaker, it goes without saying that often we as Americans take advantage of what we have, and not fully realize the costs of our freedom.

I have an editorial from the Northwest Flyer which I would like to share with my colleagues. It was sent to me by one of my constituents, Mr. James M. Wright. The title is "I Am a Tired American":

I AM A TIRED AMERICAN

"I am a Tired American.
"I'm tired of being called the Ugly American."

"I'm tired of having the world panhandlers use my country as a whipping boy 365 days a year."

"I am a tired American—wary of having American embassies and information centers stoned, burned, and sacked by mobs operating under orders from dictators who preach peace and breed conflict."

"I am a tired American—wary of being lectured by General DeGaulle (who never won a battle) who poses as second Jehovah in righteousness and wisdom."

"I am a tired American—wary of Nasser and all the other blood-sucking leeches who bleed Uncle Sam white and who kick him on the shins and yank his beard if the flow falters."

"I am a tired American—wary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey."

"I am a tired American—wary unto death of having my tax dollars go to dictators who play both sides against the middle with threats of what will happen if we cut off the golden stream of dollars."

"I am a tired American—fed up with the mobs of scabby-faced long-haired youths and short-haired girls who claim they represent the 'new wave' of America, and who sneer at the old-fashioned virtues of honesty, integrity, and morality on which America grew to greatness."

"I am a tired American—who is tired of supporting families who haven't known any other source of income other than government relief checks for three generations."

"I am a tired American—who is getting madder by the minute at the fifth peddlers who have launched Americans in an obscurity race—who try to foist on us the belief that filth is an integral part of culture—in the arts, the movies, literature, and the stage."

"I am a tired American—wary of the

bearded bump who tramp the picket lines and the sit-ins—who prefer Chinese communism to capitalism—who see no evil in Castro, but sneer at President Johnson as a threat to peace.

"I am a tired American—who has lost all patience with that civil rights group which is showing movies on college campuses from coast to coast. Movies denouncing the United States. Movies made in Communist China.

"I am a tired American—who is angered by the self-righteous breast-beater critics of America, at home and abroad, who set impossible yardsticks for the United States but never apply the same standards to the French, the British, the Russians, and the Chinese.

"I am a tired American—sickened by the slack-jawed bigots who wrap themselves in bedsheet in the dead of night and roam the countryside looking for innocent victims.

"I am a tired American—who dislikes clergymen who have made a career out of integration causes, yet send their own children to private schools.

"I am a tired American—who resents those who try to peddle the belief in schools and colleges that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed.

"They say they hate capitalism, but they are always right in the head of the line demanding their share of the American way of life.

"I am a tired American—real tired of those who are trying to sell me the belief that America is not the greatest nation in all the world—a generous hearted nation—a nation dedicated to the policy of trying to help the 'have nots' achieve some good things that our system of free enterprise brought about.

"I am a tired American—who gets a lump in his throat when he hears the 'Star-Spangled Banner' and holds back tears when he hears those chilling high notes of the brassy trumpets when Old Glory reaches the top of the flag pole.

"I am a tired American—who thanks a merciful Lord that he was so lucky to be born an American citizen—a nation under God, with truly mercy and justice for all."

THANK YOU, MR. PRESIDENT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PICKLE. Mr. Speaker, I am very proud to bring to the attention of the Members of the House of Representatives an editorial that appeared in last week's issue of the Capital Baptist.

In a straightforward, yet eloquent manner, the article cites the appreciation of a nation for the talents and efforts of Lyndon B. Johnson.

There have been countless articles and stories written in the past few weeks expressing the sentiment of our Nation for the outstanding accomplishments of President Lyndon Johnson—but few, perhaps, as concise in feeling and temperament as the Capital Baptist editorial. President Johnson's great grandfather, George W. Baines, was once president of Baylor University and one of our great statesmen and educators of early Texas. Baylor University is perhaps the most outstanding Baptist institution in America.

Without objection, I include the editorial in the RECORD:

THANK YOU, MR. PRESIDENT

Few men, if any, have had a more colorful career in politics than Lyndon Johnson. Born in Texas, but Capitol Hill has been his home most of his life.

Mr. Johnson became President in one of the most tragic moments in American history. He proved his leadership ability and the fact that he had what it takes to be President in but a matter of hours after Mr. Kennedy's death.

It would probably be safe to say that Mr. Johnson received a greater mandate from the people than any other President, and because of the mandate and his political skills, he had more power than any other President with the possible exception of Roosevelt in 1936.

Americans can be grateful that the President used the power to make America more conscious of the plight of many who were in need rather than yielding his leadership role to the self-interest groups.

This has been a difficult time in American history to be President. The strain and tension must be more than the average person could bear. President and Mrs. Johnson deserve a rest and an opportunity to enjoy the fruits of their labors.

Washington will miss them. From what we understand, national politics will not be the same. As you go Mr. President, we would want to thank you for your interest in our city which belongs to everyone, but cared for by a few. We want to thank you for your interest in the welfare of the American people, their education, their health, their housing, their employment. You have done more than any other President for the general welfare of the people.

We want to thank you for your interest in man's freedom, in the individual rights of private citizens.

We want to thank you for your interest in the national resources of our land and for all that you and Mrs. Johnson did to help preserve these resources.

It truly can be said that no person ever tried harder to accomplish more for the good of all.

It is our hope that you both will enjoy good health and much happiness.

IRAQ'S ACT OF BARBARISM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, I rise to express my sense of shock and outrage at the news of the execution by the State of Iraq of 14 persons, nine of them Jews, on charges of spying for Israel. The circumstances surrounding this barbarous episode gives cause for the gravest concern. The trials upon which these men were convicted were held in secret. The executions were carried out before a multitude under circumstances which bespeak more of the Dark Ages than of the 20th century. Mr. Speaker, quite recently the Security Council of the United Nations saw fit to censure the State of Israel for an attack upon a neighboring state. In that censure there was no mention made of the grave provocation which preceded that act. Violence, whoever the perpetrator, is to be condemned and abhorred, particularly in an area of the world in which tensions are so high. Therefore, Mr.

Speaker, it seems to me that this House should express to the world its revulsion at the actions of the Iraqi Government and our highest concern of the effect of its action upon world peace. If the State of Israel is to be condemned by the world community for seeking to safeguard its commerce, it seems to me that the State of Iraq should be condemned for this act of barbarism.

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WEICKER. Mr. Speaker, I feel that the tragic events in Nigeria-Biafra where an estimated 20,000 persons die of starvation each day require that I speak out for positive action to prevent the extinction of a generation. Following is an address I delivered at the University of Bridgeport, Bridgeport, Conn., on Friday, January 24, 1969:

WHEN TOO MUCH KNOWLEDGE BECOMES A DANGEROUS THING

(A commencement address of the 1969 mid-winter class of the University of Bridgeport; Bridgeport, Conn., by the Honorable LOWELL P. WEICKER, JR., Member of Congress)

On Monday of this week I had the privilege of being a participant in what was to me and I am sure to millions of Americans from Washington, D.C. to the tip of Alaska a thrilling and awe-inspiring event—the inauguration of a President of our United States.

There were two occurrences and one impression that registered rather forcibly on me during that one hour of what is now American history.

The occurrences were in this order:

The singing of the Irving Berlin Song, "Give Me Your Tired," by the Mormon Tabernacle Choir and the spotting of my two sons, aged 8 and 11, in a crowd of over 100,000 people, mostly adult.

The song registered because it had been so long since I had either read or heard those words of a nation in its youth:

"Give me your tired, your poor,
Your huddled masses yearning to breathe free.

The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me.

I lift my lamp beside the golden door!"

Secondly, finding my children in that sea of anonymous faces was a moment to remember because when I did spot them they looked unconcerned with the solemnity of the occasion, but rather had on their faces the happiness of young children occasioned by finding their father rather than seeing a President of the United States or a Congressman from Connecticut. And as I saw them and others of their age in that crowd of adults they looked excitedly expectant and mighty small.

The impression that I came away with was that on that day as was the case four years ago and will be the case four years from now, our United States was being born again with the only restriction on what our nation will accomplish being limitations of our own choosing.

I suppose that the words common to my experiences of January 20, and to yours on

this important evening of your lives are hope and heart, and it is those traits and how they relate to knowledge that occasions the subject matter of my talk this evening.

Remember: A verse that expressed a young unsophisticated nation's willingness to take the world's trampled to its heart.

Remember: Children that enjoyed the health to be happy; that loved and were loved.

Remember: A Ceremony that dedicated the awesome strength of this country to a new start.

A small child lying in the dust looks up at the hot African sun. She summons all the strength left in a body made grotesque by starvation for one more cry of help to the unanswering desolation around her before closing her eyes for the last time.

At the same moment much of the diplomatic world after deliberation and thought comes to the scholarly conclusion that the most humane way to end the Nigeria-Biafra War is to participate by inaction in a policy geared to the "Quick Kill" of Biafra as being the humane resolution of an awkward situation.

The United States of America, meanwhile, has during the past year accomplished the following: Sent three men a half million miles around the moon and returned them within 7,000 yards of their landing objective; paid farmers millions of dollars not to grow crops because of an over abundance in our agricultural economy; produced more new drugs and pharmaceutical products for the cure and alleviation of disease and pain than all the rest of the nations of the world put together; built, at Marietta, Georgia, the largest cargo plane in the world.

It is not my purpose tonight to touch upon the governmental rights and wrongs of the Nigerian-Biafra War. What their Governments do while 20,000 children die each day is not worthy of one-minute discussion. What our Government does to assure that ten million live—is.

Let me give you a few facts.

It is estimated that two million people or almost the entire population of Connecticut have died from starvation since the outset of the conflict.

At the present time relief agencies fly in 150 tons of food a day—5,000 tons are needed daily.

Incidentally, do you remember 1948 when America set its heart and mind to the task of feeding Berlin? We flew 9,000 tons of food a day into that isolated city. It's now twenty-one years later and knowledge has created better planes—but is the end product of that knowledge worth the striving if there is no heart to guide its use?

The diplomats and politicians are presenting some very sophisticated arguments as to why nothing should be done. Arguments that are steeped in over one thousand years of diplomatic practice and learning. And I propose to you this evening that it is at this point that too much knowledge has become a dangerous thing.

For, ladies and gentlemen, if we accept as valid and respectable such knowledge as teaches our country to remain silent while 20,000 people die each day then as a nation we repudiate the origins of our own greatness and cast our lot with those countries who long ago found existing preferable to achieving.

And history will show that it was during just such a time of diplomatic maneuvering, with the "raison d'être" of the European nations being to exist, that the United States grew and became strong as it relied on instincts of the heart and the common sense so abundant in the American mind.

There are those who will say it can't be done.

I'm reminded of the story told by Charles Kettering, one of the early founders of General Motors, "When I was Research Head of

General Motors and wanted a problem solved, I'd place a table outside the meeting room with a sign: 'Leave slide rules here.' If I didn't do that, I'd find some engineer reaching for his slide rule. Then he'd be on his feet saying 'Boss, you can't do it.'"

Is it food we lack?

Is it planes we lack?

Is it placing the food on the mark that we can't do?

Our status in all these areas as described before, resounds "NO" to all these questions. Is it not that we have become so sophisticated in international politics that the paper consequences are freeing our natural reactions of help for the suffering and love for children everywhere?

What happened to that young brawling nation that had strength far beyond the numbers of its population or the taught wisdom of its people because it was engaged in living the highest purposes of God and man?

Certainly, I do not advocate a diminishing of our educational efforts or an acceptance of a high school education as being sufficient.

What I am saying is that the purpose of learning and education is to send one more man and one more woman into a world of desolation to share that knowledge with compassion and flexibility with the thousands, who, in the words of Victor Hugo, "Exist in physical and spiritual night."

I want a world that runs to even one lonely child dying in the dust and takes it to its arms of concern—to its table of food—to its hospitals of care.

It is not on the words of old diplomats but on the happiness of these children yours, mine, the world's that this nation should premise its journey of the next four years.

Cease fires, truces, the reconciliation of regions, summit talks is the business of months.

The task of the minute is to give life where there is repetitive death.

As the snow covers our New England with a mantle of white let the parachutes with their cargo of food cover both Nigeria and Biafra so that the world understands while we gained in knowledge we also gained in love.

MAIL-ORDER SALES OF PORNOGRAPHIC MATERIAL

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SKUBITZ. Mr. Speaker, I am introducing, for full and deliberate consideration, legislation that would regulate mail-order sales of pornographic material.

The need for effective legislation is never more apparent than today. Throughout the United States local and State law officials, educators, and civic organizations are waging a never-ending fight against the sale of smut to school-age children. Parents are advocating, and justly so, vigorous enforcement of existing obscenity laws.

I strongly feel that there are countless numbers of parents in this country who do not want their children's sex education to be influenced by smut merchants. The heavy volume of constituent complaints attest to the fact that something must be done to bring about an end to this problem. The future of our Nation and the world depends on the youth of today.

The current legislation, Public Law 90-

206, provides for the person receiving pornographic material to report it to the local postal authorities. After a considerable amount of time, energy, and money the total result from the complaint is the fact that the smut merchant has lost a name from his mailing list.

In checking with the postal authorities, I find that in 1968 alone over 165,000 formal complaints had been registered. These persons were recipients of unsolicited offensive mail. With the number of complaints rising each week the need for more effective legislation must be dealt with by this Congress.

I, therefore, have introduced legislation that would give the postal authorities strong, effective powers to stop the dealers of pornographic material from pushing their unwanted material on the American people.

The legislation would:

First, prohibit mail-order sales of obscene material to children of school age.

Second, it would provide that a family with children under the age of 16 who receive, or are solicited to receive, hardcore pornographic material would have the right to bring action against an offender in which the crime would be deemed a Federal crime, punishable by a fine and jail sentence.

Mr. Speaker, I urge my colleagues to support this legislation in order for protection to be provided for American families and their school-age children. I respectfully request that committee hearings be scheduled as soon as possible.

WOMEN'S JOB CORPS CAN HELP

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. HANSEN of Washington. Mr. Speaker, one of the truly visionary innovations of recent years is the Job Corps. In years ahead, we will look at its results with the same pride we now place in the GI bill of rights, which was so controversial following World War II. This Nation has learned there is no way to lose when the investment is in people.

Many times I have commented on the value and contribution of Job Corps to the U.S. Forest Service and the Department of the Interior. Those have been cases of young men who are serving as firefighters and conservationists while learning.

Job Corps has been bolstered by a group called Women in Community Service—volunteers who have dedicated themselves to helping those girls who join Job Corps. The teamwork of the Government and these volunteer citizens was dramatically spelled out in a recent article in the Aberdeen, Wash., Daily World. I would like to place this in the RECORD.

WOMEN'S JOB CORPS CAN HELP

(By Lillian Van Syckle)

Good jobs seldom just fall into your lap. They're hard to find. A young woman applying for a job nowadays needs special training in her field, trim clothes, a knowledge of

good grooming and a desire to make a better future for herself.

This might be an overpowering list of qualifications for a girl who left school before she had learned special skills and whose wardrobe and self-confidence were nearly nil—that is, it might be if it weren't for Job Corps.

The desire to make a better future for herself is the only qualification the job applicant needs after she is accepted by Job Corps. The others will have been achieved by the time she is graduated from the corps.

Girls from 16 through 21 years old are eligible for the Job Corps if they are out of school and can't find work.

In the Harbor area, girls may inquire about Women's Job Corps from Mrs. Helge Erickson or Mrs. Aaron Wise, both of Hoquiam, volunteer workers for Women in Community Service.

Working in teams, WICS volunteers seek out girls who might profit from the opportunity to leave home and prepare for a more promising future. They explain the Job Corps residential centers to the girls and their families on home visits.

WICS volunteers interview candidates, engage professional help for health examinations and aptitude tests, then guide and help girls through the various steps on the way to enrollment. The final selection is made by the Job Corps in Washington, D.C.

After a girl is accepted by the Job Corps she is assigned to one of the Job Corps residential centers—the closest one to Grays Harbor is at Tongue Point, near Astoria, Ore. Then she begins her training.

With the conviction that "every girl needs a chance to be somebody," the Women's Job Corps Center is like a new home where new people and attractive surroundings give life a new meaning.

There will be some studying—reading, writing, speaking, math. Recruits will learn how to do a job, in a hospital, an office, in selling or communications, sewing, cooking, institutional household arts. Counselors will help decide which job is best for the girl.

Material will be provided and trainees will be taught, if they wish, to sew new clothes for themselves. Ample time is allowed for recreational activities after study and work periods.

Girls in the centers get spending money while they train, an allowance of \$14.34 every two weeks, and special points can be earned to raise this allowance.

When girls complete their training at the center they receive \$50 for each month they spend in the corps. They may have part of their money sent home to help take care of the family, and the Job Corps will match what they send home. Or the money may be used for living costs while the girls are looking for jobs.

"It's a wonderful program," Mrs. Erickson says with conviction when people ask her about Job Corps. "It gives girls a real chance in life when they are young enough to get years and years of benefit from it."

"The program is a rewarding experience also for the WICS volunteers who recruit, screen and assist the girls in finding work after the training period. We can always use WICS volunteers."

SALUTE TO DR. BEEKEY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. YATRON. Mr. Speaker, so much has been said about disorder on the college campus of today that it is with pride

that I call your attention to a college in my district that is an example of an ideal atmosphere of study and learning. This school is Kutztown State College, whose president, Dr. Cyrus E. Beekey, has announced his retirement for health reasons.

Kutztown State College and the entire surrounding community will sorely miss Dr. Beekey. I too, join in wishing him good health. Many fine tributes will be paid to Dr. Beekey in the coming months but I feel the fine editorial which appeared in the Reading Eagle on Wednesday, January 22, 1969, expresses the feelings of those who know him and are aware of his accomplishments:

SALUTE TO DR. BEEKEY

A short but eventful tenure of achievement as president of Kutztown State College will end Aug. 1, with retirement of Dr. Cyrus E. Beekey, at 62, because of health reasons.

Although he suffered a respiratory attack shortly after being appointed the eighth president of the college—in July 1967 to fill the vacancy created by the death of Dr. Italo L. deFrancesco—Dr. Beekey has carried out his duties in a manner that has impressed his colleagues and students, as well as the community he serves.

Dr. Beekey in his quiet way has pushed the college forward while providing a tranquil atmosphere for teaching and study. A measure of the school's progress under his tenure may be gleaned from the fact that in the first 18 months of his term, enrollment climbed from 3,863 to 4,442, and the faculty increased from 215 to 237.

To keep abreast of enrollment, the campus physical plant added four new buildings—a research and learning center, a library, a student center and the Dietrich dormitory for men. Four more buildings are under way or about to be started.

In short, Dr. Beekey carried on the building and educational program of his predecessor, and has added to them, thus continuing the momentum of Berks County's largest college.

A native of Myerstown, Dr. Beekey had behind him a solid background in teaching and administration when he became president at KSC. Recipient of a bachelor of science degree from Albright College in 1927 he was awarded a master of science degree from Cornell University in 1934. While teaching at Reading High School, he was awarded a Ph.D. degree from Cornell for graduate work in ecology and invertebrate zoology in 1940.

Before joining the KSC teaching staff in 1943 as a teacher of physics in the U.S. Army Air Cadet Corps program on the campus, Dr. Beekey, who began his teaching career in 1927, as a teacher of mathematics at Southern Junior High School, taught in Reading High's biology department from 1931 to 1943.

At KSC, Dr. Beekey moved gradually up the educational ladder—to professor of biology and science department chairman in 1944, and to dean of academic affairs in 1956. In May 1967, during the illness of Dr. deFrancesco, he was named acting president of the college.

Both Dr. Beekey and his wife are familiar figures in educational and civic circles in Kutztown. He's regarded in scientific circles. Dr. Beekey is a past president of the Mengel Natural History Society and the Pennsylvania Academy of Science. He was named to head the former in 1946 and the latter in 1954.

We wish Dr. Beekey good health in the remaining months at KSC, and a happy retirement next August. We salute him for a job well done.

EDUCATION: THE FULCRUM FOR RESURGENT AMERICAN SEAPOWER

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MAILLIARD. Mr. Speaker, on January 17, Mr. Charles F. Duchein, president of the Navy League of the United States, spoke before the Commonwealth Club of California on the subject, "The Mess in the Merchant Marine." One of the principal underlying themes of Mr. Duchein's address was the current necessity to educate the American people of the crucial national interest involved in rebuilding our maritime posture to a position of world preeminence.

It is of no small significance that only 4 days following Mr. Duchein's address, on January 21, the Chief of Naval Operations, Adm. Thomas H. Moorer, U.S. Navy, appeared before the Special Subcommittee on Seapower of our Committee on Armed Services emphasizing a similar educational need in order to enlist the full support and understanding of Congress and of the American people on the subject of seapower. In his prepared statement presented before the special subcommittee, Admiral Moorer observed:

I hope that your efforts will help to bring greater understanding of the importance of Seapower to more people in the United States. As a maritime nation we cannot afford to overlook what the Soviet Union and others seem to understand so well.

More than 2 years ago when speaking in San Diego, Calif., I, too, decried the then current shocking deemphasis in our national maritime efforts and pointed to the need for a rebirth of national leadership to avoid abdicating our position as a major world seapower. The fulcrum or lever for this resurgence must "start with some grass roots education" as pointed out by Mr. Duchein in his January 17 address.

It is in recognition of the importance of this national issue that I now insert the full text of the address by Mr. Charles F. Duchein, president of the Navy League of the United States, and commend it to the attention of my colleagues:

THE MESS IN THE MERCHANT MARINE

(Address by Charles F. Duchein)

You asked me to talk about the mess in the merchant marine but I think it is high time we stop talking about the mess in the merchant marine and start giving a positive American touch to our crucial situation at sea.

Instead, we are tampering with the long-term prosperity of this Nation through our vacillation and neglect of what can be the chief stimulator of the national economy—the foundation for our future prosperity and this is to rebuild our maritime posture to a position of world preeminence.

Our fast moving 20th century industry depends increasingly on strategic materials carried from overseas in ships. The burgeoning trade along the world sea lanes affords the most inviting possibility for economic growth in our history. But you and I know we now carry only a fraction of even our own trade. The tragedy is we are not capitalizing on the exploding lucrative world

markets—we continue to talk when positive action is called for. While we talk about the mess in the merchant marine, we ignore the decisions our Government must make to get back up on the maritime step.

My message today is not to decry the "mess in the merchant marine" nor to try to fix the blame. Instead, I want to highlight the tremendous oceanic opportunity unfolding. As the first step in the educational process, we need to learn more about the economics of the sea by delving into the complexity of the U.S. waterborne transportation industry. There are high stakes involved in building up oceanic strength and there is urgency for doing so.

I say, let's get on with it, let's start building a merchant fleet that will be the pride of every American—that's my answer to the mess in the merchant marine.

Frankly, based on hard economic facts, as a businessman I see a long term bullish trend in the maritime market. For example, an authoritative Harbridge House study concluded that while carrying a fraction over 7% of our trade, the United States saved a billion dollars yearly in gold flow from the revenue of this trade. It doesn't take a mathematician major to see what this would mean toward gold flow reversal if we carried 50% of our trade.

Economically, this is an index of what carrying trade can mean if we go after the market. This tantalizing fact has not escaped Mr. Nixon. This is precisely why he has made the revitalization of the merchant marine "a highest priority economic task." But while the President elect knows this economic fact of life, few Americans do. And their lack of interest, understanding and concern, to my mind, is the chief reason why we are in such serious trouble.

That is the problem boiled down to basics—it is an educational one. Yes, education—and the aggressive merchandising of American maritime product. We might well take a page out of the bold aerospace industry's promotional book to regain a number one world maritime position.

Speaking of modern methods of merchandising, Jack Gilbride, president of Todd, and a good friend of mine, and I must say one of the most progressive American shipbuilders, is telling the Nation through a fine program of educational communications—"You can't walk on ¾ of the earth's surface." How strange that the American people and their Government, at this late hour, need such elementary oceanic education; but, unfortunately, they do. No, you can't walk on water. But there is "gold" in the oceans of the world—and strength—and security. Actually, Americans are just beginning to grasp the fact that the modern gold rush of today is toward the challenging last world frontier. Talk to your stock broker if you are not convinced that what I am saying is accurate—your fabulous California gold rush of '49 is now exploding to the entire world of water.

Whether it was slothful thinking, sporadic strikes, the indifference of the decision makers in our government, the failure to comprehend the vital importance of the merchant fleet brought about the present plight. Whatever it was, and it was many things, bold imaginative plans are needed now.

In terms of the American touch, the almost flawless flight to within 60 miles of the moon by Apollo 8 shows there is still plenty of vitality in the American people—when they are pressed. I watched the launch at Cape Kennedy: What a marvelous experience! As I watched the rocket soaring into space, to myself I humbly thanked Stalin, Khrushchev, Brezhnev and Mikoyan. Who launched Apollo 8? I would say, "Unquestionably Sputnik!" The Soviets touched a sensitive American nerve—we can't stand a second place position and that is good. The psychological shock of Sputnik's first spin in space awakened this Nation. And Apollo

8, if it did nothing else, showed the tremendous American potential to think, to produce, to create—it showed the strength of our will and our determination and it came at a time when the world was beginning to wonder.

What we need now is the same sort of shock treatment to build our merchant marine to the strong, modern, competitive position world conditions dictate. Though hardly as dramatic as Sputnik, the exploding Soviet maritime strength has far more ominous political, economic and military implications.

Focusing on the red revolution at sea, the central significance of the competitive merchant marine stands out. How do we stack up? Four out of five of our merchant ships are of World War II vintage. But not Soviet ships—four out of five of their ships are less than 10 years old. While the Soviet Union builds better than 1,000,000 tons of merchant ships each year, 448 ships this year, for example, we build 48. In point of relative priorities, in 1965 the Soviet Government spent more than \$600 million on merchant ship construction. We invested a mere \$150 million. As our merchant marine rapidly declines in strength, her vigorous ship construction program is projected to 27 million tons by 1980.

In simple terms, during the period of my presidency of the Navy League, the American merchant marine slipped down the top pole of our own trade carrying from 7.3% to a mere 5%. As this allipage took place, the American merchant marine declined from 1900 ships in 1950 to 1100 ships by 1968. But the Soviet fleet mushroomed from 1.9 million tons to its present strength of 10.4 million tons and 1400 ships. Having already passed us in ship count, by the end of the year, unless the trend is reversed, the Soviets will knock us out of our fifth place position as a merchant marine power.

As a marine officer thinking in terms of future military readiness, this maritime morbidity report frightens me. You can readily see why.

Over 98% of the beans, bullets and jet fuel for Vietnam is transported in ships. Our merchant marine has done a marvelous job of meeting the 10,000 man sea-lift requirements for Southeast Asia. Both the operators and the men who man these ships deserve great credit. But a new "hot spot" somewhere else would stretch our ship elastic limit beyond the breaking point. For this reason, watching the Middle East tinder box starting to flare up again is nightmare for our strategic planners. This is a sharp warning to remind us again of our global responsibilities and requirements.

The Soviet merchant marine serves as the spearhead of her foreign policy, and even more than her navy, reveals her global ambitions. Her pattern of commerce and trade objectives convey intentions that extend world wide. To protect this trade they are building a global navy—a navy that can project its powers overseas and contests our control of the seas.

To meet the mounting menace, how does our merchant fleet planning shape up? Current thinking on the U.S. merchant marine is pegged almost exclusively to two points. First, the defense needs and second, the U.S. import and export trade. The policy position for the latter is "to support and expand U.S. commerce and carry a fair share of U.S. cargo." That's hardly good enough to meet the challenge and reap the great rewards of the exploding market.

Perhaps instead of thinking of the U.S. merchant marine we should think of the "U.S. maritime transportation industry," the goal should be to compete aggressively for world markets for U.S. built ships and for a proportion of the total world ocean shipping. Look for a moment at the U.S. air lines industry, they did not achieve their present

position nor are they maintaining and advancing it, without government assistance. But the assistance was deliberately aimed at achieving U.S. dominance in air transport world wide. There is quite a difference.

Sound military planning highlights the importance of a major build-up in shipping and when valid defense requirements are met, the merchant marine will begin to move forward to the strong posture dictated by a volatile world. While the Viet Nam experience reinforces the vital justification for ships for logistical war support, Mr. McNamara when Secretary of Defense failed to establish even the rock bottom requirements of merchant ships to support combat operations. Specious money saving tactics accelerated the decline of ocean transport. We've paid the price in Viet Nam. We've seen what it means to be dependent, even to a small degree, upon foreign ships in time of war. The national security interest demands the revitalization of our trade carrying shipping. The requirement must be met by ships built in the United States by United States citizens and ships which bolster the American economy with the revenues reaped from carrying the great volume of American overseas trade.

Congressional leaders, like your Representative Bill Mailliard, comprehend the significance of the sea and are alert to the issues. They have already moved into action with specific legislative proposals to put the U.S. maritime transportation industry on a solid footing. Their proposed legislation to establish a separate maritime department as a first step in building an enlightened, vigorous maritime voice in our government highlights their grasp of the situation.

Make no mistake, Soviet ship construction is geared to population growth clearly revealing their goals of carrying a major portion of world trade. Soviet merchant shipping is carrying nearly 95 percent of the war supplies to North Vietnam. Watching their operation gives us an insight into their tactics.

After unloading at Haiphong Harbor, these ships slip down to Australia and pick up cargo for their return trip to Europe. By undercutting the freight rates on an order of 15 percent to 25 percent, they reveal their economy package approach to cornering the market for Communist shipping.

Now, the centrally controlled Soviet merchant marine is part and parcel of their government power structure. A single signal from the Kremlin, as we observed in Cuba, turns all of their merchant ships around with impressive discipline.

What does this mean competitively as an instrument of political and economic penetration? Obviously, the individual elements of our merchant marine are competing with the total economic power of the Soviet Union. And their tactics are rough and tough. If our shipowners and shipbuilders do not receive support—competitive incentives—from our government, the odds are that they will be driven off the seas. And this is exactly what is happening. Subsidies in the shipping business have come in for considerable discussion in our press and in the Congress. For the most part, these are open subsidies and are modest compared to the less visible subsidies of other segments of the economy. Deploring the spending of funds for subsidies, we tend to beat labor across the knuckle for forcing this kind of support—though obviously indulging in an oversimplification. Subsidies somehow don't have a good American ring. Semantically, they are poison and therefore we sometimes forget our admirable role as the pace-setters in building up the standards of living for the entire free world.

Americans don't like to put their money on a "sick man" and they constantly hear that our Merchant Marine, rusty and poorly painted, is going down the drain. You don't

buy much stock with that kind of commercial. Not that this is a Madison Avenue problem, but our self-image at sea requires repair. Our plight on the oceans is largely a problem of understanding but Americans, as a rule do not like to look too deeply into complex problems.

Every kid in England and Japan has grown up knowing what the Merchant Marine means to their nation. They see a lot of ships. They learn early in life what these ships mean in money. It's in their blood. This is the reason why I say we have got to start with some grass roots education if this island country is going to capitalize on the economics of the oceans. Americans simply don't understand how much they are affected by world trade and what it means to individual pocket books in dollars and cents.

The pragmatic economist and most of the scholars and scientists, just as Mr. John Q. Citizen are land-bound in their thinking and in their interests, too, they must be lured to look inquisitively at the oceans. The oceans must be brought to the American people in a way to highlight the tremendous oceanic opportunities and the absolute requirement now to seize the surrounding waters.

For the past 18 months, I have toured the greater part of this Nation. I have talked largely about Viet Nam, as part of the global strategy as well as local tactics. And I might add that I have been frank and critical of the way we have waged this war. Had our Government functioned under an oceanic doctrine and had the maritime concept been understood and accepted, Haiphong Harbor many months ago would have been blocked to the Communist ships that have carried the arms used to kill our men. As a consequence, the war would have long since been successfully terminated. At least we would have talked on our terms rather than from a pusillanimous position that we have been led into at the peace table confrontation.

What has impressed me most has been not the handling of the war by our political leadership, but the spirit of our American fighting men—the youth of our Nation—in the fox holes of this distant battlefield. Their messages came through loud and clear in the signs they paint showing the marvelous morale, the spunk and spirit of American youth.

DEVELOP SIGNS IN VIETNAM

From the vantage point of the youthful American viewing our fortunes at sea—there is room for much optimism in the prospect for the oceanic future. Unquestionably, this shows our destiny is oceanic.

To you friends of this distinguished group in this delightful world port of San Francisco, I propose for your consideration the following five point program to give our merchant fleet a preeminent world oceanic position.

First, and foremost, is the formulation of national maritime policy providing positive incentive to gain a competitive maritime position on the oceans of the world. The failure of our Government to formulate basic policy is the most critical element in cleaning up "the mess of the past in our merchant marine." This policy undergirded by an oceanic doctrine to guide our Government in the military and merchant marine and oceanic research and education.

Second is strategy. Our Nation must orient its national strategy to the oceans of the world, just as the Kremlin has done in recent years. In so doing, our planners must recognize the valid need, both military and economically, of a modern, competitive merchant marine that confidently sails the seas and carries a preponderant portion of the burgeoning world commerce.

And my third point is, therefore, ship con-

struction. America must go after the merchant marine market by building a minimum of 100 ships a year for at least the next decade.

Fourth is the fostering of oceanic education in our school systems to give our youth as good a subject grounding in the seas as they now receive on the land environment. The sea grant college program must be pursued with the utmost vigor to mobilize the best minds of this Nation; the scientists, the scholars, the student in the pursuit of oceanic solutions to the pressing problems of state. I know I don't have to remind you that in recent history when great powers lost control of the seas, they lost their greatness. Consider the examples of Spain after the defeat of the Armada, France after Trafalgar, Japan after Midway, England after the exhaustion of two world wars.

My final point is the proposal for the creation of a Maritime Manhattan project. With a concept that follows along the lines that produced the atomic bomb. This would stimulate the revolutionary technological advances in seabased systems that this Nation is capable of achieving—in our 20th Century. Obviously, I am thinking in terms of the swiftest, most modern, streamlined merchant and naval ships, the kind that can compete for and maintain a strategic mastery of the environment of the oceans.

A single sentence sums up my proposal, "the security and prosperity of the United States and its allies depends increasingly on the military, economic and political exploitation of the world oceans." If we pursue this program with vigor, vision and determination, I am confident that our flag will fly with pride worldwide in recognition of American supremacy of the seas and our mastery of the world ocean. But above all, America will be made prosperous and secure.

A PROUD CENTENNIAL FOR ELGIN HIGH SCHOOL

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. REID of Illinois. Mr. Speaker, this year one of the oldest public high schools in Illinois, the Elgin High School, celebrates its centennial—100 years of dedicated and successful pursuit of the slogan, "Education for All."

In observance of this proud milestone in the life of the Elgin community, and under leave to extend my remarks in the Record, I include the following article from the Elgin High School "Mirror" of September 13, 1968:

THE CENTENNIAL CHALLENGE

Elgin is one of the oldest continuously existing public high schools in the state of Illinois. Our Centennial is worth observing, however, not simply because we have a longer history than most other schools, but also because our past is filled with a proud record of achievement that may inspire present students and teachers to work toward an even better future.

Elgin High's accomplishments have been outstanding in many areas, and our graduates have included men and women of great distinction. Here is a partial list:

Elgin has been continuously accredited by the North Central Association since 1898, and it has had a long record of scholastic excellence. From 1900 through 1922 it was one of the ten largest high schools in the state outside of Chicago, and for more than sixty years it was the largest in Kane County.

Elgin debate teams have captured one na-

tional championship and twice were runners-up. Two girls from this high school earned national championships in extemporate speaking. Elgin won conference titles in debate nine times.

WEPS was the first educational FM radio station to begin broadcasting in Illinois, and was the fourth to be started in the entire country.

The EHS Band once performed under the direction of John Phillip Sousa.

Two Elgin golfers have won state championships.

Maroon baseball teams have had only one losing season in the last twenty-six years of play.

This year's football game with West Aurora will be the 75th contest in a continuous rivalry that dates back to 1894. Elgin has won 33, lost 32, and tied 9.

Maroon basketball teams were the first to win the state title twice in succession. They have won outright or shared conference championships twenty-one times. They have gone "downstate" thirteen times, and have won 25 district and regional championships.

Elgin varsity eleven has won clear or shared ten conference titles. Three times they have had undefeated, untied seasons. The 1900 team, averaging 139 pounds per man, was unscored on its first seven games, and then had the temerity to challenge the big Minneapoli Central High School, whose team averaged 190 pounds. (That ended the undefeated season.)

Maroon light-weight football teams from 1927 through 1933 won 50 games, lost 2, and tied 3, scoring 1,111 points to their opponents' 110. During this period they rolled up 29 consecutive victories. The 1939 light-weights were undefeated, untied, and unscored upon, no foe ever penetrating the Elgin ten-yard line.

Two former Elgin football players had careers in the National Football League. One was an All-American for Army and played in the first East-West shrine game. Another was an All-Western guard for Notre Dame. Three former Elgin basketball players have played professionally, and three former Elgin baseball players made the major leagues.

Our 96 graduating classes have produced more than 18,000 alumni for service in all walks of life. More than twenty holders of EHS diplomas have been listed in Who's Who in America. Elgin graduates include the Chairman of the Board of Directors and chief executive officer of General Motors Corporation (James M. Roche '23); the President of Encyclopedia Britannica, Inc., (Charles E. Swanson '46); a former Vice President of Sears & Roebuck (Max Adler '83); and a Vice President of Republic Steel Corporation (William J. DeLancey '34).

EHS contributions to scientific advancement include a member of the research team that developed nylon (Dr. Paul J. Flory '27); an internationally known bacteriologist and authority on foodborne diseases (Dr. Gail M. Dack '18); and a leading pioneer in the new field of aerospace medicine (Dr. James N. Waggoner '43).

One EHS alumnus, Frederick Upham Adams '76, not only invented the standard electric street lamp post and designed the world's first streamlined train that broke all existing speed records, but found time to be one of the first successful advocates of anti-air pollution measures and to write more than a dozen books on economic and political questions.

Five Elgin graduates became Admirals in the United States Navy, one of whom (Frank O'Beirne '21) was commander of the Atlantic Fleet's air force. At Pearl Harbor, on December 7, 1941, one EHS alumnus was commander of Patrol Squadron 22, another was executive officer of Patrol Squadron 21, and still another was executive officer of the destroyer Dewey.

More significant than these marks of eminence is the fact that Elgin High has steadily pursued the dream of its slogan, Education for All, through a century of change. Our student body has included representatives from families, of varied racial and national origin, religious faith, and socio-economic status. Like America itself, Elgin High has been a symbol of equal opportunity. Former students have grown to maturity in our classrooms and on our playing fields and floor. What are you doing to improve upon the Elgin tradition? A centennial honors the past, but it challenges the present.

**STATE TAXATION OF INTERSTATE
COMMERCE—UNFINISHED
BUSINESS FOR THE 91ST CONGRESS**

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, I have introduced the proposed Interstate Taxation Act—a measure which is sorely needed to relieve our Nation's small business communities of crippling and unnecessary tax burdens. H.R. 3835 which I have introduced is identical in all respects, except for technical details, to the bill which was passed by the House of Representatives in the 90th Congress by a vote of 284 to 89.

In broad terms the purpose of this legislation is to preserve, reaffirm, and revitalize one of our oldest and most cherished principles—the principle that the American market is common to all of our States and open to all of our citizens.

The need for this legislation has been conclusively determined by an extensive study conducted by the Special Subcommittee on State Taxation of Interstate Commerce of the House Judiciary Committee. This study was conducted over a 5-year period and was one of the most exhaustive ever carried out by a congressional committee.

The study, as well as lengthy hearings conducted by the special subcommittee, revealed that the free flow of commerce among our States is currently being impeded by a chaotic system of multiple State taxation—a system with which the business community is unable to comply and which the tax administrators themselves are unable to enforce.

In addition to imposing insurmountable compliance burdens on the business community, the present system of State taxation of interstate commerce is also replete with inequities that result in the overtaxation of some taxpayers and the undertaxation of others. In the income tax area, for example, some companies are now taxable on more than 100 percent of their profits while other similarly situated companies are paying a tax on much less than 100 percent. Clearly this is a situation which Congress has responsibility to eliminate.

At the same time the present system also contains a number of inequitable laws that give to locally based companies benefits that are not available to competitors who are based outside of the taxing State. There is no doubt that such laws both run counter to the basic purposes of the commerce clause of the Con-

stitution and violate sound tax principles of evenhandedness.

In addition to representing a serious threat to our Nation's economic life, the present system has created among our taxpayers a highly undesirable attitude. Faced with unfair and unworkable rules, taxpayers generally have developed a widespread resistance to the assumption of State tax liabilities. Rather than file tax returns under circumstances in which the tax itself is often exceeded by the cost of preparing the return, taxpayers in many cases have understandably disregarded the State and local laws. If this situation is to be remedied—and State and local tax laws complied with—Congress simply must provide a system of uniform rules which are both workable and equitable.

The bill which I have introduced is clearly responsive to the national need and will be of enormous benefit to the countless number of small businesses which are so desperately in need of relief. At the same time it is a bill which will benefit all of the States of the Union by providing a system for the taxation of interstate commerce which can be economically and effectively administered. As the new chairman of the subcommittee which wrestled with the complex problems of State taxation of interstate commerce for many years, I am personally convinced that the bill strikes a fair and proper balance so that no State will be able to reach too far beyond its own borders and no businessman will be called upon to pay a tax to a jurisdiction in which he has neither property nor an employee. As I pointed out last year on the floor of the House of Representatives when the bill was passed by us, this measure represents a compromise between the legitimate needs of the States for revenues on the one hand, and the need on the other hand for interstate commerce to be free of crippling burdens.

In reintroducing the bill, I would like to remind all of my colleagues that during the course of the Judiciary Committee's consideration of these problems this spirit of compromise was ever present. The present bill embodies a number of features and amendments which were suggested by the tax administrators themselves. As a result the balance has become so refined that no State stands to gain or lose more than two-tenths of 1 percent of its revenues. At the same time the business community is protected from chaotic and unworkable tax requirements.

I strongly supported this measure in the 90th Congress and intend to give it my full support during the present session because I believe it embodies an equitable and realistic solution to a problem that, left unresolved, threatens to seriously harm the Nation's business and industry.

FASTER MAIL SERVICE

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. McKNEALLY. Mr. Speaker, I am pleased to include the following editorial

from the Stamford Mirror-Recorder of January 23, 1969, with reference to the great need for improvement in our mail service.

FASTER MAIL SERVICE

There's no doubt, some people get fed up with mail service. We realize the postal department will be busily tearing down LBJ pictures in its some 40,000 offices and hanging new frames of Richard M. Nixon.

Locally, however, mail service coming into the Stamford office is anything but satisfactory. Mail from Hobart or South Kortright to Stamford is routed to Binghamton then to Albany and out to the local office. South Kortright news for the M-R was mailed Monday morning and received in our office Wednesday morning of last week—a distance of about eight miles.

There is a mail truck from Oneonta to the Harpersfield postoffice which runs twice a day. This truck carries mail from the west out of the Binghamton postoffice including Hobart, South Kortright, Bloomville, etc. Since this truck comes as near as four miles of Stamford, it would only seem feasible, Stamford could receive mail from it, being a first class postoffice.

A letter from Hobart to Stamford travels approximately 305 miles to reach a destination four miles away. Using the Oneonta mail truck, it would only travel about 180 miles. Local mail service would improve if the postal department revamped its schedule to include this route.

**PRESIDENT NIXON ASSUMES
HEAVY LOAD**

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the inauguration of a new President often constitutes a dramatic turning point in the history of our country. January 20, 1969, I am satisfied, will be so remembered. As a part of the permanent record of that day and as food for thought for the coming months ahead I wish to bring to the attention of my colleagues the editorial comments of the Jackson, Mich., Citizen Patriot on Inauguration Day, which is entitled "President Nixon Assumes Heavy Load" and concludes:

President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder. At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress. A prayer for his strength, courage and wisdom. also is in order.

It is my hope that the Congress will pay heed to the sentiments so well expressed in this editorial:

PRESIDENT NIXON ASSUMES HEAVY LOAD

The consensus among politicians and observers of the political scene—including the man who dropped the reins of government at noon today—is that President Richard M. Nixon will need all kinds of luck in the coming four years.

It is possible that the "be-kind-to-Nixon" atmosphere which has prevailed since the election is due, in part, to a realization that he is assuming more burdens than any mortal man can be expected to bear.

The critics who have delighted in cutting Mr. Nixon to ribbons all these years have kept their knives sheathed. While a certain air of good will toward an incoming Presi-

dent is in the American tradition, Mr. Nixon seems to have enjoyed an especially good climate.

Retiring President Johnson may have had much to do with the kindnesses being shown his successor, Mr. Johnson has gone to great lengths to assist President Nixon and make the transition of government orderly and smooth.

This might come naturally to a man who long has worked in the centers of power and realizes that the national interest should be held high above partisanship. In this regard, Mr. Johnson's conduct and attitude have been admirable.

It also is possible that the man who stepped down today is concerned deeply about the problems he is passing on to his successor.

Many inaugurations of new presidents have taken place in times of great stress, and even danger. They have happened when war threatened, when economic chaos appeared inevitable.

In many points in history, the changing of the guard has been welcomed by the people. A new face in the White House has carried with it the promise of better days. The psychological effect of change often has importance.

That is true, to a certain degree today. Lyndon B. Johnson, in his parting statements, has pointed with pride to what he sees as the accomplishments of his administration. Yet he well understands that he is leaving President Nixon a legacy of un-solved social and economic problems, a seemingly endless war, a tense international situation, and a host of other riddles.

If the politics of the transition period have not been usual it is because this is no time for politics as usual.

But put it another way, President Nixon will have a hard row to hoe.

Americans will err if they expect miracles simply because Lyndon Johnson, the Democrat, has gone back to Texas and Richard Nixon, the Republican, has stepped to the pinnacle of power.

President Nixon unquestionably is a man of considerable ability and dedication and with broad experience in politics and government. He is far better equipped from the viewpoint of knowledge of national and world affairs and the techniques of using power than most men who have served the nation as president through the years.

This, however, does not mean that he will succeed. Yet to be seen is whether he can apply his knowledge and use his power in an effective way.

The odds may favor him. He has put together a team of advisers and assistants which has to be called outstanding. Ability rather than the paying of political debts seemed to be the determining factor in the making of the new administration.

At the very least, President Nixon and his aides will bring to the executive branch of government fresh points of view, and new solutions to old problems.

A party long in power suffers from an inevitable type of tunnel vision. It tends to pay too much homage to its past heroes and doctrines. Lyndon Johnson, for example, was a protégé and a great admirer of Franklin D. Roosevelt. Much of his thinking on social and economic problems was rooted in the New Deal which long since has grown old.

President Nixon enjoys a certain freedom from the past. It is unlikely that he will borrow much from the Eisenhower era because of the great changes which have taken place since Dwight D. Eisenhower presided over a caretaker type of government which gave the nation a chance to take stock of itself and find new directions. President Eisenhower was not out of place in his time. His methods would be inappropriate today, although his counsel and experience were

appreciated by Mr. Johnson and unquestionably will be by the new President.

The very nature of America's problems prevents President Nixon from becoming the dramatic mover and shaker that FDR was in 100 days, or Mr. Johnson was after his overwhelming election mandate of 1964.

In every area of national life, from tensions in the cities to the war in Vietnam his progress will have to be measured in inches instead of vast leaps.

He will not be able to get by with merely talking about solutions and inspiring the people with pretty language. He is not that type of charming leader who can give the appearance of moving forward while standing still. This, in itself, is not at all unfortunate.

He will face the handicap of a politically unfriendly Congress, but this may not be a disaster. Michigan's George Romney made a significant point in a Senate committee hearing on his qualification to head the Department of Housing and Urban Development. His thesis is that the legal tools are available for solving the problems of the cities; that results can be obtained if existing programs and laws properly are used.

President Nixon inherits from his Democratic predecessors a vast reservoir of presidential power and innumerable laws authorizing action by the chief executive. His success or failure as President will hinge largely on his ability to use the power that is his.

The President, for example, has great latitude in dealing with foreign affairs, and particularly the war in Vietnam. President Johnson, using these same powers, made only slight progress toward achieving peace, along with America's objectives, in Asia. President Nixon may fare no better because of the realities of the situation, but he will have his chance to employ new policies and methods if he sees fit to do so.

The same thing largely applies to economic problems, such as inflation, the crises in the cities, and so on and on.

All of which does not change the basic fact that President Nixon faces a monumental challenge and is inheriting a set of problems so serious as to make a strong man shudder.

At the very least, he deserves a chance to see what he can do and the reasonable support of the people and their Congress.

A prayer for his strength, courage and wisdom, also is in order.

MEL BAREILLES: CHAMPION OF THE LITTLE GUY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, as a point of personal privilege, I request the attention of the Members of the House of Representatives. I do so to pay a final tribute to a lifelong friend, a trusted adviser and a former colleague in the county supervisors organizations of California.

Supervisor Melvin J. Bareilles of Humboldt County, Calif., passed away on Friday evening, January 17, 1969, as a result of an apparent heart seizure. I lost one of my closest friends.

I knew and enjoyed a close personal relationship with "Mel" Bareilles for many years. As a former supervisor of neighboring Del Norte County, I worked closely with Mel on problems of mutual interest and concern. In addition, we served together on committees of the California Supervisors Association and

the supervisors unit of the Redwood Empire Association.

Mel Bareilles was an exceptionally dedicated and effective public servant. I remember so well how he worked around the clock during the tragic floods of 1964 which struck a devastating blow to Humboldt County and the entire north coast of California. His only thoughts then were of the people—their welfare and their property which had been inundated, dislocated or destroyed during that disaster.

I will always remember Mel Bareilles as a team player, and I believe this was a quality he attained very early in life. Not only was he an avid sportsman and sports enthusiast, but an outstanding athlete. Mel was the captain of the baseball team at St. Mary's College and went on to play semiprofessional baseball with the "Scotia Lumberjacks" in his native Humboldt County. The Clausen brothers were teammates and competitors of this dynamic and friendly "pepper-pot" who, as a catcher, was recognized and respected by everyone, as one of the "best ball players" on the north coast of California.

Humboldt County baseball fans of yesterday will never forget the unbeatable battery of Mickey McKay and Mel Bareilles, aided by such baseball greats as Joe Casey, Mingo Bianchi, Julio Roval, to name but a few of the "Lumberjacks."

This athletic indomitable instilled in Mel Bareilles the "will to win" at an early age—he never lost it.

He was a fierce competitor, a determined leader, but most important of all—a gentleman on and off the ball field.

He was a devoted family man, matched perfectly with his gracious, warm, and lovely wife, Mary—who, together gave much more than they ever received.

Mel Bareilles was the same fierce competitor in the political field, and to know him was to respect him because you always knew where he stood on the issues.

Recently it was my privilege to participate with Supervisor Bareilles during a "Congress for Community Progress" meeting in his home town of Rio Dell.

On numerous occasions, Mel and I would hold informal meetings and phone calls regarding mutual constituent or area problems. Believe me, I can testify to the fact that Mel Bareilles looked after his people.

In looking back as well as to the future, I believe history will record Mel Bareilles' early pioneering efforts in the Eel River Association as his greatest contribution. As a charter member, he was the driving force needed to get this very important regional water conservation organization off the ground.

Whatever progress is made in the future in bringing about flood control and water conservation project improvements to the Eel River, Mel Bareilles' name will be remembered by those of us who know the total story and his timely contributions.

On the night of his untimely passing, Mel Bareilles was doing that which he enjoyed most—representing the people of his constituency at a public gathering. Because of his long and devoted service to the people of southern Humboldt County, I am confident that the

many programs and initiatives advanced by Mel Bareilles will be carried through. I, for one, stand ready to assist in this "fellow through for Mel."

Words are never adequate to express the true feelings of one who has lost a very close friend. But, I am moved to want to describe Supervisor Melvin J. "Mel" Bareilles as the "champion of the little guy—the common man," and that includes all of us who came from the Eel River Valley.

Mel Bareilles was proud of the redwoods and the redwood country he lived in. Like the giant redwoods, Mel Bareilles will be remembered as a "giant of a man"—filled with the highest qualities of honesty, integrity, morality, and dedication to purpose that is characteristic of the great men of our time. For a short man, he will leave some mighty big shoes to fill.

My colleagues of the House, this is my tribute to a lifelong friend, Mel Bareilles—a dedicated public servant who gave his all for his family, his community, his county, and his country.

THE JOHNSON YEARS

HON. RICHARD WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 16, 1969

Mr. WHITE. Mr. Speaker, as we begin to gain more perspective on the period which will be known as the Johnson years, the debt which the Nation will forever owe to President Lyndon B. Johnson becomes greater. We see around us a nation enjoying unparalleled prosperity, more people employed than ever before, and the proportion of unemployed near an all time low. And yet we see a nation that is deeply troubled; a nation engaged in a bitter conflict for which we are seeking an honorable and a just solution; a nation with deep internal conflicts and sore wounds that must be healed. We are deeply troubled because we are a nation that cares, and the measure of our caring is a tribute to the Johnson years, and the great leadership of Lyndon B. Johnson.

A man thoroughly schooled in politics, which he often viewed as "the art of the possible," he taught us that more things are possible than we ever dreamed. In this great legislative body, he was schooled in the arts of the lawmaker; and, deep rooted in the Texas soil from which he came, there was a thorough schooling in the needs of the people.

He taught all of us to better use our skills for the benefit of the people. He taught us to erase more and more of the barriers that existed between the rich and the poor, between the educated and the unlearned, and between people whom nature had given differing colors of skin.

A schoolmaster to a nation of "caring" people, he led us to the fulfillment of many dreams, but it is a part of his monument that he left before us the vision of many goals that must yet be fulfilled. It was typical of him that he appeared before this body to remember

with fondness our work and our struggles together, and to give us the measure of the work we must yet accomplish.

Lyndon B. Johnson, both in spirit and in person, will be with us for a long time to come. As he returns to his home country to become a great teacher, he will continue to be our teacher, to help guide us to new dreams and to the means of their fulfillment.

COAL MINE SAFETY: THE BUDGET DISAPPOINTMENTS

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SLACK. Mr. Speaker, you will recall that on November 20, 1968, an explosion occurred at Mountaineer Coal Co. No. 9 mine near Farmington, W. Va., resulting in the tragic deaths of 78 men. Twenty-two other miners barely escaped with their lives in that disaster.

Much has been written and spoken since the Farmington disaster. Public demands for new and expanded mine safety laws have come from many quarters, and Government spokesmen have asked for increased authority for the Bureau of Mines in the Department of the Interior.

It is my privilege to represent one of the largest bituminous coal mining areas in the world. I am, therefore, vitally interested in any developments which affect this segment of our economy.

The bituminous mining industry is presently operating at a high level of production, and its outlook for continued prosperity is very promising. There will undoubtedly be a growing demand for coal tonnage during each year of the next decade. An estimated 500 million tons of coal were mined during 1968, and a record 760 million tons annually by 1972 has been forecast. Several industry officials predict that 50,000 to 75,000 new miners will be needed in the next five years.

Mr. Speaker, the bright future of the coal industry is a far cry from that which faced the industry immediately after World War II. At that time homeowners were switching to gas, smoke-belching railroad engines gave way to diesels, and thousands of miners found themselves out of work.

But now, because of the Nation's soaring demand for electricity, the coal industry is booming. Some coal companies say they have had to hold down production because of the lack of miners. The industry has captured a large share of the electric utility market, and has signed numerous long-term contracts with power companies now placing new plants in coal fields. For example, the Appalachian Power Co. has just begun construction on the largest powerplant in the world in Putnam County on the Kanawha River in my congressional district.

Mr. Speaker, I cite this background information to emphasize my interest in an industry that is so vital to the economy of my district, my State, and this Nation. Any action that adversely affects

this segment of our economy is of deep and continuing concern to me.

The tragedy at Farmington made national and international headlines and brought forth an array of "bleeding hearts" and "instant experts" in the field of coal mining. Many of these "instant experts" have come forward with charges leveled against the Federal Government, labor unions, and industry. The headline hunters have had a field day.

Last September the President recommended that the Congress pass legislation to strengthen mine safety, and last month the Secretary of the Interior suggested that a revised version of this measure—to replace the current Federal Mine Safety Act—be passed. Included in the proposed law are provisions for dust and methane gas levels and more intensive mine inspection. Penalties for violations could be levied against mine operators.

Mr. Speaker, I am wholeheartedly in favor of the passage of additional mine safety legislation—as a matter of fact, I am a cosponsor of this legislation—and I certainly believe that everything possible should be done to make the mining of coal as safe as possible. I could not, in good conscience, believe otherwise.

But those of us familiar with mining and its dangers know that most mining deaths do not result from disasters like that at Farmington. Most deaths in coal mines are the result of roof falls, equipment accidents, and the like. As a matter of fact, until the Farmington disaster, about 200 miners had been killed in 1968, only a dozen of whom died from explosions. During 1967, 217 miners were killed, again only 12 of whom were killed by explosions.

In my estimation, however, the recent proposals of many persons in this field are aimed in the wrong direction. To be certain, adequate inspections and low levels of coal dust and methane gas are necessary, but they do not go to the root of the problem. The only way we are going to effectively reduce or eliminate coal mining deaths is to eliminate, as much as possible, the necessity of sending large numbers of men underground.

As with all efforts to legislate in any field requiring the balancing of rights between groups of individuals, we cannot afford to overlook the fact that an approach based on regulation and enforcement has some merit, but rarely provides the ideal results. As long as men go beneath the surface of the earth or the sea, they will subject themselves to hazards. All we can expect to do through legislative action is to marshal the forces of the Federal Government to minimize the hazards.

Mr. Speaker, the national interest requires that every effort be made to encourage the stability and productivity of the coal mining industry. Yet, we cannot overlook the human element, and whatever actions may be taken by the 91st Congress to amend or replace the Mine Safety Act will be directed toward the assurance of greater safety guarantees for the individual worker who must go underground. The Bureau of Mines has worked in this field of activity since the first Federal law was passed and will no doubt be responsible for whatever ac-

tivity is authorized by any new legislation. This is fitting and proper.

However, we cannot expect to obtain substantial results from any program which consists only of a combination of inspection, enforcement, and penalties for those who violate the law. We Americans have surmounted problems of this kind before, and whenever we were successful in that respect, our success was largely traceable to the skill with which we applied the resourcefulness and inventiveness of the maximum number of talents available to us, both inside and outside the government. Therefore, while the Congress may desire to place additional authority with the Bureau of Mines so the factors bearing on protection of the human being may be strengthened in his favor, I submit that this will not produce a wholly satisfactory result.

At the beginning of this new Congress and a new administration, I propose that additional efforts in the field of coal mining safety be initiated—efforts which can be pursued parallel to legislative action to tighten the Mine Safety Act. I believe that the Office of Coal Research could be utilized extensively in the field of mine safety. This organization began functioning with funds appropriated for fiscal year 1961. It has had a consistent history of inadequate funding, although many of the contract research undertakings which have grown out of its stimulus offer very promising prospects for the future.

The assigned mission of the Office of Coal Research is to explore avenues which will make coal more competitive with other fuels by reducing the cost of production or transportation, or by finding new uses or additional markets. Funds appropriated to the OCR during recent years have constituted an insignificant proportion of the total budget, or, in fact, of the budget of the Department of the Interior. In fiscal year 1969 OCR requested \$17.8 million, but this amount was reduced to \$13.9 million by the Bureau of the Budget. OCR found itself with \$13.3 million for contract research after action by the Congress. Prospects for 1970 appear to be approximately in the same vein. The OCR requested \$17.4 million, and the Budget Bureau reduced this request to \$13.3 million.

Mr. Speaker, it should be pointed out that the Office of Coal Research is administered by a handful of specialists and that administrative and supervisory costs consist of less than 4 percent of the funds appropriated. In other words, of the \$13.3 million appropriated to OCR for fiscal year 1969, over 96 percent is to be used for contract research designed to bring into the coal research field some of the best brains in American industry and to encourage them to approach problems which have defied solution in the past.

I propose that the Congress appropriate for fiscal year 1970 the sum of \$5 million above and beyond all regular funds scheduled for contract research in the Office of Coal Research. These funds should be earmarked definitely toward the pursuit of contracts which would draw further from the specialized fields

of knowledge in American industry and channel it into two general areas: First, the exploration of devices which would be in the nature of the creation of self-sustaining climates underground, as has been done under certain conditions in the space program; and, second, the development of means, methods, and devices whereby much of the mining function could be performed through remote control. This method has been utilized successfully in certain atomic energy programs and in the handling of dangerous and radioactive materials.

What I propose, Mr. Speaker, is that the Office of Coal Research by means of research contracts, undertake a broad systems approach into the problems of coal mine health and safety. This systems approach should be directed primarily toward elimination or reduction of problems and elements which produce health and safety hazards in coal mining operations, and thus prevent or reduce the incidence of accidents, disasters, and industry-associated diseases.

The new budget would give the Bureau of Mines \$3,337,000 for health and safety research. This money would permit further exploration of correctives for certain elements of mining which are known causes of accidents. There is no indication that this activity would break new ground in mine safety work.

There are 6,500 mines operating at present. The Bureau of Mines has 251 mine inspectors. If the full budget request is granted, the Bureau plans to add 48 more inspectors. In the budget document it is stated that the Bureau "hopes to inspect, at least once annually, every underground coal mine."

Mr. Speaker, I submit that the Bureau has an almost hopeless assignment. A resident Federal inspector at every one of the 6,500 mines would be required to maintain a reasonable assurance of safe conditions, on the basis of our present level of knowledge about mining, its methods and its hazards.

So we face a clear choice. Either we will have more regulation alone, signifying a willingness to continue the present course, or we will reach out with wholly new determination to achieve a breakthrough in mining safety.

It is my conviction that we must turn loose on these problems not only the Federal efforts which may be administered through inspection and enforcement programs by the Bureau of Mines, but also the full potential of American industry itself. There is no better way in which this can be done than through contract research programs of the Office of Coal Research, and I will therefore urge my colleagues to favorably consider appropriating an additional \$6 million to OCR for this purpose for fiscal year 1970.

THE LATE HONORABLE PAUL F. SCHENCK

HON. ROBERT MCCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1969

Mr. MCCLORY. Mr. Speaker, it is with sadness that I have learned of the passing

of former Congressman Paul F. Schenck, of Dayton, Ohio. As a new Member of the House in 1962, I became acquainted almost at once with Paul Schenck and was attracted to his studious analyses of legislative problems and his eloquent and convincing debates on the floor of the House in behalf of significant national issues.

During the 89th Congress I was particularly active in the area of water pollution control and participated in nationwide investigations of the many ramifications of this critical national problem. I have a distinct recollection of Congressman Schenck's contributions to this subject and to the meaningful legislative measures enacted at that session of the Congress to help reduce the contamination of our water resources.

I am aware also of the many civil and public contributions of Paul Schenck, including his leadership in the Boy Scout movement and many other useful services to the community, State, and Nation.

I am proud to join in this tribute to former Congressman Paul F. Schenck, and to extend to his widow and to other members of his family this expression of sympathy.

TILLMAN COUNTY MOVES TOWARD BALANCED ECONOMY

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. STEED. Mr. Speaker, Soil Conservation, the official magazine of the Soil Conservation Service, took notice in its December issue of the economic achievements of Frederick and Tillman County, Okla.

"Industry: Take Notice" is the title of the article, which describes how Tillman County uses quality labor and space to help attain a balanced economy.

The magazine credits Tillman County with achieving what hundreds of other communities have been talking about.

As vital as any issue we face today is the question of how to make viable the economy of our rural areas, to permit half of our people to live in a rural small-town environment as they want to do. On this subject I am sponsoring the bill to provide a tax incentive to industry to locate in such areas. This step should be taken, and many others as well.

I enter herewith the full text of the Soil Conservation article, a constructive contribution to this field and a well-deserved tribute to Tillman County:

INDUSTRY: TAKE NOTICE—OKLAHOMA COMMUNITY USES QUALITY LABOR AND SPACE TO BALANCE FARM ECONOMY

A wheat-and-cotton community in southwestern Oklahoma has done what hundreds of other communities in America are talking about.

It has taken a lot of the ups-and-downs out of its economy.

No longer is there a steady outflow of people.

Small farmers are no longer selling out, either to big farmers or to other small farmers who found themselves with holdings too small for a living from farming alone.

A NEW ORDER

And downtown the merchants report a new order of business, a stability unknown before.

The area—Tillman County, with Frederick its seat of government—has attracted industry to the point that everybody in the county who wants to work in one of the plants is working there.

Some workers are even commuting from surrounding counties.

And Paul McLellan, the man the local residents say is mainly responsible, says that if any new industries want to come to Frederick people will have to move into the county to work in them. That means growth, and Frederick's Chamber of Commerce, which from the beginning has given strong leadership to the upward push, is preparing for it.

Agriculture, of course, is still Tillman County's leading industry. The county is fifth in land in agriculture in the state. Wheat is its leading cash crop with cotton second. Grain sorghums and alfalfa are becoming more important. The county leads in Oklahoma in the output of alfalfa seed. Interest in livestock—there are about 60,000 head of cattle, mostly beef, aside from those in feedlots—is growing.

Most of the county's 1,001 farmers are working on or have completed conservation farm plans. Woodrow Bohannon, chairman of the Tillman County Soil and Water Conservation District, estimates that conservation work done by the landowners is contributing \$500,000 a year to the local economy.

QUALITY OF LABOR

In the seven small industrial firms in Frederick there are 700 employees. Well over 600 of the employees are from farms. In many cases the farm wife, too, is employed in one of the plants.

The quality of labor was one of the factors attractive to the operators of the industrial plants in considering the area. The employees learn quickly the needed skills and are glad to have the chance at income which will mean they can keep their homes.

Space was another factor. Frederick had established an industrial park with ample room for expansion of facilities.

Access to markets was a third. Two railroads and a modern highway system serve the area.

The community began the effort to bring balance into its economy as long as 15 years ago.

"We knew we had to attract industry," explained McLellan, a Frederick resident from early childhood. "We decided first to find out what it would take to get it here."

A first step was a request by the Frederick Chamber of Commerce to the Agricultural-Industrial Service of Oklahoma State University at Stillwater for an area survey. The survey showed a top-heavy cash crop income with a low percentage from livestock. It also showed a need to improve school facilities and to provide for additional cultural and recreational advantages.

Frederick leaders promptly formed Frederick, Inc., an industrial foundation and set about to meet the conditions outlined in the survey. McLellan directs the foundation's affairs.

Soon industry started to take notice.

The second largest industrial employer to set up a plant in the new industrial park is a leather goods manufacturer. The firm employs 225 men and women at the local plant and at a subsidiary in Tipton, a neighboring community in the county. The company has expanded twice and soon will add space for 50 additional workers.

Another company, manufacturing women's garments, started 5 years ago with 10,000 square feet of space and 25 workers. It has expanded four times and now has more than 135,000 square feet with 350 operators. It has an international market.

The newest arrival on the industrial scene is a firm which specializes in overhauling jet aircraft engines. It employs 90 workers now, and officials expect to increase the number to 250.

A stone-working firm employs 66 workers and uses 6,000 square feet of space. Its products are in national demand. Company heads say plans call for the production of structural stone soon.

A new garment factory has entered the field with 30 workers employed in an almost completely automated plant.

Two of the local industries are associated with agriculture. There are four feedlots with a total capacity of 18,000 head. One of the firms, on the highway east from Frederick, is the second-largest in Oklahoma and is still expanding. It now has a capacity of 15,000.

A new fertilizer and agricultural chemical firm operates a bulk fertilizer blending plant and ammonia storage and handling facilities. The feedlots consume more feed than is raised in the county. The practice of soil and water conservation has encouraged the shift to pasture, forage production, and livestock as a more efficient use of the land resource. Irrigation from wells, with farmers using the technical skills of the Soil Conservation Service to develop conservation systems and do other conservation work, is claiming increasing interest.

Laxton Malcolm, Tillman County's extension agent, says the average size of farms in the county has been growing over the years, reflecting the national trend. However, the rate of increase is considerably less now than landowners have access to additional income from industry. The average size of farms now is 500 acres. In 1945 the 2,081 farms averaged about 240 acres.

The movement of labor from the farms to the industrial plants has worked a degree of hardship on some of the farmers. However, the use of larger equipment has helped to solve the problem.

"What we have done hasn't all been roses," Bohannon, the soil conservation district board chairman, said. "But we have worked together. I don't know of any town our size that has moved ahead with such energy to attract industry. We are happy with our progress."

"The advantages of having industry here to balance our agricultural income far outweigh the disadvantages. Industry shares the tax load and as a result we have better schools, highways, and public facilities. I think we will find it has meant faster progress with our resource conservation work, too."

SUPPORT OF LEGISLATION TO ESTABLISH POSTAL EMPLOYEE LABOR-MANAGEMENT RELATIONS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, one of the most urgent issues facing this new session of Congress is an old ailment. Hopefully, it will be corrected by this 91st Congress. All that is needed is a set of dentures in legislative form. The bill that I have introduced today fills that need. But the prescription now requires the endorsement of this body.

Simply stated, I am urging you to put teeth into Presidential Executive Order No. 10988, first promulgated by the late President John F. Kennedy and continued in effect by President Lyndon B. Johnson.

As you know, this Executive order marked the turning point in the Government's relations with its organized employees—particularly postal employees. It was timely—in fact it was long overdue—and it was very much needed. Under its provisions, collective bargaining and union recognition in limited form were finally accepted as legitimate expressions of the labor-management scene in the Federal structure.

During the intervening years more than 12,000 local agreements have been reached with management in the postal service. The Executive order has achieved its purpose, perhaps beyond even the imaginings of the distinguished panel of public servants who drafted it after extensive hearings in the early days of the Kennedy administration—men like Arthur Goldberg, Robert McNamara, Willard Wirtz, John W. Macy, Jr., and others.

But time marches on. The medicine compounded for one point in time are frequently outmoded by progress. And experience brings to light weaknesses not always anticipated. After 7 years, the progress achieved under Executive Order No. 10988 has come to a point of stalemata.

Basically, the problem is inherent in the nature of the Executive order. It has no statutory root. It exists at the whim of one man—the President of the United States. I am not suggesting that our new President is likely to turn the clock back. I am suggesting that a mechanism which involves the welfare and working conditions of the Nation's 700,000 postal employees ought to have and, indeed, must have ultimate legislative sanction.

In any event, the Executive order has one fatal weakness—it has no teeth. It is weighted against employees and there is just nothing they can do about it. Its provisions may be freely violated by management—and such, sadly, has been the case. There is no equilibrium. Management is the prosecutor and the judge and jury. This kind of imbalance cannot work—and is not working.

My bill would redress this injustice. It is a similar but improved version of H.R. 460 which I sponsored in the last Congress. As a matter of fact, somewhat similar bills have been introduced in the Congress for the past 20 years—long before the issuance of the Executive order in question. This bill sets up an orderly program of administrative procedures and appeal mechanisms while spelling out the rights and privileges of both labor and management within the postal service. It provides for compulsory arbitration of disputes and establishes an independent Labor-Management Relations Panel to handle such matters patterned after the procedures which have governed labor-management relations in private industry for more than three decades.

There is nothing in it that is revolutionary or untested. On the contrary, it merely extends to the postal employee some of the basic protections which have long since been enjoyed by his counterpart in the private sector.

On one count, however, it is quite different from law existing in the private sector. My bill does not, either by implication or design, weaken or water down

the existing statutory prohibitions against the strike weapon in the postal and Federal service. I want to make that clear because there has been a lot of misunderstanding on this score.

The papers lately have been full of stories about "unrest" among Government employees generally, but particularly among the postal unions and the approximate 700,000 employees they represent. Such adjectives as "impatient," "restless" and "unsettled" are used to describe their current mood. I have been close to the leadership of these unions and close to their rank-and-file members during recent years, and I can tell you that these adjectives, in many instances, are correct.

But I can also tell you that the overwhelming majority of our postal employees are dedicated, patient, and have no fundamental urge to strike or otherwise violate the law. Rather, they have an abiding faith in the Congress as their last court of appeal for equity and justice. We must not let them down.

Moreover, postal employees are not the only restless areas in Government. There is also a widespread sense of "exasperation" among many high-ranking postal officials who feel that the employees should be more grateful for the higher wages and improved benefits of the past 8 years—and even for the Executive order itself. It is, I suppose, a very human reaction.

But that kind of exasperation is also a product of blindness. Wages and benefits have risen but so has the cost of living whose first victims are always those in the lowest sector of salaries—including our dedicated postal clerks, letter carriers, and other low-paid postal workers.

Far worse, however, has been the deterioration, especially at the local level, of even the limited processes of consultation available to employees and their unions in the postal service on legitimate questions of policy affecting working conditions.

Mr. Patrick J. Nilan, known to many of you as the able National Legislative Director of the United Federation of Postal Clerks, has summed up the situation very eloquently in a recent speech, from which I would like to quote. He says that—

When Postal management makes all the decisions unilaterally . . . when the clear intent of Congress is flouted by management in its interpretation of such basic laws as Public Law 89-301 governing work weeks in the postal service . . . when management philosophy is rooted in a "Heads-We-Win, Tails-You-Lose" concept of justice . . . when unions are compelled to seek from the courts the equity they are denied at the bargaining table . . . there is bound to be some restiveness.

Even allowing for the bias of a very able advocate, it must be recognized that the structure created under the Executive order is simply unfair, weighted, and tilted to a disturbing degree.

President James H. Rademacher, the very able president of the National Association of Letter Carriers, has also experienced the same difficulties and frustrating problems which Mr. Nilan referred to in his recent speech:

It is one thing to "give" employees a temporary bargaining machine subject to revocation at any point in time; it is quite another to make it work fairly and in the pub-

lic interest. It seems to me that in the final analysis such a critical and important mechanism must have the legitimacy of Federal law. Congress alone has that power. It is past the hour of midnight. It is time we exercised that power.

I request the consideration and support of my distinguished colleagues in behalf of the legislation which I am introducing today as the "Postal Employee Labor-Management Act of 1969."

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CASEY. Mr. Speaker, on November 11, 1968, Veterans Day, the veterans of World War I heard a moving speech by the Reverend Dow H. Heard, D.D., chaplain, Department of Texas, American Legion. In this time of dissent and protest, I feel his words hold particular meaning on the true spirit of our involvement to preserve freedom:

THE 50TH ANNIVERSARY OF END OF WORLD WAR I

(Address delivered November 11, 1968, at Veterans Administration Cemetery, Houston, Tex., by Rev. Dow H. Heard, D.D.)

Mr. Commander Miles Wasson, and all Veterans and guests:

I hold in my hand an old newspaper—yellow with age—at the top it says:

"Extra—3:00 a.m.—Extra, San Antonio Express, Monday Morning, November 11, 1918."

You can see in big, black, boxcar size letters its headline of three words—that says—"Germany Gives Up."

The story begins (quote): "The world war will end this morning at six o'clock Washington time, 11 o'clock Paris time. The announcement was made by the State Department at 2:50 o'clock this morning—"

This is the way we got the news in the days before radio and television.

The news was received by all the people with great emotional involvement, excitement and unrestrained joy, more perhaps than ever before experienced in America . . . Bells were rung . . . Guns were fired . . . Cheering crowds swarmed into the streets, dancing and singing . . . Some were weeping . . . Others were laughing. No non-participants were observed. Everybody got into the act.

How many of you recall that day? Where were you on November 11, 1918? It was called Armistice Day.

Some of you will recall some stirring days even before that. The days in 1914, '15, '16 when there was some excitement as American soldiers were chasing Pancho Villa along its southern borders. I lived near that border in Uvalde County.

In those days America was trying to be neutral in the great war going on in Europe. But German might and arrogance and stupidity finally forced us in. Germany's unrestricted warfare on the high seas, the sinking of the Lusitania, and her intrigue with Mexico in January, 1917, where she offered to give Texas, New Mexico and Arizona to Mexico if she would declare war on us.

We declared war April 6, 1917. The Senate voted 82 to 6—and the House voted 373 to 50.

President Woodrow Wilson said, "The time has come to conquer or submit. For us there is but one choice. We have made it."

Mr. Wilson had his critics. There were pacifists, and crusades organized and a march on Washington by 3,000 persons. Congress refused to see them.

At that time we were still ill prepared to wage such a war. Our Army had less than 200,000 men in uniform. Our Navy had 35,000. Our Air Force had 55 training planes, 51 of them obsolete. The Air Force had 65 officers, only 35 could fly.

America accepted a "draft" plan on April 28, 1917—only 21 days after declaration of war. Only we did not call it a "draft"—we called it "conscription". The conscription plan had its strong opposition. Even the Speaker of the House, Champ Clark, said, "There is precious little difference between a 'conscription' and a 'convict'."

But America went ahead with the plan and on June 5, 1917, we registered all the male citizens between 21-30. To call men up for service a "lottery" system was used. Secretary of War, Newton D. Baker, had the numbers put in a "fishbowl" at the White House and drew the first number. It was Number 258. That was the number of Leo Pickney (a Negro). He went in and later served with distinction overseas. In recent years he said "It was the only lottery I ever won. It was alright with me being first. I had no intention of asking for a deferment." (Incidentally Leo Pickney, years later, was Commander of American Legion Post #1095 in New York.) (All Veterans should belong to some Veterans organization.)

But back to that war. We sang "The Yanks are Coming". We sent 2 million troops—or 29 divisions—and held 13 divisions in reserve. We bought Liberty Bonds. Some bought the Savings Stamps. Many planted "Victory Gardens" in their yards.

To be sure, we had some "draft dodgers"—Then we called them "slackers".

Recruiting grew more intense. A big poster designed by James Montgomery Flagg was posted in every public place. It was a head and shoulders picture of Uncle Sam—with his tall stovepipe hat and with his piercing eyes looking straight into yours and his long, bony forefinger pointing directly at you, with this message underneath—"I want you for the U.S. Army."

The war raged on. Named places never heard of by Americans became household words in our country because of the bravery and victories of our soldiers—Belleau Wood, Meuse-Argonne, Chateau-Thierry, the Marne and Verdun.

We learned some new names, the big names, of the leaders, and still recall them. In Britain it was David Lloyd George and Sir Douglas Haig, the hero of the British "tommies." In France it was George Clemenceau, Ferdinand Foch, Commander-in-Chief, and Papa Joffre. In America it was John J. Pershing and Sgt. Alvin York. In Germany it was Kaiser Wilhelm II, Von Hindenburg and Von Ludendorff.

It was a war in which we won, as we have in all our wars. America was in the war only 18 months. But let us never forget that we did not win it alone. It cost us a lot. It cost others more. It was a war in which 13 million died.

United States had 107,284 killed.
Britain had 807,451 killed (8 times as many).

France had 1,427,800 killed (13 times as many).

Russia had 2,762,000 killed (25 times as many).

Germany had 1,611,104 killed (15 times as many).

And it cost us \$30 billion.

It was a war that changed the history of the world. It destroyed four empires: The German Empire, The Austro-Hungarian, The Ottoman and the Russian.

As I said, we did not win World War I single handed, but we were the strong straw that finally broke the back of the military enemy. Without us our allies would probably have failed. In that event we could have been crushed later by the combined force of a hostile world. The clear lessons of history teach us that we must always have allies,

whether we like all they do or not. Isolationism is as obsolete as an ocarina.

Back to World War I again. It was a singing war. Do you remember the songs? "Over There" by Geo. M. Cohan. "Oh, How I Hate to Get Up in the Morning," by Irving Berlin. "Goodbye Broadway, Hello France," "Keep the Home Fires Burning," "Katie, Beautiful Katie." And the soldiers cooked up some pretty fancy ones when they got to France: "A Mademoiselle from Armentieres" with its "dinky, dinky, per-lee-vo." And another one was "How 'ya gonna keep 'em down on the farm, after they've seen Paris."

When the war over and the veterans came back, they organized veterans organizations, several of them, and Armistice Days, November 11th, were big annual celebrations. The first one in Houston was a big affair in 1919. On that occasion the then Mayor of Houston, His Honor, A. E. Amerman, made an eloquent, fiery, patriotic speech in which he ripped apart the "agitators, the un-American idealists, be he a cultured university lecturer or a be-whiskered soap-box orator." And he concluded with these words:

"When you lift your voice for America, know that at your side stands the manhood and womanhood of America, while hovering over us and within us are strong souls of those who died but will not rest, who slumber but will not sleep throughout the countless ages unless you and I and all America stand true to those ideals for which they fell in the morning of life—"

At that first Armistice Day observance in 1919 here in Houston, the Rev. M. M. Wolf, Pastor of Tuam Baptist Church, gave a long and moving prayer. In closing I quote two short paragraphs from that prayer. In it Dr. Wolf said:

"The events of this day mark a great period in the history of mankind, and we are here to express our gratitude unto Thee for the triumph of right over wrong, of goodness over cruelty, of justice over injustice. We know the victory came not without suffering and sacrifice—it was a mighty struggle; our homes gave up their finest and their best—"

"May our nation be guided by the Spirit of God. May we be loyal to truth, to our flag, and to our God, and may our nation bring fruits of righteousness and ever be a messenger of great good tidings to every nation in the world. Our Father, deliver us all from a spirit of selfishness and isolation, and help us that in every struggle for right, that we may add our effort and our sacrifices." Amen.

THE "PUEBLO" CASE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. WYMAN. Mr. Speaker, no matter how you slice it, someone is responsible for the *Pueblo's* position of helpless peril. I believe this responsibility should be determined and not avoided.

Hopefully, this will be done by the Naval Board of Inquiry. If not, it should be accomplished by a congressional investigation.

The quandary in which Commander Bucher found himself cannot be said to be of his own creation. Despite Navy regulations in respect to the surrender of a naval vessel, I find it hard to believe that the captain did not anticipate the possibility of attack and inquire concerning his responsibilities in that regard before going on station, aware as he must have been of the virtual nonexistence of adequate armament on the *Pueblo*.

In connection with the *Pueblo* case, I

commend the reading of an interesting article by Allan C. Brownfeld appearing in *Roll Call*, issue of January 23, 1969, entitled "Unanswered Questions in *Pueblo* Case":

UNANSWERED QUESTIONS IN "PUEBLO" CASE (By Allan C. Brownfeld)

The release of the crew of the U.S.S. *Pueblo* was greeted by the American people with great joy, for it is unthinkable to Americans that their fighting men abroad would be permitted to be captured in such a brazen manner and to be held for so long a period by so small and weak an enemy. Americans, it seems, have not yet come to appreciate the burdens of power, the fact that small nations may retaliate against various provocations with a maximum of force, while great powers are muscle-bound, fearful that their every act might precipitate global disaster.

Although those who urged an immediate invasion or bombing of North Korea were both intemperate and unwise, those who were responsible for the circumstances both before and after the capture of the ship acted in a manner which leaves many important questions unanswered. It is in the interest of answering these questions that a Naval Board of Inquiry has been called and it is for this same reason that many members of Congress feel that a full fledged Congressional investigation is warranted.

The first question to be asked is: Why was the *Pueblo* left undefended in hostile waters? The chronology of the case has been forgotten by many, but should be carefully studied by those involved in seeking answers.

The *Pueblo* took over its surveillance state on January 10, according to the U.S. Defense Intelligence Agency. Prior to that, the U.S.S. *Banner* had been on the same station. On January 9, the North Korean Government radioed a charge that American surveillance ships were operating off Korea—a clear reference to the station later taken over by the *Pueblo*—and warned that the Communists were prepared to take action. This broadcast was received in Washington by the Defense Intelligence Agency and was published in the January 10 file of foreign broadcasts issued by the U.S. Government's Foreign Broadcast Information Service.

There had been frequent incidents in the past involving U.S. surveillance ships on the North Korean station. Through June, 1967 two destroyers had served as escorts for a ship on that station. In June, the destroyers were withdrawn and shifted to duty elsewhere. The *Banner*, and later the *Pueblo*, had been left unprotected and virtually unarmed in an area previously considered by the Navy to require the security of escort warships. When the warning came from North Korea on January 9, no action was taken by the Joint Chiefs of Staff, to whom the *Pueblo* reported, to try to safeguard the ship.

A large U.S. military field at Osan, South Korea, was barely 15 minutes' flying time from the *Pueblo's* station. When the Korean gunboats surrounded the ship, this information was radioed immediately. On the nearby field were four U.S. fighter planes regularly stationed there, three armed with nuclear weapons, one out of commission for repairs. Two to three hours would have been required to shift from nuclear to conventional weapons. The question must be asked: who was responsible for permitting the *Pueblo* to go undefended?

The second question to be asked is why the crew of the *Pueblo* did not resist capture, why the ship was not scuttled, and why the highly classified information aboard it was not destroyed. In addition, it has been reported that the ship was constructed in such a way as to make scuttling impossible. If so, why were other precautions not taken to prevent this material from reaching enemy hands?

The chairman of the Senate Armed Services Committee says the Navy Intelligence ship *Pueblo* should have been sunk by her crew when attacked by North Korean forces. Senator Richard B. Russell said that he would ask the Navy for copies of orders given to the commander of the ship to determine why the *Pueblo* was not scuttled. "I want to see just what orders the commander was given," the Senator said. "It seems we are wasting a great deal of money sending such ships around the world if we take no action when danger threatens."

A third question relates to the conduct of the crew while in North Korean hands. The military Code of Conduct states in paragraph five that "I will make no oral or written statements disloyal to my country." Yet the North Korean propagandists were pleased when Commander Lloyd Bucher "confessed" to the *Pueblo's* violation of Korean waters. Was the Commander in violation of the Code? Or was he following another paragraph which reads "If I become prisoner of war . . . I will give no information or take part in any action which might be harmful to my comrades." Commander Bucher told him confess or we will kill of your crew one man each day, beginning with the youngest seamen. Bucher dared his captors to kill him first. They refused and renewed their threat. He finally signed. In this instance, the Code poses the moral dilemma but does not resolve it. To further complicate the situation, does the code for prisoners of war apply in a situation in which no declaration of war has been made? What are the rules concerning illegal detainees in what is allegedly "peacetime."

A fourth question relates to the credibility of our own government. In what Secretary of State Dean Rusk called a "unique diplomatic procedure," Maj. Gen. Gilbert H. Woodward at Panmunjon December 23 first repudiated and then signed a paper which stated: "The Government of the U.S.A., acknowledging the validity of the confessions of the crew of the U.S.S. *Pueblo* and of the documents of evidence produced by the representative of the People's Republic of Korea to the effect that the ship . . . had illegally intruded into the territorial waters of the People's Republic of Korea, shoulders full responsibility and solemnly apologizes for the grave acts of espionage . . ."

Commenting on the confession, columnist Edgar Ansel Mower noted that "The signing of the repudiated confession . . . one may call a diplomatic white lie, reveals L.B.J. as a great humanitarian. The question is, was this the kind of statesmanship which the chief defender of the human race against Communist blight can afford?"

The Communists have, of course, taken full advantage of the confession, and have either ignored the repudiation or used it as evidence of our own dishonesty. The American Communist newspaper, *The Daily World*, stated the following in its December 24 editorial: "... the U.S. government did not obtain the release of the 82 officers and men, as Secretary of State Dean Rusk now claims, but it was the North Korean Government that made the friendly move of releasing them . . . At the time of the release . . . Washington's representative signed a statement admitting its guilt . . . but it immediately issued another statement claiming that it lied in making its admission . . . This is a fantastic way to carry on diplomatic relations. It reveals a contemptuous attitude to the commonsense of the American people and an arrogant disrespect for other nations . . ."

The pro-Communist National Guardian echoed the same view: "... That Washington (admitted guilt) . . . at the same time it made a disclaimer which only brings the U.S. Government into deeper discredit before world public opinion because the state-

ment read at Panmunjom prior to signing the confession only states that the confession is 'at variance' with the official U.S. position, not that the confession is false."

The reason for asking these important questions is that we must be certain that an incident such as the capture of the *Pueblo* must not be permitted to occur again. Our government must make its position clear, and must be credible in the world. A nation with great power has great responsibilities. In the *Pueblo* case, such responsibilities were not carried out properly, either with regard to defending the ship, obtaining the release of its crew, or explaining our own actions. Any Congressional inquiry which occurs should be more concerned with developing guidelines for future actions than with assessing blame and responsibility for the past. Hopefully, the new Administration will learn from the mistakes of its predecessor.

**LT. COMDR. MARCUS A. ARNHEITER
DENIED RELIEF**

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, from time to time I have inserted in the RECORD items relating to the case of Lt. Comdr. Marcus A. Arnheiter.

Today, I would like to put in the RECORD the decision of October 22, 1968, by the Honorable William T. Sweigert, U.S. district judge, who denied Arnheiter any relief.

I note especially the reference in the decision:

The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

The summary and memorandum of decision follow:

IN THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA: MARCUS A. ARNHEITER, PLAINTIFF, AGAINST PAUL R. IGNATIUS, ET AL., DEFENDANTS, CIVIL NO. 48414

SUMMARY JUDGMENT

This matter came regularly on before the Court on June 3, 1968 on defendants' motion to dismiss or in the alternative for summary judgment.

Marvin E. Lewis, Esq., Lewis, Rouda & Winchell, appeared on behalf of the plaintiff, and Cecil F. Poole, United States Attorney for the Northern District of California, by Jerry K. Clummet, Assistant United States Attorney, appeared on behalf of the defendants.

The Court heard argument and the matter was submitted; however, on September 12, 1968, the Court entered an order directing that the case be reopened for the purpose of placing the record of the Witter investigation before the Court. The defendants complied with the Court's order and filed the complete record on October 4, 1968.

On the latter date, the attorneys for the respective parties appeared and the Court heard further argument. The matter was then submitted to the Court for decision.

The Court, having considered all the pleadings and documents in the record and the arguments of counsel, and being fully advised, filed its Memorandum of Decision on October 22, 1968 granting defendants' motion for summary judgment. Said Memorandum of Decision is incorporated herein by reference and as expressed in said memorandum of decision and for the reasons stated therein,

the Court finds that there is no genuine issue as to any material fact and the defendants are entitled to judgment as a matter of law.

Accordingly, It is hereby ordered, adjudged, and decreed that summary judgment be and hereby is entered in favor of the defendants and against the plaintiff in this case.

Dated: October 23, 1968.

W. T. SWEIGERT,
U.S. District Judge.

MEMORANDUM OF DECISION, U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA: MARCUS A. ARNHEITER, PLAINTIFF, AGAINST PAUL R. IGNATIUS, ET AL., DEFENDANTS, NO. 48414

This action is brought by Marcus A. Arnheiter, Lieutenant Commander, United States Navy, against the Secretary of the Navy for a Declaratory Judgment and for Relief in the Nature of Mandamus.

The case is now before the court on defendant's motion to dismiss the action for lack of jurisdiction over either the person or the subject matter and for failure of the complaint to state a claim upon which relief can be granted or, in the alternative, for a judgment in favor of defendant on the ground that there is no genuine issue as to any material fact and that defendant is entitled to judgment as a matter of law.

The record consists of the complaint and certain additional matter presented by the parties. Presented by the defendant and moving party are affidavits of Rear Admiral Donald C. Irvine and Vice Admiral Benedict J. Semmes and defendant's Exhibits C through F containing extensive documentary matter. Presented by the plaintiff are affidavits of plaintiff Arnheiter with attached plaintiff's Exhibits A through I, also containing extensive documentary matter.

The basic facts shown by the record are as follows:

On December 22, 1965, Lieutenant Commander Arnheiter was assigned to the command of the U.S.S. Vance, a Destroyer Escort under assignment for duty in the Vietnam war theatre as part of a Cruiser-Destroyer Task Group under the immediate command of Rear Admiral Donald C. Irvine. This Task Group was in turn a subordinate command under Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, Pacific Fleet, which in turn was a subordinate command under Admiral Roy Johnson, Commander in Chief, Pacific Fleet.

Between mid-March and March 29, 1966, Commander D. E. Milligan, Commander, Escort Squadron Seven, received messages from commanders of other squadrons concerning irregular practices aboard the Vance and also concerning certain improper operations of the Vance that interfered with other ships; also a call from a Chaplain, Lieutenant Dando, concerning his observations, made aboard the Vance, of irregular practices and low morale; also a confirmatory report from a member of Milligan's own staff. After counseling with some of his fellow officers, Commander Milligan reported his information to Admiral Irvine. (Letter of Commander Milligan, July 15, 1966, part of Def.'s Ex. E).

On March 29, 1966, Rear Admiral Donald C. Irvine, as Commander of the Cruiser-Destroyer Task Group, upon receipt of this information, leading him to believe that Arnheiter should be relieved of his command "because of irregular practices in which he had engaged and irregular policies which he had established" and acting under the provisions of Article C-7801(4)(c) 2, Bureau of Naval Personnel Manual, and after conferring with Rear Admiral T. S. King (who was about to relieve Irvine) sent a naval message to Vice Admiral Benedict J. Semmes, Chief of Naval Personnel, requesting that

Arnheiter be relieved of his command of the Vance so that these matters might be investigated, indicating that speed was mandatory due to impending extended redeployment of the Vance on combat operations. (Affidavit of Admiral Irvine).

On March 30, 1966, Vice Admiral Semmes, upon receipt of this request and after telephonic concurrence in the request from Vice Admiral Baumberger, Commander, Cruiser-Destroyer Forces, U.S. Pacific Fleet, issued Naval Personnel Order 174035 directing that Arnheiter be detached as commanding officer of the Vance and that he report aboard U.S.D. Dixie for temporary duty and further assignment by Chief of Naval Personnel. (Affidavit of Admiral Semmes).

On March 31, 1966, Commander D. E. Milligan, acting under this order, boarded the Vance, relieved Arnheiter of the command and made a preliminary investigation of the circumstances leading up to the detachment, obtaining approximately 38 statements from officers and crewmen of the Vance which, according to Milligan, corroborated information already received by him from others. (Milligan's letter of 7/15/66, part of Def.'s Ex. E).

Thereupon, Rear Admiral T. S. King, who had just replaced Rear Admiral Irvine as Commander of the Task Group, acting under Naval Regulations, 32 CFR 719.254, et seq. and Article C-7801(4) of the Naval Personnel Manual, appointed Captain Ward A. Witter to conduct an "informal one-officer investigation" provided for by Navy Regulations, 32 CFR 719.611 of the circumstances leading to the removal of Arnheiter.

On April 2, 1966, Captain Witter conferred with Arnheiter concerning his rights and advised him to obtain counsel. Arnheiter obtained assignment from the Base Legal Office of Lieutenant McGovern as his counsel. On April 5th Witter reviewed with Arnheiter and his counsel the statements obtained by Milligan, the preliminary investigating officer, copies of which had been given by Witter to Arnheiter on the previous day. With Arnheiter and his counsel present, Witter then conducted hearings on April 6, 7, 8, 9, 11, 12 and 13, taking testimony under oath from 20 witnesses, receiving a sworn statement from Arnheiter and receiving other sworn statements of witnesses and other documents. (Witter Report, Plt.'s Ex. I).

Under date of April 27, 1966, Witter prepared and forwarded to Rear Admiral King, who had convened the investigation, a 13 page report of the investigation (Plt.'s Ex. I) containing a detailed description of the proceedings and his findings of fact as required by Navy Regulations, 32 CFR 719.613.

Without attempting to detail Witter's 40 separate findings, they involve in substance and effect improper handling of ship's supplies and funds (e.g., 3, 4, 8, 10, 11, 14, 16, 26, 31, 35, 37); questionable policies and poor judgment in matters affecting officer and crew morale (e.g., 3, 6, 25, 27, 29); careless or unnecessarily hazardous operations (e.g., 1, 9, 15, 17, 21, 22, 23, 24, 28, 32, 33, 34, 36, 39, 40); improper operations reports (e.g., 12, 13).

The conclusions reached by Witter from these findings were to the general effect that Arnheiter was not the type to have command; that he lacked the ability to act without guidance and assistance of superiors; that, despite high goals and drive, he is a poor leader, unrealistic and insensitive to what is going on around him; that, although basically honest, he rationalizes distortion of facts to his own advantage; that, although attempting to run his ship in strict and pure chain of command with his officers, his obsession with this purpose affects his ability to make correct and balanced judgments; that most of his actions were relatively minor and in no case malicious; that removal from command would be ade-

quately severe penalty for his performance and, if it stands, will be more than adequate punishment for his actual irregularities.

Witter thereupon recommended that Arnhelter's removal be sustained, that he be not assigned command in the future, either ashore or afloat, but that no disciplinary action be taken against him.

Under date of May 26, 1966, Rear Admiral King, acting on the Witter report, forwarded it to Vice Admiral Baumberger with his own report (Part of Def.'s Ex. E) containing his comments on the Witter findings and his concurrence in the Witter recommendations except in the one respect that King recommended that, since the record showed that Arnhelter had knowingly, willfully and admittedly violated regulations, he should be disciplined by the issuance of a punitive letter of reprimand.

Upon receipt of the Witter and King reports, Vice Admiral Baumberger on June 7, 1966, provided Arnhelter with copies of the reports, granted requests of Arnhelter that counsel be made available to assist him and, further, granted requests of Arnhelter and his counsel for opportunity to submit further information and to file comments in rebuttal of the findings and opinions. In addition, on July 15, 1966, Baumberger obtained from Commander Milligan, the preliminary investigation officer, a letter of that date (Part of Def.'s Ex. E) setting forth the sequence of events leading up to the relief of Arnhelter and also enclosing the earlier report to Milligan by Chaplain Dando (Part of Def.'s Ex. E) dated March 26th.

Under date of August 30, 1966, Vice Admiral Baumberger prepared for forwarding to Vice Admiral Semmes, Chief of Naval Personnel, and to Admiral Roy Johnson, Commander in Chief, Pacific Fleet, his own report (Part of Def.'s Ex. E) containing his comments on the Witter and King reports and enclosing an Arnhelter rebuttal statement dated August 5, 1966.

This Baumberger report of August 30th reviews the entire situation and comes to the conclusion that: "Isolated, none of the 'alleged irregularities' is sufficient grounds to sustain relief for cause; that there emerges when reviewing the record, together with many conversations held with Lieutenant Commander Arnhelter, and others intimately acquainted with him, the impression of a brilliant, yet complex officer... an officer whose actions in a number of instances, both operational and administrative (including the handling of personnel) did cast some doubt in the minds of his superiors that his judgment, discretion and objectivity could be relied upon in an independent command status."

Baumberger expressed his opinion that "had not the Vance been employed in a forward area, a demand for corrective measures by his superiors would have been more appropriate than his relief from command", adding, however, that "the foregoing should not be misconstrued to indicate that the type commander" (i.e., Baumberger) "condones the irregularities admitted by Lieutenant Arnhelter; no matter how they are explained away."

Thereupon Baumberger recommended that no disciplinary action be taken against Arnhelter, that his relief from command be sustained only as "for investigation in the light of the circumstances then existing", that he not be restored to the Vance but that he be reassigned to command a destroyer escort of the same force to provide an opportunity for reassessment of his abilities.

Under date of September 9, 1966, Vice Admiral Semmes, Chief, Naval Personnel, acting upon the foregoing and also upon a brief from his Assistant for Performance, W. R. DeLoach (part of Def.'s Ex. E) approved the removal of Arnhelter "for cause"

(part of Def.'s Ex. E). On the same date Semmes forwarded to President, Line Selection Board for Commanders (which passes upon promotions for lieutenant commanders) the memo (part of Def.'s Ex. F) of this action (to be placed in Arnhelter's Selection Board jacket), together with a copy of Arnhelter's letter, advising that the reassignment of Arnhelter would be held in abeyance pending report from Commander in Chief, Pacific Fleet.

Meanwhile, Admiral Roy A. Johnson, Commander in Chief, Pacific Fleet, had requested Vice Admiral Baumberger to submit to him additional data and another more detailed evaluation and analysis of the allegations against Arnhelter.

Under date of November 1, 1966, Vice Admiral Baumberger responding to the request of Commander in Chief, Pacific Fleet, prepared a second report (Pltf.'s Ex. B) in which he sharply criticized Captain Witter, the investigative officer, for having "unwittingly compounded his already difficult task by injecting himself personally into the role of a 'psychologist' rather than in that of an impartial finder of fact" and for having "neglected or refused to pursue available evidence concerning specific allegations of misconduct" and for having based his findings for the most part "on the unsubstantiated opinions of witnesses inimical to Lieutenant Commander Arnhelter".

Admiral Baumberger then proceeded to re-examine the Witter findings one by one in the light of the evidence and to express his opinion as to each, rejecting most of them as either insufficiently supported by the evidence or as being insufficient to show impropriety, minimizing others because of triviality or mitigating circumstances but concluding that some show conduct which could not be condoned. Arnhelter then reiterated his recommendations of August 30th, already above set forth.

On January 20, 1967, Admiral Johnson, Commander in Chief, Pacific Fleet, acting on the foregoing rejected Baumberger's recommendation that Arnhelter should be reassigned to another destroyer-escort command in the force. (See Pltf.'s Ex. A [chronology]).

On February 16, 1967, following this determination of the Commander in Chief, Pacific Fleet, Vice Admiral Baumberger detached Arnhelter from the staff of the Cruiser-Destroyer Force. On February 23rd, Arnhelter reported to Commander, Western Sea Frontier (Pltf.'s Ex. A, chronology 1/23/67) for duty and is now permanently assigned with Lieutenant commander rank to non-command shore duty at Treasure Island, San Francisco.

On March 3, 1967, Arnhelter visited Vice Admiral Semmes, Chief Naval Personnel and unsuccessfully requested either the convening of a full scale court of inquiry to review his removal or a general court martial. On April 7, 1967, Arnhelter wrote to Semmes citing claimed violations of Navy Regulations and the Naval Personnel Manual. (See Pltf.'s Ex. A—chronology).

Finally, on November 24, 1967, the defendant, Secretary of the Navy, wrote (Def.'s Ex. C) Arnhelter, responding to his six previous letters between May 9, 1967 and October 21, 1967, to the effect that all his communications and his entire personnel file, including his rebuttal submissions, the investigation reports and the action of all reviewing authorities had been extensively and personally studied by the Secretary and by the Judge Advocate General of the Navy; that the Secretary had also considered the opinions of Admiral Settle and Captain Alexander (who had interested themselves on behalf of Arnhelter's contentions); that the Secretary had taken personal interest in the issues which Arnhelter raised concerning the character of his past services in command and the appropriateness of his future assignment to command and the Secretary con-

cluded: "Having now completed my evaluation I regret to inform you that your requests for further inquiry into this matter are not granted. I am convinced that you have received a full opportunity to present your position in this case. From the entire record before me, I can identify no valid reason for altering the decision that your further assignment would be inappropriate."

On December 19, 1967, plaintiff commenced this suit contending that his summary detachment from command of the Vance and the subsequent approval thereof were in violation of Navy Regulations and in effect a deprivation of procedural due process under the Fifth Amendment and asking this court for a judgment declaring that he is entitled to another Navy hearing—a fair and impartial one—on all matters relating to his detachment from command and his promotion status and ordering the Secretary of the Navy to convene a court of inquiry, or other appropriate hearing, for that purpose.

Before taking up the particular allegations of plaintiff's complaint and affidavit, we should first consider the underlying question of law presented in this case, i.e., whether and, if so, upon what conditions and limitations, do the federal courts have power to review such proceedings and decisions of the armed forces as are presented by the record.

It will be noted from the record thus far set forth that, although plaintiff alleges that his removal from command and his subsequent failure of promotion will adversely affect his chances of future promotion, there is nothing in the record to negate the possibility that the Navy, should it choose to do so in the future, could reassign plaintiff to a command and/or promote him to higher rank.

It will also be noted that plaintiff has never been court martialed or subjected to discharge or any punitive action whatever—no forfeiture of pay or confinement to quarters or demotion in rank—not even a letter of reprimand. He was, before his removal from command, a Lieutenant Commander in the United States Navy and still is such today with the full entitlements of that rank, subject only to Navy Regulations and to orders of his superior officers. Clearly, plaintiff's basic and only grievance is that a duty order made by a superior officer detaching him from a command assignment was subsequently approved after further investigation and that he has not since been promoted in rank.

LAW REVIEW OF MILITARY DECISIONS

Article II, Section 2 of the Constitution makes the President the Commander in Chief of the Army and Navy and Article I, Section 8 grants to Congress the power to make rules for the government and regulation of the land and naval forces.

Stemming from such old cases as *Dynes v. Hoover*, 61 U.S. 65 (1857), *Deatur v. Paulding*, 39 U.S. 497 (1840) and *United States v. Eliason*, 41 U.S. 291 (1842), a general rule gradually crystallized in the Supreme Court to the effect that military decisions—judicial (court martial) or administrative—are not subject to judicial review by the federal courts except to the extent that these courts, exercising their power to entertain habeas corpus petitions, may make the single inquiry whether a military decision under collateral attack was within the military jurisdiction. The term jurisdiction was narrowly construed to mean, not whether the military acted erroneously or even whether it conformed to the due process provisions of the Bill of Rights, but only whether the military had jurisdiction of the person and subject matter and acted within its powers. It has been the view of the Supreme Court that for those in the military or naval service the military law, as it may be enacted by the Congress and administered by the President as Commander in Chief, is the measure of

the due process to which those in the military or naval service are entitled.

This so-called "non-reviewability rule" has been long applied by the Supreme Court to court martial convictions resulting in military imprisonment, punitive discharge or other penalties. (See, *Ex parte Reed*, 100 U.S. 13 (1879); *In re Grimley*, 137 U.S. 147 (1890); *In re Yamashita*, 327 U.S. 1 (1946); *Johnson v. Eisentrager*, 339 U.S. 763 (1950)).

The non-reviewability rule has been applied, not only to military-judicial proceedings (i.e., court martial convictions), but also to military-administrative proceedings, e.g., non-punitive, but involuntary retirement or discharge of military personnel. See, *Reaves v. Ainsworth*, 219 U.S. 296 (1911); *U.S. ex rel Creary v. Weeks*, 259 U.S. 336 (1922); *U.S. ex rel French v. Weeks*, 259 U.S. 326 (1922); *Orloff v. Willoughby*, 345 U.S. 83 (1953).

Not until 1953 did the Supreme Court indicate relaxation of this non-reviewability rule. In *Burns v. Wilson*, 346 U.S. 137 (1953), a habeas corpus petition to annul a court martial murder conviction, the court, although it denied the writ, stated that the constitutional guarantee of due process is meaningful enough and sufficiently adaptable to protect soldiers as well as civilians from crude military injustices and that the federal courts have power to determine whether the military have given fair consideration to the petitioner's claims of denial of constitutional due process. The denial of relief was based, as set forth in the main opinion, upon the stated ground that the military had fully and fairly considered all the petitioner's constitutional claims but the four opinions filed in the case¹ read as a whole, seem to intimate that, if such had not been the case, the court would have reviewed the conviction and that the scope of review would have extended beyond the traditional narrow concept of jurisdiction to include claims of deprivation of constitutional due process.²

Likewise, in 1958, the Supreme Court in *Harman v. Brucker*, 355 U.S. 579, again intimated relaxation of the non-reviewability rule as applied to non-judicial, administrative actions of the military. In that case the Supreme Court set aside an administrative army discharge which had been based on security risk activities occurring prior to petitioner's induction. The Court of Appeals (243 F. 2d 613 [D.C. Cir. 1957]) and the District Court (137 F. Supp. 475 [D.C. 1956]) had both denied relief upon the traditional non-reviewability rule as set forth in *Willoughby*, *supra*. The Supreme Court, however, held that, generally speaking, judicial relief is available to anyone who has been injured by an act of a government official in excess of his express or implied powers. The court proceeded to review and overrule the military's interpretation of a statute and held that the army had in fact exceeded its statutory powers by basing the discharge, not on petitioner's military record alone, but upon civilian activities occurring prior to induction.³

Whether and to what extent decisions like *Burns v. Wilson*, *supra*, and *Harman v. Brucker*, *supra*, relax the traditional non-reviewability rule and expand the scope of federal court collateral review of military determinations, court martial or administrative, is not yet clear.⁴

In what we believe to be the most recent expression of the Supreme Court concerning federal court review of military determinations, *Beard v. Stahl*, 370 U.S. 41 (1962) the court had before it the case of an army officer seeking to enjoin the Secretary of the Army from removing him from the active list (through elimination proceedings under an Act of Congress dealing with dismissal for failure to meet military standards) upon

the ground that the Act placed the burden of proof upon the officer, rather than upon the army, and, further, made no provision for confrontation of the witnesses against the officer. A three judge district court *Beard v. Stahl*, 200 F. Supp. 766 (D.C. 1961) had held that an officer of the armed forces is subject to removal at any time by the President in his discretion, except as such discretion might be limited by an Act of Congress; that since unlimited power to dismiss is inherent in the President unless limited by Act of Congress, it follows a fortiori that any procedure established by Congress for the elimination of officers, who are either surplus or not regarded as meeting high standards, is not limited or controlled by the due process clause or any other constitutional provision and that the supervision and control over the selection, appointment and dismissal of officers are not proper subjects of the judicial function. The Supreme Court in a per curiam opinion vacated the judgment of the three judge district court upon the sole ground, however, that the action had been prematurely brought because the appellant had not yet been actually removed from the army active list.

Recent cases in the Court of Appeals and District Courts in which administrative discharges of military personnel have been challenged for lack of constitutional due process or non-compliance with statutory or rule requirements, have recognized the limited scope of federal court review and have denied relief either upon the ground of non-reviewability or after review upon the merits. See, *Broten v. Gamage*, 377 F.2d 154 (D.C. Cir. 1967); *Kennedy v. Commandant*, 258 F.Supp. 967 (D. Kan. 1966). See also, *Sohn v. Dillon*, 231 F.Supp. 973 (D.C. 1964) and 235 F.Supp. 450 (D.C. 1964) (rev'd in 365 F.2d 915) (D.C. Cir. 1966); but solely to order stay of proceedings pending military review; *Reed v. France*, 297 F.2d 17 (4th Cir. 1961); *Richards v. Cox*, 184 F.Supp. 107 (D.C. Kan. 1960) (a court martial case). Compare, however, *Ashe v. McNamara*, 355 F.2d 277 (1st Cir. 1965), which was granted relief after a review of a court martial conviction for fundamental unfairness (denial of effective assistance of counsel), citing *Burns v. Wilson*, *supra* and *Harman v. Brucker*, *supra*.⁵

In our opinion cases like *Burns v. Wilson* and *Harman v. Brucker* seem to indicate that, although there may be doubt, as to the scope of review, the Supreme Court is prepared to relax the traditional non-reviewability rule sufficiently to admit ultimate, collateral federal court review of claims by military personnel of denial of constitutional due process in such matters as court martial convictions which involve life, liberty or other penalty, and administrative discharges from the services which involve their quasi property rights.

It can be argued that officers and servicemen, upon termination of their service, have a quasi property right to have their discharges properly reflect their military record because if such discharges improperly and adversely reflect the military record they might stigmatize the dischargee and adversely affect his civilian future.

Neither of these situations, however, is presented in our pending case. As already noted, the issue here is much narrower, namely, judicial review of such purely internal, administrative matters as duty assignment and promotion.

We are of the opinion that the traditional non-reviewability rule should be followed and applied at least where, as in this case, the military decision affects, not the life, liberty or some property right of the petitioner, but only his duty assignment or promotion status. We know of no case in the Supreme Court or in the lesser federal courts which has gone so far as to interfere with naval or army decisions of this particular kind for

any reason whatsoever. On the contrary, it has been consistently held by the Supreme Court, for example in *Orloff v. Willoughby*, *supra*, that "it is not within the power of this Court by habeas corpus to determine whether specific assignments to duty fall within the basic classification of petitioner . . . [T]here must be a wide latitude allowed to those in command . . . [W]e have found no case where this Court has assumed to revise duty orders as to one lawfully in the service." 345 U.S. 83, 93-94.

Similarly, with respect to promotion status, the Supreme Court in *Reaves v. Ainsworth*, *supra*, holding that qualification of an officer for promotion cannot be reviewed, said "to be promoted . . . may be the right of an officer, the value to him of his commission, but greater even than that is the welfare of the country and, it may be, even its safety through the efficiency of the Army." 219 U.S. 296, 306.

In *Lufit v. McNamara*, 252 F. Supp. 819 (D.C. 1966) the district court dismissed an action brought by a member of the Army to enjoin it from ordering him to the Vietnam war theatre. Although one ground for dismissal was that the court had no power to determine a political question, a further ground was that courts may not substitute their judgment for that of the Commander in Chief concerning disposition of the armed forces, citing *Beard v. Stahl*, 200 F. Supp. 766, *supra*.⁶

Any attempt of the federal courts, absent some direction or permission from the Congress to do so, to take over review of military duty assignments, commands and promotions would obviously be fraught with practical difficulties for both the armed forces and the courts.

It is not necessary, however, to base the decision of this case upon the non-reviewability rule. For the purpose of this case we will assume that this court should review the kind of naval decisions here involved and we will further assume that on such review this court should extend its review beyond the narrow test of military jurisdiction to include constitutional due process.

So far as constitutional due process is concerned, the Navy decisions here in question did not deprive plaintiff of his life or liberty through any punitive measures against him. The only possible constitutional question would be whether they operated to deprive plaintiff of a property or quasi property right within the meaning of the Fifth Amendment.

But, a member of the armed forces has no property right in any particular command or duty assignment or promotion during his service any more than has a civil service employee any such right. In cases involving civil service, judicial review of administrative dismissals, duty assignments and promotions is narrowly limited to the question whether the governmental agency has properly interpreted and substantially complied with any pertinent statute regulating assignment or promotion. The test is, not constitutional due process, but only substantial compliance by civilian superiors with such statutory requirements. *Powell v. Brannan*, 196 F. 2d 871 (D.C. Cir. 1952). *Seebach v. Cullen*, 224 F. Supp. 15 (N.D. Cal. 1963), aff'd 338 F. 2d 663 (9th Cir. 1964); *Mancilla v. United States*, 382 F. 2d 269 (9th Cir. 1967); *Cutting v. Higley*, 235 F. 2d 515 (D.C. Cir. 1956).

For obviously stronger reasons military decisions concerning internal duty assignments and promotions must be left, absent Congressional regulation to the contrary, to the judgment of chain of command under the President as Commander in Chief. If reviewable at all by the federal court, the only possible question would be whether, as alleged by plaintiff in this case, certain procedural Navy Regulations were violated. In order to answer this question we proceed to examine plaintiff's allegations.⁷

¹Footnotes at end of memorandum.

REVIEW ON THE MERITS

Plaintiff alleges that his detachment from the command of the Vance was the result of a conspiracy between his subordinate officers, among them his operations officer, Lieutenant Generous, his operations officer, Lieutenant Hardy (Complaint X), and his superior officers, among them Admiral Irvine and Admiral King and Commander Milligan.

The issue, however, is not possible conspiratorial motivation by plaintiff's fellow officers, but only whether plaintiff's detachment was, nevertheless, accomplished and subsequently approved in substantial conformity with regulations, regardless of motivation.

Plaintiff alleges that his subordinate officers, among them Lieutenant Generous and Lieutenant Hardy, and others, among them Chaplain Osterman, Commander Baird, Commander Milligan, Chaplain Dando, Lieutenant Kordon and Commander Milligan, made and forwarded critical reports concerning him to others without notifying him in intentional and knowing violation of Navy Regulations 1212, 1243.2, 1243.3 and 1404.1 which deal with the making of critical reports concerning officers.

The issue, however, is not violation by others of such regulations, but only whether plaintiff, notwithstanding, was removed and his removal subsequently approved, in substantial compliance with the regulations pertaining to removals from command—regardless of alleged violation of other rules by plaintiff's fellow officers.

Further, as we will presently point out, the subject matter of these critical communications, allegedly made to others without notice to plaintiff, was ultimately investigated at the Witter hearing.

Plaintiff alleges that his superior officers, Admirals Irvine, King and Semmes, accomplished his summary removal in violation of Naval Personnel Manual C-7801-4. (Def.'s Ex. D). The Manual, however, expressly authorizes requests by superior officers to Bureau of Naval Personnel for summary detachment of subordinate officers from duty whenever speed is mandatory because of any emergency, impending deployment of the ship or squadron to which the officer is attached, or other urgent reasons. In the pending case, summary detachment was requested by Admiral Irvine and ordered by Admiral Semmes, Chief of Bureau of Naval Personnel, because they believed that such emergency existed.

The Manual provides that in such case the request for removal from command may be preliminarily made by message, stating briefly the reasons and the nature of the urgency; that appropriate action will then be taken by Chief of Naval Personnel but that "final action" will be taken by him only on the basis of a subsequent letter which, together with the statement of the officer in question, can be made a part of his official record.

In the pending case an investigation of the summary removal was promptly convened and the subsequent letter from Admiral King, together with the Witter investigation report, was forwarded to the Chief of Naval Personnel via Admiral Baumberger, who first made these letter reports available to Arnheiter for his rebuttal statement. Arnheiter then presented his rebuttal statement, dated August 5, 1966 (Def.'s Ex. H), consisting of over 500 pages including the attached exhibits. On August 30, 1966, the letter of Admiral King and the Witter report, together with the Arnheiter rebuttal statement, were forwarded by Admiral Baumberger to Chief of Naval Personnel for final action and on September 9, 1966, this final action was taken by Admiral Semmes, Chief of Naval Personnel, approving "for cause" Arnheiter's previous summary dismissal from command.

Clearly, these procedures were in substantial compliance with the provisions of the Manual covering summary detachments from command.

Plaintiff alleges, however, that Admiral Irvine did not comply with the provisions of Naval Personnel Manual C-7801(4)(c), 1, 2, 3, and 4, containing what are obviously directory, policy provisions concerning responsibilities of command officers in making requests for detachment of officers. Admiral Irvine's affidavit avers that consideration was given to each of those provisions. Assuming, however, that Admiral Irvine, either from poor judgment or through inadvertence, failed to comply with these provisions prior to making his request, such failure would not invalidate the summary removal by Admiral Semmes, Chief of Naval Personnel (in whom was then vested the power to act on such requests) if, in fact, the summary removal was thereafter fairly investigated and caused for the removal found.

Plaintiff alleges that the Witter informal one-officer investigation was convened in violation of regulations and without due process. Navy Regulations, 32 CFR 719.254 et seq., authorize three kinds of fact-finding bodies: (1) Courts of Inquiry; (2) Boards of Investigation (formal or informal), and (3) One-officer investigations (formal or informal). An informal one-officer investigation was convened by Admiral King in this case.

The Regulations, 32 CFR 719.255, expressly leave the type of fact-finding body to be ordered in any particular situation to the "judgment and sound discretion of officers in command" under general guidelines set forth in the regulations.

The record shows beyond genuine dispute that the convening by Admiral King of a one-officer investigation was within the prescribed guidelines and, further, was a purely discretionary choice with which the court should not interfere.

Plaintiff contends, however, that procedural provisions of the Judge Advocate General's Manual were violated during the course of the investigation. This Manual provides that an "informal one-officer investigation" such as was convened in this case, is governed by the same rules and regulations as are prescribed for "an informal board investigation" (which consists of two or more officers—32 CFR 719.601) insofar as those rules and principles can be applied to a one-officer investigation (32 CFR 719.611, 612)—provided that "the mission of the officer must be given primary consideration in the determination of procedural questions, not covered by the sources of guidance."

Navy Regulations, 32 CFR 719.601, 610, provide in substance and effect that such informal boards have considerable latitude in the methods they may employ to elicit information; that testimony may be taken in any fair manner; that cross-examination must be exercised within the practical limits set by the method of interrogation, that evidence and information may be obtained by such means as formal testimony of witnesses, informal personal interview, correspondence and telephone inquiry; that a party and his counsel shall be permitted to examine such evidence or information as will be considered in the report and to present further evidence or information or to suggest other lines of inquiry; that after all available evidence has been received and after the party has had a reasonable time to examine any evidence not received in his presence and to present the evidence he may desire, the party or his counsel may make an unsworn statement, either orally or in writing and may make an argument; that an investigative report in letter form shall be submitted by the investigating officer.

Although Arnheiter as a "subject to in-

quiry" was designated as a "party" to the investigation, pursuant to 32 CFR 719.301(a) (b) and 302, the fact-finding investigation which was here convened by Admiral King, was not a trial of Arnheiter. Rather, these investigations are purely an administrative fact-finding investigation designed to provide the convening and reviewing authorities with adequate advisory information upon which to base decisions (See, 32 CFR 719.251 (d))—in this case an ultimate "final action" by Chief of Naval Personnel on Arnheiter's summary removal.

Plaintiff alleges that he was "not shown evidence favorable to him gleaned from the Milligan preliminary investigation." The record shows, however, as already noted, that statements taken from crew members by Milligan during his preliminary investigation were turned over to Witter and that Witter reviewed these statements with plaintiff and his counsel prior to the taking of evidence. (See, Witter Report, Def.'s Ex. K). (See also, Def.'s Ex. G, p. 60).

Plaintiff alleges that he was not told "which of the accusations furnished him by Witter had caused his removal or were to be the basis of the investigation." Although there is no requirement for formal charges in a non-judicial fact-finding investigation of the kind here involved, plaintiff's allegation implicitly concedes that he was, nevertheless, at the outset of the hearing presented by Witter with the crew statements preliminarily obtained by Milligan which were for practical purposes the basis of the investigation.

Plaintiff alleges that Witter, as investigating officer, "considered" certain accusations—Chaplain Dando letter to Milligan of March 28, 1966; a communication from Lieutenant Generous and a communication from a Lieutenant Kordon of which plaintiff was not made aware.

Apart from the plaintiff's bare allegation, plaintiff has not set forth in the present record on motion for summary judgment any specific evidentiary matter to show that Captain Witter "considered" any of these communications or that his findings were based thereon.

The record shows that on July 15, 1966, three months after the investigation, the Dando letter was still in the hands of Milligan (to whom it had been originally handed), not Witter, and that it was Milligan who forwarded it on that date to Admiral Baumberger. (See Milligan letter of July 15, 1966, Part of Plt.'s Ex. B).

Assuming, however, that Witter did "consider" some of these communications, that fact would not amount to a substantial or prejudicial departure from regulations if in fact substantially the same accusations were made known to Arnheiter through the statements reviewed with him and his counsel by Witter before the hearing and through the testimony of his critics at the hearing. The record shows that both Chaplain Dando and Lieutenant Generous were called by Witter to give their sworn testimony at the hearing in the presence of Arnheiter and his counsel. The subject of the Kordon communication was covered by other witnesses (Def.'s Ex. G, p. 349-355, 456-465).

The record also shows that the subject matter of these communications was substantially covered at the hearing at which the Generous communication was gone into. (Def.'s Ex. G, p. 63, 306, 400). Incidentally, the record indicates that plaintiff must have had this particular communication in his own possession during the hearing and that copies of his communication were included in Arnheiter's rebuttal statement of August 5, 1966. (Def.'s Ex. H, Vol. I, pp. 129, 210).

The various subject matters of the Dando letter of March 28, 1966, appear throughout the transcript of the Witter hearing. (See re this, citations to the transcript listed in De-

fendant's Memorandum, filed October 4, 1968, Part V, p. 23-25).

The subject of the Kordon communication was also fully investigated at the hearing. (Def.'s Ex. G, p. 64; 349-351; 356; 456-465).

Without giving any specific instance, plaintiff alleges generally that he was "not permitted to present witnesses in his own defense or to introduce their signed statements" in violation of 32 CFR 719.304(a) (5), providing that a party has the right to produce evidence. The record of the investigation discloses no such instance—with two possible exceptions, (Def.'s Ex. G, pp. 429, 347) and a possible third exception mentioned in the Arnhelter rebuttal of August 5, 1966 (Def.'s Ex. H, p. 58). In none of these instances was there any abuse of discretion or any prejudice to plaintiff. As a matter of record plaintiff did present statements of witnesses in his own behalf. (Def.'s Ex. G, p. 430-431).

Plaintiff makes the narrowly restricted allegation that he was not permitted to "recall hostile witnesses" or given "reasonable" scope in cross-examination of such witnesses. This allegation implicitly concedes that he was permitted to examine and cross-examine witnesses. An examination of the record of the investigation (Def.'s Ex. G) shows comparatively few instances of this kind. (See, pp. 316, 318, 346, 359, 332, 407, 408, 410, 412) and convincingly demonstrates that plaintiff was given ample latitude and that the investigation officer's exercise of discretion was reasonable. Plaintiff was permitted to cross-examine Lieutenant Hardy for two days (Def.'s Ex. G, p. 291-364).

Although the record is devoid of any objection by plaintiff to Lieutenant McGovern, his counsel, or any request for different counsel, plaintiff now complains that his counsel had no previous experience as a shipboard officer. The record shows, however, that Lieutenant McGovern was a duly qualified attorney certified to perform even court-martial duties, (Def.'s Ex. J) and that the provision of counsel for plaintiff complied with 32 CFR 719.304(b).

Plaintiff alleges that Admiral Semmes, Chief of Naval Personnel did not personally review the investigative reports before approving plaintiff's removal for cause. Apart from the Admiral Semmes' affidavit, stating that he did carefully review it, the record does show that, acting on information satisfactory to him, he personally approved the removal by his signed memo of September 9, 1966.

Plaintiff further alleges that Admiral Semmes forwarded the memo of his decision, approving Arnhelter's removal "for cause," to the Selection Board to be placed in Arnhelter's record in violation of Manual C-7801(5)(b). However, the Manual C-7801 (4) (d) (2), expressly provides that "final action" on removal of an officer from command can be made a part of his record if accompanied by the officer's statement. The September 9, 1966 approval by Chief of Naval Personnel of Arnhelter's detachment was the "final action" and the memo thereof was accompanied by Arnhelter's rebuttal statement.

Plaintiff, relying on 32 CFR 719.260(a) providing for a record of proceedings in investigations of this kind, alleges that Witter "scrubbed the tape of testimony at the hearing." The record shows that one of 13 reels of tape (tape 10) faded mechanically and did not record (Def.'s G, p. 61) and the testimony had to be reconstructed by Witter (Def.'s Ex. G, p. 351). Plaintiff's allegations on this point are obviously beyond his own testimonial knowledge and he had presented no specific evidentiary matter on this summary judgment motion to support it. The record negates any substantial non-compliance with regulations or any prejudice to plaintiff on this point.

Plaintiff now alleges that Captain Witter, the investigating officer, was biased against him. The record fails to show, however, that this claim was reported to the convening authority for appropriate action as required by 32 CFR 719.514, or that it was ever raised either at the hearing or in plaintiff's rebuttal statement. The point, if reviewable at all, has been waived.

Summarizing, the record, as here presented, shows beyond genuine dispute that the circumstances surrounding plaintiff's summary removal from command were promptly investigated, reported, reviewed through chain of command and that the removal was finally approved for cause, in substantial, if not literal, conformity with Navy Regulations—including advice as to rights, representation by counsel, open hearing, confrontation with witnesses, opportunity for cross-examination, presentation of rebuttal evidence and review of the record by at least four superior officers—Rear Admirals King and Baumberger and Vice Admirals Johnson and Semmes—and finally by the Judge Advocate General and the Secretary of the Navy—the latter being the civilian representative of the President as Commander in Chief of the armed forces. The alleged procedural irregularities, considered singly or in combination, are insufficient to raise a genuine issue of fact on the question of substantial compliance with the Navy Regulations applicable to this informal one-officer investigation.

If this court were empowered to sit in appellate review of the military proceedings here involved, it could, of course, reverse for any prejudicial error. However, this court has not been given any such power of direct review. If this court has any power at all to review the kind of proceedings here involved, such review is collateral only and, therefore, limited to such irregularities as would in effect render the Navy's decision wholly invalid and beyond its jurisdiction. Procedural errors even those which might have prejudicially affected the outcome of the proceedings, would not justify interference by this court unless they constitute such substantial non-compliance with Navy Regulations as would be, not only prejudicial, but of such constitutional magnitude as amounts to deprivation of fundamental due process of law under the circumstances.

What constitutes fundamental due process must be determined within the context of each particular situation—in this case within the context of purely internal, administrative, non-punitive Navy action concerning duty assignment and promotion status. We find no genuine issue of either noncompliance with pertinent regulations or deprivation of due process of law in this case. It may be that, as contended by plaintiff and others on his behalf, the Navy made a mistake of judgment in his case with consequent disappointment, even justifiable resentment on his part. But, to say that his removal from the Vance was not thoroughly and fairly investigated and reviewed before final approval, is quite another matter. The thoroughness and substantial fairness of the investigation and review are not only evident but quite impressive.

It may be that Arnhelter's superior officers made a mistake in judgment in requesting his summary removal from the Vance. It may be that the findings made and reviewed on subsequent investigation could have been otherwise—but there was evidence to support them. It may be that Arnhelter could nevertheless have been reassigned to another destroyer escort for further assessment of his abilities—as was recommended at one point by Admiral Baumberger and as argued by others on Arnhelter's behalf.

These matters, however, are internal, administrative matters involving the judgment of Naval command concerning duty assign-

ment and promotion under Vietnam war conditions. It is not for this court to substitute its judgment for that of the Navy or to order the Navy to again review what this court finds to be action clearly within its powers, in substantial conformance with regulations and well within the bounds of fundamental due process as applied to internal, administrative non-punitive naval matters.

For the reasons set forth herein the motion of defendant, Secretary of the Navy, for summary judgment in his favor is hereby granted.

Dated: October 22, 1968.

WM. T. SWIGERT,
U.S. District Judge.

FOOTNOTES

¹One concurring opinion (Minton) adhered flatly to the traditional view that the federal courts have no power to review except collaterally for the limited purpose of ascertaining, not constitutional due process, but only jurisdiction in the narrow sense. At the other extreme a dissenting opinion (Douglas and Black) held that review is not limited to "jurisdiction" in the narrow sense but includes constitutional due process within the meaning of the Fifth Amendment and, further, that even "fair consideration" of these constitutional issues by the military does not bar the federal courts from review on the merits.

²Even before *Burns v. Wilson*, supra, some inferior federal courts reviewing court martial convictions, had expanded the concept of military "jurisdiction" to include denial of fundamental due process. See, *Schita v. King*, 133 F.2d 283 (8th Cir. 1943); *U.S. ex rel. Innes v. Hiatt*, 141 F.2d 664 (3rd Cir. 1944); *Anthony v. Hunter*, 71 F. Supp. 823 (D. Kan. 1947). Compare, however, *Arnold v. Cosart*, 75 F. Supp. 47 (N.D. Tex. 1948); *In re Wrublewski*, 71 F. Supp. 143 (D. Cal. 1947).

³It seems, however, that any relaxation of the non-reviewability rule by *Harman* is more apparent than real. *Harman* really did little more than hold that the action of the military, basing a discharge upon civilian rather than military activity, was beyond military jurisdiction and, therefore, subject to collateral attack within the meaning of the jurisdiction test long recognized as an exception to the non-reviewability rule. In 1956, two years before *Harman*, the Supreme Court in *Reid v. Covert*, 354 U.S. 1, had similarly reviewed and set aside a court martial conviction of a civilian on the ground that civilians are beyond court martial jurisdiction. See also, *Schwartz v. Covington*, 341 F.2d 537 (9th Cir. 1965).

⁴As recently as 1957 the Supreme Court, itself, conceded that the extent to which *Burns v. Wilson* renders the Bill of Rights applicable to military trials has not been clearly settled. (See, *Reid v. Covert*, 354 U.S. 1, 37 (1957).) In the same year, in *Fow v. Williamson*, 353 U.S. 583 (1957), the Court, considering a court martial conviction, seemed to reaffirm the non-reviewability rule in traditional terms, saying that "sentences of court martial cannot be revised by the civil courts save only when void because of the defective exercise of power possessed." That the rationale of federal court review of military determinations is still unsettled becomes evident from reading the text material on this subject. See, e.g., *Civilian Judges and Military Justice—Collateral Review of Court Martial Convictions*, 61 *Columbia L. Rev.* Vol. 61, p. 40 (1961); *Federal Court Jurisdiction over Court Martial*, *Washington Law Journal*, Vol. 1, p. 25 (1960); *The Bill of Rights and the Military* (Chief Justice Earl Warren), *New York University Law Review*, Vol. 37, p. 181 (1962); *Military Law—A Separate System of Jurisprudence*, *Cincinnati Law Rev.* Vol. 36, p. 223 (1967); *God, The Army and Judicial Review*, *Cal. L. Rev.*, Vol. 56 (No. 2) p. 379 (1968).

*Relief was denied in *Reed v. Franke*, supra, despite the absence of a provision for a fact finding hearing before discharge; in *Kennedy v. Commandant*, despite no provision for right to be furnished counsel; in *Dunbar v. Ailes*, 348 F. 2d 51 (D.C. Cir. 1965), despite no requirement for assistance of counsel or for presentation of evidence or for cross-examination of witnesses; in *Brown v. Gamage*, despite claim of denial of opportunity to confront witnesses.

*The Court of Claims, passing upon claims of former military personnel for back pay and similar benefits, has exercised a power of review over military decisions whenever necessary in order to determine whether action of the military adversely affecting such claims was valid, i.e., within the jurisdiction of the military. Many of these cases have expanded the concept of jurisdiction to include procedural due process and have granted or withheld relief accordingly. This power of the Court of Claims may have been questionable in the light of pre-Burns v. Wilson cases but it has been exercised since *Shapiro v. United States*, 69 F. Supp. 205 (Ct. Claims 1947) and is now justified by reference to *Burns v. Wilson*. See, *Shaw v. United States*, 357 F. 2d 949, 953 (Ct. Claims, 1966). See also, *Juhl v. United States*, 383 F. 2d 1009 (Ct. Claims 1967); *Hertzog v. United States*, 167 Ct. Claims 377 (1964); *Egan v. United States*, 158 F. Supp. 377 (Ct. Claims, 1958); *Friedman v. United States*, 158 F. Supp. 364 (Ct. Claims, 1958); *Augenblick v. United States*, 377 F. 2d 586 (Ct. Claims, 1967).

The question of the power of the federal courts to review administrative determinations by the military has also been raised in a series of cases in which army or navy personnel have challenged on constitutional or statutory grounds military administrative disapproval of their applications for conscientious objector status. In those cases the courts, generally recognizing and applying the non-reviewability rule, have denied relief. See, *Brown v. McNamara*, 387 F. 2d 150 (3rd Cir. 1967); *Chavez v. Ferguson*, 266 F. Supp. 879 (N.D. Cal. 1967); *Gilliam v. Reeves*, 283 F. Supp. 378 (W.D. La. 1966); *In re Keneske*, 260 F. Supp. 521 (N.D. Cal. 1966). But see, *Crane v. Hedrick*, 284 F. Supp. 250 (N.D. Cal. 1968); *Gann v. Wilson*, — F. Supp. — (N.D. Cal. 1968); *Hammond v. Lenfest*, — F. 2d — (2d Cir. 1968).

*The Uniform Code of Military Justice, Title 10 U.S.C. § 876 makes court martial convictions "final and conclusive" upon the courts but this does not seem to preclude ultimate collateral civil court review on habeas corpus, or other analogous collateral attack, e.g., suit in the Court of Claims (See, *Augenblick v. United States*, 377 F. 2d 586, 593 (Ct. Claims, 1967) or possibly even Declaratory Relief raising lack of court martial jurisdiction (See *Brown v. Royall*, 81 F. Supp. 767 (D.C. Cir. 1949).)

*As recently as October 7, 1968, the Supreme Court by a vote of 8 to 1 refused to stay duty assignment of army reservists to the Vietnam war theater.

*On September 29, 1968, this court set aside the submission of defendant's motions—reopened the hearing and directed defendant to make the transcript of the Witter investigative proceedings a part of the record herein. This was done. The transcript is now defendant's Exhibit G. At the court's request defendant has also filed, October 4, 1968, a memorandum summarizing pertinent parts of the transcript.

Since the record goes beyond the complaint, defendant's motion to dismiss will be treated (as allowed by Rule 12) as a motion for summary judgment. Rule 56 provides that on a motion for summary judgment the adverse party (plaintiff in this case) may not rest upon the mere allegations of his pleading but his response, by affidavit or otherwise, must set forth specific facts showing that there is a genuine issue for trial. The record will be viewed in this light.

DID THE COURT INTERPRET OR AMEND?

HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ABBITT. Mr. Speaker, since last fall when I proposed a constitutional amendment to limit the tenure of Supreme Court Judges, I have received many communications in support of such a proposal. I have been gratified with the wide-spread support which my resolution has brought forth from all parts of the country. In addition to the many communications which I have received, there have been brought to my attention a number of articles and speeches made by outstanding attorneys and other individuals who support the proposition that Supreme Court Judges should be reconfirmed by the Senate every 10 years and that there should be a mandatory retirement at age 70.

This is not an isolated issue or one which has sectional connotation but is one which affects all of our people and about which Americans of all persuasions have concerned themselves.

It has recently been brought to my attention that a very fine address was delivered several years ago by Mr. Lester I. Bowman, attorney at law, Petersburg, Va., who made some observations which I feel are worthy of the attention of Members of the House.

Mr. Bowman is recognized throughout Virginia as an avid student of law and a constitutional authority. A former FBI agent, he has served as a member of the Petersburg City Council for a number of years and has been active in civic and community affairs.

His address entitled "Did the Court Interpret or Amend?" is so timely that I would like to insert it in the RECORD at this point. I commend his address to the reading of the Members of this House and to all those who regularly read the CONGRESSIONAL RECORD.

The address follows:

DID THE COURT INTERPRET OR AMEND?

"Eternal vigilance is the price of liberty." This statement is attributed to Thomas Jefferson, and is inscribed on the National Archives Building in Washington, D.C.

"A government for the people must depend for its success on the intelligence, the morality, the justice, and the interest of the people themselves" so said Grover Cleveland many years ago.

Prime Minister Gladstone of Great Britain once described the Constitution of the United States as "the most wonderful work ever struck off at a given time by the brain and purpose of man." I am thoroughly in accord with Mr. Gladstone's views regarding our Constitution, but I am very much concerned over the attempt to emasculate it by our federal Judiciary.

A great danger to constitutional government lies in the popular misunderstanding of its precise methods and purposes. The small minority who would treat the United States Constitution as an archaic hindrance to their centralist purposes, and willingly would discard or subvert it, pose less of a threat than the greater number who vociferously support the Constitution, but who unwittingly participate or approve actions that pretend to protect its features.

A striking instance of this is found in the so-called school segregation cases. It is not my purpose here to argue the merits or demerits of racial segregation, but rather to show that the United States Supreme Court, in order to accomplish what it presumably thought was a worthwhile end, committed a breach of basic constitutional limitations.

John C. Calhoun said that just as laws are written to restrain men, so constitutions are written to restrain governments. Certainly, the framers of the United States Constitution had this goal in mind when they drafted the basic compact by which the States are bound in Union. Out of the reservoir of the States' inherent political powers certain specific powers were delegated to the central government, but all powers not so delegated were to be retained, to the end that the people themselves, acting in their respective States, might control their own destinies.

It was recognized, of course, that in time the Constitution might require amendment, but it was also recognized that it was as necessary to protect the Constitution from being amended by the very government it was designed to control as it was to establish controls on that government initially. Thus, Article V of the Constitution was drafted carefully to preserve ultimate control of the Constitution in the States themselves. Article V provided that no change would be made in this most basic of all laws without the consent of a full three-fourths of the States. Amendments could not even be proposed without the approval of two-thirds of each House of Congress, or as an alternative, without the approval of two-thirds of the States. Once the proposal was approved in this manner, it had to be approved by three-fourths of the States before it could be accepted as an amendment to the Constitution.

The objective of this deliberately restrictive procedure was plain that it was to protect a minority of the people in a minority of the States from the tyranny of simple majority rule. The framers of the Constitution realized, with great vision, that similarities among the States would take care of themselves but the framers were concerned that differences among the States be restricted. They wished to be positive that changes made in the Constitution were not made easily or impulsively.

It has been said that words have different meanings, but the words of a contractual instrument as applied to particular events or conditions at the time the instrument is agreed to, have a permanent meaning. I submit, therefore, that the English words used in the Constitution mean the same that they did in 1788 and that courts should interpret these words in the light of their meaning at the time the contract was entered into.

When one examines some of the recent decisions of the Courts, he can only conclude that the members of our federal Judiciary have adopted a new slogan, "Damn the Constitution, full speed ahead." It is indeed unfortunate that some of our Courts have not seen fit to practice judicial restraint. Their failure to do so has resulted in a usurpation of the powers of our Legislative Branch of our government. Thomas Jefferson feared this possibility and it gave him great concern. In a letter to Judge Spencer Roane, of the Supreme Court of Appeals of Virginia, dated September 6, 1819, Mr. Jefferson said this: "The Constitution, on this hypothesis, is a mere thing of wax in the hands of the Judiciary, which they may twist and shape into any form they please."

Mr. Justice Roberts of the Supreme Court of the United States adequately defined the purpose and powers of the Supreme Court of the United States in the case of *United States v. Butler*, et al., 297 U.S. 1, 56 S. Ct. 312, Mr. Roberts said as follows:

"It is sometimes said that the Court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the

supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate, the judicial branch of the government has only one duty; to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. . . . This Court neither approves nor condemns any legislative policy. . . . The question is not what power the federal government ought to have, but what powers in fact have been given by the people. It hardly seems necessary to reiterate that ours is a dual form of government; that in every state there are two governments: The State and the United States. Each state has all governmental powers save such as the people, by their Constitution, have conferred upon the United States, denied to the states, or reserved to themselves. The federal union is a government of delegated powers. It has only such as are expressly conferred upon it and such as are reasonably to be implied from those granted. In this respect we differ radically from nations where all legislative power, without restriction or limitation, is vested in a parliament or other legislative body subject to no restrictions except the discretion of its members. . . . From the accepted doctrine that the United States is a government of delegated powers, it follows that those not expressly granted, or reasonably to be implied from such as are conferred, are reserved to the states or to the people. To forestall any suggestion to the contrary, the Tenth Amendment was adopted. The same proposition, otherwise stated, is that powers not granted are prohibited."

And now, we come to the main point of my discussion, did the United States Supreme Court have the right to issue the opinion it did in *Brown v. Board of Education* is interpreting the Fourteenth Amendment of the Constitution. I quote Section 1 of the Fourteenth Amendment as follows:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

We find some of the words and phrases of the Fourteenth Amendment on the surface, to be rather nebulous. When we speak of a State's "abridging a citizen's privileges or immunities," or of a State's denying to any person within its jurisdiction the "equal protection of the laws," it is fair enough to inquire what these apparently ambiguous phrases mean.

To answer these questions, one must go to the primary source. What did these words and phrases mean, as applied to particular situations, to the framers who drafted the Amendment and to the States that ratified it?

This argument is not one of disgruntled Southerners, for it is an established maxim of law. Judge Cooley in his great work on Constitutional Limitations said:

"A Constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. . . . The meaning of the Constitution is fixed when it is adopted, and it

is not different at any subsequent time when a Court has occasion to pass upon it."

The Fourteenth Amendment was proposed in 1866 and ratified in 1868. In the fifteen year period immediately following the ratification of the Fourteenth Amendment, seven cases were brought to contest the continuing power of the States to operate racial separated public schools. In each of these cases Negro plaintiffs sought to secure equal protection. These cases were presented to the highest courts of Ohio, Indiana, Nevada, California, and New York. Two Federal circuit courts also considered the same question.

These cases should not be ignored as "ancient history". When it comes to answering the question posed in 1952 by the Supreme Court itself—What was the intention of the framers and the adopters of the Amendment in the terms of separate schools? These seven cases are fresh, pertinent and definitely relevant.

In the Ohio case of *Garnes v. McCann*, 21 Ohio 188, decided in December, 1871, the Court said:

"Equality of rights does not involve the necessity of educating white and colored persons in the same school, any more than it does that of educating children of both sexes in the same school, or that different grades of scholars must be kept in the same school. Any classification which preserves substantially equal school advantages is not prohibited by either the State or Federal Constitution, nor would it contravene the provisions of either. There is, then, no ground upon which the plaintiff can claim that his rights under the Fourteenth Amendment have been infringed."

The Supreme Court of Indiana in 1874 was called upon to decide a similar issue in *Cory et al. v. Carter*, 48 Ind. 327, and after thoroughly analyzing the Fourteenth Amendment, said:

"We are very clearly of the opinion that the act of May 13th, 1869, is constitutional, and that while it remains in force colored children are not entitled to admission into the common schools which are provided for the education of the white children."

A similar issue arose in the State of California in the case of *Ward v. Flood*, 48 California 36 in 1874. The Court said:

"* * * and in the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with the other, and both at the common public expense."

In the case of *United States v. Buntin*, 10 Fed. 730 decided by the Federal Circuit Court of Ohio in 1882, the Court said:

"The Supreme Court of the States has held that such a classification of the two races is within the constitutional discretion of the legislature, and that the separate education of the whites and blacks in accordance with the terms of the law is no wrong to either. I concur in and adopt this decision as a correct exposition of the Constitution. * * *"

The United States Supreme Court in 1899 in the case of *Cumming v. Richmond County Board of Education*, 175 U.S. 528, said:

"* * * the education of the people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authority with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights secured by the supreme law of the land."

Again in 1927 in *Gong Lum v. Rice*, 275 U.S. 78, Mr. Justice Taft said:

"The question here is whether a Chinese

citizen of the United States is denied equal protection of the laws when he is classed among the colored races and furnished facilities for education equal to that offered to all. . . . Were this a new question, it would call for very full argument and consideration, but we think it is the same question which has been many times decided to be within the constitutional power of the State Legislature to settle without intervention of the Federal courts under the Federal Constitution."

* * * The decision [to separate races] is within the discretion of the State in regulating its public schools and does not conflict with the Fourteenth Amendment."

From the foregoing, it is evident that the judiciary has performed its interpretive function. In the field of public education, the Constitution stood clearly defined and, so far as education is concerned, the people have not changed it in the slightest respect. Did the Supreme Court then have the right to issue the opinion it did in the *Brown* Case?

The Court, in referring to the *Brown* Case, stated as follows:

"It follows that the interpretation of the Fourteenth Amendment enunciated by this Court . . . is the supreme law of the land, and Article VI of the Constitution makes it of binding effect on the States 'any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.'"

It is interesting to note that Article VI of the Constitution provides that "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

It of necessity follows that a court decision is neither constitution, law nor treaty, but merely declaratory of one or more of them. If such a court decision be the supreme law of the land, then the United States Supreme Court in the *Brown* Case has undertaken to amend the Constitution since Mr. Justice Taft in *Gong Lum v. Rice* previously held that the separation of the races in the public schools did not conflict with the Fourteenth Amendment.

Section 5 of the Fourteenth Amendment has provided as follows:

"The Congress shall have power to enforce, by appropriate legislation, the provisions of the article."

Congress had never seen fit to pass such legislation, until 1964 when it approved the Civil Rights Bill, which then became the supreme law of the land.

The men who wrote the Constitution recognized, with unmatched political wisdom, that true liberty can rise no higher or be made more secure than the spirit of the people to achieve and maintain it. Their prime concern was to devise a new form of government for the new Nation under which such a spirit might thrive and find the fullest opportunity for expression. The Amendments comprising the Bill of Rights followed only after the structure of government had been established by the Constitution proper. They resulted not so much from what the framers considered to be new ideological imperatives as from fears among the States that the national government might seek to tamper with individual rights already assured under the laws of the various states.

For the most part, the rights guaranteed by the first ten Amendments against federal invasion were simply those enjoyed by Englishmen under the Magna Carta, the real fountainhead of individual liberty. There were, however, two obvious extensions of

these rights: freedom of religion and freedom of speech and press.

As the debates at the Constitutional Convention and the terms of the Constitution itself both reveal, the framers proceeded on a premise which many years later Judge Learned Hand was to state in the following words: "Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court even can do much to help it." They staked their faith that liberty would prosper in the new Nation not primarily upon individual rights but upon the kind of government the Union was to have. And they determined that in a government of divided powers lay the best promise for realizing the free society it was their object to achieve.

The matter had a double aspect: first, the division of governmental authority between the States and the central government; second, the distribution of power within the federal establishment itself. The former was solved by making the authority of the Federal Government supreme within the sphere of powers expressly or implied delegated to it and reserving to the States all other powers—a reservation which subsequently found protection in the Bill of Rights through the provisions of the Tenth Amendment. The second aspect of the governmental structure was solved by distributing the total federal powers among the Legislative, Executive and Judicial branches of the Government, each having defined functions. Thus evolved the two great constitutional doctrines of Federalism and Separation of Powers.

These doctrines are the roots of our constitutional system. No view of the Bill of Rights or interpretation of any of its provisions which fails to take due account of them can be considered constitutionally sound. There is no such thing as a doctrine of civil rights at large, standing independent of other constitutional limitations or giving rise to rights born only out of the personal predilections of judges as to what is good. And it should further be observed that our federalism not only tolerates, but encourages, differences between federal and state protection of individual rights, so long as the differing policies alike are founded in reason and do not run afoul of dictates of fundamental fairness.

Abraham Lincoln in his first Inaugural Address on March 4, 1861 said:

"If the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

The written Constitution established in 1789 and amended in the intervening years to meet changing conditions, is now being deliberately disregarded, and the doctrine of conformity by coercion is being advanced not only by our so-called intellectual groups but by vote-seeking politicians in our "great society."

If we are to retain our individual liberties, we must get the train back on the right track. This can only be done by us, the people, in voting intelligently on the basis of constitutional principles rather than for personal or material gains in some form or another.

I believe the time has come when Americans believing in God, regardless of their denominational differences, must join in common purpose to restore our Constitutional Republic as a limited government of the people, by the people and for the people. If we fail to do this, the government provided by our founding fathers shall perish and disappear from the face of this earth.

MAKING OUR GOVERNMENT WORK

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, no more difficult and challenging task faces the 91st Congress and the new administration than that of finding ways and means of improving the manageability of our immense and intricate federal system. The Advisory Commission on Intergovernmental Relations, on which I serve as one of the three Members representing this House, has given this matter long and careful study. More than a year ago the Commission completed work on a comprehensive analysis of the fiscal strengths and weaknesses of our federal system. The Commission has offered a full agenda of specific recommendations for bringing order to our grant-in-aid structure and thus strengthening American federalism.

The enactment last year of the Intergovernmental Cooperation Act of 1968 was a very significant step in the right direction. It is important that the 91st Congress build on that foundation. We must find ways to consolidate existing programs, to achieve more flexibility and to simplify and clarify confusing and conflicting grant requirements. As the ranking minority member of the Government Operations Committee I will continue to work toward the accomplishment of these goals.

The February 1969 issue of the Reader's Digest, now on the newsstands, contains a timely and perceptive discussion of the problem. The article is entitled "The Great Challenge—Making Our Government Work." It was written by Kenneth O. Gilmore, the Digest's Washington editor, who headed a five-man team that gathered and analyzed a mass of material on which the article was based. I commend the article to the attention of all Members; I include it at this point in the RECORD:

THE GREAT CHALLENGE: MAKING OUR GOVERNMENT WORK

(By Kenneth O. Gilmore)

(Note.—As the new President takes office the vast bureaucracy he will command seems precariously close to a massive breakdown. Here is why—and how—the public should support his battle for reorganization and reform.)

As President Richard M. Nixon strives to bring the nation together, no task presents a greater challenge than overhauling the huge, unwieldy machinery of our government. It is an awesome, urgent calling.

"We need a far-reaching reorganization of government that will correct intolerable duplications of mission and provide for improved coordination," says former-Secretary of Health, Education and Welfare (HEW) John W. Gardner, now head of the Urban Coalition.

"Society will no longer tolerate the gap between the promises of democracy and our performance," says Sen. Edmund S. Muskie (D., Maine), chairman of the Senate Subcommittee on Intergovernmental Relations.

"The net result of our massive federal effort in recent years seems to be a policy that is unplanned, unmanaged and, if the trend

continues, unworkable," says Sen. Abraham Ribicoff (D., Conn.), who has conducted 33 hearings on the federal role in our cities.

This "quiet crisis," as many call it, may not make daily headlines. But its severity is evidenced by a thousand and one bureaucratic blood clots in the lifelines of our body politic.

Propped against the walls of a county administrator's small office in Missouri are 24 U.S. maps. "Each one shows the regional headquarters of federal agencies I must deal with," says the exasperated official. The maps reveal a ridiculous jigsaw pattern. For example, he says, the Department of Housing and Urban Development (HUD) has its regional offices in Fort Worth, Texas, while the Bureau of Outdoor Recreation operates from Ann Arbor, Mich.—1148 miles away. "I have to shuttle between them to discuss a parkway they're both involved in."

Encouraged by Washington to submit long-range community-planning programs, New York State applied for \$1,670,000. But a rules change required that the forms be split into 334 separate \$5000 study blocks. The revision took three months and monopolized 50 percent of the state agency's manpower, with the paperwork costing \$150,000—nearly one tenth the grant.

Officials of the Interior Department's National Park Service in Minnesota tried to inspect a tract of land belonging to the Agriculture Department's Forest Service, hoping to combine it with a piece of their own property to make a more suitable public recreation area. Forest authorities refused to permit the park men on the land. "They act like two foreign nations," fumed Rep. John Blatnik (D., Minn.), who finally forced the two bureaucracies to negotiate.

In the nation's capital, Washington Post columnist William Raspberry discovered a merry-go-round of anti-poverty projects that has left the disadvantaged dizzy. There is the United Planning Organization (UPO), which is supposed to coordinate all poverty efforts. But overlapping it is the People's Involvement Corporation (PIC). Then there is a Model Cities Commission (MCC) and the Model Inner City Community Organization, Inc. (MICCO). "Since all of them are dependent upon federal funds for their existence, competition among them is inevitable," says Raspberry. "Most are accomplishing very little."

STACK OF SPAGHETTI

These episodes spell out a dismal conclusion: Our government has literally proliferated itself out of control. We are confronted by an apparatus so large, disjointed and self-perpetuating that it has defied all those who have attempted to make it manageable. More disturbing, the system now puts a premium on securing funds rather than on spending them according to the real needs of people.

How have we reached this sad point? The answer lies in an examination of the grant-in-aid system whereby tax dollars are brought into Washington, then funneled back to states, localities, institutions and individuals under a multitude of matching formulas. Throughout the 1960s, a blizzard of bills has swept through the Congress in a frantic, unplanned effort to solve social ills. Within the last five years alone, 240 new or significantly expanded grant-in-aid authorizations have been passed, including 17 new programs for education, 15 for economic development, 12 to meet city problems and 21 for natural resources. As former HEW boss Wilbur Cohen said, "There is some kind of a grant that deals with almost every aspect of human life."

Predictably, federal-aid costs have skyrocketed, climbing to \$20.3 billion this year, more than triple the amount of a decade ago. But another price tag has to be reckoned with: colossal confusion. An organizational chart of today's crisscrossing bureaucratic

lines would resemble a giant stack of spaghetti. At the top, in Washington, are 21 federal departments and agencies with 150 bureaus and thousands of subdivisions. Below is a wilderness of 400 haphazardly scattered regional offices. At the bottom—the receiving end of grants—are 90,000 units of local government, not to mention tens of thousands of institutions and individuals. Every 24 hours, \$55,616,438 pours through this labyrinth from over 500 Congressional authorizations split into more than 1000 programs. How many millions are uselessly spent when 13 agencies operate 101 educational and cultural programs? Or when nine different empires manage 192 installations supervising 1000 federal pollution projects? Or when there are at least 57 tax-fed job-training programs spread among five federal departments? Or when there are 35 different federal programs for housing and even five for driver training?

An Office of Education pamphlet entitled "Where the Money Is" lists 111 different programs in that agency alone. But for real dollar watchers, a private \$225-a-year guide and file system breaks the educational jungle into 430 subcategories. No one person can keep up with it.

Among the worst effects of this horrendous hodgepodge:

1. *The Long Wait.* "It is getting increasingly difficult for a local officer to get a decision, even a negative one," says Prof. Herbert Kaufman of Yale, whose studies show that some communities have waited for decisions for 12 to 15 months after applications were filed. "You don't know if it is going to take six weeks or a year before an application is approved," confirms an Atlanta official. "This creates a breakdown of operation and budgeting."

2. *The Paper Explosion.* The Kitt Peak National Observatory in Arizona, operated by several universities with federal aid, must regularly turn in the following data to Washington: non-discrimination report, computer-utilization report, Davis-Bacon labor-law report, federal-contract report, federal drivers-licenses report, gold-flow report, patent report, excess-property report and federal-property report. "The flood of material which rolls out from Washington to the would-be aid recipient is exceeded only by the volume of paper which he must send back," says Sen. Charles McC. Mathias (R., Md.), who has closely studied this problem.

The Bureau of Outdoor Recreation offers applicants a two-page form, but this requires knowledge of a nine-page guide which, in turn, is based on a 260-page manual amended with 24 releases totaling an additional 200 pages.

The Midwest Research Institute, after interviewing officials in ten cities from Portland, Ore., to Providence, R.I., reported that these men were "deluged by pound after pound of printed matter, all of it telling only a part of what they must know to manage intelligently."

3. *Silly Rules.* "A major complaint about federal administrative regulations is their rigidity," this was the conclusion of the 26-man Advisory Commission on Intergovernmental Relations after extensive investigation. Former Gov. John Connally of Texas complained about "trivia" that Agriculture Department bureaucrats have imposed, such as temperature-control regulations for cat and dog cages used in grant-supported activities.

In one case, local officials had to spend considerable time reaching an agreement not to be forced to list every individual fireplug and street light in the city as part of an administrative manual on "public improvements." Not long ago, an application for a park grant was sent back to Nassau County, New York. Why? It was not sent in a proper binder.

4. *The Heavy Hand.* A recent study by the U.S. Conference of Mayors scolds federal authorities for an increasing tendency to "impose managerial 'second-guessing' on local administrations." In Kansas City, Mo., which has a \$480-million-a-year smorgasbord of 64 programs, officials are burned up over the behavior of high-handed federal visitors. "Don't worry about a thing," one Labor Department big wheel announced in describing a sweeping job-training plan. "We're going to come in here and set up a big staff."

After it had a \$1-million anti-poverty program well under way in Oakland, Calif., the federal Office of Economic Opportunity decided—without ever consulting local officials—to finance a second, \$142,000 program. Oakland planners were understandably bitter. "We had difficulty learning anything about the venture," said one city official.

5. *The Grantsmanship Game.* A number of states, institutions and cities now employ, under fancy titles such as "Urban Affairs Consultant," men whose basic mission is to find out just where to lay hand on federal monies stored in the nooks and crannies of Washington. At best, this growing profession of men schooled in all the subtle techniques of wheedling and cajoling provides an abysmal commentary on methods of distributing federal funds. At worst, it has a distinctly unhealthy aroma. Says one professional grantsman: "In conflict situations I use personal friends, officials I know, Congressmen or even the President. They exert the required influence on the person making the decision so that he will render a decision favorable to our city."

"Because some communities cannot afford to retain persons skilled in grantsmanship, they may fail to obtain aid for much-needed services," Senator Muskie has noted. "On the other hand, communities with talented grantsmen have obtained more funds than could be spent wisely. One wonders whether the receipt of a grant may depend more upon the cleverness of the person preparing the application than upon real needs." And, in fact, a secret government report concludes that "richer counties receive proportionately more of the federal dollars than do poorer counties."

SERIOUS QUESTIONS

One of the many who kept hearing complaints about the federal-aid runaround was Rep. William Roth, a young first-term Republican from Wilmington, Del. To find out what was going on, Roth distributed sophisticated questionnaires to every agency and subdivision in the federal establishment, asking about their programs. At first, many bureaucrats didn't take him seriously. Indeed, HEW refused to return the questionnaire, claiming it would take 1800 hours to complete. "If that's what's necessary to inform the public about your programs," said Roth, "then something's really wrong with the system."

Last June, William Roth stood before his colleagues in the House to reveal the results of eight months of research. He told them first that nobody in the government, neither at the White House nor in Congress, knew exactly how many programs existed, where they were or what they were about. He told them that he had so far identified 1050. "I believe," he concluded, "that my findings raise serious questions as to the efficiency of the present grant system."

No one is more aware of these "serious questions" than President Nixon, who has pledged to streamline our federal system. Here is how every citizen can help him win this battle for better government:

First, the President must be given every opportunity to shake the worst bugs out of the system. The White House deserves all the backing it can get as efforts are made to strip down worn-out agencies and combine others. Vested interests, of course, will be peddling

scare propaganda the second their sinecures are threatened. But remember: there is no way to prune deadwood from the federal forest without some loud crashing of timber.

Second, the public should enthusiastically support the establishment of a commission to review the entire spectrum of government activity. This commission could give the President valuable advice on where to eliminate deep-rooted excesses and overlap. (The two Hoover Commissions of 1949 and 1955 made 587 efficiency recommendations and saved the taxpayers billions.)

Third, Congress must revamp its own outdated machinery. A long-standing bill to reform the creaking committee system and create more effective Congressional staffs should be adopted. Today, Congress is patetically unequipped to examine—and control—the multitude of proposals thrust upon it by an ambitious bureaucracy. It must therefore take part of the blame for the federal layer cake.

Fourth, searching study must be given to a number of proposals shifting decision-making power back to local government. Outstanding liberals and conservatives alike agree that remote control from Washington depletes and demoralizes responsible local leadership.

Two of the most common proposals are: "block grants," whereby Washington would provide financial assistance in broad functional areas, with wide discretion given to state and local governments; and "revenue sharing," which would return a percentage of federal income taxes for state and local use. The goal of both proposals—to decentralize and give cities and states more power to set their own priorities—makes eminent sense.

These four steps will be neither easy to take nor absolute in effect. They must be combined with far-reaching modernization of local governments from the state house to city hall. And they must be supplemented by fresh ideas—from tax credits, to citizen participation, to the training of a new generation of cooperating administrators on every level.

But if one common theme has come forth out of all the study of our federal structure, it is this: the motivation, direction and moral force for real reform must start at the top. Richard Nixon is determined to "bring us together." He can make a historic stride toward that goal by bringing our government together—and making it work.

INTRODUCTION OF BILL TO LIMIT POWER OF PRESIDENT IN CREATING OR ENLARGING NATIONAL MONUMENTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. BURTON of Utah. Mr. Speaker, on the morning of the day that President Johnson left office—that is, sometime between 8 a.m. and 12 noon on January 20—he signed proclamations extending the boundaries of two national monuments in the district that I represent in the State of Utah.

One proclamation affects Arches National Monument, adding some 49,000 acres to its former 34,010-acre area. The other proclamation enlarges the size of Capitol Reef National Monument from 39,117 acres to 254,117 acres, a sixfold increase.

This was done on Monday. The Members of the Utah congressional delegation were not informed of the President's intentions in this regard until the evening of the preceding Thursday. In other words, we were given less than 4 days' notice of an action involving almost 300,000 acres of land in the State of Utah and the rights of numerous individuals to use them. Obviously, there were no hearings conducted by any public body before this action was taken; there was no effort made to inquire with respect to the wishes of the people most vitally affected by the action, the people who live in the area.

In making the enlargements, the President acted under authority of the Antiquities Act of June 8, 1906. That act reads as follows:

The President of the United States is authorized, in his discretion to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. June 8, 1906, c 3090, § 2, 34 Stat. 225.

It is to be noted that the purpose underlying the act is to allow for preservation through Executive order of "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." I also draw attention to the fact that any lands to be set aside under this act "shall be confined to the smallest area compatible to the proper care and management of the objects to be protected."

It is my firm conviction that Presidential orders creating monuments which are neither of historic nor scientific nature, but which are scenic in character and which embrace almost 300,000 acres of land—as is the case with the Arches and Capitol Reef proclamations—are greatly beyond the scope and original intent of the Antiquities Act. I think it is quite clear that the act was to provide for preservation of historic sites and buildings, and in cases involving relatively small amounts of land. I do not think that it was ever intended to be a vehicle whereby vast acreages could be placed in what for all practical purposes amounts to national park status.

I believe the proclamations of January 20 violate the very spirit of the Antiquities Act, if not also the letter of it. I am not unaware that other Presidents in other times have also relied upon the Antiquities Act in creating or enlarging national monuments similar to those enlarged by President Johnson several days ago. There is precedent for Mr. Johnson's

use of the Antiquities Act in this regard. However, those other instances, in my view, were no less improper than the ones to which I raise objection today. I think the only proper way to set aside vast areas of land in national park status or national monument status or wilderness status or recreational area status is through specific acts of the Congress of the United States. It should not be done by Executive fiat. It is the Congress, not the President, who should make determinations of this kind. When the Congress acts it has been my experience that the people are first heard. This is not always so when the Executive acts. No area, except in very limited cases, should ever be given status as a national monument without a bill being introduced in the Congress for that purpose and without that bill going through the orderly steps of the legislative process. There should be hearings on the matter. The views of the opponents and the proponents should be heard, expert testimony should be adduced, and opportunity given for debate of the issues by members of the appropriate committees and of the Congress itself. In most cases, I would think, field hearings should be held. After all of this has occurred, then it may be proper to create such a monument, but it is wrong to create it in any other fashion.

I have today introduced a bill which would amend the Antiquities Act to prevent future occurrences of the kind that took place on January 20. By the terms of my bill the power of the President to create national monuments or to increase the size of existing ones would be strictly limited to designations involving only small tracts of land, to be specific, four sections, or 2,560 acres. This is sufficient to allow for protection of historic and/or scientific sites in those rare cases where it is deemed inexpedient to refer the proposals to the Congress.

My amendment keeps intact the full letter and spirit of the Antiquities Act. But it would prevent the Executive from continuing to use the act for purposes for which it was never intended. I would greatly appreciate my colleagues giving their close attention and consideration to the bill that I have introduced. It is my hope that it will be speedily and favorably acted upon.

FAITH IN SPACE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROBISON. Mr. Speaker, America's three great astronauts have completed the most significant and far-reaching journey undertaken in the history of mankind. They stand before the people as the composite of all the initiative and productive capabilities of the human race. But Man, in terms of all the universe, is a very insignificant being. His limits of understanding fall far short

of the knowledge available for possible total comprehension. Man's destiny therefore rests in his dreams and faith in a superior being. It was with this thought in mind that astronaut Borman read the following prayer:

Give us, O God, the vision which can see Thy love in the world in spite of human failure. Give us the faith, the trust, the goodness, in spite of our ignorance and weakness. Give us the knowledge that we may continue to pray with understanding hearts and show us what each one of us can do to set forth the coming of the day of universal peace.

Without any doubt, I am sure that the vast majority of Americans believe as I do that in this new world of science and space, our faith in God needs added strength to guard against the eroding proposals promoted by certain individuals possessing a desire to destroy the basic Judeo-Christian traditions of this great country. Madalyn Murray O'Hair has undertaken another such negative program in her quest of that ultimate goal. She is the example of how an individual, purporting to represent a dissident minority, can cause the freedom of the majority to be taken away. Such action as she espouses are but stepping stones until, in due course, many of our freedoms could be lost.

This woman, who was instrumental in getting prayer removed from public schools, now wants prayer banned from outer space. She believes that she has the power to influence or control the entrance of prayer into the vast networks of the universe and is proceeding on that assumption. The basis for her feelings are due to the fact, as she states it:

Christianity, you know, is a very minor religion and is accepted by a very minor number of people in the total world.

She must also take into consideration that she is a citizen of the United States where this statement would be far from true. Perhaps if Mrs. Madalyn Murray O'Hair attended any church, she would know that there are approximately 1 billion Christians in the world, besides which the overwhelming majority of the world's people believe in a supreme being. The astronauts' prayer for peace offended few people, and as for myself, the Christmas message beamed from outer space made my Christmas a deeply spiritual one.

Madalyn Murray O'Hair has spoken to many student groups at different colleges and universities around the Nation, and one of such students sent me his later thoughts:

I stopped to think that since the school prayer ban, I've noticed no great improvements in American education which evolved from her work. As a matter of fact, there is now more student unrest, more massive and belligerent protests, and a higher percentage of youthful delinquency than ever before. I'm not sure, nor am I saying that these are results of a prayer ban, but it is a thought.

At any rate, she is now engaged in her newest space prayer-ban proposals and nothing seems to be stopping her or be in her way. It is in the American tradition that she and others have and can exer-

cise the right to express opinions; but I think that everyone, whether he be atheist, agnostic, or believer, should slowly and sincerely ask himself, "What good purposes will it serve?"

I include in the RECORD at this point a letter from one of my constituents to the editor of the Elmira, N.Y., Star-Gazette which seems to relate the problem most concisely:

MRS. O'HAIR TRYING TO TAKE AWAY FREEDOM TO THE EDITOR:

It seems a shame that in this day and age a few narrow minded, selfish, self-centered people that represent a minority can cause the freedom of the majority to be taken away.

I am referring to Mrs. Madalyn Murray O'Hair and her followers who feel that the Christmas message from our astronauts in outer space was a "tragic situation." The same Mrs. O'Hair who was instrumental in banishing all prayer from public schools is now attempting to take away the freedom of speech and religion of our astronauts.

The Christians, Jews and countless other religious sects that believe in a Supreme Being are not forcing Mrs. O'Hair to believe. We offer her the same freedom that we have and wish to preserve, and that is to believe and choose as we so decide and not as Mrs. O'Hair decrees.

No one forced her to listen to or believe the message from our astronauts this Christmas Eve, just as no one forces you to believe or not believe as you presently do, but at least we have a choice. Mrs. O'Hair is trying to take away this choice.

If this woman and those like her are not stopped, this country could very well be deprived of everything that it stands for, everything that makes it the most wonderful country in the world.

If she were to succeed in her present venture, some of her net ventures could probably be:

1. Remove the words "under God" from the Pledge of Allegiance.
2. Eliminate the swearing on the Bible in (a) the presidential inauguration, (b) all court proceedings, (c) all other oaths of allegiance.
3. Prohibit all Catholics from blessing themselves in public.
4. Prohibit all benedictions and invocations at public affairs.
5. Prohibit all Christians, Jews and other religions from using the U.S. mails for any religious greetings or announcements.
6. Ban Christmas as a national holiday.

Etc. . . This list may sound ridiculous, but so was the prohibiting of school children from repeating a prayer in public school, and so is what Mrs. O'Hair is trying to do now.

I urge every religious, social and fraternal group, and every person to band together, circulate petitions, write your congressman and stop this woman and her followers from taking away the freedom our forefathers fought for.

I beg of you, don't sit back and say "What can I do?" for if one woman can inspire enough people to deprive us of what she already has, you can inspire enough people to preserve this precious freedom of ours from people like Mrs. O'Hair.

ELMIRA.

GEORGE E. LEVESQUE.

Mr. Speaker, the author of the letter, Mr. Levesque, has proposed that he organize a nationwide campaign of resistance to Mrs. O'Hair through the junior chamber of commerce Jaycees. I am encouraging him to proceed with his plan.

LADY BIRD ASSURED HER PLACE IN HISTORY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MILLER of California. Mr. Speaker, few have presented so true and sensitive a picture of the former First Lady, Mrs. Lyndon B. Johnson, as Isabelle Shelton in the Sunday Star of January 12, 1969.

It is seldom in our history that a First Lady has so taken to her heart the duties brought upon her by her husband's office. In executing these duties, she has managed to combine both serenity and efficiency, both warmth and dignity, both calm and vivacity, both charm and candor. The American people owe Mrs. Johnson a debt, the magnitude of which only time alone will indicate.

Sharing as I do with millions of Americans the same admiring regard for this most remarkable lady, it is fitting that I should make Miss Shelton's article a part of my remarks:

LADY BIRD ASSURED HER PLACE IN HISTORY
(By Isabelle Shelton)

Within weeks of the time he became President, Lyndon Johnson predicted in an exclusive interview with this reporter that his wife, Lady Bird, would be the most successful and influential First Lady in the nation's history.

It sounded like a bit of Texas bravado at the time, when the country was still under the spell of the lovely, grieving Jacqueline, widow of the assassinated President John F. Kennedy.

Now, five years, 200,000 miles and innumerable speeches, tree planting, river rides, Head Start, visits, awards, plaques and citations later, there are few in the nation who would not agree that the President's proud prediction has quite literally come to pass.

FERMENT AND TORMENT

In a time of almost unprecedented ferment and torment for the nation, with passions running so high that three leaders have been murdered, her husband driven from office and his party badly wounded, Lady Bird Johnson has somehow ridden serenely through it all.

Although she was picketed by those with messages for LBJ—usually about the Vietnam war—the bitter, searing criticisms of her husband somehow never rubbed off on her.

This was true even though she participated more actively than almost any other First Lady in the often turbulent affairs of the nation.

If she had sat quietly above the battle, performing only as a gracious White House hostess, as have most First Ladies, the lack of criticism could be understood.

GENTLE MANNER

But she chose to become involved with some of the nation's rawest, stickiest problems—albeit always approaching them in a gentle, ladylike manner, and usually quite obliquely.

This was probably her greatest strength. Unlike the late, revered Mrs. Franklin D. Roosevelt, the only other First Lady with whom she can reasonably be compared, she never attacked evils frontally.

Eleanor Roosevelt earned the respect and affection of millions for her tireless efforts

on behalf of the disadvantaged, most particularly her pioneering battles for social justice for Negroes. But she thereby brought down on her head torrents of abuse from those who did not want to see their privileged little worlds shaken up.

But operating always in low key, often on less controversial subjects but sometimes taking on the big ones—and placing emphasis always on Southern charm and sweet reasonableness—Mrs. Johnson has, many think, moved mountains. And she managed to remain loved and admired at the same time.

Reporters recall agonizing over the text of one of her speeches, at the University of Alabama in Tuscaloosa—where Gov. George Wallace had stood in the doorway a few years earlier, the symbol of resistance to school integration.

DELICATELY PHRASED

The First Lady seemed in her speech to be pleading for racial tolerance and understanding, but it was so delicately phrased that reporters found themselves having to interpret her intent in their own words—a step beyond what they regard as their proper role.

But the largely white Southern audience filling the college auditorium—who listened attentively but applauded little seemed to get and accept the gentle message.

College officials said later they felt the speech had been very helpful, and that a more direct, bombastic approach from the First Lady would have set back rather than helped the cause of integration.

But if her approach was most often low key, she was capable of speaking out strongly and courageously when she thought a situation demanded it.

She was one of the first national figures to publicly tangle with the hecklers, four years before they became a common sight at political rallies across the land.

SOFT SELL

They plagued her historic 1964 whistle stop train tour of the South—where she was sent by the Democratic National Committee because it was felt her soft sell would go over better with her "kissin' cousin" Southern kin folk than would LBJ, by then anathema to the South for his part in passage of the 1964 Civil Rights Act. (It worked, too. She is widely credited with holding four of the eight states she visited for LBJ.)

She held her ground valiantly with the hecklers, in Columbia, S.C., and other cities, shaming her tormentors into letting her have her say in a manner not unlike that which brought kudos this past fall to Democratic Vice Presidential candidate Edmund Muskie.

Later, back on the train, she raised Cain privately with Rep. Hale Boggs, one of the train's chief tub thumpers, for calling the hecklers "Nazis and Fascists."

The heckling and the many bitter signs ("Impeach Lady Bird," "You've Got the Feathers, We've Got the Tar") backfired against their perpetrators, bringing Mrs. Johnson sympathetic editorials across the land, especially in the South.

"In the South, we don't treat a lady that way—especially the First Lady of the land," ran the recurring theme.

She had spotted the hecklers for the menace they were to become. On her return to the White House she issued a statement, in the form of a letter to Democratic National Chairman John Bailey, that might well have served as a text book for those involved in similar incidents last fall including the Chicago police department.

She was concerned, she wrote Bailey, "because at times the heckling went beyond a mere difference of opinion and because young people, many of them too young to vote, were being used to express the enmity of others."

"I am afraid some of them were the unsuspecting victims of hate organizations whose vehemence the President and I have met before."

GET THE MESSAGE

She asked the party chairman to "get the message to our people that even when expletives of others are angrily unrestrained and our candidates and spokesmen interrupted by sustained and loud interference, our people must refuse to be provoked. They must not be intimidated into abandoning the sense of decency and fair play . . ."

She showed courage of a high order just a few days later when the greatest storm of the 1964 campaign broke over the head of the Johnson administration with the arrest of Walter Jenkins, LBJ's right-hand man, on a morals charge.

It was one of those moments of high drama in a campaign, which have been known to completely reverse the course of events.

With the country in shock and the President, campaigning in New York, thundering for Jenkins' resignation, it was the First Lady who had the guts to issue a statement from the White House, on behalf of the Johnson family, expressing grief and compassion for a companion who had fallen. "My heart is aching today for someone who has reached the end of exhaustion in dedicated service to his country," the statement read.

"Walter Jenkins has been carrying incredible hours and burdens since President Kennedy's assassination. He is now getting the medical attention which he needs."

PRAY FOR RECOVERY

"I know our family and all of his friends—and I hope all others—pray for his recovery. I know that the love of his wife and six fine children, and his profound religious faith, will sustain him through his period of anguish."

It was Lady Bird Johnson's finest hour in the White House.

"The plain fact is there has never been a First Lady to equal Mrs. Johnson," says the venerable and very Republican Alice Roosevelt Longworth, who has been watching First Ladies from a front row seat in Washington ever since her stepmother, Theodore Roosevelt's second wife, became one 68 years ago.

"No woman has ever accomplished this task" of First Lady with Mrs. Johnson's "combination of strength and grace; she has never once put a foot wrong." TV newsman Eric Sevareid quotes Mrs. Longworth as telling him.

Mrs. Johnson's preoccupation with what she called "beautification" which to some conjured up visions of Helen Hokinson-type club women planting posies along the highways (and which some observers complained was "boring"), was recognized to be much more than that by just about every major organization concerned with improving the quality of American life.

MANY AWARDS

She could line the walls of the LBJ ranch—or the LBJ Library under construction in Austin, Tex.—with the medals, plaques and citations she has received for her beautification efforts alone.

Typical is the citation given her in 1966 by the prestigious American Institute of Architects, "in recognition of her determination to restore beauty where it has been forgotten; to preserve beauty where it exists, and to protect our natural resources."

"Her sensitivity, vision and hearts and conscience of the American people, who have rallied behind her in this great cause."

AIA President Morris Ketchum Jr., of New York, in presenting the citation, praised the First Lady's efforts as "statesmanship of the

highest order," for which "the United States will be forever in your debt."

Chatting earlier with reporters, Ketchum had been even more lyrical of "the marvelous job" that Mrs. Johnson has done in sparking the visual redemption of this urban environment of ours.

PUBLIC INTEREST

Reports filtering back to AIA headquarters from its chapters in 50 states brought word that there now is "tremendous public interest" in a broadcast attack on "commercial ugliness" that goes way beyond "just planting flowers and screening junkyards" and gets to the very core of American life, Ketchum said, citing multi-million dollar face-lifting projects in such cities as Boston, Hartford and Philadelphia.

"Only her sponsorship has made it possible," he said. "I can't think of any other case in American history where a First Lady has taken on such a worthwhile cause."

"She has brought home to the American people the need for a change in our cities and countryside. We lead such busy lives, we never have time to look around us. I think she has made people look around, and after that things happen."

"Every countryside, every city, every citizen has been touched by her efforts. It is a genuinely important and lasting contribution."

MOST CHERISHED

Of all the honors she has received, possibly the one she will cherish most is one she can't take home to hang on her wall. It is the recent designation of a 121-acre park on a Potomac River island as Lady Bird Johnson Park.

Beautification was not the only string to Lady Bird Johnson's bow, although it seemed to be the one closest to her heart. She also will be remembered for helping focus the spotlight a First Lady controls on such diverse projects as Head Start, VISTA, adult education, remedial reading, and efforts to alleviate grinding rural poverty.

The Women's National Press Club, in giving her its Eleanor Roosevelt Golden Candlestick Award last month for her "efforts to improve the quality of life for all Americans," touched on several of these.

"She aroused the nation's conscience to preserve America's natural beauty and its historic sites. . . . She walked through slums, climbed the heights and hollows, rode the river rapids and planted trees from coast to coast. All this—and more—she did to dramatize problems of poverty, education, recreation and conservation."

In her open-hearted hospitality, she "shared the White House with all the people as never before," the citation continued. "She set high standards of personal dedication, and added a new dimension to the role of First Lady."

Some critics complain that Mrs. Johnson, a small town girl much of her life, never became sufficiently involved with big city ghetto problems—and this may be one reason for the only serious blast of criticism that ever came her way, singer Eartha Kitt's fiery explosion at a White House luncheon.

Miss Kitt actually had been set off by another speaker at the luncheon, whom she felt was papering over deep and fundamental problems causing crime by talking about installing more street lights—but the volatile entertainer took a side swipe at beautification along the way, arguing that planting flowers didn't settle any fundamental problems either.

The country rallied to Mrs. Johnson, impressed by her dignified but spirited response and outraged by the violence of Miss Kitt's language, and what they felt was its inappropriateness from an invited luncheon guest.

WOMEN DOERS

Perhaps actually more important was the fact that Mrs. Johnson, by the mere fact of scheduling the luncheon (one of her "Women Doers" series) had shown that she did have a concern about the problems of the cities.

She didn't win them all.

Although she made the nation much more conscious of its environment, she lost her second encounter with the bill-board lobby in Congress. Big signs will continue to clutter the landscape.

She is aware, too, that she only scratched the surface of much of the ugliness—and that even what she did achieve can slip back, if others don't carry on the work.

"There is no reason why, because I planted trees, another First Lady should have to water them," she said in a recent speech. "But I hope someone will," she added wistfully.

She was disappointed never to find a better word than beautification to encompass what she was trying to do. She asked the nation to help her, but no one ever came up with anything she thought was an improvement.

She lost a struggle over her own name, too—a personal disappointment to her. Dubbed "Lady Bird" by a nursemaid when she was only two years old, she never had liked it, but was unable to effect the switch back to her christened name, Claudia Alta Taylor. (Her husband didn't help much by continuing to list "Wife, Lady Bird" in his biography which ran so many years in the Congressional Record.)

No summary of Mrs. Johnson's White House years is complete without mentioning her incomparable staff director and press secretary, Elizabeth Carpenter, and the talented crew Mrs. Carpenter corralled to help her.

DEVOTED LIZ

Many of the things Mrs. Johnson sought to achieve would not have been possible without the inventiveness, devotion and ever-present wit of Mrs. Carpenter, an authentic public relations genius who labored untiringly, and who (through many battles both with and for this and other reporters) never forgot the first rule for one in her role—that the interest of her "client," or principal, always came first.

But just as Lady Bird Johnson couldn't have done it all without Liz, so—as Mrs. Carpenter would be the first to say—even the irrepressible Liz couldn't have done it without a wonderfully co-operative, imaginative, disciplined and dedicated First Lady, who knew exactly what she sought to achieve, and who was willing to work like the very devils to achieve it.

One can well believe Mrs. Johnson when she says these days that she is "looking forward to a long rest."

President Johnson told this reporter in that first early interview that the reason his wife would be so successful as First Lady was that she was "the most disciplined, organized person I ever knew," and that he was "constantly amazed at the amount of work she managed to get done" in an unruffled manner.

Looking back over the past five years, he seems to have been right about that, too.

Mrs. Johnson has set a high water mark for the new First Lady, Pat Nixon, to shoot at.

Knowing full well what it's like to come along after a widely admired First Lady, she has generously tried to ease the problem for her successor by twice pointing out publicly that no First Lady has to be like any other First Lady, but that each, in the parlance of today's youth, should "do her own thing."

Addressing the Women's National Press Club, she urged that the "media's wide lens"

allows all future First Ladies "freedom to do what comes naturally."

In an ABC television interview with Howard K. Smith, she said that every First Lady must be allowed to "hew her own way in this place."

They were gracious, kindly gestures, which may ease her successor's path.

But any way you look at it, Claudia Alta Taylor Johnson, 34th First Lady of the United States, is going to be a hard act to follow.

PRESIDENT RICHARD NIXON

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. HASTINGS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the January 22, 1969, edition of the *Jamestown, N.Y., Post Journal*, one of New York State's distinguished newspapers. On this date when we have been honored in this Chamber by a visit from the President of the United States, I particularly want to commend this editorial to the attention of the Members. The editorial follows:

PRESIDENT RICHARD NIXON

Richard Milhous Nixon is the 37th President of the United States of America. It has been a long, tedious road for Mr. Nixon, but the qualities which carried him through to realize this triumph should stand him in good stead as he undertakes his awesome task of national leadership.

Narrowly defeated in his first bid for the Presidency eight years ago, routed in a subsequent campaign for Governorship of California, humiliated and embittered, Dick Nixon appeared to be at the end of the political trail. But he refused to surrender. Operating from a new base in New York, where he attained eminence and affluence in the practice of law, he continued his active participation in politics. Traveling the country from coast-to-coast he devoted countless hours of time and energy to Republican fund raising activities and the campaigns of other men, storing up a fund of political I.O.U.'s which he cashed at the 1968 Republican convention, meanwhile deepening and broadening his study of national and international affairs.

No man among Mr. Nixon's predecessors brought to the office a superior background of experience and training. Congressman, Senator, Vice-President, he has come to grips with all of the problems of both legislation and administration. If any President can be said to have assumed office with the ultimate of preparation, comprehension of public affairs, physical and mental vigor, Mr. Nixon is that man.

How he employs his talents remains to be seen. He assumes office at a time of both crisis and expectation; when divisive forces still rend the land, but when the hope that more tranquil days lie ahead has been enkindled.

The need, as Mr. Nixon himself sensed during the campaign, is not for further innovation, but for consolidation; a turning back from the adventure of experimentation in favor of a conservation of established values; a time of reconciliation, of national unification, of appraising objectives and weighing means; a time, in short, of conservatism in the best meaning of that much abused word.

The people have chosen Mr. Nixon to lead this restoration. On how fully he understands and how capably he responds to the assignment depend the immediate welfare of the nation and his own place in history.

NATIONAL MARITIME UNION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DINGELL. Mr. Speaker, last month the U.S. Tenth Circuit Court of Appeals handed down what will be a landmark decision in the case of the National Maritime Union versus the Department of Defense; that is, Curran against Clifford. The court ruled that the Defense Department can be required to answer to seamen for noncompliance with Federal maritime laws. It further held that the Defense Department must look to the reserve fleet before deciding no U.S.-flag ships are available to carry military cargo. Finally, the court's decision pointed out the fallacy of the so-called effective control theory, which contends that American-owned ships using foreign crews under flags of convenience can be requisitioned by the United States in a time of emergency.

The National Maritime Union, the largest union of unlicensed seamen, has been battling for a long time to win the right to contest Government policies that undermine the U.S. merchant marine. It now appears that the National Maritime Union's court victory will lead to a showdown on Government maritime policies which the union has been seeking.

In its ruling the court of appeals decided that the 1956 cargo preference law for shipment of U.S. military cargoes was meant for the protection of seamen as well as shipowners and the Government.

This decision can be vital to the future of the merchant marine. All too often, maritime laws passed by Congress have been treated in a rather cavalier fashion by the executive branch, particularly the Department of Defense. The seamen and their unions can, if the Supreme Court upholds the circuit court, insist that the Government uphold the laws with a legal approach.

I include the statement of Mr. Joseph Curran, the union's president, on the effect of the court's decision in the RECORD following my remarks:

STATEMENT BY NMU PRESIDENT JOSEPH CURRAN ON DECISION OF U.S. COURT OF APPEALS IN CASE OF CURRAN AGAINST SECRETARY OF DEFENSE CLIFFORD, DECEMBER 27, 1968

The decision by the U.S. Court of Appeals on our case against the Secretary of Defense re its use of foreign flag vessels represents a breakthrough of great significance in our efforts to get reconsideration of government policies on the merchant marine.

The Appeals Court only "reversed in part" the lower court's summary judgment against us but this is what it means:

(1) The Defense Department can be required to answer to seamen for non-compliance with maritime laws. The main argument against us in this was that the 1956 Act which states U.S. military cargoes must be carried in U.S.-flag ships was not intended for the protection of seamen and therefore we, suing on behalf of American seamen, had "no standing"; i.e., we had no right to sue. The argument was that the law was meant for protection of the government (and the DoD acted for them) and of the U.S.-flag shipowners (and they were not complaining) . . . The government based its argument on the fact that when the original cargo preference act was passed by Congress

(Act of 1904) there were no provisions requiring employment of American seamen on American ships. The fact that the 1936 Act specified that it was to be national policy to maintain an adequate American merchant marine manned by American seamen made no difference, they claimed. It took a masterful job by our general counsel, Abraham E. Freedman, to establish that Congress actually had the protection of American seamen, as well as American shipowners, in mind when they passed the 1904 Act.

Our counsel was able to make a strong case on this point by excerpts from the 1904 House Committee report. The Appeals Court therefore, decided on this point that U.S. seamen have the right to take action against violations by the Defense Department. It went even further. The majority declared that seamen, through their union, "are perhaps the only party with sufficient interest to challenge the Defense Department's allegedly unlawful administrative practice and thereby to vindicate the public interest in an adequate wartime merchant fleet. The court pointed out that responsibility to challenge violations of maritime laws by the DoD could not be left to U.S. shipowners because they have interests in foreign, as well as U.S. flag operations. So the court decided that we have a right to sue and went on to indicate its belief that we have a responsibility to sue for the public interest, as well as our members' interest.

This is an extremely important point for all of maritime labor and for organized labor generally. It establishes that the Defense Department can be required to answer to unions for violations of law which injure American workers economically. This is going to mean a great deal to us not only in court actions but in our work in Congress and with government agencies on maritime policies and practices.

It doesn't matter whether in this case the court believes DoD violated the law or not (the indications are they don't think so) the important thing is that the court has ruled that we—as the representative of American seamen—have the right to challenge the Defense Department and when they are so challenged, the Secretary of Defense has to prove that their actions do not violate the legal rights of American seamen.

Up to now, where questions of defense are concerned, nobody could effectively question the Defense Department, which considered itself the sole authority on its own actions. Therefore, the Department has tended pretty much to ignore the intent of Congress and the public policy when it suited its purposes. This is the kind of answer we were getting from McNamara when he was Secretary of Defense and we protested Defense Department use of foreign ships for military cargoes to Vietnam. Even though they were running into one fiasco after another in which foreign crews would refuse to sail with U.S. military cargo, McNamara answered our warnings and protests with words to the effect that "this is Defense Department business and NMU can just mind its own business."

That's when we decided that since our business is protecting seamen we would have to force the DoD into a showdown and we took the case to court. The lower court accepted the old tradition that no worker or union have the right to question the Defense Department through a court action about their activities. We were brushed off by the lower court with a summary judgment based mainly on that contention. The Appeals Court has reversed that part of the judgment and thus established a very important precedent. But that's not all.

(2) The Defense Department must "look to the reserve fleet before deciding that no U.S. flag ships are available. Much of the case against the Defense Department turned on whether or not American flag ships were available at the time the Department char-

tered the foreign flag ships we cited in our complaint. We claimed, among other things, that not only currently operative shipping but ships in the idle status in the reserve fleet must be considered "available". The Defense Department attempted to dismiss this argument with the bare claim that the question of bringing ships out of the reserve fleet, even if not bringing them out may mean there will be no American flag ships available for some military cargo, is for the Department alone to decide. The Appeals Court saw it more our way.

The court did not spell out what "look to" means; it made clear that there were plenty of reasons Defense could decide against calling up more reserves and it specified that it did not mean that entire reserve fleet had to be activated before DOD could turn to foreign flag ships. But the majority opinion that Defense has to first "look to" the reserves is important because it completely rejects the idea that the Defense Department has "absolute and unreviewable discretion" concerning whether or not ships are available in the reserve fleet. This establishes our right to challenge DOD through court action on grounds that it has not made proper use of the reserves in an emergency. It furthermore gives added weight to our arguments between emergencies about the inadequacy of the reserve fleet.

In order to comply with the laws and provide the protection the laws are meant to provide, DOD has to maintain an adequate reserve fleet and that means not only enough ships but ships that can be brought out in reasonable time capable of doing a reasonable job. The experience in the Vietnam seafight showed that the DOD had been sadly delinquent in that responsibility. We had enough ships in the reserves but they were obsolete and in terrible condition. It took too much time and money to get them operative. Even then they proved to be a hazard. The reserve fleet has been allowed to run down dangerously largely because of the policy expressed by McNamara many times, that ships of "friendly" allies are always regarded as a reliable reserve. The folly of that policy was demonstrated in the Vietnam seafight along with the complete inadequacy of the reserve fleet we had.

The court has thus strengthened our hand in the long fight against administrative policies of reliance on "friendly foreign" ships and the neglect of our reserves. This can be useful in our efforts to get positive action on a maritime program by Congress and the new Administration.

(3) The court pointed out the fallacy of the "effective control" theory. One of the points we made was that, if no U.S. flag ships were available at the time of the events we cited, DOD then had a responsibility to requisition for use under U.S. flag, the run-away ships in the so-called "effective control" fleet. The government claims that these ships are available to us in an emergency and an important part of our unhealthy maritime policy is based on that claim. This would have been the time to put the theory to the test. The court did not agree with us, but in trying to justify its rejection of our point, the court unintentionally presented one of the most effective arguments against "effective control" that has been made by anybody outside the unions. Here are some excerpts from the decision:

"Yet the decision to requisition (effective control ships), impinging as it does upon the sovereignty of another nation is a political decision involving complex questions of foreign relations . . . Where clear congressional intent or even compelling reasons of policy indicate, we might 'pierce the flag veil' and find such ships to be 'American' for certain purposes. Here there is no such clear intent and no such compulsion of policy. Hence we hold that foreign flag ships subject to American requisition are not 'American ships' for purposes of the 1956 Act."

These certainly are sound reasons for abolishing a policy which contends that foreign-flag ships can be relied on for our needs in a defense emergency simply because the owners have signed a paper stating that they will be available.

The "effective control" theory is another part of U.S. unwritten maritime policy that has been shown to be wrong time and again yet nobody but the unions has had the guts to challenge it. Here, a court which is in sympathy with the theory, wrong as it is, sets down in judicial language, the very arguments we have been using to prove it false and dangerous. It is a powerful argument against the "effective control" theory and we will make use of it in our further battles in courts, with Congress and the administration and on the waterfront to beat this racket.

AN UNUSUAL BUREAUCRAT

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PURCELL. Mr. Speaker, undoubtedly one of the finest and most reasonable men I have had the opportunity to work with in Washington is Dr. Luther Holcomb, Vice Chairman of the Equal Employment Opportunity Commission. I have found him to be a sensible, quiet voice that "makes sense," and his thoughts have been well worth listening to, particularly in the field of human rights.

It was with no great surprise that I have found that others agree with me on this point; but, nevertheless, I was personally pleased to see the Louis Harris article in the Dallas Morning News used to describe Dr. Holcomb and shed light on just why he is considered "an unusual bureaucrat." Accordingly, I place the article, "An Unusual Bureaucrat," in the RECORD at this point:

[From the Dallas Morning News, Jan. 17, 1969]

DR. LUTHER HOLCOMB: AN UNUSUAL BUREAUCRAT

(NOTE.—The following column appeared recently in the Augusta (Ga.) Herald, Dr. Holcomb, highly respected in civic affairs of Dallas, was formerly director of the Greater Dallas Council of Churches.)

(By Louis C. Harris)

We have a regrettable tendency, those of us who do not always subscribe to the nostrums concocted in Washington as cures for what supposedly ails us, to regard all bureaucrats as impractical muddlers striving to extract sunbeams from cucumbers.

But such is not the case. In fact, I can now say that one of my very good friends is a bureaucrat!

The gentleman to whom I refer is Dr. Luther Holcomb, the vice-chairman of the Equal Employment Opportunity Commission whom I came to know for the first time in Athens last year when he spoke on a program of the Georgia Press Institute.

An ordained minister who originally hailed from Texas, Luther Holcomb is one man for sure who has not permitted his role in national affairs to warp one whit his ideals, principles, his sense of humor, nor his concept of fair play.

But because the mark of Washington was upon him I recall how surprised some of us were when, hearing Dr. Holcomb for the first time, we received an altogether rational and

unemotional approach toward achieving equal employment opportunities for men everywhere.

It was with a large measure of delight—and with no surprise at all—that I read another of Luther Holcomb's speeches the other day after receiving a copy from Stan Smith, the general manager of the American Newspaper Publishers Association.

Stan sent along the speech to various newspaper editors around the country because it had to do, primarily, with the EEOC's ruling in connection with the use of sex labels in classified ads.

To eliminate any semblance of "discrimination" in advertising, EEOC said newspapers must no longer list ads under "male" and "female" classifications. Luther Holcomb dissented.

He contended that in such advertising the newspaper is not doing the hiring, but is simply providing a service to the advertiser. Thus, he said, EEOC has no jurisdiction. In the first place, by the same token, he argued, the classification of ads under the heading of male and female is a time-saver for those seeking jobs, as well as for those seeking employees.

Havoc will result, he pointed out, if personnel departments are besieged with male applicants unwittingly applying for jobs modeling feminine apparel, or with female applicants for the position of locker room attendant at a mens gymnasium.

As thoroughly in accord as one might expect me to be with Dr. Holcomb's premises, I found far more impressive what he had to say, later on in his talk, as he offered his audience "some observations on issues pertinent to the times."

"Despite America's seemingly infinite capacity for growth and flexibility," he said, "the truth is that our society as now organized has been stretched taut . . . America is 'supercharged.' Hyperemotionalism is on the rise. As a nation, as a people we are capable of creating the greatest good for the greatest number, but we are also capable through self-deception of bringing chaos upon our society." Then he said:

"The time of divisiveness is over. It is now our solemn obligation to stand united and occupy ourselves with the fundamentals and imperatives of the transition to a new administration . . ."

"Our new president-elect is aware of the gravity of our social cleavages, but he alone cannot restore unity. Although he has been chosen to lead our nation, the people must cooperate by following. We must learn to respect each other despite our diversities and to trust each other despite our differences . . . I believe every American should commit himself to unite in spirit with the president."

As for the job he holds, Dr. Holcomb explained that the original concept of Title VII of the Civil Rights Act, which created EEOC, "was to acknowledge the existence of job discrimination, to make the public aware of it, and by elimination of job discrimination to give minority groups the 'opportunity to achieve' that is uniquely American. It was never intended," he added, "that Title VII become a permanent part of the functions of the federal system . . ."

Said Dr. Holcomb: "The private-enterprise system is the backbone of America. American business is known for its creative and progressive techniques, and those innovative methods must be put to use in eradicating discrimination in employment opportunity."

"Likewise," said he, "government must seek a commonsense, down-to-earth approach to problem-solving at every level. Past bureaucratic methods must be alleviated. Government and business, working together, must develop an equitable way to include minorities in every aspect of American opportunity. A revolution of responsibility on the part of all Americans—including minorities—must occur."

Just as I said, Luther Holcomb is an unusual bureaucrat. We need more like him.

REVENUE SHARING ENDORSED

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. SCHWENGEL. Mr. Speaker, during the recent election we heard a good deal about the need for new and better answers to the solution of this Nation's problems and, indeed, the new Cabinet members designated by President-elect Nixon have used the same phrase extensively. One of the problems in need of a new and better answer is that of financing for our State and local governments. This is really a two-headed problem, in that control of the purse strings implies, if not assumes, control of the entire program. We are all aware of the increasing concentration of revenue from the tax dollar and the corresponding control and authority in Washington, D.C. I have offered a new and better answer to this problem in the form of a bill for revenue sharing, H.R. 663. This bill returns a substantial share of our revenue to the States with no strings attached. The bill also provides for credit for taxes paid to State and local governments to encourage to do their "fair share" to meet their own revenue needs. Substantial support has been generated for this concept. The Muscatine Journal recently endorsed my bill, and under unanimous consent I submit the editorial for inclusion in the RECORD as evidence of the growing support for this concept:

[From the Muscatine (Iowa) Journal, Jan. 9, 1969]

REVENUE SHARING SOUGHT

It has been calculated that the federal government is currently collecting 65 percent of all taxes gathered in the United States, with local governments getting 20 percent and states 10 percent.

Editorial Research Reports indicate that in the decade ending in 1968, federal tax collections rose 103 percent; state collections went up 140.2 percent; and local governmental collections mounted 109.7 percent.

Meanwhile state governments are feeling a financial pinch . . . with the indications that some additional levies are in prospect at the state level. Local taxing bodies may also boost levies in many areas, surveys have indicated.

Hence it is that hard-pressed governmental bodies at the non-federal level are looking toward Washington for a measure of relief.

One of the measures aimed at prying some extra cash from Washington is a revenue-sharing bill introduced in Congress by Rep. Fred Schwengel of the First Iowa district.

Under the Schwengel bill 5 percent of the income taxes collected by Uncle Sam would be returned to the states. Ten percent of the rebate would be to the poorest one-third of states. A different formula would govern distribution of the remainder.

Gov. Nelson Rockefeller of New York, in a speech last fall, noted that out of a total 65 percent of the U.S. tax take by federal authorities, the federal government returns only about 9 percent in the form of categorical grants to localities "with an eyedropper wrapped in red tape, so to speak."

Rep. Schwengel, in commenting on his revenue sharing proposal, noted that there are now more than 400 categorical grant programs in effect, which he asserts make it increasingly difficult for state and local governments to have sufficient latitude in setting their own priorities.

"To take advantage of Federal tax money, they must follow Federal priorities. Revenue sharing would allow local government to more effectively meet its problems and would certainly lower the overall cost to the taxpayer."

These objectives are laudable. Rep. Schwengel admits his bill isn't perfect, and work is underway to improve it. But if it will lower the cost to taxpayers and contribute to the effectiveness of local government, ample help should be available.

CRIME FIGURES FOR WASHINGTON
SHOW NEED FOR IMMEDIATE
ACTION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ROGERS of Florida. Mr. Speaker, the latest statistics on crime in the District of Columbia released by Police Chief John B. Layton show the need for immediate action by the Congress to stem this shocking trend.

I have introduced legislation to authorize additional manpower in the judicial system of the District to complement the existing effort to expand the law enforcement personnel.

The need to act is great, and I insert at this point in the RECORD for the benefit of my colleagues an article from the January 28, 1969, issue of the Washington Evening Star which dramatizes the situation:

DISTRICT OF COLUMBIA CRIME INDEX CLIMBS
HIGHER AS NIXON MAPS DRIVE—12-MONTH
TOTAL UP 25 PERCENT—NOVEMBER RATES
PUT AT ONE DAILY

Crime in Washington was running more than 25 percent above the previous 12-month total at the end of November, according to statistics released today by District Police Chief John B. Layton.

The latest monthly crime figures—showing nearly one rape a day during November and 1,074 robberies—were routinely made public less than 24 hours after President Nixon called the city's crime rate "a major problem."

At his first White House press conference yesterday, the President also said he will propose a new program this week dealing with crime in the District.

Nixon said he had instructed Atty. Gen. John N. Mitchell to prepare the program on "an urgent basis." He added that the city's crime problem was brought "very close to home" when a White House employee was the victim of a purse-snatching as she left work one evening last week.

"Therefore, we have turned on all the lights in all of that area, I can assure you," the President added.

SHARP RISE NOTED

As District Mayor Walter E. Washington and other city officials indicated surprise at learning of Nixon's imminent crime proposals, Chief Layton's office said the index of reported crimes in the District last November had increased by 23.2 percent over the totals for November 1967.

All seven categories in the crime index showed increases last November over the corresponding figures for that month in 1967.

The biggest increase—123.1 percent—was in rapes (29 last November, compared with 13 in November 1967).

Robberies increased 107.3 percent (1,074 vs. 520); homicides, 64.3 percent (23 vs. 14);

auto thefts, 30.4 percent (1,086 vs. 833) aggravated assaults, 10.4 percent (277 vs. 251); burglaries, 1.4 percent (1,415 vs. 1,396), and larceny over \$50, up 1.1 percent (1,415 vs. 1,396).

The chief's report noted that crimes against persons—excluding such categories as auto thefts and burglaries—amounted to 30 percent of total offenses during November, compared with 25.6 percent of the total in October.

The 23.6 percent over-all increase in comparing November 1968 with November 1967 was not the largest such boost last year. The year-to-year June total had risen by 37.5 percent, for example, while July was up 35 percent and September 25.7 percent. October's year-ago increase was 18.5 percent.

For the 12 months ending Nov. 30, the only crime category showing a drop was aggravated assaults, down 3.2 percent from the 3,186 reported in the previous 12 months.

Other 12-month comparisons at the end of November: rapes up 53.9 percent to 257; robberies up 45.7 percent to 8,131; auto thefts up 35.5 percent to 11,199; burglaries up 24 percent to 17,658; and homicides up 9.4 percent to 187.

NEW JUMP INDICATED

And another increase in at least one category appears to be in the works for the current month. A preliminary survey made by The Evening Star yesterday showed 574 armed robberies through Sunday—not including unarmed robberies such as yokings, pickpocketing and the purse snatching from the President's employe and other women.

Nixon's statement that he was planning an anti-crime program for the District appeared to catch Mayor Washington by surprise, but within hours of yesterday's White House press conference the mayor was announcing progress "in all areas" of his own two-week-old anti-crime drive.

"I welcome all the help we can get in the city," the mayor said, referring to the President's statement.

Washington last night said additional police recruitment resulted in the signing up of 49 new patrolmen, 2 more policewomen and 13 police cadets.

"We have made progress in all areas of our drive, we see some improvement," the mayor remarked.

DELAYS SENATE APPEARANCE

In another development, Washington asked for and received a postponement of his appearance before a Senate Judiciary subcommittee looking into changing the Bail Reform Act.

Sources reported the city has been working on a draft of an amendment to the District Bail Reform Act, and that the mayor postponed his testimony because he was not satisfied with what he and aides had come up with.

The mayor also met yesterday with District Health Department and police officials on drug addiction. He said officials are finding "an amazingly high number of crimes related to drug addiction, particularly among younger offenders." He said drug addiction programs will be strengthened and expanded.

SUPPLEMENTARY EDUCATIONAL
PROGRAMS IN DAY CARE CENTERS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. KOCH. Mr. Speaker, on January 23, I joined the gentlewoman from Hawaii (Mrs. MINK) in cosponsoring a bill entitled "Preschool Centers Supplementary Education Act." Its objective is

to expand and upgrade the educational capabilities at child day care centers which are now primarily custodial in nature. For this purpose, funds of \$300,000,000 are authorized annually for each State on a pro rata basis.

Medical research has determined that the earliest years are the most important in child development, since environment is a major factor in molding the basic characteristics and traits of the adult. Thus it is an important investment in future generations that we make available to our young people the best possible opportunities for a healthy and creative educational environment.

With an increasing number of young mothers entering the job market, more and more preschool children are entering the day care programs. The Headstart program for underprivileged preschool children provided an effective means of reaching those children who might otherwise have been lost to the society. Expanding the day care centers to set up educational programs will provide similar opportunities to children who do not qualify under existing Federal programs. It would make these early years productive, not only for the child but for society as well, and would greatly enhance a child's chances of fulfilling his capabilities.

GEORGE H. LEHLEITNER, OF LOUISIANA, HONORED WITH HAWAII'S SPLINTERED PADDLE AWARD

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. MATSUNAGA. Mr. Speaker, Hawaii achieved statehood 10 years ago as the result of contributions by countless individuals. One who worked tirelessly and endlessly in the cause of statehood for Hawaii was only recently honored in Hawaii. He is George H. Lehlleitner, a New Orleans appliance dealer.

At a recent luncheon meeting of the Chamber of Commerce of Hawaii, Mr. Lehlleitner was presented the award of the Order of the Splintered Paddle in recognition of the substantial contribution he made both of time and personal wealth in the fight for Hawaii statehood. In presenting the award to Mr. Lehlleitner, Gov. John A. Burns, of Hawaii, noted that the honor was long overdue. The Governor added:

No one—although there were many laborers in the vineyards—no one made a greater contribution to Statehood for Hawaii.

The Splintered Paddle Award, of which Mr. Lehlleitner is the 23d recipient, is said to have derived its name from a decree by King Kamehameha I, which is regarded as Hawaii's first bill of rights.

Passed on from generation to generation in Hawaii, the Kamehameha decree imposed a death sentence upon anyone who attacked or set upon women and children, the aged or the helpless as they went about their way. In a historical sense, it was the forerunner of America's Safe Streets and Crime Control Act. The Splintered Paddle Award has been made

annually since 1956 to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain." Former President Dwight D. Eisenhower was the first recipient of the award.

There is indeed no higher honor that could be bestowed upon such a distinguished friend of the 50th State. His support was particularly effective among the southern legislators who formed the core of the statehood opposition. We in Hawaii owe George H. Lehlleitner an enduring debt of gratitude, and I believe that my colleagues will find of great interest John Bilby's story of this unique award, as published in the Honolulu Advertiser of Friday, January 17, 1969:

HAWAII HONORS A SELFLESS FRIEND

(By John Bilby)

The highest award of the Chamber of Commerce of Hawaii, the Order of the Splintered Paddle, yesterday was presented to a man who, in the words of Gov. John A. Burns, "is known to few people in Hawaii."

George H. Lehlleitner, a New Orleans appliance dealer, received the coveted honor for his years of key efforts on behalf of Hawaii Statehood.

Lehlleitner spent close to a quarter-million dollars of his own money during years of mustering vital political and public support on the Mainland for Statehood.

The first recipient of the Splintered Paddle award was former President Dwight D. Eisenhower, in 1956.

Among other recipients have been Walter F. Dillingham, Duke Kahanamoku, Adm. Arthur W. Radford, Conrad C. Von Hamm, Samuel Wilder King, Riley H. Allen, Adm. Harry D. Felt, U.S. Sen. Oren E. Long, Arthur Godfrey and Raymond S. Coll, for many years editor of The Advertiser.

Outgoing Chamber President Ralph T. Yamaguchi said the award is presented to men who have made "the greatest contribution to their fellow man and Hawaii without thought of personal gain."

Gov. Burns, who presented the award during the 119th annual meeting of the Chamber before a capacity audience in the ballroom at the Royal Hawaiian Hotel, said:

"For years he (Lehlleitner) spent every waking hour working for Statehood for Hawaii." He would accept no reimbursement for his heavy expenses, the Governor said.

Lehlleitner's interest in Hawaii began during World War II when he commanded a troop ship in the Pacific.

He was sympathetic to a population which he felt suffered injustice as second-class citizens under military rule, Burns explained.

Opposition to Hawaii Statehood was particularly hardened in the South. Lehlleitner traveled constantly, seeking to convince Southern congressmen they should favor Statehood and at least not fight it.

A turning point in the Statehood battle occurred when he came to Hawaii to assist Gov. Burns—then Territorial delegate to Congress—in changing the mind of Louisiana's influential Sen. Russell Long, who thereafter was one of the staunchest Statehood proponents.

"I will always treasure the award because it is so uniquely Hawaiian," Lehlleitner said. He said no single person deserved credit for the victory. "There were many architects of Statehood."

But he told the audience that "with your permission" he would cite one: "Your own editor of The Advertiser, George Chaplin."

Lehlleitner said Chaplin, then editor of the New Orleans Item, wrote editorials almost monthly urging Statehood. "Those editorials were frequently reprinted," he added.

He said that this Mainland activity coincided with the local journalistic efforts of

the late Riley Allen, Lorrin P. Thurston, William Ewing and A. A. Smyser.

"If I should be reincarnated on earth," the award recipient said, "I would like it to be as a keiki o haina o Hawaii."

During the recent years that he has not visited Hawaii, he has frequently been asked, he said, if the spirit of aloha still exists.

He told Chamber of Commerce members from Oahu and several other islands and their guests anecdotes that proved to him that "I will be able to return to the Mainland with an emphatic 'Yes!'"

Arriving by plane at Honolulu Airport with little time to make an inter-island plane connection, he was told he could catch a green shuttle-bus to the other departure area.

Lehlleitner said he went outside the terminal and a green station wagon came along in a few minutes. Several other persons got in.

He told the driver where he was going and the driver replied, "Sure. Where's your bag?"

It was only on arriving at the other terminal that he found he was in a private vehicle which had come to meet arriving friends.

Lehlleitner's expressions of apology and embarrassment were brushed aside. "This is Hawaii," the driver told him.

Nowhere else does one encounter the spirit of aloha," Lehlleitner said.

Before the presentation, Gov. Burns related the story from which the award got its name.

"While plundering off the Puna Coast as a young man, King Kamehameha I skrimished with two fishermen."

"His foot slipped into a crevice of lava rock and held him fast. One of the fishermen, seeing his helplessness, struck him on the head with his paddle so hard that the paddle was splintered."

"Kamehameha escaped, but years later, after he became king of the Hawaiian Islands, he conducted an extensive search for the two fishermen and found them."

"Although they admitted their guilt, Kamehameha decreed they should be spared, but mandated that henceforth, any wanton attack upon the innocent or the helpless should be punished by death. Thus," said the Governor, "the Law of the Splintered Paddle was promulgated—the first Bill of Rights in Hawaiian history."

ROBERT A. EVERETT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, along with all other Members of the House I was terribly saddened by the passing of our dear friend and colleague from Tennessee, the Honorable Robert A. Everett.

He has served on the Committee on Veterans' Affairs every since he was first elected to Congress, and I found him to be a diligent, hard-working, courteous and considerate member of our committee. He was particularly interested in the field of medical care, and visited many of our Veterans' Administration hospitals, and on more than one occasion was instrumental in correcting deficiencies which had appeared at one of these installations.

For several Congresses he was chairman of the Subcommittee on Insurance and played a leading role in the hearings

and debate which led to the enactment of the servicemen's group life insurance program providing automatic coverage for all those individuals who serve in our Armed Forces today.

He was chairman of the special Subcommittee on Intermediate Care which held hearings here in Washington, D.C., conducted field investigations throughout the United States, and compiled a mass of data which led directly to the enactment of the nursing care program as found in Public Law 88-450. It seems to me that if one monument is to be attributed to this fine gentleman no more appropriate one could be devised than this public law which has already benefited thousands of our older veterans and will truly benefit thousands more in the immediate period ahead of us.

We shall miss him in the Congress for his good humor, good commonsense, and devotion to serving the people of his district and our country at large. With his mother and other relatives, I share the deep sense of loss which they have experienced along with all of us in the Congress.

THE INDEPENDENT SECTOR

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, a short but excellent explanation of possible future citizen participation in combating the country's social ills appeared in the Philadelphia Inquirer of January 28 under the byline of Don Oberdorfer and entitled, "Volunteers To Spark Social Reform Drives."

Expanding on President Nixon's intention "to enlist the legions of the concerned and the committed," the columnist highlighted the possibilities inherent in the independent sector, that segment of our society between the governmental and private business sectors characterized by individual effort and initiative on a voluntary basis.

Mr. Oberdorfer explores some of the possibilities which are being entertained by the new administration in its emphasis on the individual and his ability to assist in solving public problems.

I include the above-mentioned column in the Record at this point:

ROMNEY HOLDS KEY ROLE: VOLUNTEERS TO SPARK SOCIAL REFORM DRIVES
(By Don Oberdorfer)

WASHINGTON.—The Nixon Administration is preparing a Government-wide and nationwide drive to pit millions of citizen volunteers against the country's social ills. Some Presidential aides say this program of Government-encouraged "voluntary action" will be "a central theme" of the new Administration.

Mr. Nixon struck the keynote of this theme in his inaugural address. "We are approaching the limits of what Government alone can do," he said then. "Our greatest need now is to reach beyond Government, to enlist the legions of the concerned and the committed."

A chief evangelist in enlisting those legions

is to be George Romney, Secretary of Housing and Urban Development, who has been placed in charge of planning the voluntary action effort. Romney has scheduled a preparatory meeting this week with a small group of experts, including Robert Finch, Secretary of Health, Education and Welfare.

Romney and Finch—like Mr. Nixon himself—are devotees of the idea that vast and untapped energies of volunteers in an "independent sector" (between the Government sector and the private business sector) can transform the nation. Romney established programs to encourage voluntary action against social ills in Michigan during his tenure as Governor, referring to it as "the better way of solving most public problems." Finch is coauthor of a book on "Independent action," calling it "the great third force in American life" and "The starting point for a new American politics."

Mr. Nixon began in 1965 to extol the idea of an "independent people's sector" as a way to solve national problems without bigger Government. In a campaign speech last Oct. 6 on "the voluntary way," he expanded on his earlier ideas, making several promises of action if elected, and declared that "the President should be the chief patron of citizen efforts."

In recent private discussions with his Cabinet members and staff aides, Mr. Nixon reportedly referred to the proposed voluntary action program as "crucial" to his Administration. But he has noted, too, that the Government must be very careful not to take over citizen volunteers in an effort to stimulate and channel them. "The problem," said one of his advisers, "is how to lend the backing of the government to this without making it involuntary action."

Within this framework, Nixon advisers are considering a variety of proposals to stimulate voluntary action. Among them are:

A mixed public-private organization under Federal charter, similar in makeup to the semiofficial American Red Cross, with the job of stimulating drives for voluntary action in urban ghettos, rural slums and even neglected areas of burgeoning suburbs. Such an organization has been recommended by a Nixon-sponsored task force on voluntary action, headed by Richard C. Cornuelle, former vice president of the National Association of Manufacturers and the godfather of independent action.

A Federally-sponsored "computer bank" to serve as a national clearing house for information on successes and difficulties of independent action throughout the country. Mr. Nixon promised such a computerized clearing house in his Oct. 6 speech. An official of the Defense Department comptroller's office, Roger Feldman, has been detailed to draw up the plans. Under initial proposals, it would be possible for volunteers anywhere in the nation to obtain a quick computer printout listing precedents and available U.S. help for any project they are planning.

A Presidential challenge to all citizens, churches, business organizations and civic groups for 100 days of study of neighborhood and local problems, followed by an explicit commitment of volunteer efforts best suited to their solution.

For outstanding voluntary efforts, Presidential awards—similar in nature to the wartime Navy "E" for efficiency—to be made in person at the White House. Among the models under study is Gov. Ronald Reagan's award for "creative citizenship" in California. Mr. Nixon suggested Oct. 6 that through White House recognition, today's President could do for voluntary action what Franklin D. Roosevelt did for the March of Dimes.

Designation of officials in each Federal agency and department to push Federal efforts encouraging independent, voluntary citizen action. Romney has already asked

each department of Government to investigate its responsibilities for public participation. "I will expect Federal departments concerned with social problems all to be actively dedicated to the stimulation of new voluntary efforts," Mr. Nixon said on Oct. 6.

Establishment of a U.S. office of Voluntary Service, to include the VISTA program of the present War on Poverty, the Teacher Corps, a new student-teacher program to enlist high school and college students part-time, and perhaps the Peace Corps. Such a consolidation of volunteer-oriented Federal programs was suggested as "logical" by a Nixon task force on welfare headed by Richard Nathan, now assistant director of the Budget Bureau.

While the emphasis may be greatly increased by Mr. Nixon and the Federal effort expanded, volunteer programs have been a familiar part of many U.S. efforts. The Veterans Administration Voluntary Service has been enlisting volunteers in hospitals for 20 years.

The Nixon camp, however, appears to have a much greater level of activity in mind. There is talk of "an army of volunteers" to clean up the slums, teach young and old to read, counsel youthful troublemakers and even work on a couple-to-couple basis to patch up matrimonial difficulties.

"We can't continue to shift private responsibilities to Government without our way of life collapsing," says Romney in discussing the need for the new program. "However, I don't visualize this as a substitute for the magnitude of current effort by the Government to solve our problems, which are far too great for the resources now being applied."

Some people, however, do see a volunteer program as a substitute for Federal efforts, and as a way to reduce the political steam behind larger Federal appropriations and programs aimed at social ills. The conservative appeal was summed up by Cornuelle, guiding light of the independent action movement, in "The New Conservative-Liberal Manifesto," a book he coauthored with Finch last year.

"Suppose you believe in limited Government and clean air," wrote Cornuelle then. "If only Government seems able to make the air clean, you have to abandon either one ambition or the other. But if the best way to keep the air clean is by non-Government action, you can have your cake and eat it. That's exactly what we're finding out as we suddenly discover the forgotten American tradition of solving public problems by independent action."

In his 1965 book, "Reclaiming the American Dream," Cornuelle asserted that it fully mobilized, the "independent sector" of businesses, unions, charitable and private groups and volunteers could solve virtually all of the nation's problems, including unemployment, poverty, the farm problem, juvenile crime, pollution, * * *, racial segregation and inadequate education. Asked last week if he still believes independent action can do all this, Cornuelle answered, "Yes, I do." But added: "I'm glad that I didn't say when."

CALIFORNIA AGRICULTURE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PETTIS. Mr. Speaker, although the Federal Government has spent billions of dollars in agriculture subsidies, and is continuing to do so, there is one

State which has been able to survive and maintain its No. 1 position in agriculture with little Federal assistance. At a dinner which I attended recently, it was refreshing for me to hear Mr. Robert McInturf, president of the Agricultural Council of California, make the following remarks about California agriculture:

CALIFORNIA AGRICULTURE

It is a great pleasure for me to welcome you on behalf of the Agricultural Council of California, your host for this the second event to honor the California Congressional Delegation and our distinguished guests. The first such event took place three years ago, and I'm happy to see the response from members of Congress, their administrative assistants and wives for this affair is equally as gratifying as the first. This in spite of the fact that each of you have another important function to attend tonight.

The Agricultural Council of California, representing some 70 major agricultural cooperatives with approximately 100,000 farmer members throughout our state, is this year celebrating their 50th Anniversary of service to California agriculture. Although most of the Council's activities fall in the field of legislation, education and public relations within our State, they have found it necessary the past few years to also represent California Cooperatives and agriculture on a national basis. We want to thank each member of the California Delegation for their cooperation when we have called on them here in Washington.

Your dinner here tonight was made up entirely of products grown and marketed cooperatively in California. These are but a few of the 230 crops that are grown commercially in our state, and that have made it the number one agricultural state in the nation. Our number one industry, agriculture, accounts for in excess of four billion dollars gross income annually with one-third of this amount being marketed through our agricultural cooperatives.

We feel that the strength of our cooperatives in California has contributed significantly to the fact that only five of our 230 crops receive federal subsidies and the income from such subsidies accounts for less than two percent of our annual farm income.

It is interesting to note that while California agriculture continues to contribute over nine percent of the total gross farm income for the nation, its share of the net farm income has declined over the past ten years from nine and one-half percent to six percent. This means, of course, that the cost-price squeeze has been felt more keenly by farmers in our state than in any other state of the nation.

California farm workers enjoy the highest average farm wages with greater benefits than anywhere in the country, yet harassment of farm labor has been more acute in our state than in all other states combined. Although, we would like to be paying even higher farm wages, we have not yet figured a way to automatically add on 15 percent to the price of our commodity to supplement the wages of our employees, as is the case with many restaurants and was the case with this dinner served tonight. California agriculture, with its wide diversity of crops has problems that are unique to our state. Legislation that would put California at a competitive disadvantage with other parts of the country could have a serious effect on the economy of our state.

The next few years will be critical for agriculture. Our industry has made this the best fed nation in this World, with the consumer spending a smaller percentage of his spendable dollar for food each year, in fact, a de-

cline from 26 percent twenty years ago to 17 percent today. Agriculture can afford this subsidization of consumers only if its farmers, too, share in the fruits of their efforts.

CZECHOSLOVAKIA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. CONTE. Mr. Speaker, under the leave to extend my remarks in the Record, I would like to insert the final two articles on Czechoslovakia, written by F. Stephen Larrabee, which appeared in the Greenfield Recorder, on October 1, 1968, and October 2, 1968:

CZECHOSLOVAKIA-3

(By F. Stephen Larrabee)

(NOTE.—The author, a Deerfield resident who is a student at Columbia University, was in Czechoslovakia last week. This is the third of four articles he has written about life inside that torn country, all part of a longer series he is doing on his month-long tour of Europe.)

Prague in September, 1968, is a city shocked and confused by events it is powerless to control. It is a city living in hope and verging on despair. The mood of the city fluctuates with every new rumor that flutters through its coffee houses and beer halls. Today the mood is sober, but the sobriety is marked by an anxiety and fear. There is general feeling that things can only get worse not better.

Many people don't actually expect that the country will be thrown back into the dark days under Novotny, the Stalinist leader purged in February by the Dubcek progressives, but they are unsure of how much of the liberal reforms can be salvaged in the face of Soviet denunciation backed by force. They know only that they had a dream and now it is dead.

Many Czechs still haven't recovered from the impact of the invasion. The traumatic event has deeply affected the whole nation psychologically. Everyone seems to think in terms of the event. Time is marked from "that day" or from "August 21" and from "February" when the Dubcek progressives came to power. The day and the year have become infamous dates that will take their place along side those of the Munich pact in 1938 and the Communist coup in 1948. For many Czechs the invasion was a sort of surrealistic nightmare that changed from fantasy to grotesque reality as the days passed.

But if the event has touched the deepest cord of the nation, it has also produced a national consciousness that was unknown before. The unity of Czech and Slovak has been assured and both peoples are determined that it shall remain. The unity of the people behind their government is quite astonishing. Everywhere a visitor goes he sees the names of Dubcek and Svoboda. It seems as if every second shop has a picture of the two men taped to the window.

Often the Czech colors are displayed beneath the pictures of their leaders or sometimes even flowers. The men have, in a very real sense, become heroes. They have become the embodiment of an ideal which the Czech people are determined shall not die.

This solidarity is just not visual; it is an all-pervasive fact. A poll which appeared in The Reporter, one of the liberal Czech papers the Russians have banned, showed that 90% of the people in Prague who were polled replied that they had the most confidence in

Dubcek, as the most trustworthy of their leaders. When asked whether they thought that there had been danger of "counter-revolutionaries" an astonishing 93% replied "No", 2% replied "Yes", and 5% answered "don't know." 79% replied "Yes" to the question, "Do you think that the present unity will remain?"

A visitor can notice other manifestations of this unity. Many traffic signs have been taken down or reversed. Streets signs have been removed from corners of buildings. Czech policemen are ignorant of how to get to the center square or the most famous national monuments. Slogans such as "Moscow 2000 miles" or "Russians go home" are scrawled on walls and kiosks. And always, everywhere, the names Dubcek and Svoboda are written wherever space can be found.

At night the city closes up early. There is little celebrating to do. Most people rush home to listen to their televisions and radios in hope of making some sense from the chaos of the last few weeks. While most of the Russian troops have been removed from Prague to the outskirts of the city, some few soldiers do remain. Here and there one sees an Uzbek infantryman or perhaps a conscript from Baku. But such a sight only provokes the Czechs and reminds them of their loss.

Almost every Czech I met told me of some incident of stupidity or callousness on the part of the Russian soldiers. Many told me stories of soldiers who did not know where they were. Some Russians even thought they were in West Germany. Others thought they were on maneuvers somewhere in Poland. Of course, they soon learned otherwise, but this seemed only to confuse, even agitate, them. Many Czechs expressed disbelief at the "barbarism" and "stupidity" of the Russians. Over and over again I heard the word "animals" used to describe the Russians.

The invasion has undoubtedly affected many Czechs very deeply and very personally. It has left a scar that will never properly heal. It may not bleed but it will always ache. And no matter how the surgeons in Moscow choose to treat it, there will always be the danger that it will suddenly hemorrhage and require specialists on call—and expensive supplies near at hand—which can be rushed in immediately. Under such conditions the operation and other surgical requirements can hardly be termed a success.

Some attempts at healing were already underway when I was there. One night as I walked through the deserted streets of a silent and empty Prague, a Soviet army truck roared around the corner and as it passed me, three copies of Pravda, the paper of the Communist Party of the Soviet Union, were tossed at my feet from within the truck. No Czech bothered to even give them a passing glance. I left the corner with all the copies undisturbed.

Despondently, many times bitterly, the days from February to "that day" are recalled. Those months were a sort of golden age to many Czechs. They talk of the period with exhilaration, then often lapse back into a quiet reflection when the consciousness that the days have ended begins to sink into their minds. As one Czech said to me, "We were free, really free. People could speak whatever they wanted. Papers printed all the news, not just propaganda. It was really exciting . . . but now . . ." Another told me of returning from holidays in the West a few weeks early because she felt that "Czechoslovakia was the most exciting place to be." People looked to the future with optimism and hope.

A correspondent explained the difference to me by saying that under Novotny most Czechs created a psychological state for themselves which he termed "internal migra-

tion." They cut themselves off from the outside world and withdrew into their own little world which consisted of their job, their family, their leisure time, perhaps. They took no interest in politics. Most didn't even bother to read the newspapers. Then when Dubcek came to power, everything seemed to change. Suddenly there was a new resurgence of interest in politics. People awoke and in many instances politics even became the focal point of interest.

For many Czechs now, however, the critical decision is whether to stay and wait out the storm or leave before it breaks. Quite a few had the feeling that if they were going to leave, they would have to do it soon. At present, Czechs can obtain a visa without problems, but no one knows how long this situation will last. Many of the older people I talked to were resigned to staying but they expressed concern for the younger generation. Many it seemed, felt they were watching history repeating itself. They had witnessed the German occupation in 1938, the communist coup in 1948, and now the Soviet invasion in 1968. They didn't want the younger people to bear the burdens they had borne. As I listened, I remembered the words of a young Hungarian I had known years ago who had said to me, "Yes, of course I love my country, but it is not really my country."

At this moment, when much is still confused and clouded with ambiguity, one thing is certain: resentment and hostility to Russia is deep and bitter. Socialist "brotherhood" is dead in Czechoslovakia. What exactly will replace it is yet unclear. Much depends on the men in Moscow and events that will be affected behind closed doors in the Kremlin. And so tonight, as in so many nights in the past weeks, the people of Prague will return home to their televisions and radios. And they will watch and they will wait.

CZECHOSLOVAKIA—4

Prague is a strange mixture of old and new, East and West. Its roots are Western, from the home of Franz Kafka to the old German Rathaus that marks the center of the "old city."

It is also an incredibly beautiful city, not unlike Paris in its quietness and charm. And it is this beauty and charm that first strikes a visitor, reminding him by its architecture and narrow, cobblestone streets winding back among buildings which date back to the early Middle Ages that this city was once one of the cultural centers of Europe.

The Gothic spires of its churches and cathedrals that rise high above people scurrying along the streets below and the richness of their interior with their religiously inspired painting and sculpture reflect the Western origins of the city. The city is divided by the Vltava River.

The opposite sides are connected by a series of bridges which give the city a very ancient flavor. One can walk along the bridges in much the same way that one walks along the "ponts" of the Seine in Paris.

All this contrasts quite strikingly with the Skodas and Tatrass—two makes of car manufactured in Czechoslovakia—which have a very non-western look and which zip through the narrow, cobblestone streets of the city with astonishing frequency. In fact, I was quite struck by the number of cars in Prague, and Czechoslovakia in general. It is still quite difficult to buy a car. They are expensive and one must order it, then wait, often several years, before actually getting it.

But still more and more Czechs seemed to be taking to the road. The Skodas are small, functional cars, not unlike Fiats or Peugeots in design. The Tatrass are the luxury cars, often used by the government for official purposes. They are big, heavy, and almost always black. The car has tailfins, like our old Cadillacs, and the result is a rather ugly, rocket-shaped vehicle which looks like it belongs in

a Flash Gordon movie rather than on the picturesque streets of Prague.

Prague also has a surprising number of neon signs, at least for a Communist city. It doesn't look like Los Angeles, of course, but the lights do give the city some color without being at all garish. The windows of the shops are tastefully decorated which tends to brighten the city as well.

The people, even in the wake of the recent invasion, bustle about, making the city seem far more lively than any other Communist city which I have visited.

They are relatively well-dressed, and looking at many of them, a visitor might easily think he was in a Western city. Many girls wear mini-skirts matched only by those in London. That the younger generation should have long hair is an indication of the "westernization" (read "decadent bourgeois influences") if you are Russian) that has been increasing as more and more Czechs have been allowed to travel to the West in recent years.

A visitor might also be quite struck by the assortment of films he can see in Prague. I saw advertisements for "My Fair Lady" with Rex Harrison and Audrey Hepburn, A Laurel and Hardy comedy, a recent Peter O'Toole film, and "Spartacus" with Kirk Douglas. And of course a visitor can see many of the highly-praised Czech films which are being viewed by more and more people in the West today.

Another interesting experience is to go to a nightclub for young people. There the visitor will find the anti-socialist forces have been hard at work undermining the values of the young: the music is mostly rock and roll—Beatles, Rolling Stones, etc.—rendered into Czech when possible. When the band tries to play some other rendition, the visitor may witness, as I did, the students stamping their feet in signs of disapproval.

The standard of living in Prague is not high by western standards, but it is still quite good. Food shops are well stocked. In snack bars it is possible to order milk shakes, and one sees all sorts of delicious looking ice cream Sundays in the windows. Judging by the clientele—youngsters, oldsters, workers, and party officials—it would seem that such foods are by no means luxuries.

I paid about 15 cents for my strawberry milkshake. It was as good as anything I have had at the local drugstore in the States. In fact, I ate as well in Czechoslovakia as I have eaten anywhere in Europe—and quite cheaply, even discounting the difference in living standard and wage differentials. I ate in private homes, pubs, snack bars, and even one of the best restaurants in Prague, and I can honestly say that it compared favorably to food that I have eaten in similar places here in the West.

The home in which I stayed was in an old apartment building, but nonetheless, it had flush toilets, hot water, and a television. I have stayed in many places in Europe that lacked hot water and flush toilets, especially in older apartment houses. The standard of living, by comparison, was surprisingly good and overall, much higher than in other Communist countries where I have been.

In fact, the Czechoslovaks are quite proud of their living standard. They also feel that it could be considerably higher if "some comrades" did not insist upon retaining some ideologically pure but economically inefficient practices.

Many point with pride to certain achievements under Communism. They ask where in America is there a university that charges no tuition. They ask where can a student pay only about \$2 per month for his room or 15 cents for a good meal. They cite the number of social services that the government provides to its citizens—and as they emphasize, all the citizens. Many Czechs have returned from traveling abroad with some disillusionment about certain aspects of West-

ern life. They are disappointed that such wide gaps between rich and poor still exist in the West. Some gape they claim do not exist in Czechoslovakia—and I tend to agree.

That the average Czech lives better than the average person in Western Europe would be hard to prove. He does live better than the average Greek or Italian peasant and better than many urban proletariat in the West because the government insures that he gets the same benefits as someone who earns a bit more.

The common complaint in Czechoslovakia is, however, that while the necessities are taken care of for all citizens. It is still quite hard for most to save any money. It is quite difficult to rise from one's position and little incentive is offered to do so.

While the Czech returning from abroad may be contemptuous of the western government which fails to provide social services for all and neglects the poor, he is also envious of the western citizen who is free to speak about it and read uncensored news. He is envious of his ability to decide his own style of life (to a certain extent at least) rather than have it decided for him by the government.

The Czech would like to see many of the social services of the welfare state as they exist in Czechoslovakia combined with the degree of personal freedom which exists in the West. By and large, he does not want to restore capitalism, but only obtain the individual freedom to read uncensored news and speak freely. Many Czechs talk about a state which would combine "Socialism and Humanism."

Czechoslovakia was a great experiment until the Russians stepped in to halt it brutally. The Russians feared that the experiment could only lead to a watered down version of communism which would threaten to erode the other communist societies of Eastern Europe. Had the Dubcek clique succeeded in purging the other conservative element, as it seemed it was intent on doing until Moscow stepped in, profound reverberations would have been felt in all the capitals of Eastern Europe and the Kremlin itself.

The Communist party would have been confronted with an attractive rival, still professing the positive ideals of communist dogma, but purged of many of its repressive elements. Czechoslovakia had the potential to become a communist society capable to both providing a greater sense of equality among its citizens and also giving them personal freedom and a decent standard of living. In short, it would have begun to live up to the ideals, however imperfectly, of the Communist Manifesto. It would have also meant the end of the Communist party as it has existed in Moscow.

Certain factions of the Communist party leadership in the Soviet Union recognized this fact. They saw that they were at the crossroads and had to act. In acting they showed that Communism still can not tolerate competition. But it remains to be seen who will suffer the most from their action.

It is quite possible that their action saved the West, and the United States in particular, a rude awakening. Had the liberalization in Czechoslovakia continued, it is possible that a society might have evolved in the next decade which provided both social justice and personal freedom, although in a rather imperfect balance.

Such a society would have offered an alternative to Western society which would have been attractive to many developing countries. It might have produced a revived faith in Lenin and Marx, even if the society would not have been "Communist" as we have known it.

Nonetheless it would have been the result of innovative and progressive leadership in the Czech Communist party. It would have been shown that Communism is adaptive and responsive to popular sentiment for personal

freedom. For the moment, at least, the Soviet Union has killed this possibility and by its action further discredited Communism in the eyes of the world.

THE FREE CHINESE—TEACH RICE NOT REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, perhaps the increasing pressures by the world's Socialist leaders to recognize Red China and sacrifice our free world friends from Nationalist China is motivated by other reasons than profit and lucre. Can it be fear of the success of the Republic of China in its humanitarian missions abroad—fear of the internal breakdown and the continued defeat of Red China in its world revolutionary movements of violence, hate, and exploitation?

The free Chinese have now established ties with 21 countries of Africa as compared with 14 for the Peking Reds. But we hear little of the free China successes—and this seems the way the Nationalist Chinese want it. You see, they teach rice and farming while the Reds of Peking teach revolution, violence, and destruction of existing governments.

The record of achievement for the free Chinese of the republic is a credit to their industry and leadership—a mark of great success in helping people of the emerging nations of Africa remain free and meet their food demands.

Truly, the Republic of China has demonstrated time after time that it is the government representative of the peoples of all China.

To recognize Red China at the expense of the Republic of China would be like selecting violence over peace and revolution over performance.

Mr. Speaker, I include a news release from the New York Times for December 25, 1968, a feature article from the Rotarian magazine for November 1968, and an editorial from the Evening Star of January 2, 1969, following my remarks:

[From the New York Times, Dec. 25, 1968]
NATIONALIST CHINA IS WINNING NEW FRIENDS
IN AFRICA—TAIWAN'S FARM AID EFFORT IS
HELPING SPREAD INFLUENCE—TAIPEI NOW
HAS TIES WITH 21 COUNTRIES, PEKING
WITH 14

(By Frank Ching)

Nationalist China is meeting with increasing success in its effort to turn African nations away from Communist China.

Among the African countries, 21 now have diplomatic relations with the Chinese Nationalists, while 14 have such relations with Communist China.

A major factor in Taiwan's effort to win friends in Africa is its agricultural aid program, which was launched in 1961. The Nationalists now have about 450 farming experts serving in 19 African countries. The program is being expanded and new agreements with Ghana, the Central African Republic and Lesotho have been signed, providing for the sending of teams to those countries.

Technical aid in the fields of public health, fishery, food processing, civil aeronautics, education, highway development and water conservation are also extended to a few countries, including Ethiopia, which does not get agricultural aid. The total number of Nationalist aid officials in Africa is about 600.

VOTE IN U.N. REFLECTS SHIFT

Nationalist China's diplomacy in Africa is directed by Vice Foreign Minister Yang Hsi-kun, known in Taiwan as "Mr. Africa." Mr. Yang recently returned from his 22d visit to Africa, during which he toured 24 countries, bringing back diplomatic recognition from Gambia and newly independent Swaziland.

Taiwan has made a grant of \$3-million to Chad and one of \$2-million to Sierra Leone to finance agricultural and industrial projects, part of a total grant of \$20-million to be extended to 10 African countries. The Nationalists have spent about \$50-million on aid to Africa.

The increase in African support for the Nationalists was reflected in the vote on the China representation issue last month in the United Nations, in which 15 African countries—one fewer than in 1967—voted for the admission of Communist China and 20—one more than last year—voted against Peking.

Of the three new African members, two—Mauritius and Equatorial Guinea—abstained, while the third, Swaziland, voted against admission.

The gain is particularly significant when compared with the voting in 1960, when nine African countries supported Communist China and only two were opposed.

Joel Tchong-kao, Nationalist Ambassador to Upper Volta, said in a recent interview here that the courting of Africa was especially important because it is mainly in that area that Taiwan hopes to win new support. It is also in that part of the world that the Nationalists have to work hardest to keep the support they have, Ambassador Joel said.

While Chinese Nationalist diplomacy in Africa is directed primarily against Communist China, Peking's motives there are more complex. In addition to attempting to isolate Taiwan, the Chinese Communists seek to turn newly independent countries not only against the West but also against the Soviet Union, claiming for themselves the role of leader of the world's revolutionaries.

Communist China has greater resources than Taiwan and is willing to use them on large, prestige projects. Peking is reported to have about 8,000 people working on aid projects in Africa. It is estimated that the Chinese Communists have spent \$175-million on aid to African nations.

The Chinese Communists have agreed to build and finance a 1,000-mile-long railroad linking Zambia and Tanzania, which is expected to cost \$280-million to \$400-million. In May, Peking signed an agreement with Guinea and Mali for the construction of a Guinean-Malian railroad.

The Chinese Communists have also built factories in Mali, and the October 24 Palace in Conakry, built with Chinese aid, is the biggest building in the Guinean capital. In Somalia, a Chinese-built theater stands in the center of the capital, Mogadishu.

However, despite early successes, Peking's popularity in Africa has fallen sharply in recent years.

Dahomey and the Central African Republic, which had broken with Nationalist China to recognize Peking, have severed ties with Communist China and resumed relations with Taiwan. Ghana, once a center of Chinese Communist activity, suspended relations after the overthrow of President Kwame Nkrumah in 1966, while Mr. Nkrumah was on a visit to Peking.

TUNISIA SUSPENDED TIES

Tunisia suspended relations with Communist China in 1967, charging interference in internal affairs, as had the Ghanalans. In

Kenya, the book "Quotations from Chairman Mao" was banned and Peking's chargé d'affaires expelled.

Communist China, which sided with the secessionist Biafrans, lost the support of Nigeria in the United Nations this year. Nationalist China, meanwhile, contributed \$10,000 to be used to aid war victims in Nigeria. The recent coup in Mali, which represents a shift away from the left, is likely to erode Peking's position in Africa further.

Foreign Minister Wei Taoming of Nationalist China, in a recent interview here, stressed that there were no political strings attached to Taiwan's agricultural aid program. He asserted that, while the Communists use aid for subversive purposes, the Nationalist program was purely to help people.

He used Gambia as an example of what the agricultural teams have achieved. When a Nationalist team arrived there in 1966, he said, women were planting rice and men were planting peanuts, a less arduous task. After the 12-man Nationalist team had begun to grow rice, Gambian men gradually joined in this work. Dr. Wei said this showed that even the customs of a nation could be changed.

[From Rotarian, November 1968]

THESE ARE THE SAINTS—TEACHING RICE, NOT
REVOLUTION, IS TAIWAN'S METHOD OF LOW-
ERING COMMUNIST STOCK IN AFRICA

(By William Clifford)

"When things look gloomier for us here, when our friends seem to be doing us in, we can always count on our enemy, the Chinese communists, to come to our rescue with some outrageous new action."

So commented a Nationalist Chinese official as he happily contemplated the result of last year's United Nations vote against the admission of communist China. It wasn't the United States that kept the communists out this time. Like every other country, it cast only one vote, and many of its closest allies on other fronts refuse to go along with the U.S. in the U.N.

The deciding factor at the U.N. was the African bloc, where Nationalist China's stock has risen steadily over the past six years while the communists have been going into eclipse.

What accounts for this?

The inept diplomacy, the outrageous new actions of the communists, for one thing. They have acquired a well-deserved reputation for empty promises, bribery, and sabre rattling, treating the Africans like children, and trying to undermine their governments. African freedom from colonialism wasn't enough. What they wanted for Africa was revolutions, bloodshed, and communist dictatorships that would defer to their leadership. What they've been getting in Africa is the gate.

In the past two years communist Chinese diplomats have been expelled from Burundi, Dahomey, and the Central African Republic. Ghana threw out their technicians, while Kenya ousted their news correspondents and followed by kicking out their chargé d'affaires. Kenya's Vice President lost his job for taking Peking's bribes, and communist bribery also provoked a cabinet crisis in Malawi. The President of Tanzania castigated Peking for failing to come through with its grandiose program of economic aid, and the new government in Algeria cost the Chinese much face by canceling the Afro-Asian Conference. All this in spite of the fact that none of these are right-wing, pro-Western governments; rather, they are strictly neutralist, or in some views, anti-Western. But the communist government of China's 700,000,000 people simply can't get along with them.

At the same time, another group of Chinese have been getting along in Africa. They are a few small teams of farmers and tech-

nicians from the island of Taiwan with its 13,000,000 people. This seat of the Nationalist Chinese government in exile has recently become one of the brightest spots on the Far Eastern economic horizon. Taiwan now has the best diet of East Asia. Rice production is four times what it was when the Chinese took over the island two decades ago, following 50 years of Japanese occupation. Sugar and sweet potatoes are up almost three times, and many new crops are flourishing. The \$1.4 billion U.S. aid program closed down for good four years ago, when Taiwan was obviously ready to take full care of herself.

The Nationalist Chinese also had the resources to begin helping others. And using their political as well as economic wits, they turned to Africa. It wasn't only those votes at the U.N. that made Africa attractive, though of course they did and they do matter a great deal. What made the African countries such fertile territory for Taiwan was the need for basic agricultural know-how. The Chinese know very well how to grow rice. Mostly the Africans don't, and there's nothing they need more. So the Chinese have met the need by sending teams of their farmers to show African farmers how to plant better seed, to irrigate, to use fertilizer, and bring in two or even three crops a year instead of one. The Ambassador from Malagasy confirmed the importance of food production to his young underdeveloped country when he said, "China is our greatest friend, because it has helped us in the agricultural field." The President of the Ivory Coast said the Chinese demonstrations revealed that his people "had all the time been slumbering on a rich granary."

This was a loaded remark, because for several generations European rulers had told the Africans that their soil was infertile, their climate impossible, and they themselves lazy. Many Africans came to freedom with ingrained feelings of inferiority. The Chinese farming demonstrations have given them confidence in both their capability and their land. Far from being good for nothing, their land is good enough to grow almost anything. In the past there was no reason for these people to work hard. Now the opportunities provide the incentives.

At the modest cost of training about 570 men, plus tools and seed and agricultural seminars in Taiwan to which Africans are invited, the Chinese have broken new ground where Africa's need is greatest and made staunch friends in their own hour of need. People in Libya were so delighted with the seeming miracle of growing rice at the edge of the desert that they put a sign on the house where the Chinese farmers lived saying "These are the saints." The Chinese don't pretend to be saints, but their agricultural success in Africa has almost a touch of the miraculous about it.

[From the Washington (D.C.) Evening Star, Jan. 2, 1969]

RETURNING A FAVOR

The Taiwanese have 600 economic aid officials operating in 22 African countries. Four hundred and fifty of them are directly engaged in helping to expand agricultural production.

For this comparatively small financial outlay, the Taiwanese have received surprisingly large political dividends. Nationalist China is now recognized by 21 African nations; Communist China, by only 14. And in this year's United Nations vote, 20 African states voted against the admission of Red China while just 15 favored this step.

Taiwan's aid program alone does not, of course, explain the depth of Africa's current disenchantment with Communist China. In large part, the Communist Chinese are themselves to blame. They have tried

through heavy-handed diplomacy and subversion to promote pro-Red Chinese governments at a time when most African leaders believe that their countries' interests will best be served by a policy of political non-alignment.

Politics aside, however, Taiwan's economic miracle offers a heartening example to Africans who hope to steer their countries onto the path of economic modernization. The Taiwanese, a non-Caucasian people, have shown that the proper mix of sensible economic policies, hard work and financial resources can turn the trick. Now they are using their economic development know-how to brighten the future of the Dark Continent. For a nation whose spectacular economic growth owes much to outside financial assistance, this is an altogether fitting way to return the favor.

LATVIA'S 50 YEARS OF INDEPENDENCE, 1918 TO 1968

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PUCINSKI. Mr. Speaker, on November 18, 50 years passed since the Latvian nation proclaimed its independence in 1918, along with its sister nations on the Baltic Sea—Estonia and Lithuania.

Latvians belong to the Baltic branch of the Indo-European family. Archeologists have established that the Baltic peoples settled on the eastern shore of the Baltic Sea some 4,000 years ago. They have been living there ever since and have developed their own, distinctly Western, cultures and institutions.

Christianity came to Latvia in the early 13th century, and in 1207 Pope Innocent III granted Latvia and Estonia the status of an ecclesiastical state, which was called Terra Mariana—the Land of Mary.

For hundreds of years the Latvians resisted, with varying fortunes, the onslaught of foreign armies. It was Russia that in 1795 finally gained complete domination over all of Latvia.

The collapse of the Russian empire during World War I enabled many nations of East-Central Europe to fulfill their aspirations for a free life. The Latvians immediately grasped this historic opportunity and in 1918 proclaimed their independence as a democratic republic within its ethnic boundaries.

But the newly planted tree of liberty had to be watered by the blood of patriots. After a war of liberation that lasted 638 days, Latvia and the Soviet Union signed a peace treaty in 1920. Moscow solemnly pledged "forever" to respect the sovereignty of independent Latvia.

The Soviet "forever" lasted only 20 years. In June 1940, following the treacherous Molotov-Ribbentrop pact, the armed forces of the Soviet Union occupied Latvia, Lithuania, and Estonia against the will of the Baltic people.

Today the Latvian nation remains under Soviet occupation, but it refuses—as it always has throughout its history—to accept the finality of slavery.

Every year at this time the Latvian people look toward the great democracies, they look to the free world, and they continue to hope that the day will again come when freedom, which was taken away by the Red might, will be restored not only in Latvia, but throughout the world. We pray that God will give the Latvian people the strength to maintain their resistance against the terror that stalks Latvia.

It is noteworthy that the 89th Congress of the United States unanimously adopted House Concurrent Resolution No. 416. The resolving clause reads:

Resolved, That the House of Representatives urge the President of the United States to (a) direct the attention of world opinion at the United Nations by such means as is appropriate, to the denial of the rights of self-determination of the peoples of Latvia, Estonia, and Lithuania, and (b) to bring the force of the world to bear on behalf of the restoration of these rights to the Baltic peoples.

The House resolution was adopted by a record vote of 298 to 0 on June 21, 1965. It passed the U.S. Senate unanimously on October 22, 1966.

RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ZWACH. Mr. Speaker, there is a great need for continuing a balanced program of cooperation between the Federal and local communities in regard to the careful planning and development of our natural resources. More and more, our Nation is suffering the ills that beset a nation by compounding too many people in too small a space. This trend will change eventually, even though it will be too late to avoid further aggravation of the present societal problems of compressing people into concrete high-rise buildings.

In order to be better prepared for the needs of greater natural resources and to protect these resources in our rural areas for those who need and expect their use in the future, I am introducing a bill to implement the act of 1962 which created the resource conservation and development program.

This bill simply provides for a proportionate method of sharing the expense in carrying out the developmental and constructional phases of those programs in which the entire Nation is benefited of up to a maximum of \$50,000 per project.

This bill passed the Senate, and passed the House committee, but too late for final action in the previous Congress.

Most of these programs have a multiple-use concept so that jobs, recreation, and conservation goals are accomplished simultaneously. I ask for early consideration and passage of this program which is largely originated, developed, and managed by local elected residents.

PRESENTATION OF A BRONZE
SCULPTURE, HEAD OF LIBERTY

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. DOWNING. Mr. Speaker, on January 16, 1969, I was privileged to attend the presentation of a bronze sculpture, Head of Liberty, to the Department of the Navy. In simple ceremonies at the Pentagon the Chief of Naval Operations, Adm. Thomas H. Moorer, accepted this magnificent gift from its creator, Oskar III, J. W. F. Hansen, the internationally renowned sculptor, author, scientist, and theologian.

Admiral Moorer presented the following letter to Mr. Hansen:

DEAR MR. HANSEN: In recognition of your most generous gift of the sculptured bronze head of Liberty, I would like to extend the deep appreciation of the Department of the Navy.

In the history of our infant Republic, the influence of seapower proved decisive at Yorktown. Thus, it is appropriate that the United States Navy should become the guardian of your Liberty. I can assure you that she will be displayed proudly, and defended with honor by the Navy.

This great work of art is an eloquent expression of your patriotism, and of your devotion to the ideals upon which this Nation was founded. We in the Navy share that devotion, and it is my hope that the United States Navy will ever be worthy of the honor you have bestowed upon us.

Sincerely,

THOMAS H. MOORER,
Admiral, U.S. Navy.

This ceremony was arranged following acceptance of Mr. Hansen's generosity by the Honorable Paul R. Ignatius, Secretary of the Navy:

DEAR MR. HANSEN: The Chief of Naval Operations has advised me of your most generous offer to present to the U.S.S. *Enterprise* the bronze sculptured head which you created as the advance study for the granite sculpture of Liberty at Yorktown, Virginia.

On behalf of the Navy and the U.S.S. *Enterprise*, I am honored to accept this distinguished work, offered as it is in the spirit of patriotism and dedication to country.

A representative of my office will contact you in the very near future to arrange the details of a presentation ceremony appropriate to this significant occasion.

With my warmest best wishes,

Sincerely,

PAUL R. IGNATIUS,
Secretary of the Navy.

The Head of Liberty was created by Oskar Hansen as his own advance study for the granite sculpture that he executed for placement atop the monument at Yorktown, Va., memorializing the alliance and victory which in 1781 guaranteed liberty and independence for our Republic. The heroic size sculpture, valued at \$35,000, is but the latest in an unending stream of services which Mr. Hansen has rendered his adopted land. He served in the U.S. Army, entering as a private and rising to the rank of major. His notable work as a sculptor adorn Hoover Dam and his carving of a stallion head is in the gem collection of the Smithsonian Institution.

As a young man, Oskar left a ship and swam ashore to this country. His life has been as exemplary as that of any native-born American, and his contributions to liberty place him in a select group of patriots who continue to struggle to guarantee this precious right to all of us.

ROBBING THE POOR—PART 2

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. ASHBROOK. Mr. Speaker, the New York Times of January 12 carried an extensive article on the abuses and excesses in the antipoverty program in the New York City area, the first part of which appears in the CONGRESSIONAL RECORD of January 27. As explained in part one, the Human Resources Administration (HRA) was created in 1966 to simplify and better control the various antipoverty and welfare services in New York City. In the intervening 27 months the HRA has not fared too well; in fact, according to the Times account, multiple investigations of the antipoverty program "are disclosing chronic corruption and administrative chaos." One assistant district attorney was quoted as saying that—

It's so bad that it will take 10 years to find out what's really been going on inside the Human Resources Administration.

Fortunately, there have been indications in the recent past from advocates of the "government-is-the-all-wise-mother-hen" theory that our social ills can be cured by the allotment of huge sums of taxpayers' dollars. More and more there is the realization that the private sector and individual initiative must be included in any full-scale program of rectification. Increased efforts on the part of the business world and labor are becoming evident as the emphasis on government recedes.

The experience of the HRA in New York City, repeated in varying degrees in other areas, should serve as a warning that government-sponsored panaceas should be viewed with a healthy and objective suspicion.

I insert at this point the second part of "Millions in City Poverty Funds Lost by Fraud and Inefficiency," which appeared in the Sunday edition of the New York Times on January 12, 1969:

ROBBING THE POOR—PART TWO

FRAUDULENT CHECKS SENT TO SWISS BANK

The four fraudulent H.R.A. checks that found their way into a Swiss bank were dated Oct. 9, 1968—the same day that the Rev. H. Carl McCall, then an H.R.A. deputy administrator, told a meeting of Federal and city investigators about new fiscal controls that had been devised to keep antipoverty money from illegally draining out of the agency into private pockets.

Seemingly undisturbed by scores of Federal and city investigators looking into agency books and records, someone—investigators do not yet know who—stole seven blank checks from the back of a brand new H.R.A. checkbook.

RESULTS OF THE INQUIRY

All the checks bore the stamped signature, in faded black ink, of Mitchell I. Ginsberg, the H.R.A. administrator. The stamp was either stolen or duplicated.

Three of the checks are still missing, but had the plan to convert the four checks worked out as planned, the H.R.A.'s Manpower and Career Development Agency (from whose checkbook the checks were torn) would have been out precisely \$1,017,615.01.

What investigation by The Times and the District Attorney into the Swiss bank caper shows is this:

Sometime last November, the four checks were made out—on two different typewriters—jointly to the city's Department of Finance and a concern called Pagliuca Associates. Both names appear as the payees on all the checks and were separated by three asterisks, a slash mark and three more asterisks.

The checks—for \$340,063.38; for \$105,366.80; for \$108,005.59 and \$466,179.24—were then mailed or personally carried to Europe, where they were deposited for collection to the private account of one George Jose Mendoza Muller in the Zurich office of the Banque Populaire Suisse, a relatively small institution with no affiliation to an American bank.

Bank officials interviewed by The New York Times in Switzerland say that the checks arrived there simultaneously and that, because of the large amounts involved, they were immediately suspected. Thus, though the checks were accepted for collection purposes, no money was paid out for them.

The Swiss bankers refuse to disclose anything more about the checks, and therefore the identity by Mr. Mendoza Muller remains a mystery.

DISPUTE ABOUT DISCOVERY

Nothing was seen of these checks in New York until two days before Christmas, when all four turned up at the Chase Manhattan Bank for payment.

There is some dispute about who first spotted the checks as frauds. The Banque Populaire maintains that it called Chase Manhattan immediately after the attempt to deposit them was made in Zurich. Chase Manhattan, however, says that the Swiss routinely forwarded the checks for collection and that it was Chase's people who ordered payment stopped on them.

In any case, neither bank seems to have paid out any money on them and the city lost nothing in the transactions. It is not known, however, if the persons who wrote the checks sold them at a discount to intermediaries or attempted to cash them on their own.

The police in Zurich say they are looking for two men who apparently tried to make the deposit at the Banque Populaire office.

After Chase Manhattan stopped the checks, Mr. Hogan's office was notified by the bank and began an investigation.

One of the questions being studied by the district attorney is whether similar forged checks were cashed before the four recent ones. Chase Manhattan says it is starting its own investigation into past records and is also alert for possible new checks turning up.

HEAVILY USED ROUTE

It is clear that some degree of sophistication was involved in the attempted check-cashing coup. The Swiss bank route is one that has been heavily traveled by big-time swindlers. The Mafia, too, has used the cloak of absolute secrecy, guaranteed by Swiss law, that shields depositors in Swiss banks from any scrutiny by the Federal Bureau of Investigation and the Treasury Department.

One lead checked out by Mr. Hogan's staff was the name of the second payee—Angel Pagliuca of Pagliuca Associates. He turned out to be an elderly Argentinian of little

means and many debts who maintained a tiny office at 80 Wall Street which he used to "watch over my investments."

Mr. Pagliuca has disclaimed any knowledge of the checks and maintains that his name was used without his permission. The District Attorney's office has made no move.

The two former officials of the Human Resources Administration and the present official under investigation have not been identified by the District Attorney's office. Although New York Times reporters originally uncovered some of the reported details of their activities, names are not being published pending further investigation.

Informants have said that the three officials received kickbacks—or helped others to receive kickbacks—on the millions of dollars in contracts that are awarded each year to local antipoverty agencies in New York City.

No indictments have been prepared against the suspects. Assistant District Attorney Jeffrey M. Atlas, who is handling the case for Mr. Hogan's office under the direction of Leonard Newman, chief of the Frauds Bureau, declined last night to comment.

THE "DURHAM MOB" ENTERS THE PICTURE

The most extensive conspiracy that investigators believe they have discovered within the Human Resources Administration is the so-called "Durham Mob," a group of flamboyant young men who grew up together in the Negro poverty of Durham, N.C., came to New York to be together again in H.R.A. and, according to the investigators, conspired to steal at least \$1.75-million and possibly much more.

According to sources within the District Attorney's office and other investigatory agencies, the alleged conspiracy may have been discovered only because one young man happened to park a rented car in a bus stop on West 42nd Street last Aug. 26.

The policeman ticketing the car that night saw—from a notice previously sent out by the rental company—that the car was overdue, and when he looked into it he found a briefcase that contained 105 Youth Corps checks.

The four men who returned to the car—Charles Clinton, payroll director of the corps, and three men who worked under him, Sidney Hall, Wakefield Thompson and Oscar Williams—were charged with grand larceny.

The four men had come from Durham, N.C. D. Smith, formerly the Youth Corps' chief fiscal officer and also from Durham, was arrested with them.

Mr. Smith, who had been considered one of H.R.A.'s brightest young men, is a former auditor-investigator on the staff of State Attorney General Louis J. Lefkowitz, a former cost analyst for The New York Herald Tribune and the holder of a master's degree in accounting.

None of the men, whose ages range from 23 to 30, have been indicted, but investigators have assembled a picture of their life style.

"They're the black Lavender Hill mob starring in 'Hot Millions,'" said one man who knows them.

The investigators believe they are linked to the systematic, massive looting of Youth Corps checks during the first nine months of 1968.

The mob, according to investigation records, was formally organized one night in September, 1967, at a meeting of eight to 10 people in a Harlem apartment.

During that meeting, plans were made to defeat the computers that printed out some 6,000 corps checks 42 weeks a year and 40,000 checks during the 10 weeks of summer.

The plans completed and the assignments made, one informant relates, a young man leaped on a chair and shouted: "What do we want?"

"Money!" the others shouted back.

"How are we going to get it?"

"Steal!"

If the District Attorney's office is right, the mob did just that taking a minimum of \$750,000 between last January and June and at least \$1-million more during the summer.

Their reported operation involved creating an army of fictitious Youth Corps members, identified by false Social Security numbers, which would produce a \$38.80 weekly paycheck when fed into the right computer at the right time. Many of the make-believe teen-agers "worked" at job sites that never existed.

For example, if the computers were fed the code FA-12, and 102 numbers that looked like Social Security numbers, they produced 102 checks each week for summer workers cleaning up vacant lots under the sponsorship of Haryou-Act, the community corporation serving Harlem.

The computers, of course, could not know that there were no workers, no vacant lots and no one at Haryou-Act who knew anything about the matter.

EXPENSIVE PARTIES

There was only one unidentified young man picking up 102 checks each week and taking them to two-day-long parties in expensive apartments, where the revelers would endorse the checks and fill out time cards for the following week's haul.

Perhaps 30 persons were involved in the operation, about the number of young men and women who might drift in and out of the party action in a garish Riverdale apartment with a living room dominated by a long leather-cushioned bar under a monogrammed canopy.

"They lived," said a man who was there. "Flashy cars, flashier women—if they had been born white they might be running the country. Beautiful people."

PAYMENTS NOT MADE ON SOCIAL SECURITY

Last summer the Federal Government discovered serious irregularities in H.R.A.'s payment, or nonpayment, of Social Security taxes on paychecks to Youth Corps enrollees.

In a memorandum dated Aug. 20, 1968—from Sidney L. Pollock, the Federal Government's audit manager for the New York region, to the Labor Department's regional manpower administrator, Mr. Whitsett, the following explanation of the apparent fraud was given:

"It was disclosed to us by an official of the Social Security Administration that in one quarter alone the Form No. 941 filed by NYC (Neighborhood Youth Corps) lists 8,000 impossible Social Security numbers.

LIFE STYLE DEPICTED

"The Forms No. 941 were filed only two quarters, from the dates that the contracts (with the Department of Labor) were consummated. The Social Security Administration made repeated attempts to obtain voluntary compliance by the NYC to file delinquent Forms No. 941 and to submit corrective Social Security numbers in the forms previously submitted but without any success.

"These requests were completely ignored. No adequate accounting was made of NYC FICA tax and it appears there is substantial liability to the U.S. Government for unpaid FICA taxes.

"The Department of Investigations (the city's) is presently engaged in determining the extent of such liability."

CHECKS WERE INTERCEPTED BY AGENCY OFFICIAL

The "interception" of Federal checks was discovered by the Labor Department last April and Mr. Ginsberg received another in a series of complaining letters from Mr. Whitsett.

"In violation of contractual agreements," Mr. Whitsett wrote, "monies forwarded by the Department of Labor were intercepted prior to delivery to the Office of the Controller of the City of New York and were deposited

directly in the Neighborhood Youth Corps bank account by staff."

The interceptor, according to a department report, was Irving Roberts, an H.R.A. fiscal officer. Asked yesterday why he had circumvented Controller Mario A. Fracaccino, who normally disburses Federal money, Mr. Roberts answered: "I have been instructed by my superiors not to talk about this to reporters."

Federal auditors said that Mr. Roberts intercepted a total of \$6,022,299 between Nov. 20, 1967, and April 1, 1968.

"In violation of law and (Labor Department) regulations," the auditors reported, "overtime salaries were paid in cash to New York City employees. Tabulating-machine operators employed by the City of New York Social Services Agency are frequently used by the Neighborhood Youth Corps on an overtime basis.

"Irving Roberts paid these persons in cash by first drawing an NYC check to himself, cashing it and paying the people involved. These amounts have never been reported to the Internal Revenue Service for proper reporting and payment of taxes, nor have they been entered to the payroll records."

A "REAL-ESTATE" DEAL THAT FELL THROUGH

The attempt to convert the \$52,000 check—drawn as in the case of the Swiss bank checks against the account of the H.R.A.'s Manpower and Career Development Agency—apparently began in Las Vegas, Nev., in early December.

The story of that stolen check comes from a Los Angeles real-estate broker, Allen C. Woodard, who was interviewed at his office early last week. It goes this way:

Mr. Woodard and his wife visited Las Vegas's Castaways Motel for a vacation on Dec. 4 and 5, and he met several strangers at the bar there.

Eventually Mr. Woodard said, they told him they had a friend who was looking for a house in Los Angeles, and promised to see that the two got together.

The man's name, Mr. Woodard said, was Saul Belinsky—"a charming man, who was very distinguished and had a slight British accent."

MET AT A HOTEL

Mr. Woodard says he was told to meet Mr. Belinsky at a hotel—the name of which Mr. Woodard no longer remembers—on a street called Hillcrest Drive in Los Angeles. "He came out to the car as I drove up," Mr. Woodard said. "I guess he recognized me because I was the only black face around."

The two then went to the house Mr. Woodard was trying to sell, which was not far away, at 4266 Hillcrest Drive. Mr. Belinsky was immediately interested in buying, according to Mr. Woodard, and after brief negotiations, Mr. Woodard says, he asked \$50,000 in cash for the house.

Mr. Belinsky signed over to Mr. Woodard the \$52,000 check, which bore signature stamp of Mr. Ginsberg, the H.R.A. director.

Mr. Woodard said Mr. Belinsky gave him a telephone number at which he could be reached, and under his signature wrote a California driver's license number for purposes of identification.

Apparently anxious to close the sale, Mr. Belinsky called Mr. Woodard by telephone often. "I couldn't call him," said Mr. Woodard, "because the number he gave me wasn't right. And the address he gave me doesn't exist."

Mr. Woodard said that after a week of waiting, because of a hitch in the title search, Mr. Belinsky telephoned him and told him to call off the sale and get the money back, in cash.

Mr. Woodard then called the escrow company, only to find that the New York District Attorney had advised one of its officers that the check was a forgery.

"When Belinsky called back," said Mr. Woodard, "I told him his check was no good and that the deal was really off. What he said was, 'Okay, we'll do business another time.'"

That, said Mr. Woodard, was the last he has heard of Mr. Belinsky. A subsequent investigation by the New York and Los Angeles district attorneys' offices revealed that the California license number did not exist, and that the phone number that was not Mr. Belinsky's, actually was the private line of Mary Tyler Moore, the actress, who of course, knew nothing of the affair.

H.R.A. OFFERED PLAN TO SAFEGUARD FUNDS

The Human Resources Administration informed Federal officials last Aug. 19 of a plan to "safeguard Youth Corps funds from the thievery that had plagued the corps for two summers.

The two H.R.A. officers credited with developing the plan were Mrs. Helen Lewis, the agency's chief fiscal officer, and Charles Clinton, chief payroll officer of the corps. Within a month, both Mrs. Lewis and Mr. Clinton had been arrested on charges of grand larceny. Mrs. Lewis was accused of having embezzled \$22,000 and Mr. Clinton was held because of his involvement with his friends from Durham.

Mrs. Lewis on Aug. 19 reported to the Labor Department the procedures that had been developed to correct "procedural difficulties" in H.R.A.

"Your statement, 'Disbursements have been made without proper documentation,' was in some cases in the past correct," she wrote in answer to earlier letters of inquiry in May and August.

"But," she continued, "based on a memorandum sent to your office by Mr. Charles Clinton you can see that safeguards have been improved, strengthened and are operating on a current basis."

PIERRE ELLIOTT TRUDEAU, OF CANADA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, ever since the leak from the Canadian Prime Minister's Cabinet that he had decided to recognize and grant full diplomatic recognition to the Communist dictatorship of Red China, the international liberal establishment has been hard at it to repolish Trudeau's image and rehabilitate their "boy."

But Trudeau shocked all pro-Canadians who believe in individual liberty under God when, in London, he confessed he found "true communism" a fine thing in a better world or in a religious community.

Mr. Speaker, I include clippings from the Ottawa Citizen for January 13, Vers Demain from May-June 1968, an excerpt from the Whig-Standard of April 10, 1968, and the London Free Press for December 7, 1965, as part of my remarks, so that our colleagues can determine the caliber of a man who rules our Canadian neighbors.

[From the Ottawa (Canada) Citizen, Jan. 13, 1969]

PIERRE ADMIRERS "TRUE COMMUNISM"

(By John Walker)

LONDON.—As he prepared for the second week at the Commonwealth conference,

Prime Minister Trudeau held one of his question-and-answer sessions with some 600 Canadians who are studying here. It was held in the Westminster Theatre, run by the Moral Rearmament Association whose Christmas morality play—pantomime—Give a Dog a Bone, is still playing.

The students didn't have much in the way of tough bones to hand Mr. Trudeau and therefore he just munched happily away, producing little that was new in the process.

He admitted that an intellectual couldn't remain so after becoming a politician because the latter couldn't support absolute truths.

TRUE COMMUNISM

He confessed that he didn't believe in direct democracy in which workers, in effect, told their bosses what to do, and that under existing conditions he was a capitalist rather than a socialist.

But he agreed that "in theory" he agreed with the socialist view of "from each according to his resources, to each according to his needs," but he added, "not in practice."

He found "true Communism" a fine thing in a better world or in a religious community, and admired people who could each give their best and take only what they need—an unworkable ideal at present, he said.

"If we could all be saints, we'd have it, but we ain't."

On most everything else, including capital gains taxes, Mr. Trudeau admitted that he hadn't made up his mind yet, but that, like foreign policy, was under study.

He seemed to give a hint that diplomatic relationship with the Vatican would be high on his agenda in Rome next Thursday, when he said that both the reviews on relations with China and Rome have been completed and await cabinet decision. He reminded his audience that he was getting "no word from the Holy Ghost" on the conclusions of his foreign policy study, but he said he wasn't "taking orders from Washington, Moscow or Rome."

DON'T COME BACK

A number of questioners tried politely to get him to outline his policy on poverty and housing, but he kept bringing them back to the difficulties of federal action in provincial fields. And he told one persistent student (Don Carmichael of Ottawa), respecting the provincial role, "If you don't admit that, don't come back to Canada."

"Don't laugh. These are facts," he told Carmichael. The federal government had loaned almost \$1,000,000,000 for housing.

"For whom, the middle and upper classes?" asked Carmichael.

When Trudeau said money was spent for slum removal, Carmichael said the prime minister had not answered his question.

Trudeau said Ottawa had no authority to pass laws about housing. "These are facts and don't laugh," he repeated somewhat irritably. "Don't ask me to solve problems that are under provincial jurisdiction."

He told the students, in particular those in science, that he was glad they could study abroad where there were better facilities. "Instead of developing a second-rate nuclear science department in some pipsqueak university" back home.

During the weekend, he continued discussions with Ottawa over the Canadian delegation now en route to the French educational conference in Kinshasa, Congo. Because of last-minute concern about the actual attitude of the Quebec representatives in the delegation led by New Brunswick Premier Louis Robichaud, the prime minister's personal secretary, Marc Lalonde, has suddenly joined the delegation as a trouble-shooter. His officials are still crossing their fingers and hoping there won't be another Gabon incident.

SCATTERED HISSES

There were a few scattered hisses at one or two of Trudeau's replies Sunday but the

main dissenter, apart from Carmichael, was a baby in arms who began crying loudly. Its mother had to leave with the baby.

Trudeau said at one point that "we do have to put up with some bums in the Liberal party."

He added that some of the bums were beaten in the June 25 election, implying that some were elected. He did not identify any of them.

Trudeau also said the provinces are not showing any desire to co-operate with Ottawa financially.

They were telling their people that they would have to raise taxes because they could not get any more money out of the federal government.

If Ottawa had to turn over 80 per cent, say, of its revenues to the provinces, it would lose control of the economy and this could be dangerous.

Trudeau said he hopes that foreign policy reviews by officials will be completed in the spring. These reviews were completed in the areas of China, the Vatican and Latin America and were ready for cabinet discussion.

The NATO review would not be ready until mid spring.

After the reviews, there would be a government white paper and parliamentary debate on it before decisions were taken by the government.

Trudeau said the government is trying to provoke public debate by having one minister say one thing and another something else. Foreign and defense policy had never been hammered out like this before.

Trudeau said he does not know whether Canada will do more for NATO or less.

Trudeau is expected to speak today at the Commonwealth prime minister's conference resumes after a weekend break and takes up the agenda item on world economic problems.

[From Vers Demain, May-June 1968]

ELLIOTT-TRUDEAU, A PRO-SOVIET, PRO-CASTRO, PRO-MAO WANTS TO TURN CANADA INTO A SOCIALIST COUNTRY LIKE CHINA—THE LIBERAL PARTY DISGRACES ITSELF BY ELECTING HIM ITS LEADER—HE WAS BEGGOTTEN BY THE BEAST OF PROPAGANDA—HIS BILLS ARE INSPIRED BY THE BEAST OF SODOM—CANADIAN VOTERS SHOULD NOT VOTE FOR TRUDEAU'S PARTY

(By Louis Even)

On last April 6th, the federal Liberal Party in its Congress in Ottawa elected a new leader, Pierre Elliott-Trudeau. That is, the Liberal Congress rather allowed an alien to succeed Lester Pearson as the head of the Party and the Prime Minister of Canada—at least until the general election on next June 25th.

An alien to the Liberal Party, we dare to assert. Indeed all Pierre Elliott-Trudeau's background demonstrates that he springs from a political school entirely alien to the one of the Liberal Party as known up to now. Trudeau is an overmuch leftist who courted communism much more than any Canadian-bred way of thinking politics.

An infiltrated man of recent date in the Party, he was catapulted to its first rank, not because he well served the Party, but due to the favours of the mass media that serve subversion and corruption in their effort to ruin the traditional and Christian values of Canada.

In 1963, Trudeau called the Liberals "idiots." Now, just five years afterwards he has become the leader of those "idiots," which is a proof that he was not completely wrong in giving them that name. The theoretically more socialist New Democratic Party would have given him no opportunity to take office in Ottawa: Trudeau thought it more efficient to use the "idiots" to reach that aim. And he succeeded.

Pierre Elliott-Trudeau came into view for the first time in 1940. Canada was at war. That year Trudeau is expelled from the Canadian Officer Training Corps for his lack

of discipline. The revolutionist was already budding.

But not a bomb-revolutionist with a knife between his teeth: this is for the tools, for the arms of the revolution, not for the brains. And Pierre Elliott-Trudeau classes himself "a brain." In 1945, he is admitted to Harvard University, a gelatine meat-broth for leftist intellectuals who poison the United States.

In 1947, to perfect his formation, he goes to the London School of Economics, an establishment that was liberally financed by leftist donors like Ernest Cassell, in order to shape socialist experts qualified for key positions in the governments of every country of the world, especially the Anglo-saxon world including Canada. Pierre Elliott-Trudeau met there the famous marxist teacher Harold Laski, who was, Trudeau says, "the most stimulating, the most powerful influence" he ever encountered.

Back again in Canada, in Montreal in 1951, Trudeau starts the publication "Cité Libre," his first mattock-stroke against the christian structure of the Province of Quebec. Free City—the Quebec he dreams of, liberated from any sacerdotal ascendancy, with its labour unions, schools, and public institutions untied from any kind of bond with any particular confession of faith. Who were Pierre Elliott-Trudeau's partners in that pulling down through writing? Gerard Pelletier, from the first issue, then many full-blooded "Reds": professor Raymond Boyer, who was convicted of espionage for the Soviets in the trial of the Gouzenko affair; Stanley Ryerson, well-known theoretician of the Canadian Communist Party, editor of the "Marxist Review"; Pierre Gellinas, of the staff of the communist paper "Combat," Quebec director of the Agit-Prop (agitation and propaganda) of the Communist Party.

In 1952, Pierre Elliott-Trudeau led to an economic conference in Moscow a delegation of so-called businessmen, which proved to be a delegation of Canadian Communists. The pro-Soviet articles he published when back in Canada caused him to be called a Communist in "Le Droit" (Ottawa) and in "L'Action Catholique" (Quebec City).

In 1953, he was denied admittance to the United States as "inadmissible" person, no doubt because his communist connections were no more questionable.

In 1955, Pierre Elliott-Trudeau tried to create in Quebec a unit front of all leftist groups. But Trudeau was thought to be an overmuch leftist, even by the CCF Party of that time (now New Democratic Party). Now, the same man the leftist Party believe an over-leftist, was to be greeted by the Liberal Party ten years afterwards, to such a pass that he became its leader.

In the meantime, Trudeau was to show again the bottom of his red character. In 1960, he led a Communist delegation to Peking, this time, where he took part in the celebration of the Red victory over huge continental China.

When communist Castro installed himself at the top of Cuban Government, Trudeau wanted to render homage to the new dictator in a way that would call attention. He leaves the shore of the United States in a canoe, he rows, manfully towards Cuba. Yet before he can pass through the limit of American waters, he is arrested by a coast-guard of Key West and deported again to Canada.

In 1961, the marxist and socialist leaders of the New Democratic Party published the handbook "Social Purpose for Canada", that was to be the Mein Kampf of the socialist N.D.P. A chapter of that handbook was signed Pierre Elliott-Trudeau. There he praises red China leader Mao Tse-tung, as follows:

"Indeed the experience of that superb strategist, Mao Tse-tung, might lead us to conclude that in a vast and heterogeneous country, the possibility of establishing so-

cialist strongholds in certain regions is the very best thing."

Trudeau is not a separatist. Neither we are. But not for the same reason. We want to be at home in a large and free country, from ocean to ocean. Trudeau wants a great socialist country, and he thinks the easier way to that end is to place a socialist party into office in Ottawa. In his chapter entitled "The Practice and Theory of Federalism", he wrote on page 373 (English edition):

"Federalism must be welcomed as a valuable tool which permits dynamic parties to plant socialist governments in certain provinces, in which the seed of radicalism can slowly spread."

He wrote "the seed of radicalism". A radical, this is what Trudeau is, an ultra, a radical revolutionist intellectual.

In 1962, due to pushing made by leftist students whose ardour he was keeping alive in an underhand way, Trudeau obtained a position as professor in Montreal University. In a short time the University became a bastion for Castro-Communism.

1965—thus only three years ago—was the year Trudeau decided to join the Liberal Party—one would better say he decided to use the Liberal Party to propel himself to a political position that would enable him to mould Canada in the Castro-Mao-fashion, at all events in the fashion he had in mind since some fifteen years.

And then was the star-making-machine set to exalt the troika: Trudeau, Pelletier, Marchand, as rejuvenating the Liberal Party. They were supposed to accelerate the course of progress—red progress, of course. The three were elected to sit in the House of Commons.

Just a few weeks after the opening of the new Parliament, Pearson named Trudeau his parliamentary Secretary, though he was a new-born in the Party. In 1967, he was named to Justice, an important Department.

The communists of Canada and of the whole world rejoiced a lot in that fulgurating ascent of one of theirs: in that high political position, he would be able to do much for them in Canada.

Marxist professor Kenneth McNaught, the founder of the communist Committee for the Freedom of Cuba, made no mistake when he declared with a feeling of triumph:

"Trudeau's political fate will likely be the political fate of Canada."

Which meant: If Communism is delighted to see a Trudeau entering into the Canadian Government, it can hope to see Canada under a communist regime in the near future. How come that supposedly sensible Liberals elected their leader a man who should rather have been thrown out of the Party as a fatal danger?

Hardly is he named to the Department of Justice, Trudeau's dream is to make his department a tool for the socialist planification of Canada. Indeed an official statement from himself in the Toronto Star, April 25th 1967, says:

"Justice should be regarded more and more as a department planning for the society of tomorrow, not merely the government's legal adviser."

Such a conception of the Department of Justice could be suitable to a minister in a communist country, but surely not to a minister of the Canadian Government.

And this is not all. It is with a Sodomite stench that Pierre Elliott-Trudeau courted the federal liberal leadership. To the chamber indeed he had presented his "omnibus" bill, two points of which should put a shameful mark on Trudeau, and would bring the same disgrace on Canada if they were passed. One legalizes homosexuality. The other widens ground for abortion, thus legalizing murder of innocent human beings.

This is Trudeau. Trudeau branded with the mark of the Beast. Will he receive opportunity to mark with the same sign the

legislation of Canada? Let saint Michael preserve us from that calamity, even if to do so, he must draw his sword as he did in History, in order to protect peoples he loves from decaying and from Satan's rule!

The day after the Convention which elected Trudeau leader of the Party, one of the Quebec delegates to that Convention remarked: "This was not a congress like the other ones. One was feeling that an affair all prepared in advance was dominating the freedom of the votes".

For sure, Sir, if Trudeau is branded with the mark of the Beast, the Beast of Sodom, he is also the one the Beast of Propaganda elected. And the mass propaganda made by the big newspaper, by radio and television, is in service of Hell itself, in spite of the few programs of better form inserted from time to time in order to catch in the flood uncautious listeners and spectators who are snatched, hooked, lured, and thus brain-conditioned. The invisible and yet dominating "something" that you felt in the voting hall, was the spirit of the Beast of Propaganda, the very spirit of Satan.

Furthermore delegates in staunch attendance on the Beast were present there, and they were not allowed to let him fall.

Just before the Convention, a young woman in Vancouver had sent letters to some of the delegates. She civilly asked the delegates to make themselves sure, before they vote for Trudeau, whether he really broke with Communism. Or else she would feel her duty to be very cautious in her support to the Liberal Party. Nine days afterwards, just after the Convention, Anthony Malcolm, a Quebec delegate, member of a prominent legal firm in Montreal, gave a personal answer to that woman in Vancouver. Here is an excerpt of that letter of abuse and threat:

"Fortunately, the new provisions of the Criminal Code will clear our minds of such vile and bigoted ranting. You and you ilk, madam, would better serve your country in another one. To conclude, madam, may I suggest you to pay the greatest care to any indiscretion of your own past that will doubtlessly be scrutinized in the near future. Govern yourself accordingly."

Speech of the Police-State, language of the communist dictatorships. Is that a hint of what we can expect from a Trudeau government?

By choosing Trudeau as its chief, the Liberal Party disgraced itself to such a pass that it lost its identity. It is no more the Liberal Party: it is a tool in the hands of an infiltrated person whose background vindicates the most baleful omens for the near future of Canada.

[From the Whig-Standard, Apr. 10, 1968]

PIERRE E. TRUDEAU, PRIME MINISTER TO BE:
WHO HE IS AND WHAT HE THINKS
(By James A. Stewart)

(EDITOR'S NOTE.—This brief biography of Pierre Elliott Trudeau, Canada's prime minister designate, was written by the Montreal Star's James A. Stewart, and is published by The Whig-Standard today through the permission of The Montreal Star.)

OTTAWA.—Pierre Elliott Trudeau is the new Liberal leader. In a few days he'll be prime minister of Canada. It still sounds slightly fantastic, slightly miraculous, but Trudeau and the people who helped him make it don't believe in miracles. He may be the political marvel of the age, but they want him to be loved for his brains alone. Even before he made it, they were saying: Hard work, yes, talent, yes; magic, no.

So please forget those images of Trudeau a go-go, immersed in electric sound and light, dancing and rocking like those young moderns in the TV beer commercial; judoka Pierre, bare-footed, brown-belted, casually flooring his opponents for the Liberal leadership; scuba-diver Pierre, gliding through the

greeny undersea world while Paul Martin side-stroked the Chateau Laurier pool.

Put aside the visions of Trudeau in his high-powered Mercedes, speeding towards 24 Sussex Drive as luscious, long-haired maidens draped on the chassis dispense flowers and copies of the Bill of Rights; cool, tough Professor Trudeau, chastising the unruly separatists; Pierre the mod, mod worldling, the paragon of bachelorhood, the incandescent Liberal.

As in Toronto, where delegates mobbed him, climbed chairs and tables to see him, risked being trampled to touch the hem of his leather coat.

Excited Delegate: "It's just like Diefenbaker in 1958."

Trudeau (aside): "What a gruesome thought."

Maybe so. But strong political leaders—the good and the bad ones—do kindle the emotions. If Trudeau had not done that he would not be at the very top of the ladder today.

Not everybody, of course, buys the Trudeau product.

Laval law student: "Trudeau should be arrested for impersonating a French Canadian." Because he is a defender of federalism, some expect him to be hard on Quebec. He asked those who believe this not to vote for him.

Ralph Cowan: "No man living can lead me into the paths of bestiality and buggery . . . I'm trying to prevent a New Democrat and the author of a bill to legalize homosexuality and abortion from becoming the Liberal prime minister of Canada."

Because Trudeau has a libertarian approach to law, he may be accused of being a libertine. His attitude is simplicity itself—that the state has no place in the nation's bedrooms.

Others say Trudeau is arrogant and intractable. Premier Johnson said that if Trudeau became prime minister it could lead to the breakup of Canada. Many Quebecers consider him a reactionary on constitutional reform. His life and writings show little sympathy with the art of compromise.

The bafflement, of course, stems from the fact that even to many Liberals Trudeau is a spirit materialized out of nowhere.

They were only vaguely aware, if at all, of his long apprenticeship as an involved intellectual in Quebec where he developed his fundamental views of democratic institutions, human rights, federalism, and helped launch the Quiet Revolution.

They do know that Trudeau became a Liberal one day in 1965, was elected almost the next day, appointed parliamentary secretary to Prime Minister Pearson immediately, and justice minister a year later.

As justice minister, Trudeau inherited work on criminal code amendments that others had started, but he carried it forward. He remained at centre stage most of the year with a divorce reform bill, and as chief federal strategist in the continuing debate on constitutional amendment.

Energy Minister Pepin called Trudeau "the man of the hour."

"The liberalization of our laws and the federal constitutional policy are basically Prime Minister Pearson's policies," says Pepin. "But Pierre has substantially contributed to their development, and now, as Mr. Pearson steps down, these changes are in the spotlight with Pierre as their champion."

There was also Trudeau's personal appeal. Here was a genuine intellectual, world traveler and athlete, equally at ease in French and English, fluent in Spanish, who can and does quote Plato at cabinet meetings.

Here was a man who had fought Duplessis with words and deeds, and is now fighting

separatists with the same weapons. Here was a wealthy bachelor, a free spirit who drives a fast car, plays moderately good piano, and wears expensive clothes. But comfortable, casual clothes.

John Diefenbaker: "The gentleman should be more considerate of the house, dressed as he is most improperly . . ."
Trudeau remains a distinctive dresser, though he has made a few concessions to the sartorial norms of parliament. He hasn't worn sandals or an ascot tie in the commons recently.

Before he became a minister he was able to read widely in politics, law, sociology, the main publications in English and French, as well as the three or four major books in these fields each year.

He was never an avid reader of fiction, aside from some poetry from time to time.

But now he reads mainly departmental material. His work as minister takes practically all his time. He hasn't even time for thorough study of other government documents, such as economic council reviews, or the Watkins report on foreign ownership.

His staff feeds him press clippings, summaries, documents. He doesn't read newspapers regularly, rarely watches television. Naturally he gets insufficient sleep. This may have cost him one vote—the Lethbridge woman who said she would switch her vote from Trudeau after noting, suspiciously, "He has bags under his eyes."

His athletic program has suffered too. Trudeau is still trim and muscular (five feet ten, 160 pounds). But for the past year he's had to neglect the judo workouts that earned him the brown belt. He swims as often as he can in the hotel pool, gets an occasional ski weekend, and still does some scuba-diving (during a two-week Christmas holiday in Tahiti).

Trudeau likes parties and the company of women, and is good-naturedly weary of answering question about why he is still a bachelor.

"No, I've got nothing against marriage," he says. "I've got nothing against romantic interests either, and I don't mind saying I've had some now and then."

He had some mixed feelings about the boom that propelled him into contention for the prime ministry.

"On the other hand I'm a bit amused. It was so sudden, as the girl said. 'I'm also quite pleased, a bit thrilled that people should take that interest, not in me, because I haven't changed in the past few years, but I think it's proof that they share a certain conception of politics which I have, that they are identifying with those views of politics and have the same concept of the good society.'"

Trudeau has been developing those views for the past 20 years. It's as though he has been in training all his life for the work he now undertakes.

Until 1965, Trudeau was allied with socialist parties in Quebec. As recently as 1963, when Lester Pearson decided Canada should accept nuclear warheads, Trudeau called the Liberals idiots, and spoke of "the anti-democratic reflexes of the spineless Liberal herd."

Trudeau didn't think the Liberals would take him into the party, but they did. The Liberals set out to recruit a strong team in Quebec in 1965. They wanted labor leader Jean Marchand but Marchand, apparently on the advice of Rene Levesque, would not come in alone.

The delicate negotiations that followed led to the election of three brand new Liberals—Marchand, the distinguished editor Gerard Pelletier, and Trudeau, who was then lecturing at the University of Montreal.

They offered the Liberals talent, prestige, and a reforming spirit. The Liberals offered them power—a chance to influence at the highest level the crucial work to be done for federalism and the French Canadian community.

Quebec New Democrats felt they had been betrayed by these three new Liberals. "A political party is not an end, but a means," wrote Trudeau and Pelletier in an explanatory article in *Le Devoir* during the 1965 campaign.

"We are pursuing the same objectives and adhering to the same political ideas we have been exposing for so long in *Cite Libre*: a constitutionalism respectful of the rights of persons and groups; a democracy based on social progress; a federalism which reconciles a strong central authority with autonomous and progressive provinces, and a politics open to the left."

In the past they had defended the autonomy of Duplessis on tax-sharing, university grants and opting out. But now Quebec was strong and the central authority had been weakened. If that continued there could be damaging results to the Canadian union.

"Power always finds takers," they wrote. "If honest men don't take it, the rabble will."

In the forward to a recently-published book of his essays, called *Federalism and the French Canadians*, Trudeau wrote:

"It is not necessary to seek another constant in my thought than opposition to the conventional wisdom . . . My political action, or my thought, inasmuch as I've had any, is described in a couple of words: Be a counter-balance."

In 1964, Trudeau and five other Quebec intellectuals published a manifesto.

"Democratic rule must be maintained at all cost," they said. "It is a matter which we will not compromise . . . The truly democratic traditions have few roots in Canada where Indians, Metis, Orientals, Doukhobors, Hutites and dissidents of all kinds have been victimized one after the other by the intolerance of the majority."

Trudeau has written elsewhere that if the two main ethnic and linguistic groups in Canada would collaborate "at the hub of a truly pluralistic state, Canada could become the envy of a form of federalism that belongs to tomorrow's world."

Quebec nationalism, in this context, is as untimely, sterile and retrograde as any other form of nationalism. Trudeau advocates equality for French Canadians, but not for French Canadians as Quebecers. In terms of powers, Quebec must be a province like the others. In terms of rights, the French Canadian must be equal to the English Canadian.

The special status or associate statehood is not a valid federal concept and would only lead to destruction of federalism.

Trudeau writes that "the whole citizenry must be made to feel that it is only within the framework of the federal state that their language, culture, institutions, sacred traditions and standard of living can be protected from external and internal strife."

He is unimpressed by arguments that Canada needs a new constitution. That would retard change rather than advance it. An enormous amount of power is being transferred to provincial governments by social and economic forces "without the necessity of amending a single comma of the constitution."

Some Quebecers, twenty years behind the times as usual, are now demanding a new constitution "and preparing to charge the centralizing dragon just when it has stopped breathing fire."

What is required now, says Trudeau, is not constitutional change "but a more systematic recourse to consultation and agreements between the federal and provincial authorities."

Trudeau would not leave the protection of civil or language rights to any single legislature. He wants a charter of human rights, entrenched in the constitution, to guarantee fundamental civil liberties and fundamental language and education rights across the country.

If this is done, for example, French language and education rights are guaranteed throughout Canada. Trudeau thinks the problem of division of powers between federal and provincial governments becomes a political struggle in simple, functional terms.

"We may not succeed," he says, "but I would rather try than let the country break up because the rest of Canada says to Quebec, no, you must stay in your French ghetto. Then I will pack my bags and I will go and live in the ghetto myself."

Trudeau's ideas plainly dominated the federal approach at the federal-provincial conference on the constitution in February. The federal government agreed to the total constitutional review that is now beginning, and Trudeau went along, but reluctantly.

He considers constitutional reform to be one of the least pressing of all the institutional changes he would like to see made in Canada.

"Let's not confuse French Canadian rights with the desires of a provincial government to build a little empire," he told a meeting of Montreal Liberals before the constitutional conference.

Reporter: "What would you say if wicked tongues point out that you've appointed two anglophones to your task force on the constitution?"

Trudeau: "I'd say 'merde!'"

His attitude seems to reflect a kind of frustration, or a love-hate relationship with Quebec. He wants to shock, to goad his fellow Quebecers into full participation in the modern world. It galls him to see them fall into narrow nationalism, wasting their substance on symbols, isolating themselves, willing themselves the dirty end of the economic stick.

Some Quebecers who once fought beside him, like Rene Levesque, now call him a Negro king for the English, even though he's been propounding his ideas for 15 years.

"They're the ones who've changed their spots," says Trudeau angrily. "The difference is that I always say the same thing while they get discouraged and found themselves unable to compete with the English. I don't believe in a rocking-chair Quebec... I believe that if we want to be in this country we should fight just as everybody else does."

Trudeau doesn't tailor his views on Quebec in order to be popular, and they certainly aren't popular with any of the provincial political parties. He is as far from the Lesage Liberals on constitutional matters as he is from Daniel Johnson's National Union. One of his tasks in the next few years will be to build a strong federal organization in Quebec based on the Liberal party's faith in confederation.

He'll have to do this in opposition to the National Union and to many provincial Liberals. His opponents won't mind reviving some carefully selected comments from the considerable body of Trudeau writings.

In 1964, for example, he wrote an attack on separatism in which he referred to Quebecers as "this backward little people." In the same article he described separatism as a counter-revolution, "the work of a powerless little bourgeois minority afraid of being left behind by the 20th century revolution."

More recently he wounded his fellow compatriots with his remarks that Quebec should not be given a whit more power until it does something about the "lousy French" spoken in the province.

He bluntly lectures Quebec governments to use the powers they have. Quebec has

had authority over education for 100 years, he says, but it took them 196 years to appoint a minister of education.

His schoolmates remember him as a top of the class student, a first-rate athlete, who even then showed the traits of restlessness, perversity and anti-authoritarianism.

Pierre Elliott Trudeau was born in Montreal on October 18, 1921, first child of Charles Emile Trudeau, businessman and lawyer, and of the former Grace Elliott, a Canadian of Scottish origin. A younger brother, Charles, is now an architect who lives in St. Saver. A sister, Suzette, is the wife of Montreal dentist Dr. Pierre Rouleau.

Emile Trudeau, who died in 1935, left a sizeable fortune from his commercial enterprises, which included the Champlain oil service stations and an amusement park.

The money, invested in blue chip stock and Laurentian property, made Pierre a wealthy man, a millionaire.

There is nothing ostentatious about him though. Friends say he is a very careful man with a dollar, and in spite of his good physical reflexes, can be easily out-reached for the luncheon tab.

Trudeau is a devoted son who frequently visits his mother in the big home in Outremont, though for several years he has had his own apartment in Montreal. Her mother tongue is English, but she is thoroughly bilingual.

French and English were interchangeable languages in the Trudeau home, and Pierre himself began emphasizing one of his given names, Elliott, as the mark of his bicultural heritage.

He told a magazine writer in 1962 that he began using "Pierre Elliott Trudeau" when he went to Montreal's Jean-de-Brebeuf College. He said he did it "partly to vex the nationalists."

After his law degree, Trudeau decided to study economics. He says he had "no choice" but to go to an English school. He chose Harvard, getting a master of arts there, then it was l'Ecole des Sciences Politiques in Paris in 1946, and then the London School of Economics.

"I had no idea how far behind we were in Quebec," he said afterwards. "I thought it was enough to have a little Latin and Greek to get by... I could practise law in Quebec, but I had been given no inkling of the philosophy of law. I hadn't even read the writing of the great jurists. At Harvard, and even more so later, I realized how much we were missing in Quebec."

After the postgraduate work, he set out from London on a motorcycle, pack on back, to see the world. He was arrested in Jerusalem as an Israeli spy, saw street fights in Rangoon during the Burma civil war, crossed Cambodia and Viet Nam with an army convoy during the Indochina war. He was arrested again crossing the Indian-Pakistan frontier after Pakistan became independent. He was in Shanghai when Mao Tse-tung's forces were sweeping towards the city and taking over China.

The trip didn't do anything to weaken Trudeau's convictions about the evils of nationalism. He came back to Canada determined to examine political institutions from the inside.

He plunged into several things at once. He joined the privy council office in Ottawa in 1949, working on constitutional and economic matters for Prime Minister St. Laurent.

In 1950 he and Pelletier and a few others dedicated to reforming Quebec politics launched the celebrated magazine, *Cite Libre*, Trudeau also became more involved in the labor movement in which Pelletier was active.

"The ideas we were advancing then might

seem like truisms today," says Trudeau. "Separation of church and state, electoral reform, reform of the educational system. But they were not then, at least not in Quebec."

Trudeau gave up the Ottawa work after two years, though he found it fascinating, to open a law office in Montreal and concentrate on *Cite Libre*.

The magazine became a powerful, controversial voice, and a stream of pungent, provocative articles flowed from Trudeau's hand.

Trudeau also provided legal services for unions and union members, sometimes without charge, gave them technical advice, and wrote about the asbestos strike and other symptoms of the low state of labor relations in the province. He was a founding member of the Montreal Civil Liberties Union, and later a director of the Canadian Peace Research Institute.

In 1956 Trudeau made a stab at direct political action, helping to form "reassemblement"—a union of all left-wing elements in the province in an attempt to unite against Duplessis.

Trudeau lost much of his interest in the organization when it agreed to accept militant OCFers but not militant Liberals. The movement was overtaken by events. The OCF waned. The Liberals waxed. Duplessis died, and the Lesage Liberals came to power in 1960.

Throughout this period of political activity, Trudeau made periodic trips abroad. As he says, he tried to go to all the forbidden places.

In 1952 he was in Moscow attending an economic conference. There, apprehended for throwing snowballs at Stalin's statue, he was excused when he explained that it was his custom, in Ottawa, to throw snowballs at statues of Canadian prime ministers.

In 1957 he was a delegate to a Commonwealth conference in Pakistan. In 1960 he was picked up by a fishing vessel off Key West, Florida, as he tried to reach Cuba in a small boat. Later that year, with a group of Canadians, including author Jacques Hebert, he visited China.

Trudeau's travels, his socialist bent, his anti-authoritarianism, his work in the labor movement, got him plenty of attention in Duplessis' Quebec. He was accused of being a Communist, a traitor to his race and his language, of selling out to *les anglais*. Church elements branded him an atheist and an anti-Christ. Four times he was offered a professorship at the University of Montreal, and four times the offer was withdrawn, without explanation, after he had accepted. He finally made it to the university faculty in 1961.

All this got him briefly black-listed by U.S. immigration authorities in the mid-fifties. He recently told how he had been able to "whiten" himself quickly and without difficulty when the authorities look at his case more carefully.

Now this man, who always pricked against authority, has attained the highest authority in the land for himself. Trudeau's life and times so far show little capacity for doing what a Canadian prime minister has to do most of the time—compromise and build consensus.

Trudeau has been able to fit quite comfortably into nearly all of the Liberal government's present policies. Politics as the art of the possible seems quite as challenging to him as the intellectual engagement of the political critic.

Quite suddenly, Trudeau is at the top. He has his hands on all the major controls. The Liberal party has taken a gamble on Canada's future. Obviously it is a gamble that could pay off abundantly.

The question now is, where does Canada go from here, and how does Trudeau make it happen?

[From the London (Ontario) Free Press, Dec. 7, 1968]

TRUDEAU: ANOTHER CASTRO?

(Editor's Note.—More and more, Canadians are getting a clearer insight into the real Pierre Trudeau, elected Canada's Prime Minister last June 25.)

(Item: While Canadian forces will remain at full strength in Europe for the coming year, Trudeau is all for pulling them out of NATO in the face of threats from the Soviet Union.)

(Item: Trudeau believes that the threat of a U.S. civil war spilling over into Canada is greater than the menace posed from behind the Iron Curtain.)

(Item: Trudeau is all for self-confessed U.S. revolutionaries (Black Power advocates Stokely Carmichael and Yippie leader Jerry Rubin) being admitted to Canada to attend the Red-lining Hemispheric Conference in Montreal.)

(In view of the above, an article ("Trudeau: Swinging (Red) Minister") in the Nov. 15 issue of Life Lines, an American publication, takes on considerable interest for Canadians. Below, it is reproduced in full.)

Time Magazine describes Pierre Elliot Trudeau as "a swinging Prime Minister" who would have been, in some people's opinion, a better husband for Jackie than Aristotle Onassis.

Better yet, hope he is a CIA agent parading as Canada's Communist-loving Prime Minister.

These thoughts erupt after one reads the charges raised by Igor Gouzenko, the Soviet cipher clerk who defected in 1946 and helped smash a Russian spy ring in the United States and Canada. Fred Rose, a member of the Canadian Parliament, was convicted of espionage as a result of Gouzenko's change of political heart.

It is Gouzenko's feeling that Trudeau is a late model Castro. He feels that Trudeau's passionate affair with socialism-communism makes Castro's look like an adolescent flirtation. Trudeau is communism's secret weapon, the swinging intellectual, according to Gouzenko. As if to make the Russian's case look better, Time heaps upon Gouzenko's pile of evidence the phrase "a swinging Prime Minister."

Indeed, Gouzenko's evidence is staggering. It is also supplemented by the digging of that thorough-going columnist, Father Daniel Lyons, S.J. His investigative conclusions on Trudeau agree with Gouzenko's. Comparing the two accounts, both of which have common facts, plus incidents and associations unmentioned by the other writer, one wonders if both of these Trudeau critics could be wrong.

Trudeau's past is a swirl of Red associations in which spies come and go with cocktail party grace. Trudeau has met and has been conquered by the charms of Mao Tse-tung. There is even a romantic chapter of derring-do in which Trudeau tried to row a boat to Cuba from a Florida Key during the Bay of Pigs fiasco. The U.S. Coast Guard fished him out of the sea on suspicion of spying. His leap from an obscure government post with the help of former Prime Minister Lester Pearson, a super socialist, himself—was meteoric. Trudeau's aid and comfort to an underling pal of Alger Hiss who moved in such circles as a Washington Communist study group seem to have been taken from the Fabian Handbook of infiltration, permeation and subversion.

To top it off, Trudeau is a product of that socialist scholar factory known as Harvard, and was refused entry into the United States in 1953 after attending an economic conference in Moscow.

The implications, nay the warning, from Gouzenko is plain: Fidel has Cuba; can Trudeau transform Canada into an anti-American Cuba on the northern border of the United States?

Before Trudeau was elected Prime Minister amid an emotional, heavily-financed campaign, Gouzenko warned:

"Because the Canadian and U.S. press, radio and television largely ignored the past activities and writings of Trudeau, the public is not aware of a real possibility that on the 25th of June, 1968, the next Prime Minister of Canada might be a self-admitted radical socialist, and Canada might, with ever increasing pace, turn into a second Cuba. The situation is already pregnant with a multiple threat to Canadian freedom."

Trudeau was elected to Parliament in 1965. Before this he was a professor at the University of Montreal and had founded a radical Left magazine. Cite Libre, Gouzenko says Trudeau "is careful not to call himself a Communist, but as a matter of record he was once barred from the United States as a Communist." Gouzenko backs this contention with a quote from the Toronto Daily Star of Feb. 6, 1968: "In another revelation, he admitted he was once black-listed by U.S. immigration authorities because they suspected he was a Communist."

Shortly after Trudeau was elected to Parliament, Prime Minister Pearson named him Parliamentary Secretary, then Minister of Justice.

It was no surprise when Pearson supported Trudeau in the leadership race that was to fill Pearson's post as Prime Minister. The press, radio and television gave Trudeau what Gouzenko describes as "unprecedented publicity, building him up as an intellectual, ignoring the fact that many of his so-called new ideas were borrowed from Lenin and Mao."

Pearson's background is well-known. Gouzenko says, recalling that Elizabeth Bentley testified under oath that Pearson was giving a Soviet spy ring information. The Russian quotes the Star again, from its April 15, 1967 issue:

"Miss Bentley identified Dr. Norman and Mr. Pearson—and a third Canadian official whose name has never appeared publicly—as sources of information for her spy ring. Her testimony has never been made public but a good deal of it has been leaked to friendly segments of the U.S. press. The Scripps-Howe and newspapers obtained a complete transcript but plans to publish this were killed, reportedly as the result of a personal intervention by John Foster Dulles, then the Republican designate for secretary of state."

Gouzenko says he believes Elizabeth Bentley was telling the truth. "The Chief of the F.B.I., as a matter of fact, confirmed the validity and authenticity of her testimony."

There were several other episodes which revealed the sympathies of Pearson. One development was on November 20th, 1967. Pearson gave a top Canadian civil servant, Robert Bryce, a \$5,000 award in recognition of his "outstanding service."

Gouzenko bristles at this, and well he should if his conclusions follow. He says "Robert Bryce was known to belong together with some other Canadians and Americans to a pro-Left study group in Washington where he served. He also was known to be a close friend of Alger Hiss."

"This information is alone not enough to charge a man, but is an alarm signal which any statesman whose interest of state security is at heart should never overlook."

"Yet this man was not only allowed to remain in the Canadian civil service, but was promoted to a position of tremendous influence in Government policies, and of having access to practically every Government secret."

Below is the part of Section II, Chapter 5

(Recruiting Methods) from the Royal Commission Report of 1946, pages 47-48:

"A good illustration of the ease with which The Director in Moscow was able to obtain espionage agents from the secret membership of the Canadian Communist Party in selected Canadian organizations is provided by the Research Group consisting of Halperin, Durnford Smith and Mazzerall . . . within a short period of time what had been merely a political discussion group, made up of Canadian scientists as members of a Canadian political party, was transformed on instructions from Moscow into an active espionage organization working against Canada on behalf of a foreign power. It is particularly startling that none of the initiative for this transformation was supplied by the three scientists themselves."

An interesting episode directly concerning Canadian-Soviet relations is cited by Gouzenko.

A few days after that \$5,000 award was announced, it became known that Robert Bryce, as Deputy Minister of Finance, ordered the cancellation of the International Service of the CBC, supposedly on an economy drive. This program was beamed to the people behind the Iron Curtain.

Gouzenko says "This is precisely what the Soviet government wanted; to cut off the last outlet of democracy so that an enslaved people behind the Iron Curtain would lose the opportunity to hear the voice of freedom."

The ex-Soviet cypher clerk was not alone in his suspicions. Dennis Braithwaite, Toronto columnist, wrote:

"I cannot bring myself to believe that the Government's proposal to scrap the CBC's International Service (IS)—Canada's short-wave radio voice—is based, as stated, on considerations of economy. The corporation's annual budget is in the neighborhood of \$150 million; scrapping it would reportedly save about \$3.8 million, a mere trifle . . . How can the International Service now be considered redundant when only last year the Government's white paper on broadcasting recommended that it be granted more funds in order to expand its services?"

"Please," Gouzenko asks, "consider the following:

"Trudeau attended the Communist sponsored economic conference in Moscow in 1952, and on his return wrote pro-Soviet articles."

"He went to China twice, was received there personally by Mao, and on his return wrote, together with another man, a book, glorifying Mao, praising the Communist regime in China, condemning the Nationalist government in Taiwan, and condemning the United States actions toward China."

"He wrote passionate articles against U.S. action in Korea echoing Communist propaganda."

"Trudeau writes articles condemning the U.S. action in Viet Nam. These articles have been as violent as anything found in Communist publications."

"Pearson was quoted as saying that he never met Trudeau before the latter was elected to Parliament in 1965. Yet, in Week-end magazine one learns that Trudeau worked for more than two years in the Privy Council in Ottawa as an economic adviser. He obtained this position with the help of Robert Bryce who was the Clerk of Privy Council at that time. It is hard to believe that Pearson failed to see Trudeau there. It appears that Pearson makes special effort to emphasize that he never met Trudeau before," Gouzenko charges.

Even more revealing is the book Trudeau wrote in 1961 entitled The Practice and Theory of Federalism. It reveals Trudeau as a potential Castro advocating the changing of Canada into a radical socialist state. The Communist program of power seizure is

openly Trudeau's program, according to Gouzenko.

The Bay of Pigs adventure of Trudeau was not his "only suspicious episode," Gouzenko says.

"Trudeau travelled across the border of Cambodia and Viet Nam at the height of the Indochinese war. He was arrested crossing the India-Pakistan line."

"He was arrested in Jerusalem. Later he admitted that he was poking around."

"Trudeau was accused by some Quebec newspapers in 1962 after his return from Moscow, where he attended a Communist sponsored economic conference, of having received secret directives from the Kremlin."

"Trudeau threatened to cripple the United States war effort by stopping the sale of nickel to the U.S."

Gouzenko believes Trudeau is a contemporary mixture of Castro and Kim Philby, the Soviet spy who did immeasurable damage to Russian security.

"If British authorities back in the 30's had paid attention to the fact known at that time that Kim Philby was leftist during his student days at Cambridge, and had blocked Philby's entry into British Intelligence Service, then the monstrous damage that Philby has as a Soviet spy inflicted to freedom would have been prevented."

Below, from Maclean's magazine dated April, 1968, is a Philby statement:

"As I look over Moscow from my study window I can see the solid foundations of the future I glimpsed at Cambridge." It was then, in the early 1930's, that he and many of his contemporaries espoused either socialism or communism.

It is interesting to compare Philby's words with those of Trudeau who remembered his student days as a turning point of his political make-up. Two statements from Maclean's dated February 24, 1962, quote Trudeau:

"I had no idea until I got to Harvard how far behind we were," he explains, and his voice has a tinge of rancor.

"At Harvard, and later even more so, my eyes were opened to what we'd been missing in Quebec, and I didn't like what I saw."

THE BEGINNING OF THE COLD WAR

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, my constituent, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and Peace, recently had an article published in the Central Europe Journal entitled "The Beginning of the Cold War" which I am sure will be of interest to all readers of the CONGRESSIONAL RECORD.

The article referred to is submitted herewith:

THE BEGINNING OF THE COLD WAR

(By Julius Epstein, affiliated with the Hoover Institution on War, Revolution and Peace of Stanford University, Stanford, California.)

Twenty-three years after the events, the American Department of State has just published Volume IV (Europe) in the series "Foreign Relations of the United States, Diplomatic Papers, 1945." The Volume, 1386 pages strong, contains some political dynamite. It deals with Albania, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Hungary, Iceland and Italy. The main part, 137 pages, is devoted to US-Czech-

slovak relations covering the time from January 11 to December 14, 1945. It will take a long time for the historian to evaluate the documents collected in this volume and to establish obvious omissions of certain documents.

The purpose of this article can only be to give a brief résumé supported by quotations from the documents as printed in the State Department's collection. There is no doubt in my mind that certain documents are of great importance, not only for the historian but for the politician and statesman as well. They shed new light upon certain events, and conclusions drawn from them and may serve as new guidelines for political action. They are especially interesting in the light of the present Soviet occupation of Czechoslovakia. The problem involved is basically the same: The Soviets' fear that Czechoslovakia may eventually turn to the West, and their resulting fear to leave Czechoslovak territories.

The first document presented, carries the date of January 11, 1945. It is a memorandum by the Division of Central European Affairs within the Department of State. No individual authors are mentioned. The document deserves interest in two respects: it shows the boundless optimism prevailing in the Department of State, as to the relations between the U.S. and Great Britain with Czechoslovakia on the one hand and the Soviet Union on the other. A rather astounding lack of imagination permeates the whole document. Secondly, the document is the first in the collection which mentions the coming mass expulsion of the Sudeten Germans as the "one question which will require decision by the British, Soviet and American Governments."

THE DESIRE TO EXPEL ALL UNDESIRABLE SUDETEN GERMANS

The text of the document follows:

"The Czechoslovak Government's relations with the British and Soviet Governments are excellent, and present no problems. Czechoslovak-American relations (reviewed in Annex I) remain excellent, as they have been in the past."

"The United States, Great Britain and the USSR all favor restoration of independent Czechoslovakia with substantially its 1937 frontiers. Although we favor restoring Ruthenia to Czechoslovakia we would not oppose its incorporation in the USSR if the Soviet and Czechoslovak Governments should decide this in agreement. Czechoslovakia is not expected to present any problems for American post-war policies concerning it (detailed in Annex II)."

"We have no question to raise about Czechoslovakia now; nor have Great Britain or the USSR, as far as we know."

"The Czechoslovak Government itself however has raised one question which will require decision by the British, Soviet and American Governments: It has informed them of its desire to expel to Germany all undesirable Sudeten Germans (Possibly two million) in the expectation that the three occupying powers will facilitate the resettlement of these persons within Germany, without any change in the Czech-German 1937 frontier. The State Department is preparing a note in reply expressing sympathy with the Czechoslovak concern about the Sudeten Germans, but opposing any unilateral action to move them until an orderly solution can be worked out in agreement between the Governments of Czechoslovakia and the occupying powers responsible for the maintenance of order for military security in Germany. The Big Three may wish to forestall precipitate action by reaching agreement along the lines of the separate memorandum on "Treatment of Germany", the last section of which deals with the broader question of the transfer of Germans from Poland, East

Prussia and other areas as well as Czechoslovakia, who might altogether number near ten million."

On April 22, 1945, the American Ambassador to Great Britain, John G. Winant, telegraphed to the American Secretary of State, Stettinius, and reported a conversation with the British Secretary of State for Foreign Affairs, Anthony Eden. In this conversation, Eden had raised the question of the liberation of Prague and the desirability of Prague's liberation by American troops. This view as expressed by Eden, was, of course, Churchill's idea that the Americans and the British should liberate the Balkan countries as well as Czechoslovakia in order to forestall Soviet occupation. The British view was strongly opposed by the White House and especially by General Eisenhower.

LONDON,

April 22, 1945.

Before Eden left he talked to me about our advancing Army into Czechoslovakia and the possible liberation of Prague. He told me that he would forward me a note which the Foreign Office has sent me since his departure. In substance it reads as follows, stating that it expresses his considered view:

He feels that if it were possible from the military aspect it would be most desirable politically for Prague to be liberated by the United States Army. Apart from the obvious advantage of the Western Allies contributing to the liberation of Czechoslovakia the occupation of the protectorate or a part of it by the United States forces would enable your authorities and our own to get a footing in the country and establish our missions there as soon as a link-up with the Russians takes place and the way is opened as no doubt it would be not long afterwards for the Czechoslovak Government to return to their capital. It is true that practical difficulties might perhaps arise out of the hitherto unforeseen meeting of the United States and Soviet forces in this theater and out of the absence of any liberation agreement between your Government or ours on the one hand and the Czechoslovak Government on the other such as was concluded some time ago by the Soviet Government. Nevertheless, Mr. Eden feels that the advantage to be gained is considerable and would be glad to know whether your Government shares his view.

Mr. Eden is aware that there may be operational difficulties which would prevent the United States Army advancing fast enough to participate in the liberation of Prague. He was anxious, however, that I should put these views to you as representing his own estimate of the political aspect of the matter.

WINANT.

A few days later, British Foreign Minister Eden handed the American Secretary of State Stettinius, in San Francisco a top secret memorandum which again pressed the point that the Americans should liberate Prague and not the Soviets. The document whose spiritual author is, of course, Churchill, is of special importance because of its highly interesting and correct prediction that, "if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia."

It is also of historical interest that the American Secretary of State, Stettinius, expressed his own reaction to the British ideas as "favorable." Eisenhower was stronger than the chief of the Department of State; his intention to leave Prague to the Soviets prevailed. General Patton was forbidden to send his tank from Pilsen to Prague only 50 miles to the East. Eisenhower fell for the myth of Hitler's "National Redoubt" in Western Austria and Southern Bavaria, allegedly a tremendously fortified "fortress." It was, nothing but one of Goebbels' propaganda lies. The Document reads as follows:

SAN FRANCISCO,
April 28, 1945.

THE SECRETARY OF STATE TO THE ACTING
SECRETARY OF STATE:

Eden has just handed me a top secret memorandum reading as follows:

"Shortly before leaving for Washington Sir Alexander Cadogan wrote to Mr. Winant pointing out the great political advantages which would result if United States troops could press forward into Czechoslovakia and liberate Prague. The letter asked whether the United States Government agreed with this view, it is understood that the Ambassador passed on this enquiry to the State Department but has had no reply.

His Majesty's Ambassador to the Czechoslovak Government has informed his Majesty's Government that the Czechoslovak Ministers are of course delighted at the arrival of United States troops at their borders and say that the Czechoslovak Communists are correspondingly depressed.

In our view the liberation of Prague and as much as possible of the territory of western Czechoslovakia by United States troops might make the whole difference to the post war situation in Czechoslovakia and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakia's liberation that country may go the way of Yugoslavia.

General Eisenhower has informed the Prime Minister that his main effort is against the southern redoubt. The Prime Minister is, however, unaware whether General Eisenhower has been apprized of the significance of Prague.

The British Chiefs of Staff have been asked to draw the attention of the United States Chiefs of Staff to this matter."

My reaction to the foregoing suggestion from the political standpoint is favorable. You may wish to discuss the matter with the United States Joint Chiefs of Staff, as regards the military and political aspects of the question.

E. R. STETTINIUS.

BENES: GERMANS SHALL BE DEPORTED
IMMEDIATELY

Since there was no satisfactory reaction from the Americans, Churchill decided to approach President Truman. In a telegram from London, dated 30 April, 1945, he entreated the President:

"There can be little doubt that the liberation of Prague and as much as possible of the territory of western Czechoslovakia by your forces might make the whole difference to the post-war situation in Czechoslovakia, and might well influence that in nearby countries. On the other hand, if the western Allies play no significant part in Czechoslovakian liberation, that country will go the way of Yugoslavia.

"Of course, such a move by Eisenhower must not interfere with his main operations against the Germans, but I think the highly important political considerations mentioned above should be brought to his attention. The British Chiefs of Staff have, therefore, on my instruction, asked the United States Chiefs of Staff to agree to the dispatch of a message to Eisenhower in order that he should take advantage of any suitable opportunity that may arise to advance into Czechoslovakia. I hope this will have your approval."

After Prague was liberated by General Vlasov's troops and the shooting had stopped, the Soviet Red Army occupied Prague on May 9, 1945. On May 11, the American Ambassador in France informed the Secretary of State (Stettinius) that it would have been a "comparatively simple matter" to liberate Prague. He also informed Stettinius of a heretofore unknown fact, that the German High Command had "strongly urged" the American forces to conquer Prague. Ambassador Caffery's telegram to Stettinius reads as follows:

PARIS,

May 11, 1945.

The excellent suggestion made by [to] the President in the Department's memo of May 5th was outstripped by the rapid tempo of military developments.

I discussed this matter informally with the Chief of Staff SHAEF who has also been informed of the contents of the Department's 1935, May 8, 7 p.m. Chief of Staff informed me that it could have been a comparatively simple matter for the US Third Army to have penetrated deeply into Czechoslovakia and to have taken Prague. In fact German High Command strongly urged that USA forces should undertake such a mission and the opposition to the forces apparently would have been insignificant. In the absence of a directive however General Eisenhower's strategy laid emphasis on facilitating the occupation of southern Germany and western Austria thus paving the way for the longer term occupation. (Murphy)

CAFFERY.

On June 5, 1945, a telegram from the U.S. Ambassador to France (Caffery) to the Secretary of State relates a report written by Mr. Alfred W. Kileforth, American Charge d'Affaires in Prague. Kileforth reports a conversation with President Benes in Paris during which Benes had told Kileforth that he (Benes) would be able to hold the support of the Czech people, "provided the Germans remaining in Czechoslovakia are deported almost immediately." As Benes added, "this measure was urgent and important to get the country back on its feet, as with the removal of the Germans he hoped that it would also terminate the Russian and American military occupation."

SOVIET TROOPS DISTRIBUTED THROUGHOUT
CZECHOSLOVAKIA

The same telegram contains an interesting observation about the Soviets' behavior in Czechoslovakia:

"While the Red Army was greeted enthusiastically as liberators by the Czech people, its popularity has waned rapidly because of its policy of living off the country and its general licentious conduct. The Russian Army is under relaxed discipline and the average soldiers is anxious to return home. Even the Russian Ambassador admitted this to me. The American forces are more popular in their occupied zone because they are well behaved and live mainly from their own supplies.

"President Benes told me that he greatly desires American forces to remain for the present and considers it important that their eventual withdrawal be synchronized with that of the Russian forces although he desires to see both forces leave as soon as possible. This viewpoint is shared by all Czechs except the ardent Communists. It is exceedingly important not only from the Czech viewpoint but from American prestige, to withdraw our troops at exactly the same time as the Russians."

On July 6, 1945, the American Charge d'Affaires in Prague (Kileforth) sent a telegram to the Secretary of State in which he interpreted the Czechs' feeling about the American failure to liberate Prague. He wired:

"People of Prague for instance firmly believe failure of American troops to liberate Prague when they were only 20 mile distant was done upon 'orders' of Moscow, which had to be obeyed, although Soviet troops were over 100 miles distant thereby delaying the city's liberation by many days." The document continues:

"Czechs' resistance to Soviet pressure, now on the increase in all respects, will be greatly weakened by American unilateral withdrawal with serious decline of western influence. The 'eastern' communists will profit by it at the expense of Benes' authority and the non-Communist parties.

While nothing is said publicly, this problem is an important issue and the American answer is awaited with great impatience. Madam Benes told me that her husband's present insomnia can be cured the minute I am able to give her husband the "right answer."

On August 25, 1945 the American Ambassador to Czechoslovakia, Steinhardt wired the Secretary of State a report on a luncheon he had with the Czech foreign minister, Jan Masaryk in which he said:

"At luncheon yesterday with Masaryk he informed me that there are still 320,000 Soviet troops distributed throughout Czechoslovakia notwithstanding Stalin's personal assurance that all Soviet forces would be withdrawn by July 20 other than 'eight or nine' divisions along Czechoslovak German frontiers. He said he was considering sending Svoboda, Minister of War, to Moscow to remind Stalin of his promise but that he would prefer Fierlinger go if he could be persuaded to do so."

When the Americans decided to withdraw a large part of their troops from Czechoslovakia ahead of any Soviet withdrawal, Steinhardt sent another telegram to the Secretary of State (August 31, 1945) in which he did not mince any words about this unjustified "abrupt" reversal of American policy, "in violation of a promise". The text of this telegram follows:

THE SUDDEN WITHDRAWAL OF AMERICAN FORCES

"General Harmon, Commander of the American Forces in Czechoslovakia, has informed me in the strictest confidence that of his 3 divisions 2 are being taken out of Czechoslovakia within the next 10 days and that although it was intended until 2 or 3 days ago to replace these forces, he has now been informed that they will not be replaced. He also told me that it is his understanding that Supreme Headquarters is recommending to the War Dept. that all American troops be withdrawn from Czechoslovakia and that no replacements be sent. He gave it as his opinion that Supreme Headquarters is proposing to the War Dept. that all American forces be removed from Czechoslovakia by the first of November.

"The sudden withdrawal of all American forces from Czechoslovakia at this time while the Russians continue to maintain large forces in the country in violation of their promise to withdraw would constitute an abrupt reversal of our policy and would be regarded by all of the members of the Czechoslovak Govt including the President who desires a simultaneous withdrawal of American and Russian forces as an abandonment by the US of Czechoslovakia to further Russian influence.

"STEINHARDT."

And again on September 4, 1945, the Ambassador warned the Department of State against the withdrawal of all American troops before the Soviets had withdrawn their troops:

"The withdrawal of all American forces to the Bavarian-Czechoslovak border would probably result in an official or unofficial Russian infiltration into the evacuated American zone in Czechoslovakia with the resultant wholesale 'requisitioning' by individual Russian troops of cattle, and food, seizure of machinery, equipment, household and personal effects as 'war booty' attacks on individuals and various other depredations such as are all too common in the present Russian occupied zone.

"The withdrawal of all American forces would cause the Czechoslovakians to feel that they had been morally as well as physically abandoned by the Americans at the very time they are beginning to show signs of courage in standing up to Russians. This might well prove to be a determining factor as between the moderates and the Com-

munist in the forthcoming Czechoslovak parliamentary elections.

"STEINHARDT."

Another document of considerable importance is the telegram Steinhart sent on September 14, 1945 to the American Acting Secretary of State then Dean Acheson. I quote from it the following parts:

CZECHOSLOVAK GUARDS FIRED OVER SOVIET HEADS

"I have had a talk this afternoon with President Benes to ascertain whether Czechoslovak Government would be willing at this time to request U.S. and Soviet Government to effect a simultaneous withdrawal of their forces.

"President gave me in strict confidence following detailed account of his efforts to have Soviets withdraw their forces from Czechoslovakia.

"Benes said he had sent Svoboda Minister of National Defense and Clementis State Secretary for Foreign Affairs to Vienna a week ago to see Marshall Koniev to:

"(1) Complain of behavior of Soviet troops in Czechoslovakia;

"(2) Remind Koniev of Stalin's promise made about 2 months ago that not more than 8 Soviet divisions would remain in Czechoslovakia after July 20 and that these divisions would be withdrawn to Northern Czechoslovak frontier, and to ask him to reconcile recent Soviet request for food and supplies for over 300,000 men with Stalin's promise. President said he had instructed Svoboda to inform Koniev that amount of food and supplies requested would not be furnished. Inform Koniev that Czechoslovak Government would not permit the Soviet military authorities to requisition the very large amount of sugar they had demanded. The President informed me that when he had learned of the large quantity of sugar Soviet military authorities proposed to requisition he had (without consulting Cabinet) instructed the Czechoslovak military authorities to occupy the refineries and resist by force if necessary any attempt by the Soviets to requisition the sugar. He said Soviet soldiers had attempted to seize the sugar but when Czechoslovak guards fired over their heads they retired. He specifically requested that this incident be not disclosed.

"(4) Protest at the continued entry into Czechoslovakia from Germany and Austria of considerable numbers of Soviet troops and to warn Koniev that if this practice continued and these troops continued to requisition at will there would be 'conflict'.

"(5) Complain of the large garrisons, hospitals and other establishments the Soviet military authorities continue to maintain outside of Praha, Brno, and Bratislava and to request that they be withdrawn at once.

"The President said that although Svoboda and Clementis had been coolly received by Koniev, after a full discussion of the grievances presented by them Koniev had promised to reduce Soviet forces in Czechoslovakia to eight divisions, to stop depredations by Soviet troops from Germany and Austria and to withdraw garrisons and other establishments outside of Praha Brno and Bratislava. He had also agreed to the creation of mixed Czechoslovak Soviet units to deal on the spot summarily with irregular requisition, attacks on civilians (including many murders) and other transgressions.

"The President said he attributed Koniev's promise to remove the causes of complaint to the fact that shortly before Svoboda and Clementis left for Vienna he had instructed the Czechoslovak Minister in Moscow to insist on seeing Stalin and to recite the same grievances Stalin had remarked 'I understand the situation, there will not be tranquility before we leave completely.'

"This document reveals a fantastic parallel in 1945 to the present Soviet occupation of Czechoslovakia. In both cases Svoboda, today's President of the Czechoslovak Republic, tried to induce the Soviets to leave

Czechoslovak territory. He was more successful in 1945 than in 1968.

The same document, reports that President Benes urged the United States to employ "widest publicity" in the U.S. if the Soviets do not withdraw simultaneously with the Americans. The passage reads:

"President remarked that if Soviets then failed to propose a plan to withdraw their forces he favored widest publicity in United States of our endeavor without success to arrange that all Allied forces be withdrawn simultaneously."

BUT THE SOVIETS REFUSE TO WITHDRAW

Acheson again dealt with the problem of withdrawal of Soviet troops in his telegram of September 28, 1945 to the American Secretary of State who was at that time in London. Acheson suggested that the Secretary should send a memorandum to President Truman in which the Secretary of State should suggest a stern message from the President to Stalin. Acheson's telegram to the American Secretary of State deserves special attention in the light of the present events in Czechoslovakia. It reads:

"With reference to plan for withdrawal of U.S. forces from Zechu I propose with your approval to submit to the White House the following memorandum and proposed message from the President to Stalin.

"The text of the memorandum from the President is as follows: 'I recommend that the attached message to Stalin respecting the withdrawal of American and Soviet forces from Czechoslovakia be sent to you.'

"The War Department states that the plans for the reduction of the number of occupation troops in Europe require the complete withdrawal of American forces from Czechoslovakia by November 15, 1945. At the present time there is stationed in Czechoslovakia the equivalent of two divisions, which is considered by the War Department to be the number necessary to police the border between the American and Soviet forces. General Eisenhower has estimated that 300,000 Soviet troops are stationed in Czechoslovakia and that the Soviet Government intends to increase this garrison to 500,000 during the coming winter. It is our understanding that the Russians forces live off the land, and furthermore, the Soviet Government has asked the Czechoslovak Government to provide the necessary supplies to accommodate this force.

"American troops have been retained in Czechoslovakia at the request of the Department of State in the hope that a simultaneous and complete withdrawal of both Soviet and American forces might be effected. The efforts of President Benes to have the Soviet forces withdrawn have not been successful and the Soviet promise to reduce their garrison in Czechoslovakia to eight divisions by July of this year has not been carried out.

"The proposed message to Stalin was suggested by President Benes to Ambassador Steinhart as the most effective means to accomplish a Soviet withdrawal, since the Czechoslovak appeals to Soviet military authorities have not obtained results. I consider that a unilateral withdrawal on our part without attempting to obtain similar action by the Soviets would be detrimental to the democratic and moderate elements in Czechoslovakia. Consequently, we should consider giving full publicity to our efforts if the Soviets refuse to withdraw or if they agree to withdraw but utilize familiar delaying tactics to keep their forces in Czechoslovakia after our withdrawal."

The attached proposed message from Truman to Stalin was sent by the President, November 2, 1945, and read as follows:

"As you know, ever since the time when the late President Wilson intimately associated himself with the liberation of Zechu from Habsburg rule my country has followed with deep and sympathetic interest the struggle of the Zechu people for national independence

and economic security. We have always admired the diligence displayed by the Zechu state in constructing democratic institutions and in contributing to the peaceful international life in the European family of state.

"In the last days of the war, the American army crossed the western frontier of Zechu in pursuit of our common enemy and advanced to a line north of Plzen, while the Red armies of the Soviet Union and the east, entered the city of Praha. The armies of the Soviet Union and the United States thus carried out the liberation of Zechu. Since the close of hostilities, the armed forces of our two countries have remained on Zechu territory in order to assist the Zechu people in the elimination of the remnants of the Nazi troops. The continued presence of Allied troops, however, is proving to be a great drain on Zechu economic resources and is delaying the normal recovery and rehabilitation of this Allied state which remained longer under Nazi domination than any other member of the United Nations. I therefore desire to withdraw the American forces from Zechu territory by December 1, 1945. In the absence of a similar intention on the part of the Soviet Govt, there will still remain in Zechu a large number of Red Army soldiers. I should, therefore like to propose to you that the Red army be withdrawn simultaneously with our forces.

"Since there is no longer any necessity to protect the Zechu people against any Nazi depredations, and since the presence of our troops undoubtedly constitutes a drain on their economy, I also feel that the American forces should be withdrawn as soon as practicable in order to permit the Zechu people to reap the full benefits of the assistance being given them by the United Nations Relief and Rehabilitation Administration and other agencies. By the simultaneous withdrawal of both Soviet and American forces from Zechu, the American people would be assured that the drain on Zechu resources had ceased.

"I hope that you can give consideration to my proposal and that, in withdrawing our forces simultaneously, we can announce to the world our intention of removing any obstacle which delays the recovery of Zechu state."

On November 9, 1945, President Truman received the following message from Stalin:

"Your proposal concerning the withdrawal of the armies during November can only be welcomed particularly since it fully accords with the Soviet plans for demobilization and withdrawal of armies. Consequently, it may be considered that the withdrawal of the Soviet and American armies from Czechoslovakia will be completed by the first of December."

LIMITS FOR COAL DUST IN MINES URGED

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. PERKINS. Mr. Speaker, those of us who represent districts in which coal mining is conducted long have sought legislation to combat a lung disease which causes more deaths among miners than are caused by underground explosions. This disease is known as pneumoconiosis or "black lung."

I am glad that, after 16 years of study, the Federal Government has recommended standards to reduce the spread of this disease. Several Members of this House have joined in introducing legis-

lation which would write those standards into law. I hope the House will give prompt approval to that proposal.

A well-rounded explanation of this problem is contained in the January 17 issue of the Anthracite Tri-State News. Having received permission, I insert this article in the RECORD:

LIMITS FOR COAL DUST IN MINES URGED—PNEUMOCOONIOSIS CAUSES MORE DEATHS THAN MINE MISHAPS

WASHINGTON.—After 16 years of study, the government recommended today the first Federal standard to reduce coal dust which causes an incurable lung disease blamed for more miners' deaths than accidents are.

Charles C. Johnson Jr., of the Department of Health, Education and Welfare, acknowledged that a "U.S. disease was long overdue" to combat the disease known among miners as "black lung."

The United States is the only major coal-producing country that doesn't have a government standard for keeping down coal dust, the department said in a statement.

Johnson said at least 100,000 miners in the country run the risk of getting the disease and that the Federal standard could significantly reduce the danger. He had no figures on those actually afflicted with black lung now.

Under present law, the Federal Government has no power to enforce the recommended standard. A department spokesman said it would be up to Interior Department to ask Congress to provide such authority.

The department's recommended standard is set at not more than three milligrams of respirable coal dust a cubic meter of air as measured by the Mining Research Establish instruments.

Studies completed by HEW's Public Health Service in 1964 found that almost 10 per cent of the active soft-coal miners and 20 per cent of the former miners in the Appalachian area show X-ray evidence of the disease. A final report on that study is expected soon.

Johnson, chief of HEW's new Consumer Protection and Environmental Health Service, said in an interview that "the findings have not been suppressed. They have appeared in a number of journals."

In 1952, a survey by the health service found an "alarmingly high" rate of chronic chest disease among soft-coal miners in the country.

The disease, officially called pneumoconiosis, breaks down the tissue of the lungs as the coal dust becomes lodged in them. In advanced stages, the victim becomes increasingly short of breath and finally dies of heart failure, pneumonia or suffocation.

Officials say there are no statistics on how many of the miners who get low-grade cases of the disease progress to the fatal stages.

While mining accidents have been killing several hundred men a year in the United States recently, black lung is listed officially as the primary cause of deaths for about 1,000 coal miners each year in Pennsylvania alone. And the deaths of about 1,000 more miners in the state year list black lung as a secondary cause.

Officials have no nationwide figures on the annual deaths from black lung. But Dr. Lorin Kerr of the United Mine Workers Welfare Retirement Fund says there is no question that black lung causes more deaths than accidents.

Most surveys of the disease have been conducted among soft-coal miners, but studies among hard-coal miners have indicated comparable rates of black lung.

The Federal standard applies to both soft and hard coal mines.

A knowledgeable Federal source said "there just hasn't been any push for this" until recently, and that top officials in HEW have shown little interest in the matter because "there were too many other higher priorities."

PRIVATE INVOLVEMENT IN URBAN PROBLEMS

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mrs. DWYER. Mr. Speaker, harsh experience has taught us that government alone—though it has a huge responsibility—cannot solve the urban crisis. The character, complexity, and extent of our urban problems requires the committed and understanding participation of the private sector, business, labor, voluntary organizations, and individual concerned citizens.

For many months now, I have been searching for examples of private participation in this area, especially on the part of business which possesses such great potential—examples which will illustrate the need and demonstrate the performance and which can serve as useful information to our colleagues and possible guides for further action.

Among the many such examples I have found, certainly the involvement of the Chase Manhattan Bank of New York City has been an outstanding one, in terms of the depth of its commitment, the extent of its activities, the strength of its leadership, and the imagination which it brings to this important work.

A recent Public Affairs Bulletin issued by Chase Manhattan, entitled "What You Can Do About the Urban Crisis," serves the twofold purpose of revealing a little of what one financial institution is doing and inspiring others to do likewise. When this publication, which is only one of many examples of the bank's urban activities, is seen in the context of the bank's official statement of policy regarding its urban responsibilities—as reflected in the letter to stockholders included in its 1967 annual report—the measure of Chase Manhattan's total involvement is great indeed.

I include, for the information of our colleagues, Mr. Speaker, both the bulletin and the excerpt from the annual report:

[From the Chase Manhattan Bank Public Affairs Bulletin, Dec. 30, 1968]

WHAT YOU CAN DO ABOUT THE URBAN CRISIS

The plight of our cities and of the people who live in them no longer needs any documentation. Our eyes, our ears, our noses, our nerves tell us more eloquently than any statistics that our cities are in deep trouble.

There is no single solution, and certainly no simple one. "This is such a mixture of physical, financial and psychological questions as to confound the best minds we have," said President Johnson.

But there is something each of us can do, and the joint efforts of enough concerned citizens hold out the best hope for conquering the ills of our cities. "We have an ample supply of handwringers," says John Gardner, head of the Urban Coalition. "We are in very short supply of people willing to lend a hand."

VOLUNTEERS ALL

Virtually everything we know today as social services—children's shelters, home nursing, family service agencies, halfway houses, clinics, welfare agencies—were pioneered by volunteer citizens who became concerned about neglected human needs in their communities and took steps to help. Now, in this

time of change and turbulence, volunteers are needed more than ever. "Volunteers bring a sense of commitment and interest," says Ruth Hagy Brod, director of the Volunteer Coordinating Council in New York. "They improve the quality of city services because they're not callous, and in a highly alienated society, when someone does something for someone else without pay, it's a sign you really care."

Across the nation an army of volunteers—thousands of your fellow citizens—are devoting time, energy, ingenuity and initiative to urban ills. Why not join the "army?" Recruits are desperately needed and the opportunity for service lies right at hand.

A MAJORITY OF ONE

You don't need an elaborate organization or large bankroll to launch your own community aid project. Your own wits, energy and dedication are enough.

For instance, you can collect and distribute clothing, books, food and other items in short supply among the urban poor.

You can use the free resources of the city's playgrounds, parks, museums or libraries to sponsor recreational or cultural projects.

You can form a committee to write letters, prepare data and consult with elected officials on pressing urban problems.

The list is endless, and thousands of your fellow citizens have shown the way. For example—

On New York's Lower East Side, Humberto Aponte, an insurance claims adjuster who was born on a poor farm in Puerto Rico, runs a one-man housing clinic in his spare time. Armed with only a battered typewriter, he battles for his neighbors who often lack the knowledge and resources to fight back against slum landlords.

First in Hartford, and then in New York, 27-year-old Ned Coll created an organization called the Revitalization Corps which functions as a kind of non-governmental domestic Peace Corps through a variety of grass-roots programs. Coll's "Operation Suburbia," for example, placed 100 city children from Hartford and New York in suburban homes for several weeks last summer. Other projects include tutoring and campaigning for better schools—all on \$5,000 a year, privately raised.

In Harlem, Miss Cora T. Walker, who for years has been telling her neighbors: "Quit complaining about problems. Do something about them!" launched a \$5 per share supermarket last spring. Called the Harlem River Consumers Cooperative, Inc., it provides jobs for 80 Harlem men and women and lower prices for housewives on shopping day. Seventeen teenagers traveled from door to door to sell shares in the cooperative.

IN UNION THERE IS STRENGTH

If your inclination is to "join" rather than act on your own, there are innumerable organizations and groups that will welcome your participation. Let's look at what some of them already are accomplishing in various parts of the country on major aspects of the urban crisis.

Education

A good education is the greatest single weapon for combating the cycle of poverty, despair and disorder that festers in so many of our cities. The education problem, as we all know, is beset by conflicting pressures. Yet in scores of communities, heartening results have been achieved by groups who found that there were practical steps they could take right in their neighborhoods.

In Bridgeport, Connecticut, the School Volunteer Association, made up of some 375 black and white volunteers, tutors children with reading problems. The school superintendent calls the volunteers' work "an academic tender-loving-care that you couldn't buy."

In another typical community, women volunteers of a Stay-in-School Committee have

been encouraging high school dropouts to return to school by establishing personal contact to get at the basis of each youngster's problem. With the help of church, service and community groups, they find dropouts part-time jobs and help them maintain their morale and keep their school and job performances up.

In New York City, a group of 70 young businessmen has set up an organization called SEO—Sponsors for Educational Opportunity, Inc. SEO searches for ghetto boys and girls with top potential and helps them get into the better colleges and universities. The SEO members entertain the students in their homes, build up a personal relationship, look into family problems and seek scholarships and summer jobs. Most of the 150 students SEO has selected for sponsorship are already in college. Says Harold Davis, whom SEO helped to win a scholarship to Wesleyan: "Ninety-nine per cent of the boys I grew up with are dead, in jail or on drugs—it's a miracle I'm alive."

Jobs

A job often makes the difference between becoming a useful citizen with a sense of hope and responsibility, or a public charge and possibly a criminal. James Rudd, leader of a group of 50 businessmen in Hempstead, New York, who banded together to help local youths find jobs, says: "There were plenty of Negro kids in this community who felt that they could become leaders by having the guts to stand up and throw a brick. I wanted to channel this energy into getting jobs instead."

In Indianapolis, a Voluntary Advisory Corps (VAC) has been helping unemployed persons overcome obstacles that have prevented them from finding and keeping a job. The only special skill required of a VAC volunteer is that he be a successful breadwinner—a person with a job who pays his bills and deals with his employers and fellow workers successfully month in and month out. The VAC volunteer meets with a job-seeker, usually referred by an employer who has been unable to offer him a job. In a series of sessions, the volunteer advises the job-seeker about how and where to apply for a job within his capabilities, how to prepare for interviews and fill out the necessary forms and how to bring out his positive factors that will appeal to an employer.

Sometimes just a bit of community encouragement is all that is needed to generate effective self-help programs. In Washington, D.C., a group of teenagers, given such encouragement, banded together as "The Working Magnificents" and sent out flyers that said:

"What jobs have you found for these industrious young men in your neighborhood? They can rake leaves, paint your porch floor, clean up your yard, shellac your inside floors, clean out your basement, wash and polish your car, get rid of your rats and roaches, and do any other such jobs..."

Crime

The President's Riot Commission last spring drew a collective profile of the "counter-rioters"—after interviewing many ghetto residents who worked to prevent the riots. The report stressed that "the counter-rioters' actions and attitudes reflected his substantially greater stake in the social system." In other words, the key is: a stake in the community.

A number of volunteer groups throughout the country have sought to apply that message. In Indianapolis, a group of women started modestly, seeking to curb crime, persuade dropouts to return to school and obtain a new light on one dark street.

Thousands of women in the community have joined the campaign. They have helped keep scores of children in school, gotten hundreds of new street lights and established

a "court-watchers" program to keep tabs on the efficiency of the courts. They have also begun a "one-woman-one-child" program in which one woman helps to solve the problems of one disturbed child, whether he needs a new sweater, help with his schoolwork or a job for his unemployed father.

An incident in Chicago recently gave eloquent testimony to the value of such programs. A 16-year-old hefted a fist-sized rock in his hand, then suddenly thrust it toward Lucy Lewis, a city anti-poverty worker. "Here," he told her, "I've got something for you. You kept me so busy I never had a chance to throw it."

HOW DO YOU START?

Chase Volunteers for Community Action (CVCA) has been created to help Chase staff members who want to do voluntary work on community problems in their spare time. It acts as liaison with various private and public groups and agencies that are seeking volunteer help.

Through CVCA you can take youngsters for a boat ride around the city, or to a museum, to a ball game or the circus; help out in child care centers; tutor children in remedial reading or other subjects; teach them to paint, sew or make handcrafted articles in workshop; or counsel adults on job difficulties, family finances or other problems.

To get started in these and various other activities and projects, telephone CVCA on Extension 4314.

Many Chase officers are working to assist economic development in disadvantaged areas—through Bank programs, the Inter-branch Council for Business Opportunity, the Bedford-Stuyvesant Restoration Corporation, the New York Coalition and other groups. Volunteers provide managerial assistance to minority-group clients who want to start their own businesses and who need advice about financing, credit, marketing and other problems; or who already have their own businesses, but have run into difficulties.

"GREATER, BETTER, AND MORE BEAUTIFUL . . ."

In the Golden Age of Ancient Greece, every young Athenian as he came of age took this oath of citizenship:

"Thus in all these ways, we will transmit this City not less but greater, better and more beautiful than it was transmitted to us."

Perhaps we should all take our own version of that oath.

[Excerpts from the Chase Manhattan Bank NA, Annual Report 1967]

TO THE STOCKHOLDERS

We believe it is fitting that the cover of the Annual Report for 1967 should merge New York's "other" skyline with the traditional one. The foreground suggests the tenements of Harlem. Seen beyond are the towering skyscrapers of Wall Street. Together, the two skylines illustrate New York's majesty as well as the menace of her slums. Throughout 1967 your bank labored to narrow the distance—in a figurative sense—between these two disparate ways of life. And, in a quite literal way, Chase Manhattan was dedicated to uplifting the standard of living in the low-income areas of New York.

As a leading commercial bank, Chase Manhattan's major contribution is to put money to work in a creative and productive way and thereby contribute to economic growth and progress in the city, the state, the country and, indeed, the world.

In addition, Chase is concentrating its efforts in three major categories: first, in providing jobs, training and opportunities for advancement; second, in channeling funds into specific projects aimed at improving the quality of life for the less fortunate, and third, in sharing the bank's technical and managerial talent with organizations working to accelerate the economic advancement of disadvantaged groups.

This responsibility to our social environment is intimately intertwined with our economic responsibility to our stockholders. We cannot, we believe, justify your faith in us simply by earning a profit today. We must also be certain that we are securing a place for tomorrow.

With this in mind, the bank supported a variety of projects designed to foster an environment conducive to long-term economic growth. Some of these are shown on pages 22 and 23.

In addition, we have been devoting an increasing amount of time to examining ways in which we can give more effective expression to our policy of equal opportunity. The fact is that in recent years we have not been able to find enough qualified people to fill our job openings. Thus our only alternative is to try to upgrade the labor force on which we and other New York City businesses must draw.

We have recruited directly in such areas as Harlem and Bedford-Stuyvesant. Once staff members are on the job, every effort is made to see that they have the fullest opportunity to realize their potential.

A complete range of formal and on-the-job training programs is available to all members of the staff for upgrading skills and facilitating personal advancement. More than 3,000 staff members benefited from over 50 centralized training programs and thousands more participated in decentralized training within their own units. In addition, 1,300 staffers took advantage last fall of the bank's Education Plan, under which tuition is refunded to staffers who satisfactorily complete approved courses in colleges, universities and the American Institute of Banking.

Chase Manhattan's need for skilled staff is underlined by the bank's increasing complexity and by our continuing growth. We processed 526 million checks, about 6% more than the year before, and transferred or registered over 22 million stock certificates, a rise of 21%. Our loans and mortgages climbed to \$10.4 billion, a gain of 3.7% over 1966, and our deposits were \$15.8 billion, a gain of 14.6%.

During 1967, our gross revenues were higher, largely reflecting our increased volume of loans, as well as services for which fees are charged. Although Chase Manhattan took the lead in reducing the prime rate to 5½% in January 1967, this rate returned to 6% in November when money market conditions warranted. On average the return on loans was higher for 1967 than the year before.

At the same time, our largest single expense item—interest payments to others—stabilized. Interest payments totaled \$283 million, up less than one percent, in contrast to a 42% increase during 1966.

Because of greater activity throughout the bank and of our larger earning assets, our net operating earnings rose to more than \$105 million, a gain of 7% over 1966.

The future growth and prosperity of the bank depends, of course, not only on our corporate efforts but on the performance of our national economy. And when we focus on the national outlook for the next year or so, we find cause for concern.

One major problem is the continuing balance-of-payments deficit, which last year ran between \$3.5 and \$4 billion. The government's program of restrictions on most U.S. investments abroad announced on New Year's Day will not solve this problem in the long run. It is a step backward from the freedom of trade and payments that supports the growth of the U.S. and world economies, rich and poor nations alike. Such controls can hurt us competitively in world markets and harm the balance-of-payments picture more than they can help if they are continued over a long period of time.

ARMY RESERVE RACISM—BY THE NUMBERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RARICK. Mr. Speaker, the orders from the Department of the Army, cut 5 days before the new administration took office, call for racism by the numbers.

Can you imagine an army ordering a percentage of its troops to be selected not because of qualifications but on color alone?

And a list of all personnel are ordered to be kept by grade and percentage of Negroes in the unit.

With all the reports, tests, and percentages one wonders if the Army will ever have time to train or fight? There was a time when it was sufficient to submit a morning report to keep track of the men.

Let us hope the new President abides by his commitment to reduce the draft by making the professional military service more attractive. If so, he will need to abolish such trivial social discipline and emancipate the military.

A man is either a soldier or he is not. Forced race mixing in off-base housing, schools, and the like will never appeal to the professional soldier.

Mr. Speaker, under unanimous consent I submit the article of the Department of the Army for January 15, 1969, for inclusion in the CONGRESSIONAL RECORD, as follows:

DEPARTMENT OF THE ARMY, HEAD-QUARTERS, 122d U.S. ARMY RESERVE COMMAND.

Fort Chaffee, Ark., January 15, 1969.

Subject: US Army Reserve FY 1969 Strength Authorization.

1. Reference:

- a. DA Message 892186, dated 1 January 1969 from CAR.
- b. AR 135-91.
- c. AR 11-35.

2. DA Message 892186 (reference 1a above) is quoted verbatim herein for immediate implementation by all USAR Troop Program Units and USAR Schools within this command.

"Unclass DA 892186 From CAR Sgd TAG.

"Subj: US Army Reserve FY 1969 Strength Authorization.

"Reference: a. MSG DA 862673, dtd 4 May 1968.

"b. AR 135-91.

"c. AR 11-35.

"1. Application of PL 90-500 to the US Army Reserve less units on Active Duty results in a world-wide annual average strength requirement of 254,295 for FY 1969. The 31 October 1968 assigned strength was 243,308.

"2. In order to attain the annual average strength of 254,295 for FY 1969 strength authorization for units of U.S. Army Reserve is programmed for 264,000 to be attained by Feb. 1969 and maintained pending further instructions. The anticipated return of mobilized Army Reserve units during FY 1970 will provide for annual average strength greater than FY 1969 authorizations; therefore, this action will also tend to reduce strength fluctuations in FY 1970.

"3. To ensure attainment of the required FY 1969 average annual strength, a 4% over-strength is authorized for each unit above that authorized in RCTB-68, including those

units authorized 100% TOE. Fractions will be rounded to the nearer whole number (5-1).

"4. Of the 4% overstrength, 3% will be enlisted from the normal REP waiting lists, prior service personnel and other sources.

"5. Of the 4% overstrength, 1% will be enlisted from a special list consisting of Negro applicants and designed to increase Negro participation in the U.S. Army Reserve units without regard to enlistments from the regular waiting list. Negro personnel currently on the regular waiting lists who so desire may be placed on the special waiting list along with new applicants. The overstrength will be managed by the chain of command in order to ensure full utilization with emphasis on those units lowest in Negro participation.

"4. Special waiting lists referred to in paragraph 5, quoted message, if not already in existence, will be immediately established and Negro personnel on the normal (or regular) REP waiting lists will be contacted and invited to authorize their name to be changed from the normal (or regular) REP waiting lists to the special waiting lists and, if otherwise eligible and qualified for immediate enlistment personnel will be enlisted from the special waiting lists where the unit is below the 104% and have less than 1% Negro strength in the unit as of this date. When the 1% strength figure has been reached with Negro personnel those on the normal (or regular) waiting lists will be enlisted."

8. A current report of Negro personnel strength assigned to each unit of this command will be submitted to this headquarters by not later than 24 January 1969. The report will be by number of grade and the percentage of Negro personnel of the strength of the unit. Units will submit reports DIRECT to this headquarters, ATTN: AKGOA-AA, and furnish their next higher command an information copy of the report.

9. This headquarters stands ready to assist unit commanders in any way possible in their recruiting efforts. The Command Recruiting Officer and NCO will visit the major and intermediate headquarters of the command during the next forty five (45) days to assist and advise the unit recruiting personnel and unit commanders in their recruiting efforts. The visits will be scheduled on the week-ends when the unit has a scheduled training assembly. Recruiting personnel of major and intermediate headquarters may be requested to visit their subordinate units. Man-day spaces will be made available for the visits if requested to do so.

10. As has been stated time and again in correspondence from this headquarters on this subject, recruiting to attain and maintain authorized strengths is a command responsibility of the individual unit commander. This headquarters expects and insists that unit commanders at all levels of this command discharge this responsibility with no less zeal than the other responsibilities of command.

For the commander:

EVERETT NUGENT,
Maj, GS, USAR, Acty Asst AG.

LETTER TO CHAIRMAN KOSYGIN
REQUESTING RELEASE OF RU-
DOLF HESS

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. GUBSER. Mr. Speaker, Mr. Julius Epstein, research associate at the Hoover Institution on War, Revolution, and

Peace, at Stanford University in my district, recently wrote to Chairman Alexei Kosygin, of the U.S.S.R., suggesting that he consider the release of the sole surviving war criminal imprisoned in Spandau.

Since Rudolf Hess' release has been requested by the Governments of the United States, Great Britain, and France, and has been blocked by the Soviet Union, Mr. Epstein's letter raises an interesting question.

I submit it herewith in the belief that it will be of interest to all readers of the CONGRESSIONAL RECORD:

THE HOOVER INSTITUTION ON WAR,

REVOLUTION, AND PEACE,

October 29, 1968.

Chairman ALEXEI KOSYGIN,
The Kremlin,
Moscow, U.S.S.R.

DEAR MR. KOSYGIN: I am writing to you in behalf of Rudolf Hess, the last and only prisoner in Spandau.

The Governments of the United States, Great Britain and France have repeatedly demanded his release. The Government of the Soviet Union is the only obstacle to this humanitarian act. Why? The Soviet Government has never publicly stated its reasons for insisting that Rudolf Hess should die in Spandau.

As you know the International Military Tribunal at Nuremberg had acquitted Rudolf Hess of war crimes and crimes against humanity. He was sentenced to a life term of imprisonment for the preparation and carrying out of "aggressive war."

Rudolf Hess is 74 years old. He has been a prisoner for 28 years!

Innumerable people have publicly declared that Rudolf Hess should no longer be kept in prison. This opinion is in accordance with "socialist" as well as "non-socialist" humanitarianism.

Among those advocating his release was Sir Winston Churchill and Hess' prosecutor at Nuremberg, Sir Hartley Shawcross.

To mention just a few of the illustrious people who want Hess released, I mention the following: Professor Hahn, Professor Heisenberg, Martin Niemöller, Andre Francois-Poncet, Sefton Delmer, Jean Anouilh, Bishop Lilje, Ernst Juenger, Francis Noel-Baker, Lord Robertson of Oakridge, House of Lords, England, Lord Russel of Liverpool, House of Lords, England, Bishop of Woolwich, England, Archduke Otto von Hapsburg.

There are just a few of the 800 people of all creeds and political standing who have signed a public appeal for the release of Rudolf Hess. 1968 has been declared by the United Nations as "Human Rights Year!"

May I respectfully suggest, Sir, that you reconsider the Soviet Government's point of view in the light of true humanism?

With the expression of my highest esteem, I remain, Sir,

Faithfully yours,

JULIUS EPSTEIN.

CEDAR GROVE POST OFFICE RECEIVES CITATION OF MERIT FOR BEAUTIFICATION PROGRAM

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 28, 1969

Mr. RODINO. Mr. Speaker, it is with great pleasure and pride that I call to the attention of my colleagues the award of a "Citation of Merit" to the Cedar Grove, N.J., Post Office for its outstanding beautification accomplishments. Un-

der the direction of Postmaster James De Maio the Post Office of the Township of Cedar Grove has achieved a notable record of efficient and courteous service. But beyond this, the post office has moved to create a more beautiful environment. The Verona-Cedar Grove Times of January 23 has an excellent editorial describing the post office's contribution to enhancing the beauty of the community, and I ask that it be included in the *Record* at this point. As the editorial states, "Esthetics is a virtue," but unfortunately it is one not

much exercised. So it is with distinct gratification that I hail the efforts of Postmaster De Maio and this signal recognition of the Cedar Grove Post Office's efforts:

POST OFFICE HONORED

Esthetics is a virtue of the Cedar Grove Post Office as well as efficient and courteous service and the facility under the Postmaster-ship of James De Maio is to be congratulated for having been chosen for a "Citation of Merit" award recognizing the efforts which have been made to support the natural beauty program of President Johnson and Mrs. Johnson.

The citation was made after a rigid inspection by postal authorities from regional headquarters. They took note of added shrubbery, flower boxes placed in attractive places and rose bushes supplied from the Garden of the Patriots, Cape Coral, Florida.

Not only has the landscaping made the Post Office building attractive. It has enhanced the area surrounding the township's municipal building which for a long time has received the attention of the Cedar Grove Garden Club also. The efforts of Mr. De Maio and his fellow-workers as well as of the civic organization should encourage others in the area to make Cedar Grove even more attractive.

HOUSE OF REPRESENTATIVES—Wednesday, January 29, 1969

The House met at 12 o'clock noon.
The Very Reverend Stephen Bilak, pastor, St. Vladimir Ukrainian Orthodox Cathedral, Philadelphia, Pa., offered the following prayer:

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Almighty God, we beseech Thee to look with favor upon our great country—the United States of America. Thou hast made us great among the nations of the earth. Let us not forget that this place and power have come of Thee, and we have them as a trust to use in Thy service. We implore Thee, O Lord, instill us with brotherly love, bring order, unity, and understanding. Guard and keep in good health our esteemed President, the Members of the Congress, and all those to whom has been committed the government of this Nation.

O Merciful God, on the 51st anniversary of the proclamation of the independence of the Ukrainian National Republic, we commend to Thy gracious care the enslaved Ukrainian people, and pray, O Lord, that Ukraine once again become free from this atheistic communistic oppressor and modern slavery.

O Heavenly Father, help the Ukrainian people in their heroic fight against tyranny, symbolized and practiced by the Red empire. Help all the oppressed nations to become free, as well, Amen.

THE JOURNAL

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

TRIBUTE TO THE LATE HONORABLE JESSE PAINE WOLCOTT

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

Mr. HARVEY. Mr. Speaker, it is with profound regret and great sadness to formally notify my colleagues that former Congressman Jesse Paine Wolcott passed away yesterday—Tuesday, January 28, 1969, in Bethesda, Md., at the age of 75. Jesse would have celebrated his 76th birthday in a few weeks on March 3.

There are many, many Members in this Chamber who can speak more knowingly and personally of Jesse Wolcott and the 26 years that he served as a Mem-

ber of the U.S. House of Representatives, representing the old Seventh District of Michigan, from 1931 to 1957.

It was my privilege to meet Jesse for the first time shortly after my arrival in Washington back in 1961. Jesse was then a director of the Federal Deposit Insurance Corporation and appeared before our House Committee on Banking and Currency, on which I served at the time.

From the more senior members of the committee I quickly learned of Jesse's fine reputation and the high esteem in which he was held by all. Then, in 1964, Michigan's congressional districts underwent a great change. As luck would have it, I fortunately ended up with most of the counties of Jesse's old Seventh District. This included, as now, Jesse's home county of St. Clair.

Thus, through my service on the Banking and Currency Committee, my Michigan background and acquisition of much of the old Seventh District, my friendship with Jesse and his lovely wife, Grace, prospered. A friendship my wife, June, and I cherished and shall always remember with great fondness and affection.

We shall always recall with great delight an overseas trip with Grace and Jesse a few years ago. It was a wonderful time made so enjoyable by the witty and sparkling personality possessed by Jesse.

As we pause to pay tribute to Jesse today, I think it is important to cite at the outset that this man devoted over 45 years of his life to public service.

Imagine the impact this fine gentleman has left in helping to chart our Nation's future when he first arrived in Washington on March 4, 1931, to take the oath as a Member of Congress for his first term in the 72d Congress.

In 26 years, he served on such committees as Territories, Banking and Currency, Revision of the Laws, Roads, Special Committee on Postwar Economic Policy and Planning, Joint Committee on the Economic Report, and Special Committee to Investigate Tax Exempt Foundations.

It is of special honor to point out that Jesse Paine Wolcott was chairman of the House Committee on Banking and Currency both in the 80th Congress—1947-48—and 83d Congress—1953-54. Under his chairmanship the following bills were passed: the Mortgage Insurance Act of 1947; the Consumer Credit

Controls Act of 1947; the Rent Control Acts of 1947, 1948, and 1953; the Veterans Housing Act of 1948; and the Housing Acts of 1953 and 1954. I am certain that the present chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN, can well recall Jesse's contributions to that committee over the years.

I think that I shall always recall with particular fondness a special trip that Jesse made to Capitol Hill back in September 1963. I needed help as I knew that I would be campaigning for reelection in a new district in 1964. Much of that new district would be Jesse's old territory from which he had voluntarily retired from Congress in 1957.

Puffing on his cigar, another of his trademarks over the years, Jesse predicted, "You won't have any difficulty, Jim. They are friendly, outgoing people in the Seventh District. It is just a question of getting acquainted." He lent his fullest support in my behalf.

In our small talk, I asked Jesse what he felt was the biggest change in the Federal Government over the last 35 years. In a wink he stated bluntly and concisely—"It's bigger." In talking about everyone depending on the Federal Government to solve their problems, Jesse added, "They should stay at home."

I have fond, warm memories of this man—little in stature, but so big and tall in greatness and in heart. He shall always rank with the very best who have served our country so well for so long.

And serve his country and his fellow man he did with distinction. There are 17 lines in the "Biographical Directory of the American Congress, 1774-1961" on Jesse Paine Wolcott. A book could be written on each line.

Consider his birth and childhood in Gardner, Worcester County, Mass., where he attended elementary and high schools. Then his attendance at Detroit, Mich., Technical Institute and graduation in 1915 from the Detroit College of Law, Detroit, Mich.

He was admitted to the bar the same year and commenced practice in Detroit. He answered the call to serve his country during the First World War and did so with distinction as a second lieutenant in a machinegun company overseas as a part of the 26th Infantry, 1st Division, 1917-19.

After the war, Jesse returned to Michigan and settled in Port Huron, some 50