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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 9, 1969*

The House met at 12 o'clock noon.

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

They that wait upon the Lord shall renew their strength.—Isaiah 40: 31.

Almighty God, we thank Thee for all the blessings Thou hast so abundantly bestowed upon us. Do Thou help us to translate our thanksgiving into thanksliving and to live as Thy obedient and loving children. May we never forget who Thou art, who we are, and who our neighbor is.

Grant to the Members of this body the strength and the courage to do what they truly believe to be right and good for our Nation. Deliver them from pride and prejudice, from intolerance and every evil word, and bind them together in a faith which will enable them to labor unceasingly for the best interests of our people.

Look with Thy favor upon us, and may the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer. 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 with amendments in which the concurrence of the House is requested bills of the House of the following titles:

H.R. 337. An act to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; and

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4148) entitled "An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. BAKER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1075) entitled "An act to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers," agrees to a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate with instructions.

The message also announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ALASKA NATIVES

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

Mr. ASPINALL. Mr. Speaker, in consideration of important legislation affecting natural and human resource conservation, protection, use and equities, it becomes more and more important that committees charged with such responsibilities personally visit areas concerned. Such visits have been an important factor in the legislative process since the early days of this Nation.

With the practice of keeping Congress in session most of the year, it becomes increasingly difficult for a committee to discharge its obligation to obtain firsthand knowledge of people and areas affected by legislation.

One important piece of legislation before the Interior and Insular Affairs Committee and before the House is legislation having to do with claims of Alaska natives—Indians, Eskimos, and Aleuts. The problems necessitate a visit immediately by a limited number of committee members to Alaska. I have asked several members to go to visit the area and its people during October. The committee delegation will leave Washington Saturday, October 11, and visit several areas, with hearings in Fairbanks and Anchorage, returning to the District of Columbia October 19. This will be a hard trip but there will be no other time at our disposal.

Congressional Members making this trip with me include the gentleman from Florida (Mr. HALEY), chairman of the Subcommittee on Indian Affairs, the gentleman from Pennsylvania (Mr. SAYLOR), ranking minority member. Other members are Messrs. EDMONDSON, TAYLOR, MEEDS, BERRY, STEIGER of Arizona, CAMP, and LUJAN. The House and the immediate constituency of each Member should understand and appreciate the purposes of the trip and the personal dedication of those willing to go, especially at this time of year.

Mr. Speaker, I thank each Member accompanying me on the trip. It is our desire to have before this body for discussion, as soon as the second session convenes, well-considered and proper legislation to protect the people of the Nation generally and the natives of Alaska specifically.

TAKING CONGRESS TO THE PEOPLE

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

Mr. HANNA. Mr. Speaker, 2 days ago I remarked to this House that we were in the unhappy position of always being present at the unhappy crash landings but very rarely being present when there was an auspicious takeoff.

It occurs to me, further, that if we, as Members of this House of Representatives, are going to retain our posture with the American people, we are going to have to take this Congress to the country. I suggested, therefore, that the idea of the gentleman from Texas (Mr. PATMAN) of our committee to start having hearings in some of the major cities in this country is the right way to go.

We are not going to get the ear, the eye, or the appreciation of the American people so long as we are captives in the Capitol covered by the cape of limited exposure through the national media. The Executive and the Members of the other body can revel in the long and extended sessions, for they run less frequently than do we for office, and, in addition, they benefit from the favor of a forum provided by the national press and television coverage.

Another advance to be commended is the announcement made by Chris Craft yesterday that the corporation is opening a fully staffed Washington office to provide a forum for the local representatives in the areas their newly acquired network of stations cover. The corporation has expanded its communication subsidiaries holdings to include stations serving Min-

nesota, Wisconsin, Washington, Oregon, and California. This expansion of exposure to allow a report with local flavor to the States and congressional districts as to the actions of Government and specifically how they will affect the smaller segments of the country is long overdue. We commend other stations and facilities to do likewise. The purely national coverage given by the networks leaves many facets of the actions of Congress unexplained and special applications of the various programs unappreciated.

Let us then, colleagues, encourage and improve every change that builds the prestige of our body and brings us closer in more meaningful ways to the constituents we represent for how else can we assure that the government of the people, by the people, and for the people will prevail?

PERSONAL EXPLANATION

Mr. FREY. Mr. Speaker, on Monday, October 6, due to a longstanding previous commitment in my congressional district, I was unable to vote on rollcalls numbered 203, 204, and 205. Had I been present, I would thave voted yea on rollcalls numbered 203, 204, and 205.

DEDICATION OF COMMUNITY CENTER IN ORLANDO, FLA.

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

Mr. FREY. Mr. Speaker, last Sunday I was privileged to be the speaker at the dedication of a community center in Orlando, Fla. The center included a nursery for working mothers, preschool classrooms, a recreation area, two pools, and a large meeting room. They have hired a former football player, Tommy Nelson, Jr., 24, as executive director and he has a 12-man staff. Certainly this is not remarkable by itself. But it is much more than a community center. It stands as tangible proof of what can be accomplished when people work together for a common cause. This is a symbol of what America is really all about. The center happens to be in the black community of Washington Shores in Orlando. Dr. James R. Smith, chairman of the Washington Shores Executive Committee, had a dream a few years ago for such a center. He felt that it should be an effort of the black community. With a handful of dedicated workers, the task of raising $50,000 began. At the same time leaders of the white community helped by raising $75,000 and donating a building. Together, not as blacks or whites, but as fellow Americans, the goals were reached and the center was completed. No one asked something for nothing. Each person had the personal satisfaction of pride in doing for himself rather than someone doing it for him.

As I said before, this center by itself is relatively unimportant. But in a time of internal strife, in a time of world tensions, in a time of conflict between people, we in the Fifth Congressional District of Florida are proud that as fellow Americans we can work and build together.

CONFERENCE ON THE AGRICULTURE APPROPRIATION BILL

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

Mr. FINDLEY. Mr. Speaker, it is my understanding that a request will be made today to go to conference on the House appropriation bill for Agriculture. At that time I am sure an effort will be made to instruct the conferees for the $20,000 limit on payments to individual farmers. But before that moment comes, I want to call the attention of the Members of the body to a report on cotton production just issued yesterday, which shows the yield per acre for the current year at 450 pounds.

This is important because the Secretary of Agriculture, in voicing his objection to the $20,000 limitation in the appropriation bill earlier this year, based it on his contention that this would cause an increase in cotton program costs of about $160 million. He forecast a 550 yield for 1970 crop. With a yield of 450 pounds per acre instead of the 550 pounds per acre Secretary Hardin was at that time forecasting for the 1970 crop, this would have an impact on the Government investment in inventory of a tremendous size. Twelve million acres at 100 pounds per acre times 32 cents acquisition cost comes to $384 million.

This adjustment alone would eliminate twice over the inventory increase of $160 million Secretary Hardin forecast.

I mention this to show that the forecast that the snapback provision of the cotton program would actually increase costs to the taxpayer simply cannot be supported by the statistics now available from the Department.

FREE WORLD SHIPS TRADING WITH NORTH VIETNAM

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

Mr. CHAMBERLAIN. Mr. Speaker, it is with a measure of satisfaction that I report that the administration is continuing to make progress in connection with the problem of free world ships trading with North Vietnam. During September there were six new arrivals, four British flags, one from Singapore, and one from Cyprus. While I am regretful that any free world flags are sailing into Haiphong, this nonetheless means that the total arrivals so far this year are 30 percent below last year's level. As for the figures themselves, at the end of the third quarter of 1969 there had been 79 arrivals as compared to 112 during the very same period in 1968. This downward trend is good, but it is still not good enough. I hope we can do even better and I urge the administration—as it works to bring about an early end to the conflict—to continue its good efforts to dry up this assistance to Hanoi.

At this point, I insert a chart itemizing free world ship arrivals at North Vietnam during 1969:

1969 FREE WORLD SHIP ARRIVALS IN NORTH VIETNAM

	British	Somali	Cyprus	Singapore	Japanese	Maltese	Total
January	8	2	1				11
Fedruary	6		1	2	1		10
March	6	1					7
April	7	1			1		9
May	9	1	1			1	12
June	6	2	2	1			11
July	6	1					7
August	4		2				6
September	4		1	1			6
Total	56	8	8	4	2	1	79

PERMISSION FOR SELECT COMMITTEE ON ROBINSON-PATMAN ACT, COMMITTEE ON SMALL BUSINESS, TO SIT DURING GENERAL DEBATE TODAY

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Select Committee on the Robinson-Patman Act of the Small Business Committee may sit during general debate today.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 211]

Barrett	Gude	Pucinski
Berry	Halpern	Purcell
Blatnik	Hanley	Rees
Brooks	Hansen, Idaho	Reifel
Burton, Utah	Harsha	Rooney, N.Y.
Cahill	Harvey	Rooney, Pa.
Carey	Holifield	Rostenkowski
Celler	Howard	St. Onge
Clark	Hull	Scheuer
Clay	Ichord	Sebelius
Collins	Karth	Shriver
Corman	Kirwan	Stafford
Dawson	Leggett	Steiger, Wis.
Denney	Lipscomb	Stephens
Diggs	Lukens	Symington
Eckhardt	Melcher	Teague, Calif.
Edwards, Ala.	Miller, Calif	Teague, Tex.
Fascell	Morton	Tunney
Flood	Nichols	Vanik
Ford, William D.	O'Hara	Watson
Foreman	O'Konski	Whitehurst
Gallagher	Ottinger	Widnall
Gilbert	Pelly	Wilson, Bob
Gray	Pepper	Wilson, Charles H.
Griffin	Pirnie	Wright
Grover	Podell	
	Powell	

The SPEAKER. On this rollcall 353 Members have answered to their names, a quorum.

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

PERSONAL EXPLANATION

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

Mr. PUCINSKI. Mr. Speaker, on the quorum call just concluded—rollcall No. 211—I was absent from the Chamber because I was holding hearings on the educational needs of the seventies, and we had a very distinguished group of witnesses appearing before our subcommittee.

APPOINTMENT OF CONFEREES ON H.R. 11612, DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

Mr. FINDLEY. Mr. Speaker, reserving the right to object—and I assure my friend and colleague I shall not object—I do so because at the proper time a preferential motion will be made to instruct conferees. This is an unusual procedure, and in view of that, I thought perhaps the gentleman from Mississippi might shed some light as to the Members who have been recommended as conferees.

The reason I bring up this question—and I realize that, too, is quite unusual—is that as I have examined those who have been conferees on previous agriculture appropriation bills and who are still Members of this body, as to how they voted on the Conte amendment last July 31, as well as on the Conte amendment earlier this year. I do not find much enthusiasm among them for the payment limitation amendment. But, at the same time, I notice on the Appropriations Committee there are a number of members of both parties who did vote for the Conte amendment this year, and it would reassure us if we could feel the position of the House on the question of payment limitations would be supported by Members who voted for the Conte amendment earlier this year.

Perhaps the gentleman could shed some light as to the identity of those recommended to be conferees.

Mr. WHITTEN. Mr. Speaker, may I say I appreciate the gentleman's addressing the question to me, but as the gentleman well knows, this is a prerogative of the Speaker; and when the Speaker cares to, he asks advice in that area; and when he does not care to, that is within his own purview. So I cannot say what the Speaker will do.

Through the years that I have been here I have seen the entire subcommittee appointed on occasions, and I personally could not differ with that course, but I do not have anything to do with it.

Mr. FINDLEY. Mr. Speaker, further reserving the right to object, as I have examined the votes of members of the Appropriations Committee on the Conte issue, I believe it was late in May of this year, I find 11 Democrats did vote for the Conte amendment, and 10 Republicans voted for it.

So I am hopeful among those named to the conference will be a goodly number of those who are recorded in favor of putting a limitation on individual payments.

I thank the gentleman very much for the courtesy of his response.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. CONTE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 11612, be instructed to insist on the provision beginning on page 22, line 17 which reads as follows:

"*Provided further*, That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

Mr. WHITTEN. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts is recognized for 1 hour.

POINT OF ORDER

Mr. WHITTEN. Mr. Speaker, I rose to make a point of order against the motion.

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

Mr. WHITTEN. Mr. Speaker, amendment 37 of the Senate to the bill provides that the language on page 23 of the House bill—which I shall read—"*Provided further*, that no part of the funds appropriated by this Act"——

The SPEAKER. Did the gentleman mention amendment 27?

Mr. WHITTEN. It is 37, on page 23 of the Senate bill, to strike out the language.

The SPEAKER. Will the gentleman repeat that again? Amendment 37?

Mr. WHITTEN. Amendment No. 37, page 23 of the bill H.R. 11612 as printed in the Senate.

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

Mr. WHITTEN. The bill itself will show that the so-called Conte amendment was stricken out by the Senate on page 23 of the bill as printed by the Senate. It is identified as amendment 37 of the Senate.

I would call the attention of the Speaker to the fact that the unanimous-consent request I asked for, and which was accepted, called on the conferees to disagree to the amendments of the Senate. So we have, by unanimous consent, just instructed the conferees to disagree to the Senate amendments, of which amendment 37 is one, so any further instruction would be superfluous and would be out of order, because we have by unanimous consent agreed that the conferees would disagree to the Senate amendments, of which the Conte amendment repeal is one.

The SPEAKER. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. CONTE. I believe the point of order is out of order, Mr. Speaker. Certainly the gentleman is putting the cart before the horse.

The House has a right to work its will here and to instruct the conferees in any manner it pleases. The only thing we have before us now is the unanimous consent to go to conference and to appoint conferees. At this point any Member can get up to ask for instruction of conferees to go to conference and sustain and substantiate the will of the House in regard to this particular amendment.

Therefore, I feel the Chair should overrule the point of order.

The SPEAKER. The Chair is prepared to rule.

This question has been passed upon on a number of occasions, and the Chair calls attention to previous rulings made on this same question to be found in Cannon's Procedure, page 126:

Adoption of a motion to disagree or to insist on disagreement to a Senate amendment does not preclude consideration of subsequent motions instructing conferees to take other action on such amendments or parts thereof, and the question as to whether a motion to instruct is inconsistent with action previously taken is a question for the House, and not the Chair. (Cannon Precedents VIII 3237-9, 3230)

The Chair overrules the point of order.

PREFERENTIAL MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. WHITTEN moves to lay on the table the motion offered by the gentleman from Massachusetts (Mr. CONTE).

The SPEAKER. The question is on the preferential motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 64, noes 44.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 181, nays 177, not voting 73, as follows:

[Roll No. 212]

YEAS—181

Abbitt	Arends	Bow
Abernethy	Aspinall	Bray
Adair	Ayres	Brinkley
Albert	Belcher	Brock
Alexander	Bell, Calif.	Brown, Mich.
Anderson, Tenn.	Bevill	Broyhill, N.C.
Andrews, Ala.	Blackburn	Broyhill, Va.
Andrews, N. Dak.	Blanton	Buchanan
	Boggs	Burleson, Tex.
	Bolling	Burlison, Mo.

Burton, Calif.	Hathaway	Pickle
Bush	Hébert	Poage
Byrnes, Wis.	Henderson	Pollock
Cabell	Hicks	Preyer, N.C.
Caffery	Johnson, Calif.	Price, Tex.
Camp	Jonas	Pryor, Ark.
Carter	Jones, Ala.	Quillen
Cederberg	Jones, N.C.	Randall
Celler	Jones, Tenn.	Rarick
Chappell	Kazen	Reid, Ill.
Clausen, Don H.	Kee	Rhodes
	King	Rivers
Colmer	Kleppe	Roberts
Daniel, Va.	Kuykendall	Rogers, Colo.
Davis, Ga.	Kyl	Rogers, Fla.
Davis, Wis.	Kyros	Roudebush
de la Garza	Landgrebe	Ruth
Dellenback	Landrum	Satterfield
Dent	Langen	Schadeberg
Derwinski	Lennon	Scherle
Devine	Lloyd	Sikes
Dickinson	Long, La.	Sisk
Dorn	McClory	Skubitz
Dowdy	McClure	Slack
Downing	McFall	Smith, Iowa
Duncan	McKneally	Snyder
Eckhardt	McMillan	Springer
Edmondson	Mahon	Steed
Edwards, La.	Mann	Steiger, Ariz.
Evans, Colo.	Martin	Stubblefield
Evins, Tenn.	Mathias	Stuckey
Fisher	Matsunaga	Talcott
Flood	May	Taylor
Flowers	Meeds	Teague, Tex.
Flynt	Melcher	Thompson, Ga.
Foley	Michel	Udall
Ford, Gerald R.	Miller, Ohio	Ullman
Fountain	Mills	Utt
Fuqua	Mink	Vigorito
Galifianakis	Minshall	Waggonner
Gettys	Mize	Waldie
Goldwater	Mizell	Wampler
Gonzalez	Montgomery	Watts
Goodling	Morton	White
Green, Oreg.	Myers	Whitten
Gubser	Natcher	Wiggins
Hagan	Olsen	Winn
Haley	O'Neal, Ga.	Wold
Hammer-schmidt	Passman	Wylie
	Patman	Young
Hanna	Patten	Zion
Hansen, Idaho	Perkins	

NAYS—177

Adams	Farbstein	McEwen
Addabbo	Feighan	Macdonald, Mass.
Anderson, Calif.	Findley	MacGregor
	Fish	Madden
Annunzio	Fraser	Mailliard
Ashbrook	Frelinghuysen	Marsh
Ashley	Frey	Mayne
Baring	Friedel	Meskill
Barrett	Fulton, Pa.	Mikva
Beall, Md.	Fulton, Tenn.	Minish
Bennett	Gallagher	Mollohan
Betts	Garmatz	Monagan
Biaggi	Gaydos	Moorhead
Biester	Giaimo	Morgan
Bingham	Gibbons	Morse
Boland	Green, Pa.	Mosher
Brademas	Griffiths	Moss
Brasco	Gross	Murphy, Ill.
Broomfield	Grover	Murphy, N.Y.
Brotzman	Gude	Nedzi
Brown, Calif.	Hall	Nelsen
Burke, Fla.	Hamilton	Nix
Burke, Mass.	Harrington	Obey
Button	Hastings	O'Neill, Mass.
Byrne, Pa.	Hawkins	Ottinger
Chisholm	Hays	Pettis
Clancy	Hechler, W. Va.	Philbin
Clawson, Del	Heckler, Mass.	Pike
Cleveland	Helstoski	Poff
Cohelan	Hogan	Price, Ill.
Collier	Horton	Pucinski
Conable	Hosmer	Quie
Conte	Hungate	Railsback
Conyers	Hunt	Reid, N.Y.
Corbett	Hutchinson	Reuss
Coughlin	Jacobs	Riegle
Cowger	Jarman	Rodino
Cramer	Johnson, Pa.	Rooney, Pa.
Culver	Kastenmeier	Rosenthal
Cunningham	Keith	Roth
Daddario	Kluczynski	Roybal
Daniels, N.J.	Koch	Ruppe
Delaney	Latta	Ryan
Dennis	Long, Md.	St Germain
Dingell	Lowenstein	Sandman
Donohue	Lujan	Saylor
Dulski	McCarthy	Scheuer
Dwyer	McCloskey	Schneebeli
Erlenborn	McCulloch	Schwengel
Esch	McDade	Scott
Eshleman	McDonald, Mich.	Shipley
Fallon		

Smith, Calif.	Thomson, Wis.	Williams
Smith, N.Y.	Tiernan	Wolff
Staggers	Van Deerlin	Wydler
Stanton	Vanik	Wyman
Stokes	Watkins	Yates
Stratton	Weicker	Yatron
Taft	Whalen	Zablocki
Thompson, N.J.	Whalley	Zwach

NOT VOTING—73

Anderson, Ill.	Gray	Purcell
Berry	Griffin	Rees
Blatnik	Halpern	Reifel
Brooks	Hanley	Robison
Brown, Ohio	Hansen, Wash.	Rooney, N.Y.
Burton, Utah	Harsha	Rostenkowski
Cahill	Harvey	St. Onge
Carey	Holifield	Sebelius
Casey	Howard	Shriver
Chamberlain	Hull	Stafford
Clark	Ichord	Steiger, Wis.
Clay	Karth	Stephens
Collins	Kirwan	Sullivan
Corman	Leggett	Symington
Dawson	Lipscomb	Teague, Calif.
Denney	Lukens	Tunney
Diggs	Miller, Calif.	Vander Jagt
Edwards, Ala.	Nichols	Watson
Edwards, Calif.	O'Hara	Whitehurst
Eilberg	O'Konski	Widnall
Fascell	Pelly	Wilson, Bob
Ford, William D.	Pepper	Wilson, Charles H.
	Pirnie	
Foreman	Podell	Wright
Gilbert	Powell	Wyatt

So the preferential motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Stephens for, with Mr. Holifield against.
Mr. Griffin for, with Mr. Gilbert against.
Mr. Nichols for, with Mr. Carey against.
Mr. Tunney for, with Mr. Howard against.
Mr. Berry for, with Mr. Robison against.
Mr. Denney for, with Mr. Widnall against.
Mr. Wyatt for, with Mr. Pirnie against.
Mr. Burton of Utah for, with Mr. Bob Wilson against.
Mr. Sebelius for, with Mr. Pelly against.
Mr. Watson for, with Mr. Stafford against.
Mr. Rooney of New York for, with Mr. Eilberg against.
Mr. Kirwan for, with Mr. Podell against.
Mr. Leggett for, with Mr. William D. Ford against.
Mr. Brooks for, with Mr. Rostenkowski against.
Mr. Casey for, with Mr. Blatnik against.
Mr. Purcell for, with Mr. O'Hara against.
Mr. Edwards of California for, with Mr. Clay against.
Mr. Gray for, with Mr. Powell against.
Mr. St. Onge for, with Mr. Diggs against.

Until further notice:

Mr. Charles H. Wilson with Mr. Anderson of Illinois.
Mr. Miller of California with Mr. Edwards of Alabama.
Mr. Fascell with Mr. Lipscomb.
Mr. Pepper with Mr. Brown of Ohio.
Mr. Hanley with Mr. Harsha.
Mrs. Hansen of Washington with Mr. Chamberlain.
Mr. Rees with Mr. Lukens.
Mr. Symington with Mr. Foreman.
Mr. Hull with Mr. Collins.
Mrs. Sullivan with Mr. Harvey.
Mr. Karth with Mr. Halpern.
Mr. Ichord with Mr. O'Konski.
Mr. Wright with Mr. Reifel.
Mr. Corman with Mr. Whitehurst.
Mr. Steiger of Wisconsin with Mr. Clark.
Mr. Shriver with Mr. Cahill.
Mr. Teague of California with Mr. Vander Jagt.

Messrs. BROYHILL of Virginia, KLEPPE, BELL of California, DENT, and WALDIE changed their votes from "nay" to "yea."

Mr. LONG of Maryland changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. FINDLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FINDLEY. Mr. Speaker, was the vote 181 affirmative and 177 negative?

The SPEAKER. The Chair will state that that is correct.

Mr. FINDLEY. Mr. Speaker, on that I request a recapitulation.

The SPEAKER. The Chair will state that the Chair feels that if there was a difference of one or two votes, the Chair would order a recapitulation, but where there are four votes the Chair does not feel a recapitulation should be ordered.

The Chair appoints the following conferees: Messrs. WHITTEN, NATCHER, HULL, SHIPLEY, EVANS of Colorado, MAHON, LANGEN, MICHEL, EDWARDS of Alabama, and BOW.

Without objection, a motion to reconsider is laid on the table.

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

HOURS OF SERVICE ACT AMENDMENTS OF 1969

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 536 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 536

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to amend the Act entitled "And Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 536 provides an open rule with 1 hour of debate for consideration of H.R. 8449, Hours of Service Act Amendments of 1969. The resolution also makes it in

order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 8449 is to bring up to today's safety requirements and operating conditions the provisions established in 1907 prohibiting railway employees engaged in or connected with the movement of trains from being required or permitted to be or remain on duty beyond a maximum of 16 hours, and specifying certain hours they must have off duty.

The bill would amend the Hours of Service Act of 1907—

To make it unlawful for a common carrier railroad to require or permit an employee engaged in or connected with the operation of a train in case he shall have been continuously on duty for 12 hours—a reduction from the present 16 reached in two steps over 3 years—to continue on duty or to go on duty until he has had at least 50 consecutive hours off duty; or to continue on duty or to go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

To define "time on duty" as commencing when an employee reports for duty and terminates when the employee is finally released from duty and includes interim periods available for rest at other than a designated terminal; interim periods available for rest for less than 4 hours at a designated terminal; the time spent in deadhead transportation to a duty assignment; and the time he is actually engaged in or connected with the movement of any train.

To define "time off duty" as not including that time spent in deadhead transportation by an employee from duty to his point of final release.

To reduce from the present 13 hours to 12 hours the maximum hours a telegrapher may be required to remain on duty at a one-shift station.

To change the present penalty of not less than $200 nor more than $500 for each violation to a straight $500.

To declare that the requirements imposed by the act with respect to time on duty of employees result in the maximum permissible hours of service consistent with safety; and also to declare that shorter hours of service and time on duty of employees for lesser periods of time are proper subjects for collective bargaining.

To authorize the Secretary of Transportation by order after hearing to make exemptions for any railroad operating less than 100 miles of road where he determines that this is in the public interest and will not adversely affect safety.

Administration of the amendments to the act will represent no appreciable additional cost.

Mr. Speaker, I urge the adoption of House Resolution 536 in order that H.R. 8449 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, the purpose of the bill is to reduce the number of continuous hours of work permitted for railroad employees.

The current law has remained unchanged since 1907. It provides that an employee may be required to work up to 16 straight hours. This is substantially more than permitted either airline pilots or truck and bus drivers. Additionally, safety of operation dictates a less than 16-hour day.

The bill sets the maximum consecutive hours of work at 12. This figure will be reached in two stages; 1 year after enactment the maximum hours are set at 14; after another year the total hours permitted to be worked decreases to 12. Before an employee can work again, he is required to be off for 50 straight hours. Nor may an employee be required to work if he has not had at least 8 consecutive hours off in the preceding 24 hours. In defining "off duty" the time spent in deadhead transportation by an employee from his place of duty to his point of final release is not to be included.

Finally, the bill provides that the Secretary of Transportation, after hearings, is authorized to make exceptions for any railroad operating less than 100 miles of track if safety and the public interest are not adversely affected.

There are no minority views or agency letters. The bill is a committee substitute; the rule will have to reflect this.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file some privileged reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOURS OF SERVICE ACT AMENDMENTS OF 1969

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

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

The motion was agreed to.

The SPEAKER. The Chair designates as Chairman of the Committee of the Whole the gentleman from Ohio (Mr. ASHLEY) and requests the gentleman from Connecticut (Mr. GIAIMO), to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8449) with Mr. GIAIMO (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN pro tempore. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I may consume.

Mr. Chairman, the purpose of the bill, H.R. 8449, is to bring up to today's safety requirements and operating conditions the provisions of the Hours of Service Act covering railroad operating employees.

These were established in 1907, and have been unchanged since.

Chiefly they prohibit railway employees engaged in or connected with the movement of trains from being required or permitted to be or remain on duty beyond a maximum of 16 hours either consecutively or in the aggregate without having certain hours off duty.

In no other industry have the maximum working hours been so static.

In the motor carrier field there is a maximum of 10 hours of driving. In the air carrier field there is a general limitation of 8 hours, and in certain cases of 10 hours, for flightcrew members.

H.R. 8449 would modernize the safety requirements relating to railroad employees who are connected with train operations consistent with present safety conditions instead of those of 62 years ago.

This is done in the reported bill by amendments to the 1907 act—

First. To make it unlawful for a common carrier railroad to require or permit an employee engaged in or connected with the operation of a train: (a) in case he shall have been continuously on duty for 12 hours—a reduction from the present 16 reached in two steps over 3 years—to continue on duty or to go on duty until he has had at least 10 consecutive hours off duty; or (b) to continue on duty or to go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

Second. To define "time on duty" as commencing when an employee reports for duty and terminates when the employee is finally released from duty and includes: (a) interim periods available for rest at other than a designated terminal; (b) interim periods available for rest for less than 4 hours at a designated terminal; (c) the time spent in deadhead transportation to a duty assignment; and (d) the time he is actually engaged in or connected with the movement of any train.

Third. To define "time off duty" as not including that time spent in deadhead transportation by an employee from duty to his point of final release.

Fourth. To reduce from the present 13 hours to 12 hours the maximum hours a telegrapher may be required to remain on duty at a one-shift station.

Fifth. To change the present penalty of not less than $200 nor more than $500 for each violation to a straight $500.

Sixth. To declare that the requirements imposed by the act with respect to time on duty of employees result in

the maximum permissible hours of service consistent with safety; and also to declare that shorter hours of service and time on duty of employees for lesser periods of time are proper subjects for collective bargaining.

Seventh. To authorize the Secretary of Transportation by order after hearing to make exemptions for any railroad operating less than 100 miles of road where he determines that this is in the public interest and will not adversely affect safety.

In addition, certain technical changes have been made.

I should like now to discuss certain features of the reported bill and the changes which were made by the committee to the bill as introduced.

In the first place the committee felt that certain time should be provided for the revision of employee duty assignments that might be required by reduction from the maximum of 16 hours to the maximum of 12 hours. The committee recognized that the 30-day period set out in the introduced bill was simply unrealistic. Accordingly, the committee amendment provides that the 12-hour maximum should be attained in two steps.

One year after the effective date of this amendment the maximum is set at 14 hours, and then 2 years after that date or 3 years after the effective date, the maximum is set at 12 hours.

In the bill as it was introduced, there were certain definitions of time on duty. The time on duty used in computing the maximum of 12 hours now will include time that is provided for rest at places other than the designated terminal, and time provided for rest of less than 4 hours at a designated terminal. These definitions have been retained in the reported bill.

The introduced bill also provided that time spent in deadhead transportation to or from a duty assignment would be included as "time on duty." However, it appeared during the course of the hearings, that the inclusion of deadhead time from a duty assignment might operate to defeat the very purpose desired. Accordingly, this is excluded by the committee amendment from the computation of the maximum of 12 hours.

However, the problem of deadhead time and of rest is an important one. Illustrations were given of cases where employees were required to spend as much as 3 hours in deadheading home from a duty assignment. Then the rest period, which is set by statute before the employee may take another assignment, comes into play. Up to now these 3 hours would have been counted as time off duty. It is evident that this would not provide the rest for the employee which safety considerations demand. In the committee amendment, therefore, the "time off duty" is also defined, and time spent in deadheading back from a duty assignment cannot be covered in time off duty.

Again, there was some discussion in the committee hearings that the language of the introduced bill where it proposed to alter the existing language covering the operation of wreck or relief trains, might make it impossible for the crew of these wrecker-relief trains legally to return from the scene of a wreck. The reported bill, therefore, returns to the language of existing law.

In the course of the hearings, both employee and management witnesses were questioned as to why the matter of the maximum hours of service had not been bargained regardless of the maximum imposed by law.

It developed that there seemed to have been some question over the years as to the extent to which the Hours of Service Act, based on safety, had preempted this issue so that it was not a bargainable one.

The reported bill sets out a declaration of the Congress that the hours of service which are in the bill are maximum permissible hours consistent with safety, and then declares that the matter of lesser hours for time on duty is a proper subject for collective bargaining. We trust that in this way any ambiguity that may have existed in the past thoroughly will be resolved.

It also appeared that there may be certain instances where the requirements of safety did not always demand adherence of a maximum of 12 hours for the limited number of employees involved. Accordingly, the bill as reported provides that the Secretary of Transportation, who is to administer the new act, is authorized by order, after hearing, to make exemptions for any railroad operating less than 100 miles of road. He can make this exemption only when he determines that it would be in the public interest and would not adversely affect safety. I think it should be clear that this is not an absolute statutory exemption at all, but only derives where the Secretary can make the finding required. I am certain that the committee felt that where there were a number of crews operating, such as on a terminal or switching railroad, the Secretary would not be able to make the finding required irrespective of the fact that the railroad might have very limited mileage.

I urge passage of the bill as reported by the committee.

Perhaps parenthetically here, in speaking of the reported bill, I should say that the bill as reported correctly states the fact that after 3 years a man who has been continuously on duty cannot again go on duty until he has had at least 10 hours off duty. At one place in the committee report there is a typographical error in that "50" hours appears. The correct figure is "10" hours, as is quite evident elsewhere.

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

Mr. STAGGERS. I am happy to yield to the gentleman from Nebraska.

Mr. MARTIN. I appreciate the gentleman's yielding. I should like to ask one question in regard to this legislation.

This will undoubtedly increase somewhat the operating expenses of major railroads in the country. All of the major railroads operate branch lines of comparatively short distances, and most of those branch lines serve smaller communities.

My question is, What will be the effect of this legislation on the continued operation of branch lines which perhaps are very marginal now with regard to return on investment?

Mr. STAGGERS. In answer to the question of the gentleman I would have to say that this was a problematical question. I could not answer one way or the other.

I would say I cannot see why, if we have competent management, that would increase the cost. They certainly can make arrangements to use men efficiently in a 12-hour period of time. God help them if they have to work a man more than that to do a day's job.

I would say that I do not believe, with the management we have, it is going to increase the cost one whit on these branch lines.

Mr. MARTIN. Let us give the gentleman an illustration. There is a branch line which I have in mind in my district, of perhaps 110 or 115 miles in length. All passenger service on this branch line was discontinued several years ago, but they still operate a freight up and back, of just a few cars. It leaves the terminal point in the morning and goes up and switches, and serves six or seven or eight communities running up the 100 or 110 miles, and then comes back the same day. Normally it takes more than 12 hours for this operation, particularly in the summer when the harvest is coming in, with wheat to be hauled out and so forth.

This is an actual case in which I believe there will be an increased expense of operating this branch line. The communities are small. Some of the towns have almost folded up entirely. As a consequence, it is very marginal as an operation even under present conditions. I feel that this sort of operation might be discontinued altogether, and that would leave those communities without any railroad service at all.

Mr. STAGGERS. I should like to say that we considered different cases of these same situations and conditions throughout the country that were brought before the committee. In the committee's wisdom it was felt that with proper management and so forth these problems could be overcome. Even if they could not be overcome, we did not want them to work the men more than 12 hours, or to say that we would condone it. I do not believe the gentleman from Nebraska would, either.

I believe management has enough wisdom in order to make some rearrangement of the operating conditions and schedules to take care of that.

Mr. MARTIN. In other words, the gentleman does not believe it would have an adverse effect on the branch lines in respect to the marginal situations?

Mr. STAGGERS. That was the consensus in the committee.

Mr. MARTIN. I thank the gentleman.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from California.

Mr. BROWN of California. I should like to compliment the gentleman for bringing this legislation to the floor and for the work he and the committee have put into it. I know the committee has had the bill before it for a considerable length of time. I have myself previously introduced similar legislation.

I am familiar, from my own contacts with the railroad industry in California, with the growing support that there is for this type of legislation. As the chairman indicated, this change is long past due as we move into a new era in the operation of our transportation systems.

So, Mr. Chairman, I certainly want to commend the gentleman. I hope that the bill will have the support of all the Members of the House.

Mr. STAGGERS. I appreciate the remarks of the gentleman from California.

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

Mr. STAGGERS. I shall be happy to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding.

I just want to ask a question. I notice that this bill is couched in and under the name of safety. I appreciate the limitation of hours that are incumbent therein. I wonder if the committee gave consideration, or if there is anything in this bill, which would place a limitation as to age and/or physical requirements for those who work the maximum number of hours.

I am thinking of the recent case of the 84-year-old engineer that had a disastrous train-car accident and I wondered if this is now covered adequately in the opinion of the Committee on Interstate and Foreign Commerce?

Mr. STAGGERS. Mr. Chairman, I will state to the gentleman from Missouri, if the gentleman will permit, that there is nothing in this bill that has to do with that at all.

However, I might say further to the gentleman that the bill which we had up for consideration last week and which was highly controversial did cover that aspect of the matter. Of course, these men who work for the railroads are examined periodically. This is through their own regulations and mutual agreement that they are examined and they must meet certain physical and mental specifications before they can work.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for his answer. Having been a railroad examining physician in the past I think, perhaps, besides the mutual agreement and the interline regulations and customs and traditions as to examinations, just as we require watchers to be certified after a certain age, perhaps, for the protection of the public we should go a little further, as maybe we can or will eventually from the conference with reference to the bill to which the gentleman referred that passed last week. We need to protect the public in a greater area insofar as at least the extreme cases are concerned which I understand are allowed to continue beyond the expected age of retirement by mutual agreement with the individual railroads. This reaches the public protection feature and evidently also includes crossing accidents out of kin of the regulations.

Although I would agree with the gentleman that, perhaps, this is not a subject of Federal regulation, I hope we will keep active oversight and surveillance of this operation.

Mr. STAGGERS. I thank the gentleman for his comments and for his concern. It is of concern to the Committee and the people of the country.

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

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of this bill.

I am grateful for this opportunity to declare my firm support for H.R. 8449, the Hours of Service Act Amendments of 1969.

It is incomprehensible that today in our great Nation railroad employees may be required to work as long as 16 hours per day. Sixty-two years have passed since the Hours of Service Act of 1907 established a 16-hour maximum workday for railroad employees. This archaic standard is both unfair to the railroad employee and unsafe to the public.

Railroad safety has deteriorated in the last few years. Representatives from the Department of Transportation testified before the Committee on Interstate and Foreign Commerce that 8,028 train accidents in 1968 exceeded the 1967 level by over 10 percent. Operational error accidents, which include all accidents resulting from what employees do or fail to do, totaled 2,174 in 1968.

Certainly, many operational error accidents were caused by fatigue. It is common knowledge that man's efficiency diminishes the longer he works. The railroad employee who is working a 16-hour day is all too prone to make a mistake in judgment causing an accident.

I urge my colleagues to adopt H.R. 8449. Surely, a 12-hour maximum standard is entirely reasonable and will make a significant contribution toward the improvement of railroad safety.

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

Mr. STAGGERS. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I want to commend the distinguished chairman and the Committee on Interstate and Foreign Commerce for bringing this legislation before the Congress. It has been long needed to correct and update the act of 1907. The 16-hour law for railroad employees is an archaic law. The State of Montana enacted a State law this past winter, and I was a part of that legislature, adopting the 12-hour law for Montana. It became effective July 1. To my knowledge Montana is the only State in the Union with a 12-hour law for railroad employees. However, having brought the 12-hour law into effect in the State of Montana, does not solve the problem because immediately there is litigation. The carriers are asking the court to determine what is interstate commerce and intrastate commerce and refuse to go along with Montana's new law. So, logically, this is not a problem that can be solved on a State level. Congress must act favorably on this bill. Safety is our goal, as outlined in the report, and I am very much in favor of the bill. This legislation will help the employees and the carriers and, above all, will help the public through greater safety of our railroads.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Montana for his comments.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

Mr. FEIGHAN. Mr. Chairman, I support H.R. 8449, a bill to promote railroad safety by limiting the service hours of railroad employees. Sixty-two years have elapsed since the Hours of Service Act was last amended, and I believe that the present law is as antiquated as the trains of 1907 which traveled at 10 miles per hour.

The law currently in effect permits railroad employees to work a 16-hour day and contains a nebulous definition of what exactly constitutes time "on duty" and "off duty." Over a 3-year period, H.R. 8449 reduces the maximum work day to 12 hours for all railroad employees engaged in or connected with the operation of any train within the United States and its territories. Moreover, it makes explicit the meanings of time "on duty" and "off duty" so that certain deadhead traveling and certain interim terminal periods are included in the working hours and certain other time is not.

We are living in the jet age when increased speed and consumption necessitate increased safety measures. The number of railroad accidents has climbed steadily, from 4,822 in 1963, to 8,028 in 1968. We cannot, therefore, ignore our responsibility to insure safety to our citizens by living with the regulations of another era. This urgent need crosses the border of every State. Mr. Chairman, I urge support of these amendments.

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

The purpose of the bill before us today is to reduce from 16 to 12 hours the continous time which operating personnel of a railroad may spend on duty. The 16-hour maximum has pertained since 1907. On the face of it one is inclined to wonder how such a situation could have lasted without obvious need for a change. The reasons are more complex than would at first appear.

Service on a train is quite unlike the time spent at work by an employee in most heavy industries. We think of a drill press operator standing at his machine for nearly all of the 8-hour shift which he spends in the factory. Obviously he would be exhausted long before a continuous 16-hour shift would end. If he does work beyond the regular 8 hours he expects and receives pay at a different rate such as time and a half or double time. How come the railroad worker does not do the same? The answer lies in the great difference between the kind of duties performed on a railroad in the movement of trains. Although most operating personnel work less than 12 hours, and many less than 8 it is possible for them to spend a total of 16 hours on what the law defines as "duty." This term includes periods available for rest

up to 4 hours at a designated terminal. In this way, for example, a crew may run a train to New York from Washington, lay over for up to 4 hours and then run one back. This is considered good duty by many senior employees.

Pay in the railroad industry is also entirely different than in factory type employment. The pay is figured by a very complicated formula which has evolved through brotherhood-management negotiations over the years. It includes a combination of time and distance traveled. For example, 100 miles of operation is equivalent to 1 day's basic pay. It is possible on a choice run for an engineer to work 12 days and make the equivalent of 39½ days pay. At such time he cannot repeat the performance for a month. Also involved is the difference of pay systems for railroad employees in various types of service. Long haul duty is paid differently from yard service or local freight. It is obvious then that a flat statement that a 16-hour law is good or bad is impossible.

Changing the law in the way this bill recommends will require some changes in operating procedures by the railroad. It may in some instances require realinement of divisions. It may very likely spread the available work among more employees giving some of the newer people a better chance to make wages.

The relationship between hours of service and the great increase in the accident rate is nebulous. Records on one cannot be easily equated to the other. It is rather difficult to argue that the hours of service limitations suddenly became so burdensome that the accident rate grew as a result. Nevertheless, it can be argued that a change in the hours of service downward might have some influence on the accident rate and if so it is well worth changing.

The bill before us today provides for a reduction from the present 16-hour maximum duty to 12-hour maximum duty to be reached in two steps. At the end of 1 year the limit will drop to 14 hours and then 2 years later to 12 hours. This will allow time for the necessary adjustments within the industry.

Under the new rules applicable after the 3 years, an employee may remain on duty no more than 12 hours and then he must be off duty at least 10. He may not go on duty if he has not had at least 8 consecutive hours off during the preceding 24 hours. Time on duty will include those interim periods available for rest either at a designated terminal or other terminal. There was considerable discussion of deadheading time to and from the point where service begins or ends. At the present time this is not considered as "on duty" time. Under the new law the time required to move the employee to the point of service would be included but the time used in returning him to his release point would not count as time on duty. The present limit of 13 hours for telegraphers will be reduced to 12 also. The bill also spells out the possible use of collective bargaining to set the exact hours of service in each contract as long as it is within the outer limits set out in the law. Both labor and management expressed some doubt as to the legality of such bargaining under present law and the provisions of this bill should eliminate that uncertainty.

A few short line railroads convinced the committee that complying with the new requirement could adversely affect operations to the extent of putting them out of business. To cope with that situation, the Secretary of Transportation is given authority to exempt such roads if it seems necessary and safety is not jeopardized.

Although I have felt that what we are here doing with legislation could be accomplished by collective bargaining, it is probably desirable to clarify the situation and modernize the law in the light of present day operating conditions. I recommend the bill to the House.

Mr. SPRINGER. I yield to the gentleman from Minnesota, Mr. ZWACH.

Mr. ZWACH. Mr. Chairman, I thank the gentleman for yielding. I want to compliment the ranking minority member and the chairman for bringing out this long-needed legislation. I wish to associate myself with the remarks of the ranking minority member and the chairman.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Kansas (Mr. SKUBITZ), a member of the committee.

Mr. SKUBITZ. Mr. Chairman, I thank the gentleman for yielding. I, too, want to commend the gentleman from Illinois on his excellent presentation. I support the bill.

Because the railroad industry is the oldest among the organized commercial transportation systems it has built up a body of traditions, laws, and labor practices which in any other industry would appear out of place. Such practices—as determining pay by distance as well as by time—would be impractical elsewhere. Railroading was a highly developed and well unionized activity before much of modern industry took form. One must realize this and take its history into account when considering the problems of the present and the laws which apply to the railroads.

Back in 1907 it was considered necessary to put on the statute books an outside limit to the consecutive hours a railroad man could either be allowed or required to work in the operation of a train. Undoubtedly this was meant to increase safety and advance the welfare of employees. But the legislation leaves much unsaid about the conditions to which it applied. No employee should be made to work a continuous 16-hour turn and even in 1907 that was hardly contemplated. However, the restriction made some kind of sense within the realities of railroad operations. It tied in with the physical setup of the divisions and the kinds of trains which operated in or through them.

In the time which has passed since the promulgation of the hours of service legislation there have been many changes in personnel practices, pay rates, and operations. Most of these have been accommodated by necessary changes in the employment contracts negotiated by the brotherhoods. It would seem that any further changes could be brought about in the same manner. The committee in hearings explored this possibility but found that both union and management had some slight reservations about their authority to make a binding change in the hour ceiling. In view of this, it seemed sensible to change the law to meet the modern conditions.

The bill before us today would lower the 16-hour maximum continuous duty to 14 hours after 1 year and to 12 hours after 2 additional years. It gives the railroads time to make the necessary adjustments in operating procedures but brings the ceiling down to the desired level fairly promptly.

The term "time on duty" is not a straightforward description of either the work to be performed or the number of hours which might be necessary to do the job. In the past the time required to transport an employee to the point where service actually began and the time later required to get him back to the point of origin did not count as duty time. The brotherhoods wanted that changed while we were fixing things up. On the other hand, there are periods up to 4 hours long when an employee does nothing but rest or anything else he wishes which are counted as duty time because he is to be used again thereafter in train operations. This latter quirk in the system accounts for many of those days when it appears that nearly 16 hours has been spent on duty. So the Committee looked over this situation and concluded that a fair arrangement was to include deadheading to the point of service but not back. This combined with the lower overall limit of duty makes a considerable difference in the way the railroads must handle the problems. The result is a bill which actually does modernize the system while recognizing the peculiarities of railroad operations.

Although the changes discussed above are the heart of this bill it does do some other things. For one thing, it allows for emergency situations such as train wreck operations and permits 4 extra hours in a full day in such cases. It raises the penalties for violations. It adjusts the law as to tower men and telegraphers to conform with the changes for operating personnel.

One special case is made for an exemption from the law. It was pointed out to the committee that some very small railroads could be forced out of business by a stringent adherence to the new provisions. No doubt these lines having less than 100 miles of track have separate problems. This cannot justify any work policy the employer might see fit to impose, however. So, an exemption within sensible limits can be obtained from the Department of Transportation if all the facts point to it and safety will not be jeopardized. Since the report has been written a question has been raised as to the application of the exemption provision to branch lines of larger railroads. I feel certain that this was not the intention of the committee and, in fact, it would do violence to the obvious intent of the bill which was reported and which is before us today for consideraton.

When this legislation is eventually in full force it will be unlawful for an employee connected with the operation of a train to be on duty more than 12 hours, including the time getting to the point of service, and he must then have at least 10 consecutive hours off. In any 24-hour

period he must have at least 8 hours off. This makes sense in this day and age. It may necessitate the realinement of some divisions on railroads and it may very likely require the use of a somewhat larger work force. This will mean spreading around of the work and somewhat less money in some instances for those with the most seniority. This is all right from both a personnel and a safety standpoint.

One other point made by this bill will clear up the question of negotiation. The committee has written into the bill a specific provision authorizing the agreement on lesser hours of employment by collective bargaining. We do not intend to say that the limits set in the bill are both upper and lower limits and freeze the hours of service in place. Rather, we are setting upper limits beyond which an employer or a union cannot bargain away the time of the worker. Both safety and public policy on labor practices dictate that such a limitation is proper. Below those limits the parties can go to it and hammer out any kind of an agreement they please. As a result of this bill we can hope for a revision and a modernizing of labor practices in the railroad industry. It is high time it took place.

I recommend this bill, H.R. 8449, to my colleagues and hope that they will approve it in the form recommended by the committee.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I am a member of the Committee on Interstate and Foreign Commerce, and I am very pleased to serve as a member of the Subcommittee on Transportation and Aeronautics. We have worked for a couple of years, or longer, in the subcommittee under the able chairmanship of Mr. FRIEDEL on this particular piece of legislation.

This legislation is long overdue. I support it wholeheartedly. I concur in the remarks of the chairman and the ranking minority member of the full committee. We need always to bear in mind the safety of the traveling public and the safety of the personnel who operate the railroads. This particular piece of legislation works toward both of those ends.

My dear friend and colleague, the gentleman from Nebraska (Mr. MARTIN), inquired a bit ago about a short-line freight train in his district. He asked whether or not this bill would affect that operation. Actually, it would not. There have been many discontinuances of passenger trains, as we all know. I wish to divert a minute to say that legislation should be enacted which would provide that when a railroad asks permission to discontinue a passenger train, the Interstate Commerce Commission shall take into consideration not only the loss on that passenger train but also the tremendous profits that they make on their freight train operation, and before they make their decision, they ought to balance profit against loss, and they ought to decide whether the whole line should be abandoned. Under such an arrangement I am confident the railroads would no longer seek to abandon passenger trains and both passenger and freight trains would continue to operate.

If the Interstate Commerce Commission would look at it in that light and if the law could be changed to give them that right, I think we would not see a stoppage and discontinuance of passenger trains which are so vitally needed in this country.

But I do want to conclude by saying we have spent 2 or 3 years on this legislation. As a member of the Subcommittee on Transportation, this legislation was initiated there and went into the full committee, and I am delighted that now it has been scheduled for consideration. I am hopeful it will pass. I feel all members will want to support this particular legislation in the interest of safety and the interest of the country and its transportation system.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON of Tennessee. Mr. Chairman, I rise in support of the legislation. It was my privilege on March 27, 1969, to introduce legislation which would lower the hours of continuous service which certain operating railway personnel would be permitted or required to work within a 24-hour period.

Therefore, I am greatly pleased that the provisions of this legislation are identical to the provisions of H.R. 8449, which is now before this body.

My deep interest and concern for legislation promoting the safety of not only our dedicated railway employees but of the general public as well, dates back to my childhood. My late father was a railroad man, dedicated to his profession and to the responsibility of providing safe transport by our railroads.

Over these years, all of those in his family became intimately aware of the need to reduce the number of consecutive hours railroad men should be called upon to work.

H.R. 8449 would reduce the maximum of 16 hours to a maximum of 12 hours the hours of continuous service required, or permitted, to be performed by certain operating railway personnel. It would make it unlawful for any common carrier, its agents or officers subject to the act, to require or to permit an employee to continue on duty or go on duty when he has not had at least 8 consecutive hours off duty during the preceding 24 hours.

The Federal Railroad Administration, in a preliminary report of railroad accidents for the month of July, showed an increase in both the number of accidents and the number of casualties, when compared with the same month a year ago.

There were 699 train accidents in July, and 36 fatalities resulted from those accidents.

This same report showed that, during the 7 months ending on July 31 of this year, there were 5,040 train accidents of which 286 resulted in casualties.

If we were to include the number of grade crossing accidents, the fatality figure for the first 7 months of 1969 would be 809.

I am convinced that a reduction in train accidents—and in fatalities—would result with enactment of H.R. 8449, the hours of service act amendments.

I urge my fellow Members of the House of Representatives to give this legislation their support and endorsement.

Also, Mr. Chairman, there are two clarifying questions I would like to ask. As is said in section 2(a) on page 8 of this bill, if an employee has worked as much as 12 continuous hours, he must be given 10 consecutive hours off duty. Is that the intent? Is that correct?

Mr. STAGGERS. That is correct.

Mr. FULTON of Tennessee. I thank the Chairman.

Another question: If an employee is given 10 hours off duty, that means 10 hours undisturbed rest; in other words from the time he is relieved from job A until the time he is called for job B, and the calling time is not within the 10 hours of rest?

Mr. STAGGERS. That is substantially correct. It says that at least 10 hours consecutive off-duty time will be given, and that does not include deadheading time back from his last assignment.

Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. OLSEN).

Mr. OLSEN. Mr. Chairman, I rise to add my enthusiastic approval to an endorsement of the report of the Committee on Interstate and Foreign Commerce on H.R. 8449 to amend the Hours of Service Act.

The act was originally written in 1907, but has not been updated to cover the changing conditions in the railroad industry since that time. I followed the progress of the hearings that were conducted on this legislation, as I have many friends and constituents in the ranks of railroad labor, and have, through my years as a Member of this body, become interested in and sympathetic toward the special problems confronting employees in train service who continue to be used at the mercy of railroad carriers under the abuses perpetrated under the present Hours of Service Act.

In the 88th Congress, I introduced legislation providing for a reduction of from 16 to 10 the maximum continuous hours of service during any 24-hour period. However, I am pleased to give my complete support to this legislation to reduce the number of permissible on-duty hours under the act from 16 to 12. For I realize, Mr. Chairman, the legitimate need for the enactment of this kind of legislation.

The bill's stated purpose is to insure safety on the American railroads by requiring operating railroad employees to have sufficient time off duty to be rested and to work alertly and efficiently while on duty by making the above-mentioned reduction in the number of permissible on-duty hours in a 24-hour period. It seems ironical, and even inconceivable, Mr. Chairman, that in this country, with its vast technological breakthroughs and sweeping economic improvements in the past two decades alone that the employes in the railroad industry would still be saddled with the provisions of a horse-and-buggy law.

For rail carriers to use its employees in violation of the act is nothing short of inhumane. Many of us work beyond the generally accepted 8-hour day. It is not unusual in some cases to find admin-

istrative and staff personnel working around the clock in a 12-hour day. But, Mr. Chairman, the railroad employees this legislation is designed to help have actually worked 16 consecutive hours on hundreds of occasions, and far in excess of 16 hours on many, many occasions.

The Federal Railroad Administration of the Department of Transportation issued recently the number of violations it settled under the Federal Claims Collection Act for violations of the Hours of Service Act against rail carriers for the fiscal year July 1, 1968, through June 30, 1969.

During that period there were 151 violations of the act, meaning that railroad employees worked more than 16 hours in a 24-hour period, either consecutively or in the aggregate. I hasten to point out that this is the number of cases that have been settled during that fiscal period—not the number of violations investigated, or even the number of cases actually occurring. So there is no doubt, Mr. Chairman, that even today with modern railroading, improved working conditions, and automated operation, certain railroad employees are still being used in excessive service, much as they were back in 1907 when the law was passed.

The hearings before the committee contain some revealing and surprising statements which indicate that certain crews have been kept on duty under the peculiar provisions of this act for more than 24 hours through a system of short-term releases during a lengthy tour of duty between distant terminals.

All of these excesses, Mr. Chairman, would be summarily corrected through the adoption of H.R. 8449 as approved by the Committee on Interstate and Foreign Commerce.

This worthy legislation would insure each employee covered by the act of having at least 8 consecutive hours off duty in every 24-hour period. It would prohibit the release of employees between terminals, which was the practice that resulted in the excesses referred to earlier whereby employees would actually be on duty, through periods of short release, for more than 24 hours. Releases at terminals would be legal, but would have to be for a minimum period of 4 hours.

Time spent by employees deadheading would come in for a partial correction under this bill. All time thus spent under the present act is excluded from computation as time on duty. This has resulted in an employee, believe it or not, being assigned to ride 8 hours in deadhead service and not have this time count as time on duty, and then follow it immediately with his official tour of duty, which could run anywhere from 8 to 16 hours, making his total time in railroad service a potential of 24 hours, divided between deadheading and nondeadheading time.

Under the amendment contained in H.R. 8449, time spent by employees going to an assignment or traveling between assignments will be computed as time on duty, but time spent returning to the terminal from an outlying point following the conclusion of an assignment will still be excluded from computation under the act. The saving grace in this arrangement, however, is the fact that the mandatory 8-hour rest period will not begin until after the employee completes his deadheading upon return to the terminal. This should eliminate the abuses we now experience under the present act.

For all of the above reasons I urge Members of this august body to lend their hearty approval to this act of simple justice and support H.R. 8449 as approved by the committee.

(By unanimous consent, Mr. OLSEN was allowed to speak out of order.)

LOBBYING EFFORTS OF CITIZENS' COMMITTEE FOR POSTAL REFORM, INC.

Mr. OLSEN. Mr. Chairman, bipartisan Citizens' Committee for Postal Reform, Inc., was formed last spring to muster financial and public support in behalf of converting the Post Office Department into a public corporation.

The fact that two former national chairmen of the two major political parties joined hands to head this committee was an interesting exercise in lobbying to begin with.

The extent of their lobbying efforts shows that they pulled out all the stops.

What we still do not know, for sure at least, is exactly what they told these high-powered executives to get them to climb on the national bandwagon in behalf of turning our postal system into a public corporation.

The most intriguing information to come from the Citizens' Committee for Postal Reform are the reports on their revenues.

They made one report to our House Post Office and Civil Service Committee during the postal reform hearings in July. Now they have prepared a supplemental report which shows the contributions up to October 1.

Mr. Chairman, I have taken the time to study these reports carefully and I believe they warrant publishing in major part for the edification of the Members and the American public.

The reports show that the committee has collected $261,083, plus three uncollected pledges of $5,000 each.

Would you believe that $201,920 came in pledges of $5,000 each or more?

Would you believe that $43,547 came in pledges of $1,000 or more, but less than $5,000?

Those are pretty healthy contributions, come from pretty well-heeled sources, and make up most of the total. That full-page advertisement which the committee ran in major newspapers last summer invited contributions from everyone, particularly the little fellows.

Well, my check of the list shows that 77 persons gave a dollar each. One gave 50 cents, another gave 25 cents, and still another gave one cent. We will not list those names.

However, Mr. Chairman, since about $245,000 of the total collected by the committee is in donations of $1,000 or more, I think they should be listed. I think we will also be interested in just what type of activities are conducted with these sums.

Following are two lists; the first is of contributions of $5,000 or more, the second is of contributions between $1,000 and $4,999:

DONATIONS OF $5,000 OR MORE

Bank of America-National Trust and Savings Assn., 300 Montgomery St., San Francisco, California 94120, $5,000.

The Boeing Co., P. O. Box 3707, Seattle, Wash. 98124, $5,000.

Scott Paper Co., Philadelphia, Pennsylvania 19113, $5,000.

Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, New York 10020, $5,000.

General Foods Corporation, 250 North Street, White Plains, New York 10602, $5,000.

Cummins Engine Co., Inc., 301 Washington St., Columbus, Indiana 47201, $5,000.

Union Carbide Corporation, 270 Park Avenue, New York, New York 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, P. O. Box 2278, Pittsburgh, Pennsylvania 15230, $5,000.

The Minneapolis Star and Tribune, 5th and Portland, Minneapolis, Minnesota 55415, $5,000.

Pan American World Airways, Inc., Pan Am Building, New York, New York 10017, $5,000.

The Coca-Cola Company, P. O. Drawer 1734, Atlanta, Georgia 30301, $5,000.

Owens-Corning Fiberglas Corporation, Toledo, Ohio 43601, $5,000.

Eastman Kodak Company, 343 State Street, Rochester, New York 14650, $5,000.

Southern Pacific Company, 65 Market Street, San Francisco, California 94105, $5,000.

Montgomery Ward, 619 West Chicago Avenue, Chicago, Illinois 60607, $5,000.

Time, Inc., Time and Life Bldg., Rockefeller Center, New York, New York 10020, $5,000.

J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, New York 10019, $5,000.

Boys Town of the Desert, % Mr. Z. R. Hansen, Mack Trucks, Inc., Box M, Allentown, Pa. 18105, $5,000.

Pitney-Bowes, Inc., Walnut & Pacific Streets, Stamford, Connecticut 06904, $5,000.

McGraw-Hill, Inc., 330 West 42d St., New York, N.Y., 10036, $6,920

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, $5,000.

R. J. Reynolds Tobacco Co., Winston-Salem, N.C. 27102, $5,000.

Castle & Cooke, Inc., Post Office Box 2990, Honolulu, Hawaii, 96802, $5,000.

Kimberly-Clark Corp., Neenah, Wis., 54956, $5,000.

Bechtel Corp., 50 Beale St., San Francisco, Calif., 94119, $5,000.

Sears, Roebuck & Co., 925 South Homan Ave., Chicago, Illinois, 60607, $5,000.

Proctor & Gamble Co., Post Office Box 599, Cincinnati, Ohio, 45201, $5,000.

Whirlpool Corp., Administrative Center, Benton Harbor, Michigan, 49022, $5,000.

Merck & Co., Inc., Rahway, N.J. 07065, $5,000.

3M Co., 3M Center, St. Paul, Minn. 55101, $5,000.

General Electric Co., 570 Lexington Ave., New York, N.Y. 10022, $5,000.

American Express Co., 65 Broadway, New York, N.Y. 10006, $5,000.

Goodyear Tire & Rubber Co., Akron, Ohio, 44316, $5,000.

Ford Motor Co., The American Rd., Detroit, Mich., 48121, $5,000.

Union Carbide Corp., 270 Park Ave., New York, N.Y. 10017, $5,000.

Westinghouse Electric Corp., 3 Gateway Center, Post Office Box 2278, Pittsburgh, Pa. 15230, $5,000.

General Foods Corp., 250 North St., White Plains, N.Y., 10602, $5,000.

Federated Department Stores, 222 West Seventh St., Cincinnati, Ohio 45202, $5,000.

Owens-Corning Fiberglas Corp., Post Office Box 901, Toledo, Ohio, 43601, $5,000.

Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

The Committee reported the following as outstanding pledges not paid as of September 30:

Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202, $5,000.

Texas Instruments Incorporated, P. O. Box 5474, Dallas, Texas 75222, $5,000.

Continental Oil Company, 30 Rockefeller Plaza, New York, N.Y. 10020, $5,000.

DONATIONS OF $1,000 TO $4,999

Litton Publications, Inc., Division of Litton Industries, Oradell, New Jersey 07649, $1,350.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, North Carolina 27402, $2,500.

West Point Pepperell, P.O. Box 71, West Point, Georgia 31833, $2,000.

Borg-Warner Corp., 200 South Michigan Avenue, Chicago, Illinois 60604, $2,500.

The Quaker Oats Company, Merchandise Mart Plaza, Chicago, Illinois 60654, $1,000.

Allied Chemical Corporation, 61 Broadway, New York, New York 10006, $1,000.

Campbell Soup Company, 375 Memorial Ave., Camden, New Jersey 08101, $1,000.

USM Corporation, Boston, Massachusetts 02107, $2,500.

Kennecott Copper Corporation, 161 East 42nd Street, New York, New York 10017, $2,000.

The Conde Nast Publications, Inc., 420 Lexington Avenue, New York, New York 10017, $2,500.

Cowles Communications, Inc., 488 Madison Avenue, New York, New York 10022, $1,500.

Meredith Corporation, Des Moines, Iowa 50303, $1,000.

Newsweek, 444 Madison Avenue, New York, New York 10022, $1,000.

Reynolds Metals Company, Reynolds Metals Building, Richmond, Virginia 23218, $1,000.

Republic Steel Corporation, Republic Building, P.O. Box 6778, Cleveland, Ohio 44101 $2,500.

Chilton Co., Chestnut and 56th Sts., Philadelphia, Pa. 19139, $2,012.

Cahners Publishing Co., 221 Columbus Ave., Boston, Mass. 02116, $3,222.

Penton Publishing Co., 1213 West Third St., Cleveland, Ohio 44113, $1,463.

Hon. C. Douglas Dillon, 767 Third Ave., Room 1800, New York, N.Y. 10017, $2,000.

Deering Milliken, Inc., 234 South Fairview Ave., Spartanburg, South Carolina 29302, $1,000.

B. F. Goodrich Co., 500 South Main St., Akron, Ohio 44318, $2,500.

Deere & Co., Moline, Illinois 61265, $2,500.

Allied Chemical Corp., 61 Broadway, New York, N.Y. 10006, $1,000.

Burlington Industries, Inc., 301 North Eugene St., Greensboro, N.C. 27402, $2,500.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to my colleague the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Chairman, I thank the gentleman from Illinois for yielding this time to make some random comments which become germane because of the statistics reported by the committee.

Those statistics show that in addition to the accidents caused by too long a continuous period of labor, there were over 2,000 accidents caused by defects or failures of equipment and more than 2,000 accidents caused by improper maintenance of way and structure.

Certainly we do not want to be satisfied with taking care of only one-third of this safety problem. Those of us who are not on the Interstate and Foreign Commerce Committee cannot shirk our responsibility in trying to call attention to the need for solving the problem. The plain matter of fact is that we have not excited the people of this country about railroad safety.

We have had a great deal of debate recently about railroad safety in connection with the hauling of phosgene gas, but as soon as the Government announced it was not going to send this material across country by rail, the pressure for safety on railroads immediately died. We have ample illustration of that fact.

We have seen thousands of column inches in the press about railroad safety recently. Today, when we debate a railroad safety bill, through most of this debate we have had one or two reporters in the press gallery. The interest was not in railroad safety; it was in quite another matter.

We had an accident on a railroad in my district caused by a train truck collision. There was no gas on the entire train, but the biggest newspaper in the State the next morning reported in broad headlines, "Another accident on poison gas route." The first three individuals I talked with on the street asked, "How many cars of poison gas were there on the train?" I responded, "None." And they said, "Yes, there were. The paper said there were."

They were not interested in railroad safety, but in something else.

We have a big problem ahead of us here. We haul hundreds of potentially hazardous materials. We had a car of dehydrated alfalfa explode in a siding in the Midwest.

These products must flow normally in interstate commerce. Must we "beef up" the laws regarding the kind of equipment which is needed for handling these various products, for specifying improvements in railroad rights-of-way?

It comes as something of a shock to find that the laws in this field have not been brought up to date for 50 years. Furthermore, under present law nobody really has the authority to specify just exactly what standards should apply to railroad rights-of-way, or to enforce standards.

This is not primarily the fault of the railroads. We cannot shirk our own responsibility. We know the trains move faster. We know the cars are longer. We know we get more harmonic sway in freight trains than we used to. There are all kinds of factors, simply because we have progressed in the railroad industry.

Something has to be done to give authority to improve the safety conditions of our railroads. We do not even have the figures we need. No one is quite sure whether we have had an increase in accidents or not, because traditionally we have reported accidents where there has been $750 worth of damage. We know, with the rising cost of living, we could get a doubling of the accident rate merely because an automobile which is damaged could cost as much to repair today as a new one used to cost. Not even this figure is clear. We have no accurate reporting basis.

There is still another factor involved here. A real reason we have to get people excited about this is because, in the final analysis, the people of the United States are going to have to trade some of their convenience for safety in the operation of railroads, highway transportation, and all other fields. We still have far too many accidents at intersections between trains and automobiles. There is no other way to solve much of that problem than by limiting access. We do it on our highways now. But we have major railroad crossings protected in a small town, and then six or eight other intersections where there is no protection.

How many citizens are willing to have those intersections closed in the interest of safety? Usually the people who are injured or killed at these intersections are the people who live close to the railroads, the people who are always saying, "We do not need anything there. We know the train comes through. We know the tracks are there."

We cannot be satisfied with solving part of the railroad safety problem.

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

I certainly appreciate the remarks the gentleman has just made. They are apropos at this time.

We have held hearings in the committee on these very things. In fact, the chairman introduced a bill on which we held hearings last year. Our interest in this has induced the administration to appoint a committee from labor, from management and from the administration to make recommendations, which now have been written up into a bill, and which I understand should have been sent to our committee before now. That was held up by the Bureau of the Budget. I understand it has been cleared and should be sent to our committee within a few days.

Mr. KYL. Mr. Chairman, if the gentleman will yield, I certainly do not imply any criticism of the committee.

Mr. STAGGERS. I know you do not.

Mr. KYL. What I am trying to say is that those of us who send out press releases about the dangers of railroad transportation share the responsibility with you people on the committee and we have to help you in every way possible if we are going to resolve this problem. We have had too much of this complaining and not enough actual effort. Since the gentleman mentioned the work and cooperation by the labor unions and the railroads and the Government, I think he would join me in saying that the cooperation of these various elements has been most exemplary in trying to bring about the passage of this legislation.

Mr. STAGGERS. That is true. In the past there has been a sort of pulling apart by the various elements involved but they have now gotten together and we have them working together and your railroads are very happy.

Mr. BLANTON. Mr. Chairman, as a member of the Interstate and Foreign Commerce Committee which reported the Hours of Service Act Amendments of 1969, I want to go on record as fully endorsing the necessity of this legislation.

It has been 62 years since the Congress first established a limit on the hours of service of employees in the railway industry. At that time, the 16-hours maximum continuous hours on duty was consistent with the industrial standards and operating conditions as they existed in 1907. There have been no amendments to the basic law since 1916, except for a change in the penalty provision 12 years ago.

The Presidential Railroad Commission in 1962 recommended lowering of the maximum number of hours permitted employees as a step in the right direction to reduce the accident potential caused by fatigue brought on by long hours of work. Nothing ever came of their recommendations. It is time now that we accept the realistic concept embodied in their report, and in the committee report.

The statistical evidence presented to our committee on the relationship between accidents and the long hours of work by rail employees is overwhelming. Accidents are increasing, and we have good reason to believe the hours of work is one major cause of the soaring accident rate.

The maximum number of hours on duty is not the only problem with the existing law. Just as important is how it is to be construed. What comprises "time on duty"—it is continuous hours or an aggregate of 16 hours a day. The same difficulty exists in determining what constitutes "time off duty," either in the case of the 10 hours required "off duty" after 16 continuous hours, or the 8 hours "off duty" after 16 hours in the aggregate.

Mr. Chairman, the legislation we consider today is meant not only to lower the maximum hours of duty, but to clear up the problem of aggregate or continuous duty.

The conscience of America has been pricked too often on this subject. We can not delay any longer the bringing of the railway employees into the modern-day working conditions of this Nation. To fail to act now would be to abandon these people to archaic working conditions which only endangers the safety and welfare of themselves and ourselves, as well.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will now read the amendment in the nature of a substitute as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 8449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907 (45 U.S.C. 61, 62, 63, 64), is hereby amended to read as follows: "That (a) this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any territory of the United States or from one State or territory of the United States or the District of Columbia to any other State or territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

"(b) For the purposes of this Act—

"(1) The term 'railroad' includes all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease.

"(2) The term 'employee' means an individual actually engaged in or connected with the operation of any train.

"(3) Time on duty shall commence when an employee reports for duty and terminate when the employee is finally released from duty, and shall include:

"(A) Interim periods available for rest at other than a designated terminal;

"(B) Interim periods available for less than four hours rest at a designated terminal;

"(C) Time spent in deadhead transportation by an employee to a duty assignment: *Provided,* That time spent in deadhead transportation by an employee from duty to his point of final release shall not be counted in computing time off duty;

"(D) The time an employee is actually engaged in or connected with the movement of any train; and

"(E) Such period of time as is otherwise provided by this Act.

"SEC. 2. (a) It shall be unlawful for any common carrier, its officers or agents, subject to this Act—

"(1) to require or permit an employee, in case such employee shall have been continuously on duty for fourteen hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty, except that, effective upon the expiration of the two-year period beginning on the effective date of this paragraph, such fourteen-hour duty period shall be reduced to twelve hours; or

"(2) to require or permit an employee to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

"(b) In determining, for the purposes of subsection (a), the number of hours an employee is on duty, there shall be counted, in addition to the time such employee is actually engaged in or connected with the movement of any train, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) The provisions of this Act shall not apply to the crews of wreck or relief trains.

"(d) The provisions of this section shall not apply to an employee during such period of time as the provisions of section 3 apply to his duty and off-duty periods.

"SEC. 3. (a) No operator, train dispatcher, or other employee who by the use of the telegraph, telephone, radio, or any other electrical or mechanical device directs or controls the movement of any train or who by the use of any such means dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements—

"(1) shall be required or permitted to be or remain on duty for more than nine hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where two or more shifts are employed; and

"(2) shall be required or permitted to be or remain on duty for more than twelve hours, whether consecutive or in the aggregate, in any twenty-four-hour period in any tower, office, station, or place where only one shift is employed.

"(b) For the purposes of subsection (a), in determining the number of hours an employee is on duty in a class of service, and at a place, described in paragraph (1) or (2) of such subsection, there shall be counted, in addition to the time spent by him on duty in such service at such place, all time on duty in other service performed for the common carrier during the twenty-four-hour period involved.

"(c) Notwithstanding subsection (a) of this section, in case of emergency the employees named in such subsection may be permitted to be and remain on duty for four additional hours in any period of twenty-four consecutive hours of not exceeding three days in any period of seven consecutive days.

"SEC. 4. The requirements imposed by this Act with respect to time on duty of employees are hereby declared to result in the maximum permissible hours of service consistent with safety. However, shorter hours of service and time on duty of employees for lesser periods of time are hereby declared to be proper subjects for collective bargaining between any common carrier subject to this Act and its employees.

"SEC. 5. (a) Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of section 2 or section 3 of this Act shall be liable to a penalty of $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States attorney in the district court of the United States having jurisdiction in the locality where such violations shall have been committed; and it shall be the duty of such district attorney to bring such suit upon satisfactory information being lodged with him.

"(b) It shall be the duty of the Secretary of Transportation to lodge with the appropriate United States attorney information of any violation as may come to the knowledge of the Secretary.

"(c) In all prosecutions under this Act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents.

"(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of the employee at the time said employee left a terminal, and which could not have been foreseen.

"(e) With respect to any railroad operating less than one hundred miles of road, the Secretary of Transportation may by order after full hearing in any particular case and for good cause shown exempt any common carrier subject to this Act with respect to one or more of its employees specified in such order from the limitations imposed by this Act, and may so exempt any such common carrier with respect to one or more of its employees specified in such order for such period or periods as may be specified in such order from such limitations, if the Secretary determines that such exemption is in the public interest and will not adversely affect safety.

"SEC. 6. It shall be the duty of the Secretary of Transportation to carry out the provisions of this Act."

SEC. 2. If any provision of the amendment made by the first section of this Act is held invalid, the remainder of such amendment shall not be affected thereby.

SEC. 3. This Act shall take effect one year after the date of its enactment.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature or a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. PREYER OF NORTH CAROLINA

Mr. PREYER of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PREYER of North Carolina: On page 11, strike out line 16 and all that follows down through page 12, line 2, and insert in lieu thereof the following:

"(e) With respect to any railroad which employs a total of not more than 15 employees covered by this Act, the Secretary of

Transportation may after full hearing in any particular case and for good cause shown exempt any such railroad subject to this Act with respect to one or more of its employees from the limitations imposed by this Act for a specified period of time, if the Secretary of Transportation finds that such exemption is in the public interest and will not adversely affect safety. Such order is to be subject to review at least annually. In no event shall any such exemption be made for any railroad described in this section to work its employees beyond 16 hours either consecutively or in the aggregate within any 24-hour period."

Mr. PREYER of North Carolina. Mr. Chairman, section 5(e) of this act to which this amendment applies, relates to shortline railways. My amendment does not change the purpose behind the section but is a change in form to insure that the sweep of the language of section 5(e) is not broader than the intended purpose of the section.

Feeder and shortline railroads polka dot the entire country and serve a very useful function in the total railway network. There are 10 shortline railroads in North Carolina, for example. Most of these railroads have less than 30 miles of road and only one or two crews. As a practical matter, there is rarely a day when a crew is worked more than 12 hours and safety is not a major problem, since there are no long trains operated at high speeds over long distances. All of these railroads have limited resources; many operate on a shoestring. It would be an economic impossibility for some of these railroads to employ extra crews in peak seasons. Most of the shorter roads do not have designated terminals other than the home terminal. In short, to enable some of these shortline railroads to remain a part of the overall railroad network, it may become necessary and desirable for them to be exempted from the provision of H.R. 8449 under some circumstances. This is the reason for section 5(e). The exemption provided in this section could only be granted by the Secretary of Transportation for good cause shown after a full hearing in the particular case.

The present wording of section 5(e) has raised the question of whether some railway operations might be included within its scope which are not within the spirit of the shortline railroads provision. For example, there are some "switching terminals" which have 30 or 40 locomotives which conceivably could be included under the present wording of section 5(e). This is because the standard by which eligibility as a "shortline railroad" is determined is phrased as "100 miles of road."

To avoid any possibility of confusion in this respect, my proposed amendment substitutes as a standard "the number of employees" rather than "miles of road."

This provision does not include branch lines of major railroads but is intended to cover complete railroads only.

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

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

Mr. Chairman, I will take just a very brief time. I agree with the gentleman from North Carolina (Mr. PREYER), who was the originator of the amendment on the 100-miles rule and who, after examining the implications of what the amendment could do and that he did not intend it to do, has offered this amendment to correct. There is the fact, for instance, that at the Washington Terminal you could have hundreds of men working and they might have been exempted under this amendment were it the way it originally was. That was not his intention, but only to protect some of the really small railroads of this country who operate over short distances of maybe 4 or 5 miles or even up to 100 miles but most of whom do not operate that far. When they get to covering over that distance, usually they are class 1 railroads.

But, Mr. Chairman, I agree with the gentleman from North Carolina that this amendment should be adopted in order to clarify the situation. I do not think that terminal or switching railroads having a number of crews—even though short in mileage, could possibly have operations which the Secretary of Transportation could have found he could exempt under the standards of public interest and of safety which were in the bill as reported. However, so that there be no mistake about the committee's position, I think this clarifying amendment would be appropriate.

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

Mr. Chairman, I first want to say that this is good legislation and I compliment the chairman and the committee for bringing this bill for presentation before the House. I would also like to compliment the representatives of management and labor who were contacted and who helped the committee work out the agreement that we thought was fair and progressive. This is a healthy sign in the railroad industry today, and I certainly hope it continues.

Mr. Chairman, I would like to ask the chairman of the committee, or the author of this amendment, some questions with reference to points that I think need to be raised here.

The committee passed out a bill that says that the short-line railroads would be exempted if they operated for 100 miles or less. This was, I think, upon the recommendation of the gentleman from North Carolina (Mr. PREYER). No objection was presented in the committee. So we now face a situation where the gentleman wants to change it on the floor.

Mr. Chairman, I do not want to be picking at small points, but I raise the question on how do you arrive at the number 15? I would first want to know when you say 15 employees covered by this act, am I to assume that employees covered by this act would not include those who were calling the train and that it would not include clerks or yardmen or janitors or all those other people that are in the railroad industry, but it would include the trainmen, or the engineers, or similar employees of that type, and not all the other employees; they would not be included in the 15 employees, is that correct?

Mr. PREYER of North Carolina. Mr. Chairman, if the gentleman from Texas will yield, I would reply to the inquiry of the gentleman that, yes, that is correct. The 15 employees mentioned in the act are train crews only, they are operating employees.

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

Could the gentleman explain a little bit further on what the gentleman means by the phrase "covered by this act"? Does the gentleman mean just those people who are train crewmen?

Mr. PREYER of North Carolina. Yes, that is the definition in the act at the end of section 1, and this amendment only covers those persons mentioned in the definition, which would be train crews only.

Mr. PICKLE. I thank the gentleman. Now I know the intent when we put this exemption in the bill was to allow exceptions to the small railroads that do not have a large number of employees and it would be helpful to them if they did not have to comply with this overall act.

When you chose 15 though, it is a rather arbitrary figure. Now when you presented this amendment, am I to assume then there is an agreement by the operators, that is the management of the shortline railroads and the employees that 15 is a reasonable number? Is there general agreement that this is acceptable to them?

Mr. PREYER of North Carolina. First, I would point out that the intent as to the shortline railroads is to exempt them only if safety is not adversely affected.

As to whether there is general agreement on 15 employees as a proper number or the proper measurement of size of railroads to be exempted, there are some 200 shortline railroads in the country and I am sure there is not unanimous agreement. The figure was arrived at by attempting to strike a balance. This is a safety bill and, therefore, the exemptions to it should be as narrow as possible consistent with meeting the need that this provision is directed toward. There has been substantial agreement between the railroad brotherhoods and between a number of shortline railroads in North Carolina, at least that while this does exclude some shortline railroads, it does represent a reasonable compromise, and it does set a standard that describes the kind of small railroad, and one sufficient far from a class I railroad, that might be properly exempted.

Mr. PICKLE. I thank the gentleman. I think it ought to be clear to the House that, apparently, there has not been any meeting of the shortline officials to say that this is satisfactory to the majority of the shortlines in the country. But what we are assuming though, and you hope, that there is a good reason that they would agree to it.

I have a shortline railroad in my State that thinks the 100-mile definition, as passed by the committee, is better than 15. I think they feel however that if it is restricted to the train crew personnel, as defined, perhaps that would get them under it. But if they did enjoy some growth, they would not like to lose this exemption if they grew to the point where they had 16 employees covered by this act.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. PICKLE asked and was given

permission to proceed for 3 additional minutes.)

Mr. PICKLE. So I would like to ask the chairman that if, since this amendment is so stated, that the order would be subject to review at least annually, that if it can be shown there is not this kind of satisfactory agreement in the short-line industry or if it shows in a questionable or borderline case a number of, say 16 or 20 employees would be reasonably the right figure, that this would be or could be presented or considered by either this or the other body or by the Secretary to change it. I do not want to get us locked in on something that we do not have a definite agreement on.

But, without any kind of contact other than this one individual line in North Carolina, I think that we ought to make legislative history and that it certainly is a point that could be considered either in the other body or on a review of the matter a year from now.

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

Mr. PICKLE. I yield to the gentleman.

Mr. STAGGERS. Mr. Chairman, I would say that we would be happy always in committee to consider this and have you come to talk to us. The bills originate in committee and nobody else can do it, so it would have to come back to our committee.

But I would say to the gentleman, he asked the gentleman from North Carolina if there had been an agreement by the short lines about this amendment. Do you think there has been one railroad in these United States that has made an agreement to the bill?

Mr. PICKLE. I think both management and labor have been in contact with us, because they have been in my office and I am sure they have been in your office, trying to help your great committee reach an agreement.

Mr. STAGGERS. That is true, but they did not agree to support the bill that I know of. I do not say that they are arbitrary about it because they know that something has to be done—they just know that.

But none of them have agreed to the bill. So you cannot go back to the 200 railroads and say, "Are you in agreement?" I believe that what the gentleman from North Carolina has proposed is certainly just and equitable, and as the chairman, I would certainly be willing to see that what later needs to be reviewed is reviewed.

Mr. PICKLE. I thank the chairman. I do not mean to say that they have made any collective-bargaining agreement, both sides, or that they have reached the exact wording of an agreement. This is a committee decision, not the two groups. It has helped both of them to get together. At least, I know they have talked and I feel there is general agreement.

I think it is important that we make this point so we can look back and say, "This figure of 15 may not be the exact figure." We may want to reconsider it further.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. PREYER).

The amendment was agreed to.

Mr. HALEY. Mr. Chairman, I move to strike the requisite number of words. I shall not take but just a moment, but I do desire to ask the chairman of the full committee a question, and maybe I can clarify this point in my mind.

I notice that the proposed legislation would apply, for example, to the crews of regular and relief trains. I wonder if it is intended to take care of a situation such as, for example—and I cannot find such a provision—a train is snowbound, as we sometimes have in the Northwestern parts of the country. Would the railroad operating such a train be subject to penalties prescribed under this legislation, or would it be exempt from the provisions of this law?

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

Mr. HALEY. I yield to the chairman of the committee.

Mr. STAGGERS. On page 11, section 5(d) states, and this is a part of the law today; it is in the law we are amending—

"(d) The provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of the employee at the time said employee left a terminal, and which could not have been foreseen.

I am sure this would take care of any emergency that would occur in the country.

Mr. HALEY. I thank the gentleman.

The CHAIRMAN. If there are no further amendments, the question is on the committee substitute amendment, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASHLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8449) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, pursuant to House Resolution 536, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 371, nays 0, not voting 60, as follows:

[Roll No. 213]

YEAS—371

Abbitt	Davis, Wis.	Hutchinson
Abernethy	de la Garza	Ichord
Adair	Delaney	Jacobs
Adams	Dellenback	Jarman
Addabbo	Dennis	Johnson, Calif.
Albert	Dent	Johnson, Pa.
Alexander	Derwinski	Jonas
Anderson, Calif.	Devine	Jones, Ala.
	Dickinson	Jones, N.C.
Anderson, Ill.	Dingell	Kastenmeier
Anderson, Tenn.	Donohue	Kazen
	Dorn	Kee
Andrews, Ala.	Dowdy	Keith
Andrews, N. Dak.	Downing	King
	Dulski	Kleppe
Annunzio	Duncan	Kluczynski
Arends	Dwyer	Koch
Ashbrook	Eckhardt	Kuykendall
Ashley	Edmondson	Kyl
Aspinall	Edwards, Calif.	Kyros
Ayres	Edwards, La.	Landgrebe
Baring	Ellberg	Langen
Barrett	Erlenborn	Latta
Beall, Md.	Esch	Leggett
Belcher	Eshleman	Lennon
Bell, Calif.	Evans, Colo.	Lloyd
Bennett	Evins, Tenn.	Long, La.
Betts	Fallon	Long, Md.
Bevill	Farbstein	Lowenstein
Biaggi	Feighan	Lujan
Biester	Findley	McCarthy
Bingham	Fish	McClory
Blackburn	Fisher	McCloskey
Blanton	Flood	McClure
Boggs	Flowers	McCulloch
Boland	Flynt	McDade
Bolling	Foley	McDonald, Mich.
Bow	Ford, Gerald R.	
Brademas	Fountain	McEwen
Brasco	Fraser	McFall
Bray	Frelinghuysen	McKneally
Brinkley	Frey	McMillan
Brock	Friedel	Macdonald, Mass.
Broomfield	Fulton, Pa.	
Brotzman	Fulton, Tenn.	MacGregor
Brown, Calif.	Fuqua	Madden
Brown, Mich.	Galifianakis	Mahon
Brown, Ohio	Gallagher	Mailliard
Broyhill, N.C.	Garmatz	Mann
Broyhill, Va.	Gaydos	Marsh
Buchanan	Gettys	Martin
Burke, Fla.	Giaimo	Mathias
Burke, Mass.	Gibbons	Matsunaga
Burleson, Tex.	Gonzalez	May
Burlison, Mo.	Goodling	Mayne
Burton, Calif.	Gray	Meeds
Bush	Green, Oreg.	Melcher
Button	Green, Pa.	Meskill
Byrne, Pa.	Griffiths	Michel
Byrnes, Wis.	Gross	Mikva
Cabell	Grover	Miller, Ohio
Caffery	Gubser	Mills
Camp	Gude	Minish
Carter	Hagan	Mink
Casey	Haley	Minshall
Cederberg	Hall	Mize
Celler	Hamilton	Mizell
Chamberlain	Hammer-schmidt	Mollohan
Chappell		Monagan
Clark	Hanley	Montgomery
Clausen, Don H.	Hanna	Moorhead
	Hansen, Idaho	Morgan
Clawson, Del	Hansen, Wash.	Morse
Clay	Harrington	Morton
Cleveland	Harsha	Mosher
Cohelan	Hastings	Moss
Collier	Hathaway	Murphy, Ill.
Conable	Hawkins	Murphy, N.Y.
Conte	Hays	Myers
Conyers	Hébert	Natcher
Corbett	Hechler, W. Va.	Nedzi
Corman	Heckler, Mass.	Nelsen
Coughlin	Helstoski	Nix
Cowger	Henderson	Obey
Cramer	Hicks	O'Hara
Culver	Hogan	Olsen
Cunningham	Horton	O'Neal, Ga.
Daddario	Hosmer	O'Neill, Mass.
Daniel, Va.	Hull	Ottinger
Daniels, N.J.	Hungate	Passman
Davis, Ga.	Hunt	Patman

Patten	Roybal	Taylor
Perkins	Ruppe	Thompson, Ga.
Pettis	Ruth	Thompson, N.J.
Philbin	Ryan	Thomson, Wis.
Pickle	St Germain	Tiernan
Pike	Sandman	Udall
Poage	Satterfield	Ullman
Poff	Saylor	Utt
Pollock	Schadeberg	Van Deerlin
Preyer, N.C.	Scherle	Vander Jagt
Price, Ill.	Scheuer	Vanik
Price, Tex.	Schneebeli	Vigorito
Pryor, Ark.	Schwengel	Waggonner
Pucinski	Scott	Waldie
Purcell	Shipley	Wampler
Quie	Sisk	Watkins
Quillen	Skubitz	Watts
Randall	Slack	Weicker
Rarick	Smith, Calif.	Whalen
Reid, Ill.	Smith, Iowa	Whalley
Reid, N.Y.	Smith, N.Y.	White
Reifel	Snyder	Widnall
Reuss	Springer	Wiggins
Rhodes	Staggers	Williams
Riegle	Stanton	Wold
Rivers	Steed	Wyatt
Roberts	Steiger, Ariz.	Wydler
Robison	Steiger, Wis.	Wylie
Rodino	Stokes	Wyman
Rogers, Colo.	Stratton	Yates
Rogers, Fla.	Stubblefield	Yatron
Rooney, Pa.	Stuckey	Young
Rosenthal	Sullivan	Zablocki
Roth	Taft	Zion
Roudebush	Talcott	Zwach

NAYS—0

NOT VOTING—60

Berry	Halpern	Rostenkowski
Blatnik	Harvey	St. Onge
Brooks	Holifield	Sebelius
Burton, Utah	Howard	Shriver
Cahill	Jones, Tenn.	Sikes
Carey	Karth	Stafford
Chisholm	Kirwan	Stephens
Clancy	Landrum	Symington
Collins	Lipscomb	Teague, Calif.
Colmer	Lukens	Teague, Tex.
Dawson	Miller, Calif.	Tunney
Denney	Nichols	Watson
Diggs	O'Konski	Whitehurst
Edwards, Ala.	Pelly	Whitten
Fascell	Pepper	Wilson, Bob
Ford, William D.	Pirnie	Wilson, Charles H.
Foreman	Podell	Winn
Gilbert	Powell	Wolff
Goldwater	Railsback	Wright
Griffin	Rees	
	Rooney, N.Y.	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Holifield with Mr. Lipscomb.
Mr. Gilbert with Mr. Stafford.
Mr. Griffin with Mr. Foreman.
Mr. Carey with Mr. Clancy.
Mr. Brooks with Mr. Berry.
Mr. Kirwan with Mr. Harvey.
Mr. Teague of Texas with Mr. Collins.
Mr. Whitten with Mr. Denney.
Mr. Wolff with Mr. Pirnie.
Mr. Miller of California with Mr. Bob Wilson.
Mr. Pepper with Mr. Edwards of Alabama.
Mr. Fascell with Mr. Burton of Utah.
Mr. Podell with Mr. Halpern.
Mr. Rooney of New York with Mr. Landrum.
Mr. Rostenkowski with Mr. Lukens.
Mr. St. Onge with Mr. Goldwater.
Mr. Sikes with Mr. Pelly.
Mr. Charles H. Wilson with Mr. O'Konski.
Mr. Tunney with Mr. Teague of California.
Mr. Howard with Mr. Cahill.
Mr. Blatnik with Mr. Railsback.
Mr. Colmer with Mr. Sebelius.
Mr. Nichols with Mr. Shriver.
Mr. Stephens with Mr. Watson.
Mr. Wright with Mr. Winn.
Mr. Karth with Mr. Whitehurst.
Mr. Symington with Mr. Diggs.
Mr. William D. Ford with Mr. Jones of Tennessee.
Mr. Rees with Mrs. Chisholm.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objections.

EXTENDING ASSISTANCE FOR PUBLIC BROADCASTING FACILITIES AND CORPORATION FOR PUBLIC BROADCASTING

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 526 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 526

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 7737, the Committee on Interstate and Foreign Commerce shall be discharged from the further consideration of the bill S. 1242, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 7737 as passed by the House.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 526 provides an open rule with 1 hour of general debate for consideration of H.R. 7737 to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting. After the passage of H.R. 7737, the Committee on Interstate and Foreign Commerce shall be discharged from further consideration of S. 1242 and it shall be in order to move to strike all after the enacting clause of the Senate bill and amend it with the House-passed language.

H.R. 7737 would extend for 3 additional years—fiscal years 1971 to 1973—the matching grant program for construction of noncommercial educational radio and television broadcasting facilities; authorize the appropriation of $15 million for each of the 3 years for such program; and authorize the appropriation of $20 million for fiscal year 1970 for the support of the Corporation for Public Broadcasting.

The Educational Television Facilities Act of 1962 was enacted to provide matching grants to establish and expand public television broadcasting stations and authorized $32 million for the 5 fiscal years beginning with fiscal year 1963. Because of the success of the program, the Congress enacted the Public Broadcasting Act of 1967, which expanded the educational television facilities grant program to include educational radio facilities and extended that program for 3 more years.

In addition, the Public Broadcasting Act of 1967 established a private, independent, nonprofit corporation to assist in the development of public broadcasting in the United States—the Corporation for Public Broadcasting.

Under the public broadcasting facilities grant program, the Secretary of Health, Education, and Welfare makes grants to eligible applicants of up to 75 percent of the cost of acquiring and installing radio and television broadcasting apparatus. Grant funds cannot be used for the purchase, construction, or repair of buildings or the acquisition of lands.

During the grant program, four of every five public television broadcasting stations have received grants thereunder and the number of States without public television broadcast service has been reduced from 15 to three and it is estimated that for every dollar granted by the Federal Government, State, local and private sources have expended $11.

The Corporation for Public Broadcasting has served as a means for merging Federal and private financing for public broadcasting. To date, the Corporation has received over $2 million in funds from private sources, in addition to the $5 million appropriated to it by the Congress for fiscal year 1969.

Mr. Speaker, I urge the adoption of House Resolution 526 in order that H.R. 7737 may be considered.

Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, the gentleman from California has pointed out the purpose of this bill is to authorize funds for fiscal year 1971, and each of the 2 succeeding fiscal years for the construction of noncommercial educational radio and television broadcasting facilities, and to authorize for only fiscal 1970 funds for the support of the Corporation for Public Broadcasting.

The authorizations for the construction grants, which are on a matching basis, are for $15,000,000 for each of the 3 years beginning with fiscal 1971. Not more than 8.5 percent of the funds appropriated may be granted for projects

in any one State. Since the program was established by the 87th Congress four of every five noncommercial broadcasting stations have received grants. Grants have gone to 47 States, the District of Columbia, and Puerto Rico. It is estimated that for every Federal dollar expended funds from State, local, and private sources have expended $11.

The bill also authorizes $20,000,000 in Federal funds for fiscal 1970 for the continued operations of the Corporation for Public Broadcasting. Created by the Congress in 1967, the Corporation is operated by a bipartisan Board of Directors, chaired by Mr. John W. Macy, Jr. Relying on both public and private funding, the Corporation, by its program of grants to noncommercial stations and production organizations, has sought to improve and upgrade the quality of noncommercial programing and also to assist stations with an experimental system of interconnection, enabling each station to have a greatly enlarged reservoir of programs from which to choose in determining its scheduling. Also supported by the Corporation is National Educational Television—NET—which has been able to expand its activities as a result.

The administration supports the legislation. There are no minority views.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SISK. Mr. Speaker, I have no further requests for time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7737, with Mr. GALLAGHER in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Chairman, the bill, H.R. 7737, that the House has under consideration provides for assistance in the development of public broadcasting. "Public broadcasting" is the term which has replaced "educational broadcasting" to describe the system of radio and television stations which are licensed to State and locally supported schools and school systems, State broadcasting agencies and commissions, and nonprofit community corporations and associations which engage in public broadcasting. These stations broadcast educational, cultural, and informational programs without commercial advertising. As such, they provide an alternative to commercial broadcasting. However, in this connection, Mr. Chairman, I would like to quote from the recent report on violence in television entertainment programs of the National Commission on the Causes and Prevention of Violence. That is the Commission chaired by Dr. Milton Eisenhower. The report states:

> We believe, as the Public Broadcasting Act of 1967 states, "that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence," and "that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial radio and television service available to all the citizens of the United States"

I would also like to point out and emphasize, Mr. Chairman, that this legislation and the program it extends is supported by the National Association of Broadcasters and the major networks.

Specifically, the bill as amended does three things:

First, it extends for 3 additional years, fiscal years 1971 through 1973, the matching grant program for construction of public radio and television broadcasting facilities;

Second, it authorizes $15 million for each of those 3 years; and

Third, it authorizes the appropriation of $20 million for the Corporation for Public Broadcasting for fiscal year 1970.

PUBLIC BROADCASTING FACILITIES GRANT PROGRAM

The public broadcasting facilities grant program is one of the most effective programs within the jurisdiction of our committee. It originated with the Educational Television Facilities Act of 1962. Under the program, grants are made by the Department of Health, Education, and Welfare of up to 75 percent of the cost of purchasing and installing educational radio and television broadcasting apparatus. In view of the 75-percent figure, I should like to observe, Mr. Chairman, that grant funds cannot be used for the purchase, construction, or repair of buildings or the acquisition of land.

Not more than 8½ percent of the funds appropriated for the program may be used for grants in any State.

Since the program began in 1963—

Over 100 public broadcasting stations have gone on the air bringing public television signals to 50 million additional American viewers;

Four out of five public television broadcast stations have received grants under the program;

The number of States without public television broadcast service has been reduced from 15 so that today only Alaska, Montana, and Wyoming are without that service. I am hopeful that soon they too will have the benefit of public broadcasting stations; and

Grants under the program have been made in 47 States, the District of Columbia, and the Commonwealth of Puerto Rico.

As introduced, the bill provided a 5-year extension of the program with open-end authorizations for each of those years.

The committee has amended the bill to provide for a 3-year extension with $15 million authorized for each year. This is in accord with recommendations of the Department of Health, Education, and Welfare.

THE CORPORATION FOR PUBLIC BROADCASTING

As I indicated, Mr. Chairman, the bill authorizes the appropriation of $20 million for the Corporation for Public Broadcasting for fiscal year 1970.

The Corporation was established under the Public Broadcasting Act of 1967 to develop programs for use by public broadcasting stations, to facilitate the availability of programs, and to promote the growth and development of public broadcasting in the United States.

It is a private, independent, nonprofit, and nonpartisan corporation which is incorporated under the laws of the District of Columbia.

Because of delays in making appointments, the Corporation is just getting underway. Last year $5 million was appropriated to the Corporation and it received over $2 million from private sources.

With these funds, the Corporation has, among other things—

Processed general support grants to practically all public broadcasting stations and the six regional networks serving them;

Made grants of up to $50,000 to 13 stations to carry out proposals for major new programs capable of both local and national distribution;

Assisted with funding to keep established quality programs on the air which otherwise would have been dropped;

Worked out an experimental system for interconnecting the public broadcasting stations of the United States;

Participated in funding the Children's Television Workshop which is developing quality television programs for children; and

Made grants to provide training and experience for operating and creative personnel to staff public broadcasting stations.

The Corporation is headed by a Board of Directors which has won esteem on both sides of the aisle from all who know its membership. Its Chairman is Frank Pace, who was formerly Secretary of the Army and Director of the Bureau of the Budget. The President of the Corporation, who took office in March of this year, is John Macy. As most Members of the House know, Mr. Macy was Chair-

man of the U.S. Civil Service Commission in the previous administration.

Mr. Chairman, some members of the Board of Directors of the Corporation for Public Broadcasting, in addition to Mr. Frank Pace, the Chairman, are the following:

Erich Leinsdorf, a former director of the Boston Symphony Orchestra;

John D. Rockefeller III;

Joseph A. Beirne, the head of the Communications Workers of America;

Oveta Culp Hobby, the former Commanding Officer of the WAC, and former Secretary of Health, Education, and Welfare;

Jack Valenti, the head of the Motion Picture Association;

James R. Killian, past president of MIT; and

Frank E. Schooley, president of the University of Illinois.

Mr. Chairman, the facilities grant program provides the stations, and the Corporation for Public Broadcasting will provide the programs and interconnections which will give the American people an improved system of public broadcasting for their information and enlightenment. For every dollar granted by the Federal Government to carry out this program, it is estimated that $11 has been expended by State, local, and private sources.

Mr. Chairman, you can not beat that for a bargain.

Mr. Chairman, I urge the Members of the House to support this legislation with their votes.

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

Mr. Chairman, since 1963, the Federal Government has been assisting States, cities, tax-supported colleges, and nonprofit corporations in the establishment of television stations dedicated to educational and public broadcasting activities. Grants up to 75 percent of the cost of equipment have been available, but it has been the responsibility of the recipients to provide all lands and buildings.

An educational TV station is one which does not sell advertising time or engage in other commercial practices. It must be supported by tax money or public subscription and engage in what can be loosely termed educational programing.

The Federal Communications Commission allocated 656 channels for this purpose with 101 of them in the regular VHF range—channels 1 to 13—and the remainder in the UHF range. To obtain a license to operate on one of these channels the applicants must show that they will be used exclusively for the noncommercial purposes required. Over 100 stations have taken advantage of this program, and the result is that we now have 180 noncommercial TV stations in operation and there are only three remaining States which have no public television service. Most States have established networks for the statewide dissemination of educational and cultural programs so that the potential audience for these services is now over 155 million viewers.

In 1967 when the original 5-year program was drawing to a close and the authorization of $32 million for that period had been well used, the Congress authorized an extension for another 3-year period at the rate of $10.5 million, $12.5 million and $15 million. At that time radio stations were added to the program. This was important to the fulfillment of the destiny of public broadcasting but amounted to a very modest increase in funds required because of the relatively low cost of radio equipment needed to start a new station compared with that needed for a television facility. During that 3-year period the executive branch did not see fit to pursue this program vigorously, and the authorizations were not translated into appropriations. As a result there is now a considerable backlog of applications which deserve attention.

The bill before us today would extend the grant program for an additional 3 years and authorize $15 million for each of these years.

The public good can be enhanced in at least three different ways by public broadcasting if it is properly utilized. First, there are the cultural and informational programs which do not fit the mold of commercial television but which should be available to the public whether that public be somewhat more limited in scope than that which finds commercial programs satisfying, or whether it be an occasional offering of universal appeal.

Next, there should be programing of a broadly ducational nature such as courses in woodworking, art, or boat handling for any viewer with such an interest.

The remaining category would be purely instructional television wherein the TV set is the classroom and the material is part and parcel of an educational system and courses are offered for credit. This last kind of programing is really in its infancy, and it is the hope of the committee that it will be vigorously pursued in the coming years and imaginatively exploited.

It is obvious from what has been said thus far about the so-called educational television stations that the core of their problem is adequate and quality programing. Obtaining their funds by hand outs of various kinds few stations have unlimited manpower or money to expend upon the creation of ambitious or costly programs. Some have done very well with what they have to work with, and some of these better efforts have been made available to many stations. For some years the Ford Foundation through an organization known as NET has assisted in creating quality programs and provided funds for their distribution to the non-commercial stations. Not too much live, on-the-spot viewing can be possible under these circumstances.

It was the realization that more and better programing must be forthcoming that prompted the creation 3 years ago of the Corporation for Public Broadcasting. The purpose of this organization is to create programing of the kind that will make educational TV what it should be and wants to be. The Corporation cannot own stations or create networks, but it can provide material for simultaneous exposure through temporary hookups of the individual independent stations. This expands greatly the potential for timely programs.

It is not anticipated that the Corporation shall be the creator of all or even most of the programs it supports and distributes. The stations themselves may receive financial assistance in the production of material which will have broad significance and interest and therefore be useful for showing in other areas either on a simultaneous or delayed basis. Some activity of this type is already taking place even though the Corporation as an operational entity is still in its infancy.

Because of the safeguard of bipartisan membership on its Board of Directors and a ban on editorializing written into the law, the danger of consistent slanting of material or outright partisanship in coverage should be minimal.

When the Corporation for Public Broadcasting was being discussed and when it was actually created, it was understood that some long-range financing plan would be worked out and eventually written into the law. The prior administration did not accomplish this, and the present administration has not done so as yet. It is still the will of the Congress that it be done. Appropriated funds should not be expected in any great amount, and the present year-to-year authorization awaiting a permanent solution cannot be expected to continue. It may be that the final answer will be periodic authorizations for direct appropriations if all other suggested methods of financing seem unacceptable, but we should work out before too long the arrangement which will continue. Also, we should have the basis for making judgments on the sensible and proper level of Government support in conjunction with public support, foundation support and other possible sources of financing.

The amount provided in H.R. 7737 is twice the amount recommended by the administration, and it can be expected that the budget request will be in line with that recommendation. I am not particularly in favor of authorizing far more than the realities indicate will be made available, but in view of the committee action in this instance I am not inclined to fight for any change at this juncture. If the greater figure, which is the sum requested by the Corporation, tends to indicate our confidence in the organization at this stage in its development, then it may be useful to go along for this reason. In any event, I merely wished to point out to my colleagues that the $20 million figure in the bill is unrealistic under all circumstances, but if by any chance the Corporation can convince the people downtown to go along with them, it would be acceptable.

Public broadcasting has great promise for the presentation of material not now available to the viewer and for filling the gaping holes in program selectivity which are now so apparent. The next 3 years should indicate whether or not public broadcasting can fulfill its destiny. The Committee on Interstate and Foreign Commerce certainly will be monitoring its performance and evaluating the results against the possibilities.

This being a 1-year authorization Congress will have another opportunity to look it over next year.

I recommend H.R. 7737 to the House.

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

Mr. SPRINGER. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Is WETA, channel 26, an educational television station or a nonprofit station, does the gentleman happen to know?

Mr. SPRINGER. I believe that channel 26 is. Channel 20 is not.

Mr. GROSS. Is it an educational TV station?

Mr. SPRINGER. It is an educational TV station.

Mr. GROSS. So, therefore, they participate, do they not, in these funds?

Mr. SPRINGER. They participate in the funds so far as programing is concerned. I believe they are already participating. I do not believe they participate in construction funds because they have been on the air for several years.

Let me say this to my distinguished colleague. We do not—we are not able to control all the programing that goes into any of these stations. All we do control is programing which this corporation programs and sends out.

But you have to understand that each of these stations is independent. If New York City wants to produce a certain kind of program and put it on, this corporation has nothing to do with that. All we do is try to prepare network programs which go broadside and which have a broad public interest to go out to all of these stations and they can use them or not as they see fit. But we do believe that in view of the popularity and the desire of the people to watch this type of program, that they will put them on. But we do not control what WETA does. That is an educational television station over which we do not have control.

Mr. GROSS. Then, as a matter of fact, we put up the money, or the taxpayers do, because we do not have any money here that is not the taxpayers' money unless the Committee on Banking and Currency cranks up the printing presses. But Congress puts up the money, yet it has no controls.

Mr. SPRINGER. Are you still talking about WETA?

Mr. GROSS. I beg the gentleman's pardon?

Mr. SPRINGER. Are you still talking about WETA?

Mr. GROSS. Yes, station WETA.

Mr. SPRINGER. WETA is an independent, community-owned station over which we do not have any control.

Mr. GROSS. Except to supply some money?

Mr. SPRINGER. I do not think that we, at the present time, are supplying any money to station WETA except that this Corporation would provide them with this programing, and if station WETA wants the programs they will have to go out on the TV.

Mr. GROSS. No money or funds supplied in any way, shape, or form?

Mr. SPRINGER. I could not put it so broadly, I say to the gentleman; but station WETA presently is already in operation.

Mr. GROSS. I understand that. I will say that it certainly is in operation.

Mr. SPRINGER. We do not pay a thing for its yearly support. The yearly support has to be provided from some other source.

Mr. GROSS. There is no question about the fact that it is in operation—not at all—and it seems to be broadcasting the ultraliberal view most of the time.

I am very much interested in knowing the identity of stations that get money under this program.

Mr. SPRINGER. Are you talking about——

Mr. GROSS. I am talking about all of them.

Mr. SPRINGER. Are you still talking about WETA or one that might——

Mr. GROSS. And WETA, too.

Mr. SPRINGER. Is the gentleman still talking about a station that he might want to go on in Iowa City?

Mr. GROSS. I beg the gentleman's pardon?

Mr. SPRINGER. Is the gentleman talking about one you might want to put up in Iowa City?

Mr. GROSS. I am not talking about Iowa City, I am talking about WETA here in the Washington, D.C., area.

Mr. SPRINGER. Station WETA could not, and I can assure the gentleman, it does not get any of these Federal funds for operational expenses at this time.

I cannot tell you whether or not they got funds for building the station.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 13 minutes.

(Mr. REID of New York (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 7737, a bill extending assistance for public broadcasting facilities and the Corporation for Public Broadcasting.

This bill would extend the authorization for 3 years for the matching grant program for construction of noncommercial educational radio and television broadcasting through the Corporation for Public Broadcasting. Authorizations of $15 million are proposed for each of the 3 years. These grants cover up to 75 percent of the cost of acquiring and installing radio and television broadcasting apparatus in furtherance of educational broadcasting.

It is estimated that for every dollar granted by the Federal Government for public broadcasting, State, local, and private sources have expended $11. A long-range plan for financing the Corporation for Public Broadcasting is now being developed by the administration and should, when implemented, encourage even more private support.

In my view, the quality of our life as a civilized nation demands that we support fully the CPB. Television has become one of our most influential means of communication and education. Surely we must exploit its potential for positive instruction, for public affairs reporting in depth, for enhancement of the arts, for the widest possible dissemination of cultural events. Educational television has made great strides toward this goal, and I believe that approval of the legislation before us will reaffirm the faith of the Congress in its capacity to continue.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the ranking Republican Member on the Subcommittee on Communications and Federal Power, the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, the gentleman from West Virginia and the gentleman from Illinois have already made an explanation of this bill.

In 1962 Congress enacted a facilities grant program which has been in operation now for these several years offering matching grants to educational broadcasting stations all over the country. Now this is for apparatus. It is not for land and not for the construction of buildings and not for the repair of buildings. These grants have been given to the individual station for apparatus, cameras and equipment which is needed to operate the television station.

Since 1963, to go into a little bit of the record of what happened, over 100 of these educational television stations have been started as a result of this seed money approach, and these ETV's as well as educational radio stations are now located in 47 States. This has been the seed money approach; $37 million has been appropriated so far in this program since its beginnings. It is estimated that for every Federal dollar that has been invested in facilities over $10 have been invested by State, local, and private sources.

So you cannot say that the Federal Government is assuming a lion's share of the development of educational broadcasting in America.

Speaking for my own part, I feel that instructional broadcasting needs to be emphasized. In all fairness I will say that it has been emphasized to a degree in the past, but I believe we are going to have to have more emphasis on instructional broadcasts. I think that instructional broadcasting offers a unique and effective way to improve the quality of instruction in our schools.

I would add, also, that it offers an economical way of bringing quality instruction to not only school people but also to older citizens as well. Of course, in this day of spiraling costs in education, we should be thinking about more economical ways of bringing quality instruction to those of our citizens who need it. And we do need to use the up-to-date, modern technique of television in instruction.

So in view of the success that this program has had since 1962, the recommendation of $15 million per year is a modest request, and it should be approved by the House of Representatives.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BROWN), a member of the committee.

Mr. BROWN of Ohio. Mr. Chairman, I would like to make two or three points, and call the attention of the Committee to some things in connection with this legislation on public broadcasting. In the first place, I want to call the attention of the committee to language which appears on page 3 of the committee report, which I urged to be put into the committee report, and the committee was happy to concur. That language points up the importance to this program of instructional television and radio broadcasting.

The point is made, and I think fairly and effectively by the language, that today when the educational field generally is costing so much money and is being, I believe, rebuffed so often by the taxpayers at the local level because of the increasing costs of education, that there is a place for instructional radio and television serving the classrooms in the institution either at the college level, the high school level, or the elementary level. I am pleased that the Public Broadcasting Corporation has gone into the creation of programing for the instructional level of public and private education, because it can provide economies to the taxpayers.

In our own State of Ohio, in southwestern Ohio, the parochial schools of the Catholic Archdiocese of Cincinnati have been obliged to close down the first grade of their elementary schools and are considering closing down other grades and turning those youngsters into the public school system.

One of the approaches that had been considered to forestall this necessity was the creation of a network of public broadcasting stations and receivers and boosters over southwestern Ohio, which would serve the parochial schools and therefore reduce the cost of education in the classrooms. However, there was not enough money or not enough enthusiasm in the last administration for this idea, and the grant was not made so that the funds were not available to the schools in that area.

Another example I would like to cite is of the Ohio University in southeastern Ohio, where many of the local public schools in that area of our State are to some degree deprived economically. These schools have had available programing for high school instruction purposes from the Ohio University station.

There is a great promise here of economies in public education that might inure to the general public from a proper emphasis on instructional programing in educational television and radio.

The gentleman from Iowa asked whether stations are benefiting directly from the public broadcasting program we are discussing today. The answer to the question is that they are if they get construction grants, and then indirectly they are if programing is prepared by the Public Broadcasting Corporation and is part of their programing usage, or if they get a direct grant from the Public Broadcasting Corporation so that they can develop a program of their own.

The fact of the matter is that these programs are only in the broadest sense educational. They are not necessarily instructional for the classroom, but only educational by broad interpretation. This program ought to be called not public broadcasting but rather noncommercial broadcasting, because the limitation really is that the stations be nonprofit stations or noncommercial stations in that they do not finance their operation from advertising revenues and that they not garner revenue from the sale of time on the station.

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

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Ohio for yielding.

I would like to ask the gentleman if under the formula the gentleman has set forth, the preparation of news programing on a station such as WETA, channel 26 in Washington, could by any stretch of the imagination be subsidized by funds from this bill?

Mr. BROWN of Ohio. I cannot specifically say, I do not know whether WETA in Washington was the recipient of any kind of grant from this program for its construction, and I must say I do not know whether directly it is the recipient of a grant for developing any kind of educational programing. It probably develops its news programs from its general budget, which comes from donations, subscriptions, and that sort of thing.

If it uses programing which is prepared or encouraged by the Public Broadcasting Corporation and sent to the station, then it would be the recipient of some of the largess out of the funds set up here.

Mr. GROSS. Mr. Chairman, I think it is strange that the Washington Post, for instance, being a known ultraliberal newspaper—often referred to by other names, which I will not repeat on the House floor—dominates a recently initiated news program over WETA to the exclusion of any conservative purveyors of news.

I have had a little experience in news gathering and broadcasting, and I doubt that the Washington Post was ever accused of even approaching the conservative side of anything. I want to be sure that none of the funds appropriated by Congress for educational purposes go into the financing of news broadcasts or any other kind of broadcasts that represent leftwing views exclusively. That is all.

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Iowa for his comments.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield? I believe that the question deserves an answer.

Mr. BROWN of Ohio. I yield to the ranking minority member of the committee, the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Money received under this bill does not go into news broadcasting of conservative, middle of the road, or left wing—any news broadcasting, unless under a grant program from the Corporation.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, the gentleman from Ohio says that funds may well be used for programing purposes. This is programing of news.

Mr. SPRINGER. Just a minute. It is not that programing per se. The only programing the funds are used for is by the Public Broadcasting Corporation, of which John Macy is the president and of which this distinguished panel of eight Democrats at the present and seven Republicans—which soon will be eight Republicans and seven Democrats—is the Board.

The CHAIRMAN. The time yielded to the gentleman from Ohio has expired.

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

I want to assure the Members that none of these funds are used for any news broadcasting per se. The only thing they are used for is programs produced by the Public Broadcasting Corporation.

Mr. GROSS. If the gentleman will yield further, the gentleman mentioned the name of John Macy. I assume he is the estimable gentleman who was the former Chairman of the Civil Service Commission, who wore two hats when he was in the service of the Government in recent years; one as adviser on political appointments to the then President Johnson and the other as Chairman of the Civil Service Commission. To my certain knowledge he was not a conservative at anytime on anything, and I do not mean that as a personal reflection on Mr. Macy. I do insist that where funds of all the taxpayers are being spent that conservative as well as liberal views be presented.

Mr. SPRINGER. All I can say to the distinguished gentleman is I have been watching Mr. Macy rather carefully. I do not consider myself to be a liberal, and I believe Mr. Macy has been very fair so far.

Mr. GROSS. I thank the gentleman.

Mr. SPRINGER. Mr. Chairman, I yield 3 additional minutes to the distinguished gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman from Illinois and the gentleman from Iowa for their contribution.

I should like to get two other factual considerations on the RECORD.

First I should like to put into the RECORD the amount of money that has been authorized for this program, the amount of money appropriated, and the amount of money spent.

For facilities in 1968, $10 million was authorized. The appropriation was, if I am correct, $4 million.

In 1969, $12.5 million was authorized and $4 million appropriated.

In 1970 the proposal is for $15 million to be authorized. Of course, the figure on appropriations is not available yet.

For programing under the Public Broadcasting Corporation the authorization in 1968 was $9 million. The Public Broadcasting Corporation was not formed; that is, the trustees of that Corporation were not named in time for any money to be spent, so no money was appropriated.

In 1969 the authorization was repeated at $9 million; $5 million was appropriated. The figure on the spending is still not finalized, but the assumption is that approximately that amount will be spent.

The committee is asking $20 million

to be authorized for programing by the Public Broadcasting Corporation in this fiscal year.

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

Mr. BROWN of Ohio. I am glad to yield to the gentleman from Indiana.

Mr. DENNIS. This is not a field in which I claim any expertise at all; but on that point I have been reading the report. Apparently, as the gentleman says, they actually had $5 million last year. Now, apparently, the administration is asking only for $10 million.

Mr. BROWN of Ohio. That is correct.

Mr. DENNIS. And says they believe this bill should be amended to provide $10 million. I cannot help wondering why the committee—and particularly, I may say, the minority on the committee—is coming in here with a request for twice what the administration wants.

Mr. BROWN of Ohio. I appreciate the comment from the gentleman from Indiana. He presumed a statement that I was about to make and that is I shall not offer an amendment to reduce the amount from $20 million to $10 million. However, I do intend to incorporate that reduction in the motion to recommit. But in the interest of time I see no point in offering the amendment so as to live within the administration's budgetary recommendation.

Mr. DENNIS. I appreciate the gentleman's answer and it certainly makes me feel better about the bill.

Mr. BROWN of Ohio. And, if I may say one final thing in this connection, it is this: The problem with this whole appropriation or authorization is that there is a great deal greater demand for construction funds that we are authorizing or that are likely to be appropriated. The figure is generally estimated to be in the neighborhood of $30 million for facilities. But there is no great clear picture as to what is needed for programing purposes, because the Public Broadcasting Corporation is only just beginning to get organized and, really, as yet has no great clear direction as to where it is going.

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

Mr. BROWN of Ohio. I yield to the chairman of the committee.

Mr. STAGGERS. I would like to say to the gentleman from Ohio, if I may, that he has made a good statement. However, I would like to further say in regard to the $20 million that the new Administrator came before the committee and laid down a program as to why he needed the $20 million and how the whole committee had agreed that it would be spent. You will find that on page 6 of the report. It is also in the hearings. When this matter was pending before the other body a program was laid down there and they voted for the $20 million authorization. This was after the budget had been approved and before they had been organized. However, I think the Nixon administration would have been asking for the $20 million if they had known what was going to be scheduled and programed. Representatives of the administration have signified to us the fact that they will come up for the full funding later. This is for only 1 year, and that is all.

Mr. BROWN of Ohio. I appreciate the gentleman's comment. I think we have differences of opinion, Mr. Chairman, as to the value of the program as it was laid out by the committee.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, the Corporation for Public Broadcasting was established by Congress to do many tasks in education and in working with minorities in the cities—tasks which must be done. The Corporation is a national resource which is not now being fully used.

In its first year of existence it expended the majority of its limited funds—$7 million—to support individual stations in all parts of the country. These stations are vitally important to giving schoolchildren the best possible instructions for the least possible cost, no matter where they live. I am particularly anxious to see the results of the work of the Children's TV Workshop, which has designed a program for preschool children which will begin November 10. This, it seems to me, is excellent use of the TV medium in helping prepare young children for school, especially those from disadvantaged families.

Everyone knows that TV cannot replace teachers and the need for additional classrooms, but it can certainly help to keep costs as low as possible while bringing the best teachers available to students even in our smallest schools.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD), who has handled this bill for the last two occasions when it has been before the committee.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I shall not impose upon the time of the Members here because the bill has been very thoroughly and well presented by earlier speakers from both sides of the aisle.

However, I would like to make just a couple of points that have been raised which I think should be emphasized. One is that in my time here we always hear about seed money. But, this is one of the rare occasions in which seed money has really worked, because over a geographical area of some 47 States every dollar that the Federal Government has granted we have gotten back $11 in local funds and by local participation. So, I think it is clear that this has been a very well-devised program.

Mr. Chairman, the program had some difficulty in getting off the ground and that was due to a number of reasons which have been touched upon. But I now feel we have a very strong head of the program and that they are now well organized and in my judgment we of the Congress have promised these dedicated people much but have not delivered them very much. On the contrary, I think they have promised not very much but they have delivered a good deal.

Certainly, because of the scope of the program, as was mentioned by the gentleman from Illinois (Mr. SPRINGER) and my colleague on the subcommittee (Mr. BROYHILL of North Carolina), I think that this program should be funded in a way that will permit it to operate properly.

Indeed, there are those of us who sometimes are disappointed in some of the programs that we see on this embryonic new method of communication here in the United States. As I say, we sometimes are a little disappointed, but I do not think we should be disappointed because we do not give the people who are carrying out the nitty-gritty of this academic cultural and educational program the wherewithal to do the things that they want to do and can do so well.

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

Mr. MACDONALD of Massachusetts. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Chairman, I would ask the gentleman has the committee at all considered in connection with the funding and financing of this program the media that is earning untold millions as a result of being granted licenses for television, advertising, and manufacturers of television sets sharing part of the cost of educational TV?

Mr. MACDONALD of Massachusetts. The permanent funding aspect of this entire program has been uppermost in the committee's mind ever since its inception, and every time the people from the Public Broadcasting Corporation come up we ask them and urge them to get together and to come up with some permanent financing.

As I tried to indicate earlier, much of the changeover in personnel, as well as the change in administration, and so forth had left a void for a time, but I think that void is now filled, and I think they will come up, as we have urged them to, with a permanent plan for funding.

Certainly what the gentleman suggests has some merit. That would be one of the obvious recommendations.

I would like to say in defense of the commercial broadcasters, which I take it the gentleman from New York is talking about, that one of the national networks contributed a large sum of money to get this public educational broadcasting off the ground. Also I think that all of the networks testified before us in favor of the program, and I think they have been more than reasonable in trying to help this program.

Perhaps what the gentleman from New York suggests has a good deal of merit, and I can guarantee that the members of the committee will further pursue the matter with the public broadcasting people when they again appear before us on whether they can come up with some sort of a permanent, fixed financing basis.

Mr. FARBSTEIN. If the gentleman will yield further, may I inquire whether or not it is the intention of the chairman of the subcommittee that just addressed himself to me that he will hold hearings on the question of contribution

or payment of the cost of public TV by the media and by the manufacturers of TV sets?

Mr. MACDONALD of Massachusetts. I will repeat to the gentleman he presents a very logical and good point and that the committee will look into it to the best of its ability.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would share the concern of the gentleman from New York in this area, because this was one of the promises that we had last year when the first appropriation was made to the Public Broadcasting Corporation, that if this were established, we would not be asked for another trip to the public Treasury and that we would have a recommendation as to the method of permanent financing of the Public Broadcasting Corporation from sources other than the general revenues of the Treasury. Now here we are once again dipping into the general revenues of the Treasury.

The suggestion has been made that we have taxes on TV stations or some other form of taxation, user taxation, if you will, or some other form of encouraging contributions. Certainly that needs to be done if the independence of this operation is to be served, as suggested in the Carnegie report, if one of the desirable things of the Public Broadcasting Corporation is going to be encouraged, at least the Carnegie report says so, that would stimulate this whole development, that we would come up with some kind of extra-Treasury method of financing public broadcasting, but so far we have not.

I would like to say to the gentleman and also to the chairman from Massachusetts and the chairman of the full committee that I for one am being rather subdued in regard not only to my concern about his program this year, because I think there have been problems on getting the thing in gear and organized, but in the future I have no intention of being quite so subdued if we do not come up with some other method of financing.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the gentleman for his contribution.

Mr. Chairman, the legislation before us today, the Educational Television and Radio Amendments of 1969, helps build upon the grand design erected by the 90th Congress when it enacted the groundbreaking Public Broadcasting Act of 1967. H.R. 7737 authorizes appropriations for interim financing for the Corporation for Public Broadcasting—established to provide publicly funded support for the Nation's growing educational broadcasting systems. The bill also provides an extension of authorizations for an ongoing program of facilities and equipment grants for the establishment and improvement of educational broadcasting stations.

The facilities-grants program predates the Public Broadcasting Act of 1967. Under a program authorized by Congress in 1962, the Department of Health, Education, and Welfare has offered matching grants to individual stations and statewide systems of stations to help finance needed equipment purchases. The funds, which are not used for acquisition of land or buildings, have enabled educational stations to purchase expensive broadcast-quality equipment necessary to compete for viewers' attention. The HEW grants have, more importantly, made possible the establishment of whole systems of new educational stations, fostering the creation of State educational broadcasting networks.

The HEW program has long been judged one of the most successful of its kind. Rare is the congressional district that has not already felt its beneficial impact. As the program continues to stimulate the growth of educational broadcasting, practically every Congressman will find his constituents served with a useful and attractive supplement to commercial broadcast fare.

The HEW program has achieved its exemplary results with small authorizations and even small appropriations. No one could successfully argue that this has been a swollen program. In fact, the need—as evidenced by the always large and growing backlog of applications—has from the start outdistanced the funds available. The authorizations proposed in the present bill are modest. They equal, for each of the next 3 fiscal years, the same amount currently authorized for the present fiscal year—$15 million. This is the level suggested by the administration. There was no opposition to the program expressed during the subcommittee hearings on the legislation, which I conducted.

Under the terms of the program, grants may cover up to 75 percent of the costs of purchasing and installing broadcast equipment. Local and State financing is needed for all of the costs of land and construction or repair of buildings. In any 1 year, no one State can receive more than 8½ percent of the available grants appropriations. Because of these limitations, there is a level below which appropriations may not be cut without placing the program in danger. Broadcast-quality equipment is not inexpensive, and to provide a meaningful improvement in the over-the-air transmission quality it is usually necessary to upgrade a whole series of related components. Thus improvements usually cannot be made piecemeal. Stations find themselves confronted with the necessity of making major improvements or doing nothing.

In the case of putting new stations on the air, the cost picture is even more indivisible. In order to insure that the benefits of the program have a wide geographical distribution, as the law requires, it is necessary to provide sufficient total funds so that realistic improvements at the level of the individual stations can be financed.

Because of the successful record and widespread popularity of the grants program, I would expect no member to oppose the present extension of authorizations.

Section 2 of the legislation would authorize an appropriation of $20 million for the Corporation for Public Broadcasting. Of the several titles in the Public Broadcasting Act of 1967, the one that established the Corporation broke truly new ground. The aim of the Corporation's designers and supporters was to fill out the aid provided by the facilities program with parallel support for the production and distribution of equality educational and public-service programing.

The Corporation was seen as a vehicle by which contributions from the private sector—viewers and philanthropic support—could be augmented with Federal funds. Several important considerations—which still stand today—guided the architects of the Corporation. One was that the need for funds greatly exceeded the level that could reasonably be expected from voluntary contributions. Another was that the benefits from a greatly improved and expanded public broadcasting system would flow so generally to the Nation as a whole that a Federal contribution would not only be proper but appropriate.

A third consideration was the need, if Federal funds were to support the production of programs, to provide insulation from political pressures that might be brought to influence the content of programs. It was to this end that a special corporation was conceived, chartered by act of Congress and guided by a blue-ribbon panel of presidentially appointed directors, chosen for their independence of judgment. In addition, it was planned that a form of permanent financing should be devised that would free the Corporation from possible pressures stemming from the annual appropriations process.

It was foreseen at the time that devising a plan acceptable to the administration, the Congress, and the educational broadcasters would be difficult and time-consuming. In the interim, it was decided to establish the Corporation with limited funding, so that it could begin its work in an orderly manner, and, with the expertise it could develop, play a leading role in the creation of a practical long-term financing proposal. In the process, the Corporation's projects could begin to bring benefits to the viewing public. With these ends in mind, Congress decided that, to start, Federal funding would be provided by direct appropriations. The Public Broadcasting Act of 1967 authorized $9 million, of which $5 million was appropriated.

These funds, together with approximately $2 million in private funds, provided the Corporation's first year operating budget. Meanwhile, the change in administrations brought an understandable delay to the program of devising a permament financing plan. Because of this, the Corporation has sought a direct appropriation for fiscal year 1970.

The Corporation, now organized and staffed, is seeking to implement the will of Congress by promptly developing effective programs to meet current pressing national needs. First-priority areas are to strengthen local stations so as to increase the quality and quantity of local programing; interconnection of public broadcasting stations into regional and national networks, to maxi-

mize impact and give immediate distribution to worthwhile programs; and in program development to focus particularly on the creation of quality television fare for young audiences—especially preschool children.

To achieve its modest but important goals, the Corporation is seeking an appropriation of $20 million, which it expects to augment with $4 million of private funds. The budget submitted by the outgoing Johnson administration provided for a $20 million authorization. The incoming Nixon administration, new to its complex tasks, suggested $10 million for the Corporation in a revised budget. Administration witnesses noted that the bill before the subcommitteee, as passed by the Senate, did not accord with the administration's formal request, but did not actually oppose the higher figure. All the witnesses before the subcommittee expressed wholehearted approval of the Corporation's purpose and aims. Many asked that the authorization be set at $20 million or higher. The measure was reported from the subcommittee and the full Committee on Interstate and Foreign Commerce with no dissent.

Supporters of the Nation's effort to strengthen our system of public television strongly hold that failure to support the Corporation's crucial early efforts would spread damaging waves throughout the ranks of educational broadcasters, adversely affecting the levels of local voluntary support and rendering it increasingly difficult to attract and hold quality personnel. The dedicated pioneers in educational broadcasting have long—too long—lived on promises. Even the most dedicated must occasionally give thought to their own future. The passage of the Public Broadcasting Act was an affirmation that their pioneering labors were not in vain. As their hopes were buoyed, so were the hopes of millions of viewers that progress at last might begin to reach the potential. Eyes are on Congress today, watching to see that the promise is not broken.

Mr. Chairman, I urge the wholehearted support of the present bill. A plan for permanent financing will emerge; one is now taking shape in consultations among the experts in public broadcasting and in the administration. Congress will have full opportunity to make the final decision. But meanwhile we can proceed to bring the benefits of our extraordinary technology to all the people. The program seeks modest funding. We should take a key step in providing it.

In closing, I would just like to say I think that we, the Congress, owe these people a chance to prove what they can do. I certainly urge our colleagues to go ahead with them.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

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

As the distinguished chairman knows, in my State our first educational TV station will start broadcasting after February 1, 1970.

In Mississippi, in setting up the education television, we took the State approach. The State legislature set up the Mississippi educational television board made up of educators, business, industrial, and labor leaders.

There has been some concern by educators in my State and also by the State legislature as to what effect and what controls will HEW and the Corporation of Public Broadcasting have on the programs that we will initiate and run in Mississippi. Will they try to tell our people down there what type of programs they should run?

Mr. STAGGERS. The act provides that they may not force any program on any station anywhere in the land. They are attempting to cooperate in bringing to the people of Mississippi and to the people of other States good and worthwhile television programs.

Public television stations in the several States are, and will continue to be, free under the Public Broadcasting Act of 1967 to refuse to transmit any program developed by the Corporation for Public Broadcasting.

Mr. MONTGOMERY. I thank the gentleman. As I understand the chairman, he as answered my question. In the past, these two parts of the Federal Government that I mention have not in any way influenced the programs of educational television in other States, and as far as the Chairman is concerned, in the future under this act no steps will be taken by HEW or by the Corporation of Public Broadcasting to influence the type of programing that will be carried on in the different States.

Mr. STAGGERS. The provision is in the act that that cannot be done. That is part of the law.

Mr. MONTGOMERY. I thank the Chairman for answering my question.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas.

Mr. ECKHARDT. I thank the chairman. I wish to recognize his good work and that of the able gentleman from Massachusetts, the chairman of the subcommittee in this field, in preparing this bill and presenting it to the House. I certainly do endorse it fully. I have an unusual interest in this matter because station KUHT–TV of the University of Houston was, I believe, the first educational television station in the Nation under this program.

I also wish to recognize the very able statement of the distinguished ranking minority member, and commend particularly, his reference to the nonpartisan board. The nonpartisan board includes a very distinguished citizen of my community, Mrs. Oveta Culp Hobby, who was formerly a member of President Eisenhower's Cabinet.

Educational television is blessed with many outstanding administrators and creative minds. It utilizes the most powerful tool of communication ever devised. Increased funding of educational television will permit it to provide a service of increasing diversity and quality. I think that quality, that diversity, and that nonpartisan nature has been exemplified by the station in Houston.

Mr. STAGGERS. Mr. Chairman, I yield whatever time he desires to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 7737.

I endorse the ideas and the actions incorporated in H.R. 7737, the assistance act for public broadcasting and the corporation for public broadcasting. This appropriation is reasonable and it is entirely fitting that Congress extend the assistance program.

Since the Educational Television Facilities Act became effective in 1963, more than 100 additional public television broadcasting stations have gone on the air making a usable public broadcasting signal available to over 50 million new viewers. In a relatively short period of time, these stations have developed in-depth programing that gives viewers a constructive and balanced educational vehicle.

KLRN–TV which broadcasts in Austin and San Antonio is a prime example of the potential offered by educational television. With facilities at the University of Texas KLRN not only broadcasts some excellent instructional programs, and quality drama—but this educational station is a living workshop that trains university students interested in broadcast careers. It is because of the work by such stations as KLRN that I support this bill today.

Dozens of men and women in our cities have served and are serving in advisory capacities, giving time and energy and money toward the advancement of public broadcasting. Because of this contribution, and because the stable and practical leadership given by the station personnel our educational television station is rendering a great service. We must help it move along.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this legislation. There is no question that education television offers this country a very significant breakthrough in meeting some of the needs of our education system. My Subcommittee on General Education earlier this week had occasion to preview an excellent program that will premier on November 10, and will be made available to all education stations across this country, called "Sesame Street." It is a 1-hour program in full color. It will be made available to these stations, and it will be directed primarily at young children of the 3- to 5-year age group, preschool youngsters. So far as I know, this is the first electronic headstart program that we will have in this country. It will be available every day, 5 days a week. It is so good that in my own city, station WTTW, will show this 1-hour program three times a day to reach the largest audience possible of young children to prepare them for entry into the elementary school.

Certainly, Miss Joan Ganz Cooney of the Children's Television Workshop of National Educational Television and her associates did a great job. This program has particular appeal to young children and will teach them such things as the alphabet, how to relate numbers and many other interesting features for pre-

school youngsters. It is produced with such deep understanding of young children that it promises a very high rate of interest retention for preschool children.

I predict that this program will give the commercial stations a real run for their money on the ratings. This shows that educational television is moving.

Of course, we are very pleased that Public Broadcasting Corporation has selected one of our distinguished citizens from Chicago, John Macy, as its President.

We in the Education Committee are concerned about how to finance the educational needs of our country and we see in educational television a very significant breakthrough for the people of America.

One final word. There was a colloquy earlier on the financing of newscasts. It is true that WETA in Washington has been given $36,000 in a grant from the Public Broadcasting Corporation to help finance the program "Washington Week in Review." This program is being put together by four highly competent and independent newsmen in Washington. It is available to educational stations across the country as a weekly review of happenings in Washington.

I am mindful of the fact this is a dangerous field we are in, and we have to maintain constant surveillance to insure that we do not set up a publicly financed news agency. On the other hand, education television stations should not be denied the opportunity to have a good news program for their viewers.

I think as long as we use good, respectable, highly competent, and unbiased newsmen to prepare this, we ought to give it a chance. We will always have a chance to review these programs if we feel there are abuses.

Mr. Chairman, I congratulate the chairman of the committee for bringing this legislation to the floor for consideration today.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Chairman, I thank the gentleman from West Virginia for yielding.

I appreciate that the heart of the chairman is in the right place. Perhaps this bill is not a good vehicle for it.

Mr. Chairman, I am also very gratified that the chairman of the subcommittee, in answer to my query, said there will be consideration of financing of this program in the future. I say this especially because in the congressional declaration of policy it does not say a word about the fact that the media, which have been earning untold millions, should contribute to public and educational television. There is nothing there about a user's tax. There is nothing there about a trust fund being created for this purpose. Why should the taxpayers' money be used for these purposes? Why should the gentleman from New York (Mr. CELLER) be compelled to contribute toward educational television?

Mr. Chairman, the Corporation for Public Broadcasting was established in 1967 to stimulate the development of educational TV. It was established as a result of the recommendations of the Carnegie Commission on Educational Television. The commission had recommended a Corporation to provide financing for educational TV. It estimated in January 1967 that $270 million a year would be needed to develop a viable system of educational TV. The appropriations process, it suggested, could provide interim financing for the Corporation, but at a very low level. A permanent financing mechanism was required to provide anywhere near the $270 million a year. Such financing should be independent of the appropriations process to keep educational TV free of political pressure. It suggested a media tax to be paid into a trust fund. The Ford Foundation took a similar position. It recommended the establishment of a satellite system for noncommercial TV which could return some profit.

Congress put off the longterm financing question and enacted—in 1967—a bill to establish a Corporation with limited annual financing. At that time I offered an amendment to put Congress on record in support of a media tax and to require the FCC to report back on the idea. It failed. The chairman of the committee said that no hearings had been held on the question.

The next year—1968—on a bill to extend the Corporation an additional year, I offered a similar amendment. Again the chairman said no hearings had been held and that the administration was working on recommendations. In the meantime, the Corporation has been operating on a budget of approximately $14 million compared to the $270 million the Carnegie Commission estimated would be needed to operate adequately in any one year.

Since then Prof. Dick Netzer of NYU has put out an excellent study recommending specific permanent financing of educational TV and the Commission on Violence has called for permanent financing of educational TV.

But still nothing has happened. The administration will announce, I understand, a rather weak recommendation for permanent financing when the bill before the House today is signed by the President, but it is not going to be much.

Mr. Chairman, I insert at this point in the RECORD excerpts from the 1967 Carnegie Commission report, the Violence Commission's report on television, and the Netzer study to illustrate the recommendations and hard thinking which have been made with respect to the need for permanent financing for educational television.

[From "Public Television: A Program for Action, the Report and Recommendations of the Carnegie Commission on Educational Television"]

THE COMMISSION PROPOSES ENLARGED FEDERAL SUPPORT FOR PUBLIC TELEVISION

We recommend that Congress provide the Federal funds required by the Corporation through a manufacturer's excise tax on television sets (beginning at 2 percent and rising to a ceiling of 5 percent). The revenues should be made available to the Corporation through a trust fund.

In this manner a stable source of financial support would be assured. We would free the Corporation to the highest degree from the annual governmental budgeting and appropriations procedures: the goal we seek is an instrument for the free communication of ideas in a free society.

The excise tax will provide the Corporation with approximately $40 million of federal funds during its first year of operation, rising gradually to a level of $100 million a year. We propose that the rate be raised to 3 percent, bringing in $60 million, after the first year. The commission intends these revenues to be added to those available from other federal, local, and private sources to be used primarily for the support of programming for Public Television. We recommend that federal agencies continue to make grants to educational television stations for special purposes.

[From "Commission Statement on Violence in Television Entertainment Programs," National Commission on the Causes and Prevention of Violence," Sept. 23, 1969]

We offer one recommendation to the President and the Congress:

Adequate and permanent financing, in the form of a dedicated tax, should be provided for the Corporation for Public Broadcasting so that it may develop the kind of educational, cultural, and dramatic programming not presently provided in sufficient measure by commercial broadcasting.

We believe, as the Public Broadcasting Act of 1967 states, "that it furthers the general welfare to encourage noncommercial educational radio and television broadcast programming which will be responsive to the interests of people both in particular localities and throughout the United States, and which will constitute an expression of diversity and excellence," and "that it is necessary and appropriate for the Federal Government to complement, assist, and support a national policy that will most effectively make noncommercial radio and television service available to all the citizens of the United States." We suggest financing by means of a dedicated tax because we believe that public television must be free from the political pressures that result from the need for annual federal appropriations.

Public broadcasts can be a much needed alternative to commercial programs. It is generally assumed that commercial television caters to the public taste. But television also creates the public taste. If a wide range of wholesome entertainment and public service programs is offered as an alternative to the current fare of entertainment violence, it is likely that this will effect changes in public tastes and ultimately make violent television programs less commercially attractive. But this longer-term possibility does not relieve commercial television of the responsibility to reduce now the volume and change the character of its violent programs.

NATIONAL CITIZENS COMMITTEE FOR BROADCASTING,
New York, N.Y., April 1969.

The President and Congress of the United States:

The greatest communications resource man has ever known continues to be polluted and to pollute the public's airwaves—for private gain. One answer to the staggering problem of airwave pollution and its desensitizing of the American spirit is a free and healthy non-commercial broadcasting system, which has come to be called Public Broadcasting.

Dr. Dick Netzer's report welds a combination of long-range financing proposals for Public Broadcasting into a single package free of any real or fancied domination and funded largely by those who profit most from the use of the public's airwaves. The plan is stable and the sums it would bring forth are substantial enough at long last to make noncommercial broadcasting technically, professionally and competitively capable of serving

the whole public with the informational and cultural diversity to which all of broadcasting is called and to which so little of broadcasting responds.

In January, 1967, the Carnegie Commission said that a strong Public Broadcasting system would require $270 million annually. The first Congressional appropriation to the Corporation for Public Broadcasting, for fiscal 1969, was a disappointing $5 million. This in times when the revenues of the publicly-licensed commercial broadcasters are at their highest and the fulfillment of their responsibilities is at their lowest.

Professor Netzer's plan is based on all the various recommendations put forward for long-range financing of Public Broadcasting which were carefully studied by the trustees of the National Citizens Committee for Broadcasting before they turned their materials over to Professor Netzer for his objective evaluations and conclusions. It is entirely his report; the trustees concur with his conclusions entirely.

We believe the plan's moral applicability to our time ought to be a decisive factor for adopting it. We hope men of vision in broadcasting will endorse it. We know the public will support this immediate route to better broadcasting. We ask your action to see that it—and a free and healthy Public Broadcasting system—becomes a reality.

Respectfully,

The board of trustees of the National Citizens Committee for Broadcasting: Shana Alexander, Milton R. Bass, Harry Belafonte, Charles Benton, William B. Branch, Rev. Robert F. Drinan, S. J., Richard Eells, Ralph Ellison, John D. Entenza, Phillip Gainsley, John Kenneth Galbraith, Brendan Gill, Nathan Glazer, Robert Goodman, Henry Clay Hofheimer II, Marshall M. Holleb, Thomas P. F. Hoving, Marya Mannes, Robert Montgomery, Earle K. Moore, Gerard Piel, Walker Sandbach, Charles A. Siepmann, Mrs. David E. Skinner, June Wayne.

Long-Range Financing of Public Broadcasting

(By Dick Netzer, professor of economics, head, All-University Department of Economics, New York University)

SUMMARY

Public Broadcasting, for its long-term financing, requires support that is adequate in amount, stable but growing over time, and reasonably free from undesirable economic side effects. The financing mechanisms must provide protection against political and economic interference with programing.

Proposed non-governmental financial devices, although attractive in some respects, simply are not adequate in the amount of funds they can provide, individually or in combination. The use of Federal taxing powers is essential, but to insure independence, any taxes or charges levied by the Federal government for Public Broadcasting should be paid into a trust fund and removed from the annual appropriations process.

The best of the tax devices considered here is a gross receipts tax on commercial broadcasting; at a 4 percent rate, it could yield over $120 million a year. This should be supplemented by a system of charges for access to the radio spectrum, collected by competitive bidding for licenses or otherwise, with the proceeds also paid into the trust fund.

On the non-governmental side, there is an extremely strong case for adoption of the Ford Foundation proposal for a broadcasters' non-profit satellite system to provide both cash and free service for Public Broadcasting. Also, Public Broadcasters should have the authority to accept limited amounts of advertising and to experiment with subscription television, to further supplement and diversify their sources of revenue.

The highest priority, however, is the establishment of the trust fund and imposition of the broadcasting gross receipts tax, to be paid into the trust fund.

This study explores a variety of possible ways to place the financing of Public Broadcasting on a stable, long-term basis. Two assumptions underly the analysis.

First, it is assumed that the funds required are substantial—in the order of the $270 million annually recommended by the Carnegie Commission (which compares to the nearly $4 billion spent for television and radio advertising in 1967). Second, it is assumed that financing of this magnitude cannot conceivably be provided by use of the begging bowl; no combination of private philanthropy, sporadic Federal appropriations and even more sporadic state and local government financial assistance will permit Public Broadcasting to develop more than a small fraction of its potential. This is not to exclude the role of philanthropy or independent fundraising, but rather to state that the basic support for an adequate system of Public Broadcasting must be assured in a more dependable way.

CRITERIA AND ISSUES

Any system of long-range financing must have two basic attributes. It must provide funds that are reasonably adequate in amount. And the flow of funds must be stable and relatively assured, to permit the long-range planning and program development that is essential. Moreover, assurance of financing is necessary to insulate Public Broadcasting from the adverse pressures sure to be stimulated by free exercise of imagination and intellect in program content.

Ordinarily, in our society, freedom of expression of opinion and ideas in the arts, letters and sciences is protected by the existence of large numbers of channels of expression and by the very diversity of the sources of economic support. However, the technical characteristics of the radio spectrum limit the numbers of channels of expression far more rigorously than is the case for the printed word, the other performing arts or the graphic arts. In addition, the costs of production in broadcasting can be very high indeed, relative to other communications media. Therefore, a suitable financing system needs built-in insulating devices.

There are several other criteria an ideal financing system should satisfy. For one thing, the costs of Public Broadcasting surely will rise over time, as salaries rise and as new opportunities for service unfold; a superior financing system will provide growing amounts of money over time, more or less automatically. Second, the financing system should not have harsh economic effects on the rest of the broadcasting industry or on other forms of communication. Third, the financing system should not bear heavily on the poorer segments of the country's population. Fourth, an ideal financing system would be demonstrably sensible, in that there would be some clear linkage between benefits and payments—those who provide the funds ideally should also receive benefits from Public Broadcasting or from related activities in the communications field.

No financing device can satisfy all these criteria perfectly. It is necessary to "trade-off" among the criteria, to find one or a package of financial sources that comes closest to the ideal.

This list of criteria suggests that the following are the basic issues:

(1) Can the job be done with financing devices *other than* the use of governmental revenue-raising authority? Such devices might include the sale of services by Public Broadcasting (for example, pay-TV or acceptance of advertising) or revenue from assignment of monopoly powers to a quasi-public agency responsible for Public Broadcasting (for example, domestic satellite transmission). Clearly, if such arrangements were workable, they would have the advantage of affording a considerable degree of insulation from political pressures. They also tend to exhibit desirable linkages between benefits and payments.

(2) If governmental revenue-raising devices must be employed (as this study concludes), how can Public Broadcasting be assured of a stable flow of funds, free from political pressures and uncertainties?

(3) Assuming that the necessary insulation can be provided, which governmental revenue devices most nearly satisfy the other criteria?

FINANCING NOT DEPENDENT ON TAXATION

Unquestionably, there are non-governmental financing devices which can produce significant amounts of revenue. The doubts regarding such financing relate to whether these devices alone can produce sufficient revenue and whether, even if they can satisfy this criterion, they do not do violence to the other criteria.

Take, for example, pay-TV. It has some merits as a financing device, but its demerits are such that it should be no more than a marginal supplementary source of funds. To be sure, a national system of subscription Public Television no doubt eventually could attract large numbers of subscribers among upper-income families, for the charges could be very modest relative to the incomes of such families. An annual charge of $100 on the average would amount to less than three-tenths of one percent of the money incomes of the richest ten percent of American households (those with total money incomes over $15,000). If half of all such families did subscribe and if half the annual charge was absorbed by connection, administrative and collection costs, Public Television could net nearly $150 million a year. If only 5 percent of all other (less affluent) families were subscribers, the $270 million goal could be met.

Consider the drawbacks. First of all, subscription Public Television surely would tend to be, as the illustrative figures imply, an upper-income minority experience. But the fundamental case for Public Broadcasting is that it should *not* be merely yet another cultural experience for the affluent few who even now have access to and participate in a wide range of cultural experiences. It is conceived to be, ideally, a truly mass experience (and *far* more so than the live performing arts), conferring vast benefits on our whole society, *provided* that people of varying income levels, tastes and geographic locations have access to it. Public Broadcasting can realize its potential only if access to it is as easy as is access to commercial broadcasting.

Second, as a newly offered service competing with existing services (commercial broadcasting and other communications), subscription Public Television inevitably would develop slowly, with considerable geographic unevenness and with great year-to-year uncertainty during the growth period. In short its financial development is likely to duplicate the financial history to date of non-commercial broadcasting—slow, uneven growth and a dire lack of the financial security necessary to plan ahead with confidence. But history makes it clear that Public Broadcasting need to achieve a critical financial mass quickly so that the public can actually *see* its promise. We know only too well that there is no ready market for any product or service not actually offered, but only hypothesized. Offering a low-quality, under financed service in the early years will guarantee that development will continue to be painfully slow.

Because subscription television does associate financial support of the services with a portion of the benefits generated by Public Broadcasting, there is every reason to attempt to provide *some* role for subscription television in the financing of Public Broadcasting. For example, it would make sense, if feasible, to charge for occasional special pro-

grams of a very costly nature, much as certain facilities are charged for, in otherwise free parks, and fees are charged for special exhibitions in otherwise free museums. Thus Public Broadcasting should be free to experiment with subscription arrangements and indeed should encourage research in subscription-device technology.

But this cannot be the principal financial support for Public Broadcasting, nor should a large part of Public Broadcasting service be offered on a fee-for-service basis.

Another non-governmental financial device might be the acceptance of advertising on a controlled basis. The argument is that commercials can be carefully placed so as not to interfere with program content and that obnoxious forms of television advertising can be avoided. Meanwhile, there is increasing corporate interest in displaying "social responsibility," by supporting public programing; this requires visible evidence of the corporate contribution, for which large corporations will pay handsomely. Analogies are drawn to experience abroad and to the experience of a handful of successful "upper class" FM stations in this country.

The argument duplicates that now being advanced in Britain, that the BBC television services should accept advertising in a similar fashion. However, BBC would continue to get its basic support from the license fees paid for many years by households, and thus could continue to be quite independent of pressures by advertisers. More generally, experience abroad is a false analogy simply because of the different traditions—that is, the strong tradition of sponsor control here. Moreover, the design for Public Broadcasting is for a system that will ensure a maximum of conflict with advertisers—programing which is controversial, even revolutionary, in tastes, mores and politics.

In addition, the amounts of money are relatively large. At least half of present television and radio advertising expenditure is for consumer products that involve product rather than corporate identification, such as cigarettes, soaps, toiletries and proprietary drugs; another significant proportion is done by relatively small local firms unlikely to be overly concerned with "corporate image." Thus, to raise $270 million, the remaining advertisers would have to shift 20 percent or more of their advertising from commercial to Public Broadcasting. It is rather unlikely that this will occur. Public Broadcasting, in the next few years, will be offering less than 10 percent of total broadcasting service, usually to little more than 5 percent of the total broadcasting audience. If successful and adequately financed, Public Broadcasting will do better than this as it matures, but advertisers are acutely aware of the *current* performance of competitive media. Airlines and similar advertisers are unlikely to willingly devote 20 percent or more of their radio-TV advertising budgets to reach 5 to 10 percent of the potential audience. Moreover, since this is a large shift, it is likely to create considerable year-to-year uncertainty, even if the shifts could be achieved eventually. All this suggests that controlled acceptance of advertising may be a useful supplementary source of funds, especially for individual costly programs, but not an appropriate source of basic support.

The most dramatic and imaginative non-governmental financial course is found in the Ford Foundation's 1966 satellite proposal. The Foundation proposed creation of a broadcasters' nonprofit satellite service, operated by a non-governmental but nonprofit corporation, largely supplanting network transmission by telephone lines and microwave relay. The service would provide free channels for non-commercial television and it would pay over a substantial portion of the commercial broadcasters' projected savings (as compared to present transmission technology) to support Public Broadcasting programing.

The amounts involved are substantial. In its December 1, 1966 submission to the Federal Communications Commission, the Ford Foundation estimated level annual costs of the proposed system at $29–$32 million and that this system would replace, if in full operation in 1970, $60–$65 million in landlines transmission costs incurred by commercial broadcasters. Thus, at a minimum, the annual savings in transmission costs would be $28 million ($60 million in present costs less $32 million for the new system) and, at a maximum, $36 million ($65 million less $29 million). These savings could be divided between modest rate reductions for commercial broadcasters and funds turned over to Public Broadcasting. Perhaps $20 million a year could be available for Public Broadcasting.

The free channels to be provided under this proposal are also of substantial value. The Corporation for Public Broadcasting, in July 1968, stated that *present* nationwide inter-connection needs for Public Television, to connect 91 points and 160 stations, comprise the eight hours daily from 3:00 to 11:00 p.m. AT&T estimated that such service would cost, at commercial rates, $8.7 million a year, under a ten-year contract.

From the standpoint of our criteria, how does the Ford Foundation proposal rate?

(1) As a non-governmental device paying money over to Public Broadcasting on some kind of formula basis and providing free service automatically, it affords significant insulation against political and sponsor pressure.

(2) There is a real linkage between benefits and payments. Commercial broadcasters receive a high-quality service at somewhat reduced costs (compared to present transmission systems); the remainder of the cost reduction is used to support Public Broadcasting which commercial broadcasters, notably the networks, have long maintained to be of substantial benefit to them.

(3) There is strong indication that the benefits, in money and in free service, to Public Broadcasting will rise rapidly over time. That is, increased utilization of the transmission services by commercial broadcasters will generate rising net revenues, and Public Broadcasting itself will be able to utilize an increasing proportion of the free transmission service as Public Broadcasting develops.

(4) The use of the savings from satellite transmission for Public Broadcasting rather than rate reductions for commercial broadcasting can be viewed as a "tax" on broadcasters' expenditure for interconnection cost. An earlier study has concluded that, so viewed, the proposal has few if any economic drawbacks:

"Merely reducing interconnection charges would not substantially improve the industry's structure or enrich the program alternatives it offers to viewers: this is what makes the tax relatively attractive . . . on economic grounds. Using the cost-savings instead to support ETV would do precisely what rate-reduction would not do, and do it openly, directly and in full measure, no need for the far more difficult undertaking of regulating the quality of commercial programing. It would increase the genuine diversity of programing, and in so doing come much closer than the industry does today to maximizing the benefits obtained from the limited spectrum." [1]

(5) Offsetting these advantages, the proposal involves important uncertainties. There are technological considerations; there is the possibility of successful competition from other transmission modes; and, most of all, there is the present uncertainty whether the proposal will be adopted at all, uncertainty on grounds quite aside from the financing of Public Broadcasting.

(6) The proposal clearly cannot be the sole support of Public Broadcasting (nor has the Ford Foundation so argued). It will not provide more than 10 percent or so of the money needs of Public Broadcasting at the Carnegie Commission scale.

Conclusion

The three main non-governmental financial sources that are conceivable—subscription television, controlled reliance on advertising and the Ford Foundation satellite proposal—each have some attractive aspects. But subscription television and advertising must be used sparingly, if the potential of Public Broadcasting is to be realized, and this limits them severely as sources of funds. It is difficult to imagine circumstances in which as much as $100 million of the $270 million needed annually could be provided sensibly from the two sources combined. And the satellite proposal, if deployed at full scale, cannot add enough of the required revenue to obviate the need for governmental revenue sources.

However, there is one strong argument, aside from the inherent characteristics of these approaches, for using them to some extent—limited in the case of subscription television and advertising, and all out in the case of the Ford Foundation proposal. Together with tax sources, they will afford a highly desirable diversity of financial sources, a diversity which can significantly enhance the independence of Public Broadcasting programing.

GOVERNMENTAL FINANCING—THE TRUST FUND APPROACH

In the discussion of governmental financing which occupies the remainder of this study, the analysis is confined to *Federal* government taxes and fiscal arrangements. In part, this is because most of the tax sources under consideration clearly are unsuited to imposition and collection by state or local governments—for example, taxes on broadcasting gross receipts, profits or access to the radio spectrum. But, more generally, proposals for state and local government financing seem highly unrealistic, in view of the fiscal stringencies of state-local governments and because the benefits from Public Broadcasting are not confined to individual political jurisdictions or small geographic areas.

State and local governments can be expected to finance some portion of the costs of strictly educational broadcasting in connection with their support of the country's educational system. However, even in this connection, the case for Federal finance is strong. It is widely argued that the Federal government's aid to education is far too low—that the Federal government should provide, say, 40 percent of the costs of the public schools rather than the 10 percent it now provides. Broadcasting is a highly sensible area in which to expand the Federal role in financing education, since it avoids the hot issue of local control over school operations and since the Federal government is ideally suited to foster experimentation and new technology.

Within the Federal government's financial system, there is a well-tested device that provides the insulation from political pressures necessary for Public Broadcasting—the trust fund approach, under which the receipts from specified taxes are paid into a trust fund, can be used only for purposes stipulated in the original legislation and are expended for these purposes on the basis of formulas or other provisions specified in the legislation, without going through the

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[1] Joel B. Dirlam and Alfred E. Kahn, "The Merits of Reserving the Cost-Savings from Domestic Communications Satellites for Support of Educational Television," *Yale Law Journal*, Vol. 77 (January 1968), p. 519.

regular annual Congressional appropriations process. The trust fund approach is an old one. It originated years ago in connection with the Federal government's handling, as an agent or trustee, funds which were held not really to "belong to" the government, such as income from Indian-owned lands, held in trust for these wards of the government.

The trusteeship idea was considered appropriate for dealing with veterans life insurance funds, when this program was established during World War I (the funds were considered to "belong to" policy holders, not the government). It was extended, in massive fashion, in subsequent decades, to apply to the finances of the Social Security, unemployment insurance, railroad retirement and Federal employee retirement systems, all of which have been considered to have the characteristics of insurance with the Federal government's role one of holding the funds.

In reality, of course, in these cases the Federal government does much more than act as a trustee. The trust fund device as it has evolved, has somewhat different purposes now. First, it segregates specific taxes (or other receipts) from general revenues and earmarks them for a special purpose. Those receipts so earmarked are usually held to have some relation to the benefits provided by expenditures from the trust fund. Second, it assures continuity in the programs by making the expenditure independent of the annual appropriation process; indeed, it makes spending dependent on the level of receipts or statutory formulas, rather than appropriations action. To be sure, Congress can change the rate of expenditure by deliberate action; it can increase the rate if it raises the taxes feeding the trust fund. But it can reduce the rate of spending only by the politically difficult (and rare) act of changing the basic legislation.

The Highway Trust Fund, created by legislation in 1956 and spending roughly $4 billion a year recently, is the closest parallel to the financing of Public Broadcasting. It was created to finance a long-range spending program whose dimensions were set by an independent study commission (the Clay Commission in 1955). The tax receipts earmarked for the Trust Fund have two characteristics. First, they are taxes on highway users, who are also the presumed beneficiaries of the expenditure from the fund. Second, in combination the taxes were estimated to produce revenues adequate to finance the long-range program. Consequently, the annual rate of expenditure from the fund was to be approximately equal to the level of receipts from the earmarked taxes. Thus, the financing devices provided, in addition to insulation from the appropriations process, adequacy of revenues relative to the program intended, the year-to-year stability needed for long-range planning and a clear link between benefits and payments.

These are advantages that a trust fund device for financing Public Broadcasting should provide. Congress should establish a trust fund, into which receipts from new special taxes (to be discussed in the next section) are paid; the trust fund should also be the recipient of net proceeds from the broadcasters' nonprofit satellite system, on a formula basis—say, 90 percent of annual net proceeds. The trust fund would then annually or quarterly pay over to Public Broadcasting, presumably the Corporation for Public Broadcasting, its receipts. It might be appropriate for the trust fund to build up a modest balance in early years, to insure against unforeseen declines in tax receipts, but the general rule should be that the trust fund will be no more than a conduit, transferring receipts from those who pay the special taxes to Public Broadcasting.

GOVERNMENT FINANCING—ANALYSIS OF SPECIFIC SOURCES

A number of new Federal taxes, or tax-like revenue devices, have been proposed as possible sources of funds for Public Broadcasting, to feed the proposed trust fund. In this section, these taxes are analyzed from the standpoint of the criteria discussed earlier. The following revenue devices are considered:

1. A tax on gross receipts of radio and television broadcasters.

2. A tax on the gross receipts of all FCC long-distance communications licenses, including long-distance telephone and domestic and overseas telegraph, as well as broadcasters.

3. A tax on total television advertising outlay.

4. A tax on net profits of broadcasters.

5. A form of excess profits tax on broadcasters, equal to some very high percentage (say, 90 percent) of profits above some designated "fair rate or return" on capital invested.

6. A charge for lease of access to the radio spectrum, levied by competitive bidding for licenses for spectrum rights or otherwise. It should be noted that the economic characteristics of (5) and (6) are similar in a number of ways.

7. A flat per household radio-TV license fee, somewhat like the British system.

8. A manufacturers' excise tax on TV sets.

There have also been proposals for some kind of high license fee on commercial broadcasting. However, any sensible fee would be one measured by gross receipts, net profits or the value of access to the radio spectrum; therefore, this is not treated here as a distinctive revenue source.

Adequacy of yield

Almost any of the eight revenue sources listed above would have few real disadvantages if imposed at very low rates. Almost any of them would have harsh and undesirable effects if imposed at very high rates. What we seek is one or a small number of taxes that can yield adequate revenue—at least $150 million annually—if imposed at reasonable rates.[2] "Reasonable" rates, for any tax on a specific range of activities or objects, are rates imposing liabilities for tax payments which do not exceed these limits:

(a) the firm's or individual's tax liability should not exceed the benefits he or it receives from the expenditure of the proceeds of the tax; or

(b) the firm's tax liability should not exceed the value of some monopoly privilege (like exclusive access to spectrum) that the firm has; or

(c) tax liability should not exceed that imposed, by other taxes, on activities and objects which are competitive with and partial substitutes for the activity or object in question. For example, sales of books are subject to retail sales taxes, at rates of 3 percent or more, in nearly all the states, but broadcasters' gross receipts or television advertising outlay (the parallel tax bases) are not taxed by states and cities. A 3 percent gross receipts tax on broadcasting would do more than equalize the tax positions of the broadcasting and book publishing industries.

It is difficult to establish such limits precisely, and appraisals may differ widely. Table 1 presents some estimates (some of them very rough) of the yield of the various taxes proposed, at 1966–1967 levels of activity, at rates considered here to be not entirely unreasonable.

The yield figures in Table 1 are not net yield figures. One necessary consideration is collection costs for most of the taxes proposed, these will be minor since relatively few taxpayers (in most cases, no more than 5,000 or so) are involved and these are corporations already subject to requirements for filing tax and other information to the IRS, the FCC, etc. But the household license fee could involve very substantial collection costs and obnoxious enforcement practices, unless a considerable degree of tax evasion were to be tolerated. Therefore, the yield figure for this revenue source should be heavily discounted.

Another factor to be considered is the regular Federal corporation income tax. Like all other corporations, broadcasters pay the regular corporation income tax; its standard rate is 48 percent. If a new tax is imposed and it is allowed as a deduction (as a cost of doing business) against the regular corporation tax, it will lower the company's regular corporation tax payments by 48 percent. Thus, nearly half the new tax will be paid, in effect, by the Federal Treasury, in the form of lower corporation income tax collections. The profits-based taxes (sources 4, 5 and 6) will surely reduce corporate income tax liability substantially; the taxes based on gross receipts may also do so, depending on the extent to which they are shifted forward to advertisers or backward to employees and suppliers (see below). It may be questioned whether the Congress would be willing to assign all the revenue anticipated to the trust fund, in view of this fact. If the Congress were not willing, the yield for Public Broadcasting would be much lower, and the profits-based taxes would rank low from the standpoint of adequacy of yield, rather than high (as suggested by Table 1).

Thus, the high-ranking sources for this criterion are the gross-receipts-type taxes: sources 1, 2, 3 and 8.

Year-to-year stability

A revenue source may be adequate in yield in a given year but nonetheless be highly unsuitable to finance Public Broadcasting if it is inherently subject to large year-to-year fluctuations in yield. The ideal tax base for this purpose would be one that increases each year at a fairly predictable rate and that does not experience large, unpredictable variations around this growth rate. An especially undesirable tax base is one that is susceptible to relatively large year-to-year declines.

Table 2 summarizes the variability in the bases of five of the eight revenue sources in the 11-year period from 1955 to 1966. The five revenue sources had fairly similar mean (average) changes over the period, ranging from an average yearly increase of 8.7 percent to one of 11.4 percent. But they differed greatly in the variations around these mean changes. There was a high degree of stability for source (2), gross receipts of all FCC long-distance licensees, with the average deviation from the mean change amounting to less than one-fifth of the mean change; on the basis of this record, one would expect to be able to predict revenues from this source within two percent of the actual results, in most years. Sources (1) and (3), broadcasting gross receipts and television advertising outlay, exhibit only slightly more instability, suggesting the ability to predict within a three percent range of error.[3] There were no actual declines in any of these tax bases in any of the 11 years.

In contrast, broadcasters' profits constituted a very unstable tax base, with actual declines in three of the 11 years (and an even larger decline in 1967). The deviation from the mean change was almost as large

[2] In section 2, above, it was concluded that non-governmental sources should not be expected to provide more than $100 million annually, in the best of circumstances.

[3] If 1967 results had been included, the variation would have been slightly higher, since the rate of increase in TV advertising expenditure was very small.

as the mean change itself, implying that it was as likely for the percentage increase in profits, in any given year, to have been one percent or 21 percent as 11 percent. This is a wide range indeed, for any kind of long-range planning.

This instability is inherent in the nature of profits, which are the product of two independently varying factors—gross receipts and expenses. The instability is even more marked for sources (5) and (6), which are related to "excess profits." In the nature of things, reliable year-to-year estimates of past performance of these hypothetical tax bases cannot be made, and hence they do not appear in Table 2. However, some notion of the variability in these bases can be obtained by comparing changes in broadcasters' profits with changes in those of all corporations, since "excess profits" have been defined here as the rate of return on broadcasting above and beyond that of other corporations. Changes in broadcasters' profits in the 1955–1966 period both varied more from year to year than was the case for other corporations (the average deviation was about twice as large, relative to the mean rate of change) and were somewhat different in timing. It is a reasonable guess that broadcasting "excess profits" would have been difficult to predict within a margin of error as wide as plus or minus 25 percent, and that decreases in the tax base are as frequent as increases.

Source (8), TV set production, has also been highly unstable, but for different reasons—the nature of the cycle of households' equipping themselves with TV sets. There were steep declines in TV production after the early 1950's, by which time ownership of black-and-white sets was widespread. Rapid increases occurred with the mass advent of color television, in the early and mid-1960's. It is reasonable to anticipate declines once again in coming years, followed by some stability, until once again, there is an important technological innovation. But in any case, the revenue source is an undependable one.

Source (7), household licenses, is a highly stable one, now that nearly all households have at least one radio or TV set—the tax base should grow at just about the rate of household formation, about 1.5 percent a year.

Thus, the high-ranking sources for this criterion are the gross-receipts-type taxes (excluding the tax on TV sets produced)—sources 2, 1 and 3—plus the household license fee.

Growth over time

Since Public Broadcasting expenses will rise over time, an ideal tax base is one which grows steadily but substantially over time. It is almost sure to be the case that tax bases with very high long-term growth rates will also tend to have considerable year-to-year instability and tax bases with slow growth rates will be highly stable in the short run. Thus, the most stable of the proposed tax bases, the household license fee, has almost no year-to-year variability, but an exceedingly slow growth rate; revenues would rise far less than costs of broadcasting, even in a totally inflation-free economy.

At the opposite end of the growth/stability spectrum are the "excess profits" tax bases (5 and 6). Since broadcasters' net profits have grown significantly more rapidly than the profits of corporations in general in recent years, it is likely that "excess profits" have risen very sharply indeed—perhaps at an annual rate of more than 15 percent since 1960. But the price of this extremely rapid growth is the extreme year-to-year instability noted above.

The appropriate "trade-off" between growth and stability is likely to be found among the other five proposed tax devices, those shown in Tables 2 and 3. As Table 3 shows, average annual long-term growth rates of 8 to 10 percent may reasonably be expected from the gross-receipts-type taxes (sources 1–3), in a prosperous economy. Somewhat higher growth rates are indicated for the broadcasters' profits tax base (source 4), but with more instability. The base for source 8, the tax on TV set production, has not grown quite as rapidly over the entire post-1955 period, but has shown spectacularly rapid bursts of growth in more recent years. However, the next decade may very well be more like the 1955–1963 period, when the tax base had *no* growth at all, than like the post-1963 period. This tax base, then, would seem to rank low on both growth and stability criteria.

It should be noted that the 8–10 percent annual growth rate for the gross-receipts-type taxes is a very high growth rate. Even if the costs of providing Public Broadcasting services of constant quality and quantity were to rise at a rate of 5 percent a year, this kind of growth rate would provide financing adequate to provide continual improvement in Public Broadcasting services.

Effects on low-income households

It has been pointed out that some of the proposed revenue devices may bear directly on consumers or indirectly on them through a chain of rises in the prices of goods heavily advertised on commercial broadcast services. Price rises on widely consumed goods and services tend to burden low-income households much more heavily, relative to family income levels, than higher-income households. For example, a 5 percent rise in the prices of consumer goods on which families spend $1,000 a year is $50; this is 2 percent of the total income of a $2,500-a-year family, 1 percent of the income of a $5,000 family and ¼ of 1 percent of the income of a $20,000 family.

There are two issues here. First, how likely is it that the proposed taxes will be shifted to consumers, in reality? Second, will the amounts be consequential? It is difficult to be greatly exercised about the burden on low-income families, however much heavier in a relative sense, if the absolute amounts are trivial, amounts like $5 a year per family.[4]

Let us deal with the more obvious cases first. Both economic reasoning and empirical studies done in other connections strongly indicate that taxes on corporate profits in general, and even more so, on profits of particular industries,[5] will not be passed on to consumers in the form of higher prices. Instead, the taxes will reduce corporate profits and/or reduce the earnings of some or all of those engaged in the taxed industry (in this case, an industry whose participants tend to have earnings well above the national averages). This would be even more true for "excess-profits"-based taxes, designed to extract the excess return to the industry made possible by the monopoly character of access to spectrum.

In contrast, the household license fee would fall directly on consumers and disproportionately burden low-income households. Similarly, it is highly likely that a manufacturers' excise on TV set production would be fully passed on to consumers in the form of higher prices; the 1965 reductions in Federal excises on TV sets (and many other goods) were fully and quickly passed on to consumers in the form of price reductions.[6] This, too, would disproportionately affect low-income households. But in both cases, the amounts are low—$3 a household in the case of the license fee and less than $10 a set in the case of the TV set tax, in nearly all instances. The amounts seem too small to consider a serious burden. However, it can be argued that ownership and use of TV sets can provide so great a potential enrichment in the lives of the poor and the disadvantaged that TV ownership should not be discouraged, no matter how slightly.

Sources (1) and (3), the gross receipts taxes on broadcasters and on television advertising outlays, respectively, could burden low-income families only if passed on to consumers in the form of higher prices for products that are heavily advertised on radio and television. If this happened, low-income families would be hit, since the products that do account for the bulk of broadcast revenues—automobiles, beer, cosmetics, tobacco, soap and detergents, proprietary drugs—are relatively more important in the budgets of low-income families. Again here, the absolute amounts are relatively small; but more important, it seems rather *unlikely* that the bulk of the tax would be shifted forward to consumers.

Any tax on a specific type of activity for which there are reasonably close substitutes tends *not* to be shifted forward in the form of higher prices. If there is an attempt by the taxed industry or activity to raise prices, its immediate customers will tend to avail themselves of the substitute services. In the case of commercial broadcasting and television advertising, there is no reason to believe that the charges now imposed for time, program services, agency commissions and the like, are below the maximums that can be extracted from the firms doing the advertising. Higher charges, imposed in response to a new gross receipts tax, would tend to divert advertising to non-broadcast media and/or to cause advertisers to reconsider their total advertising budgets; after all, there is some price at which the sales and profits generated by the marginal amount of advertising expenditure are less than that expenditure.[7]

Source (2), the tax on all long-distance licensees, has a somewhat different character in this respect. There is little doubt that the FCC would permit the regulated carriers to pass on the new tax in the form of higher rates. But low-income households are very minor direct consumers of long distance telephone and telegraph service. The principal direct users are business organizations, and they would tend to pass on their higher communications costs to customers. However, this would reach low-income families in a very muted fashion, having been diffused throughout the economy. If the tax burden could be traced through the diffusion process, it is a reasonable guess that the burden on low-income families would be no more than $1 or $2 a year.

Thus, the problem of regressivity does not

[4] Roughly 10 million low-income American households currently receive government assistance through welfare, social security, and the like, at an annual cost of $40 billion. If all of them were burdened to the extent of $5 a year by the proposed taxes, the total burden of $50 million a year could be offset by an increase in income-maintenance payments of only one-eighth of one percent.

[5] Excluding public utilities whose prices or rates are set by administrative regulation and limited to a "fair rate of return."

[6] See Oswald Brownlee and George L. Perry, "The Effects of the 1965 Federal Excise Tax Reduction on Prices," National Tax Journal, vol. 20 (September 1967), pp. 235–249.

[7] This position agrees with the conclusion expressed by Dirlam and Kahn in their study of the economic effects of the Ford Foundation satellite proposal (*Yale Law Journal*, Vol. 77, p. 503); they believe that the gross receipts tax might actually *lower* to advertisers.

seem a serious one, for any of the proposed revenue devices, although it is marginally worse for the taxes (sources 7 and 8) related to TV set ownership. There is a more general point here: while it is good public policy to avoid harshly burdening low-income families, it is bad and inefficient public policy to require *every* revenue measure to avoid any degree of regressivity, however trivial. The way to help low-income families is to improve their employment prospects and directly ensure them a minimum income level, not to twist every institution, however remotely related, to this end.

Other economic effects

Most economists agree that a tax is superior on economic grounds, other things being equal, if it is more or less neutral—that is, if it alters economic behavior (from the pre-tax situation) as little as possible. If a tax must be unneutral economically, then it should be unneutral in ways which offset other "distortions" in the economy, rather than reinforcing such distortions.

By definition, sources (5) and (6), the excess profits tax and charges for lease of access to spectrum, are economically neutral. That is, the tax or charge would siphon off, for Public Broadcasting, profits above and beyond the levels needed to sustain the current level of investment and output in commercial broadcasting. Broadcasting companies and their stockholders would be less well-off, but they would have no rational basis for changing their economic behavior, since they could not become better off by so doing.

There is one minor exception to this. A conventional excess profits tax (of the World War II and Korean War variety) imposed at very high rates tends to encourage extravagance in operations, since the Treasury in effect pays nearly all the cost of added expenses. Some system of competitive bidding for licenses for access to spectrum could avoid this drawback, since once the lease charge has been committed broadcasters continue to have incentives to minimize costs and maximize profits net of the least charge.

It was concluded earlier that the burden of taxes (1), (3) and (4), on broadcasting revenues, television advertising outlay and broadcasters' profits, respectively, is likely to fall on broadcasters' profits and/or the earnings of the participants in the broadcasting and advertising industries. To a considerable extent, these, too are neutral in their economic effects. The monopoly elements in commercial television, that is, exclusive access to desirable parts of the radio spectrum, produce monopoly returns which are likely to be shared by broadcasting firms and by the other participants in the industry—artists, technicians, suppliers, advertising agencies, etc.—with the sharing dependent on how scarce the specialized talents of the participants are, how strongly unionized they are and similar conditions. The burden of a tax on broadcasters' profits will fall partly on such "factor inputs." The burden of a tax on broadcasting gross receipts or advertising outlay will fall even more on "factor inputs," reducing their earnings.

This is economically neutral to the extent that "factor inputs" remain better rewarded than in any other conceivable employment, even after the reduced earnings. But even if there is some unneutrality, this may be no bad thing, to be cold-blooded about it. If broadcasters' or advertising firms' costs, including the new taxes, go up while revenue remains the same, this would tend to encourage economizing throughout the industry, reducing the notorious extravagance and inefficiency in the broadcasting/advertising productive process. Such cost reductions will release resources for other uses. Since commercial and non-commercial broadcasting compete for similar types of manpower and other resources, this will tend to reduce the cost of "factor inputs" for Public Broadcasting, a consummation devoutly to be wished.

The proposed tax on all long-distance licensees, in its effects on telephone and telegraph carriers, involves undesirable, although relatively minor, economic unneutralities. Communications common carriers tend to be heavily taxed even now, with a Federal excise, special state gross receipts taxes on utilities in many states and heavy local property taxes in most states. An added Federal tax, for Public Broadcasting, would tend to further encourage the already visible diversions to private communications systems. Moreover, these taxes are unneutral among communications-using industries, raising costs especially for those to whom long-distance communications service is a relatively important cost of doing business; many types of financial firms have this characteristic. The economic consequences are small but real.

Similarly, there are small but real distortions in sources (7) and (8), the household license and manufacturers excise, respectively. They increase the cost of TV set ownership vis-a-vis other entertainment and communications services. But, in these instances, the tax or charge is offset by the fact that the use of the proceeds of the revenue device, for Public Broadcasting, directly and clearly benefits those who pay the tax, set owners. No one is likely to forego ownership of a TV set, unless he is very poor, even if the tax or charge is a very high one, if at the same time, the quantity and quality of available programing is dramatically improved.

Link with benefits

This brings us to the final criterion in our analysis, the extent to which each of the proposed revenue devices would be paid by firms and individuals who in turn would benefit from use of the proceeds for Public Broadcasting. Clearly, any tax borne largely by TV set owners, like sources (7) and (8) ranks high on this score. TV viewers collectively benefit from improved Public Broadcasting; they cannot generate such benefits except through governmental action to raise the necessary revenue. Therefore, in imposing such a tax, the Federal government is truly acting as an agent for set owners.

If any of the other proposed taxes were passed on to consumers as a group, 95 percent of whom are TV set owners, that tax could be justified on a benefits-linkage basis. As we have seen, this does not seem likely. Are there other benefit-type-characteristics, even if less direct and obvious? One might be found in the frequent assertions by some commercial broadcasters, that commercial broadcasting will benefit in a variety of ways (competitive stimulus, innovations in programing, relief from ill-defined public service obligations, etc.) from a healthy Public Broadcasting system. To the extent this is so (that is, to the extent such assertions can be taken at face value), then any of the taxes on broadcasting per se (sources 1, 4, 5 and 6) rates high on the benefits-linkage criterion. But working in the other direction is the fact that a large-scale Public Broadcasting system will be competing for resources and for audience with commercial broadcasting, tending to dilute broadcasters' revenue, raise their costs and disadvantage advertisers generally.

Another type of benefit argument relates not to the use of the proceeds for Public Broadcasting, but to the rationale for certain kinds of taxes regardless of how the funds are used. This is the argument that government activities benefit the communications industries in a special way, and therefore they can justifiably be taxed to recoup part of the net benefits for public uses. One aspect of this has been noted earlier: taxation to recoup the monopoly profits from exclusive access to spectrum.

This might be extended, in the case of source (6), lease of access to spectrum, to say that if access was by competitive bidding for licenses (rather than granted free of charge), the communications industry would benefit, along with the whole country; from a more rational allocation of this scarce resource. However, commercial broadcasting would scarcely benefit if the competition for channels, within an auction system, were severely limited by zone; broadcasters would simply be bidding against one another for frequencies within the zones presently assigned to broadcasting. The industry, on the other hand, would benefit greatly if it could bid away frequency from the low priority users of the present non-broadcasting segments of the radio spectrum.[8]

It is true that Federal government research and development efforts over the years have made significant contributions to communications technology. However, it is not at all clear that the communications industries have benefitted from Federal research and development spending so much more than other industries that the communications industries should be called upon to pay special taxes, alone among American industries, on this score. Moreover, the impact of Federal R and D efforts has been highly uneven among communications firms and industries. Some of them, like the Bell System, originate nearly all their technological innovations from their *own* R and D work; and it may be questioned whether the Bell System will truly benefit from satellite technology, if this technology leads to the reduction in telephone revenue implicit in the Ford Foundation satellite proposal.

Thus, the argument that there is a benefits-linkage character to taxes on the communications industries, like source (2), is at best no more than superficially plausible; at worst, the argument is just plain wrong. In short, aside from the taxes on set owners (sources 7 and 8), none of our proposed revenue sources rates high, without real reservations, on the benefits-linkage criterion.

RECOMMENDATION

Although sources (7) and (8) do well on the benefit criterion, they rank low by most other standards. This can be seen in Table 4, where the analysis in the preceding section is summarized in the form of cryptic ratings. The sources related to profits (4, 5 and 6) also would seem to be unsuitable as the primary financial base for Public Broadcasting, in view of their low or questionable revenue yields and high degree of year-to-year instability.

In contrast, the gross-receipts-type of taxes (sources 1, 2 and 3) have most of the appropriate revenue yield characteristics; any of them could be a stable, growing and reasonably adequate basis for the long-term financing of Public Broadcasting. In most respects, sources (1) and (3), the taxes on broadcasting gross receipts and television advertising outlay, respectively, are similar in their characteristics, but the former is marginally superior on benefits grounds and is probably administratively superior as well. The broad-based long distance communications tax (source 2) rates somewhat below these two, since it has (minor) adverse economic effects and no real benefits justification.

The preferred package

Thus, the proposed tax on commercial broadcasting gross receipts appears to afford the best "trade-offs" among the characteris-

[8] For an extensive discussion of this type of issue, see William K. Jones, "Use and Regulation of the Radio Spectrum: Report on a Conference," in *The Radio Spectrum: Its Use and Regulation* (Brookings Institution and Resources for the Future, 1968).

tics an ideal tax should have. However, there is a strong case, connected not with Public Broadcasting but with efficiency in the allocation of resources, for some system of charging for access to spectrum. It is not unreasonable to assign such revenues to Public Broadcasting as a supplemental source of funds.

The recommended package of financing proposals includes these two Federal government revenue sources:

1. A tax on commercial broadcasting gross receipts, at a rate of perhaps 4 percent yielding over $120 million annually, to be assigned to the proposed trust fund.

2. Some system of charging for access to spectrum, designed to yield at least $50 million a year, to be assigned to the proposed trust fund.

In addition, supplementary financing should be obtained from these non-governmental sources:

(a) Establishment of the Ford Foundation's proposed broadcasters' nonprofit satellite system, with 90 percent of its net proceeds assigned to the proposed trust fund, yielding $20 million a year in money and substantial benefits in the value of free interconnection services.

(b) Authority for Public Broadcasters to accept advertising, under appropriate limits and controls.

(c) Authority for Public Broadcasters to experiment with subscription television.

In total, this package is capable of providing funds at the recommended $270 million annual level. However, the individual proposals are not equivalent in inherent merit, nor can they be instituted with equal speed. The best components of the package, from the standpoint of inherent merit, are the gross receipts tax and the satellite system. The components most amenable to speedy action are the gross receipts tax and the acceptance of advertising on a limited basis. In the light of this, the *highest priority* attaches to creation of the trust fund and adoption of the gross receipts tax, to provide substantial financing of Public Broadcasting while the other features of the program are being developed and converted into reality.

TABLE 1.—ESTIMATED YIELD OF PROPOSED REVENUE SOURCES, AT ILLUSTRATIVE TAX RATES

Revenue source	Estimated tax base, 1966–67 levels	Illustrative tax rate	Yield (millions)
1. Broadcasting gross receipts	$3,100,000,000	4 percent	$124
2. Gross receipts, FCC long-distance licenses (including broadcasting)	9,000,000,000	2 percent	180
3. Television advertising outlay	2,800,000,000	4 percent	112
4. Broadcasters' net profits (before Federal income tax)	600,000,000	15 percent	90
5. Excess profits tax on broadcasting	[1] $200,000,000	90 percent	$180
6. Lease of access to spectrum	[2] 200,000,000	[2] 90 percent	180
7. Household licensee fee (50,000,000 households).		$3	150
8. Manufacturers' excise on TV sets	[3] 2,500,000,000	5 percent	125

[1] According to Internal Revenue Service data from corporation income tax returns, net income as a percent of total assets less accumulated depreciation in broadcasting is roughly twice as high as that for all nonfinancial corporations and roughly 50 percent higher than for all other communications industries. The nature of these data indicate that this relatively understates the "excess profits" in broadcasting. However, for this table, it is assumed that "excess profits" equal ½ of total profits, to bring broadcasting in line with the rates of return in the rest of the communications industry.

[2] The value of access to spectrum is assumed to be equal to broadcasters' "excess profits," with 90 percent of this value recouped by competitive bidding for licenses or otherwise.

[3] The retail value of TV set production in 1966 was $3,700,000,000.

Note: Estimates are based on FCC data and data from Statistical Abstract of the United States, except where otherwise indicated.

TABLE 2.—YEAR-TO-YEAR STABILITY OF TAX BASES FOR PROPOSED REVENUE SOURCES, 1955–66

Revenue source (tax base)	Mean annual change percent	Average deviation from mean change: In percentage points	Average deviation from mean change: As percent of mean change	Number of years in which decline occurred
1. Broadcasting gross receipts	+9.0	2.7	30	0
2. Gross receipts, FCC long-distance licensees (including broadcasting)	+8.7	1.6	18	0
3. Television advertising outlay	+9.5	2.9	31	0
4. Broadcasters' net profits (before Federal income tax)	+11.4	10.7	94	3
8. Retail value, TV set production	+9.2	18.1	196	4

Note: Based on FCC data and data from "Statistical Abstract of the United States"; partly estimated.

TABLE 3.—AVERAGE ANNUAL GROWTH RATES OF TAX BASES FOR PROPOSED REVENUE SOURCES FOR SELECTED PERIODS (PERCENT)

Revenue source (tax base)	1963–66	1960–66	1955–66 [1]
1. Broadcasting gross receipts	10.5	8.7	8.9
2. Gross receipts, FCC long-distance licensees (including broadcasting)	10.3	8.7	8.7
3. Television advertising outlay	10.8	9.7	9.4
4. Broadcasters' net profits (before Federal income tax)	13.9	12.5	10.6
8. Retail value, TV set production	30.7	19.8	7.2

[1] These figures differ slightly from the analogous ones shown in table 2; the table 2 data are simple unweighted averages of 11 year-to-year changes whereas the data in this table have been calculated on the basis of the compound interest formula and represent true average long-term growth rates.

Note: Based on FCC data and data from "Statistical Abstract of the United States."

TABLE 4.—SUMMARY RATING OF PROPOSED REVENUE SOURCES

Revenue source	Criteria: Adequacy of yield	Year-to-year stability	Long-term growth	Regressivity	Other economic effects	Benefit linkage
1. Broadcasting gross receipts	×	×	×	×	×	([1])
2. Gross receipts, FCC long-distance licensees (including broadcasting)	×	×	×	×	0	0
3. Television advertising outlay	×	×	×	×	×	0
4. Broadcasters' net profits (before Federal income tax)	0	0	×	×	×	([1])
5. Excess profits tax on broadcasting	([1])	0	×	×	×	([1])
6. Lease of access to spectrum	([1])	0	×	×	×	([2])
7. Household license fee	0	×	0	0	([3])	×
8. Manufacturers' excise on TV sets	×	0	0	0	([3])	×

[1] Uncertain.

[2] High rating, if access rights across the whole spectrum were auctioned; low rating if auctioned within zones (see text).

[3] Minor adverse effects, fully offset by benefit linkage (see text).

Note: ×=rates high on this criterion. 0=rates low on this criterion.

(NOTE.—Dr. Dick Netzer, author of the National Citizens Committee for Broadcasting's Long-Range Financing of Public Broadcasting, is Professor of Economics and Head, All-University Department of Economics, New York University. Effective May 1, 1969, Dr. Netzer will be Dean of the University's Graduate School of Public Administration.

(From 1948 to 1960, Dr. Netzer was successively Economist, Senior Economist and Assistant Vice President at the Federal Reserve Bank in Chicago, engaged in economic research. He was a Professor of Public Finance, Graduate School of Public Admin-

istration, NYU, before his present appointment. He directed NYU's work for the Temporary Commission on New York City Finances, which provided the background for New York's tax reform program in 1966.

(Dr. Netzer has been a consultant to the Government of Colombia, the Puerto Rico Planning Board, the Institute of Public Administration, the Ford Foundation, the Committee for Economic Development, the Downtown-Lower Manhattan Association, the Advisory Commission on Intergovernmental Relations, the Connecticut Legislature, the Nassau-Suffolk Bi-County Planning Board, and the Minneapolis Mayor's Tax Study Committee.

(He is Chairman of the Inter-University Committee on Urban Economics. He is also a member of the Research Advisory Board of the U.S. Economic Development Administration, the Advisory Committee on Government Statistics of the U.S. Bureau of the Census, the Advisory Council to the Joint Legislative Committee on Metropolitan and Regional Areas Study, State of New York, and the Mayor's Fiscal Advisory Committee, New York City.

(Among his principal works are *Economics of the Property Tax* (Brookings Institution, 1966), *Financing Government in New York City* (NYU Report to the Schwulst Commission, 1966), *Impact of the Property Tax: Its Economic Implications for Urban Problems* (Congress of the United States, Joint Economic Committee Print, May 1968), and *Issues in Urban Economics* (Johns Hopkins Press, 1968). He is co-author of *Public Services in Older Cities* (Regional Plan Association, 1968), and *Economic Aspects of Suburban Development* (State University of New York, 1969).

(Dr. Netzer received a B.A. degree from the University of Wisconsin and M.A. and Ph.D. degrees from Harvard University.)

Mr. Chairman, I will ask the chairman whether or not in view of what has occurred during the debate today, he will hold hearings on the question of permanent financing so that the citizens' money will not be required for this purpose, when the media that are earning the money, and the manufacturers that are earning the money can be given an opportunity to contribute toward the cost of educational TV?

I appreciate that the gentleman who is the chairman of the subcommittee made that commitment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. I should like to call attention to the record, to show I said we have already considered that and asked questions of the Public Broadcasting people when they came before us. I repeated that we would do so again. There was no specific statement that specific hearings would be held on that very small point.

Mr. FARBSTEIN. The only reason I mention that fact in connection with the gentleman's statement is that the congressional declaration of policy did not have a word in it on that subject.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time.

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

In closing the debate I should like to point out that the National Commission on the Causes and Prevention of Violence issued its statements on violence in television entertainment programs on September 23. The Chairman of the Commission is Dr. Milton S. Eisenhower.

The report as I noted earlier states:

We believe, as the Public Broadcasting Act of 1967 states, that it furthers the general welfare to encourage non-commercial educational radio and television broadcast programming.

The Commission recommended that public broadcasting be implemented, assisted, and supported.

The gentleman from Ohio brought up the question of why we come back for further funding of the Corporation for Public Broadcasting. It has been in existence and has been operating for about a year, but has not had a President until this year, 1969. Certainly they had to have a President before they could get fully operative.

The money that was appropriated for fiscal year 1969, $5 million, has been obligated, as Mr. Macy said when he came before our committee, and in addition, some $2 million from private sources.

They submitted a program for this fiscal year which would require $20 million in Federal funds. I should note that $20 million is contained in the Senate-passed bill, S. 1242.

They outlined how the $20 million could be used. They have drawn up their program for the $20 million, not $10 million.

As I say, $20 million passed the Senate. The Corporation ought to be given this opportunity.

There is no way they can complete this program which has been outlined for us unless they do have this full $20 million we have in here today.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of Ohio. My comment was that we did not agree on the effectiveness of that presentation about the use of the funds. I thought the testimony was fairly limp. I do hope we will find another method of financing.

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

The Speaker assumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

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

On September 29, 1969:

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes; and

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

On October 1, 1969:

H.R. 6508. An act to provide additional assistance for the reconstruction of areas damaged by major disasters; and

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations.

The SPEAKER. The Committee will resume its sitting.

EXTENDING ASSISTANCE FOR PUBLIC BROADCASTING FACILITIES AND CORPORATION FOR PUBLIC BROADCASTING

The Committee resumed its sitting.

Mr. EDWARDS of California. Mr. Chairman, we are all familiar with the failures of commercial television to serve many of the needs of our people, and, I hope, we are also familiar with the excellent job now being performed by public broadcasting to fill the huge gaps left by commercial broadcasting.

It is necessary, I believe, that we insure that public broadcasting has a sound financial foundation on which to build its services. H.R. 7737, which authorizes $15 million a year for 3 years for public broadcasting and $20 million for the Corporation for Public Broadcasting, will provide that foundation.

In my opinion the amounts authorized are but a minimum, if the American public is to have the information it so desperately needs.

The need for public broadcasting is great. I would hope this House will meet that need.

Mr. TIERNAN. Mr. Chairman, I rise in support of the Educational Television and Radio Amendments of 1969.

Public educational broadcasting has the potential of becoming a major segment of our educational system in America. For too many years now we have allowed public educational broadcasting to take a back seat. Today, we have begun to fully realize how powerful this media is in influencing the thinking of all our people, especially our preschool children. We cannot continue to let this important educational tool go unused. H.R. 7737 amends the Communications Act of 1934 by extending its provisions to grants for construction of educational television or radio broadcasting facilities.

It also contains provisions relating to support of the Corporation for Public Broadcasting. The Educational Television and Radio Amendments of 1969 authorize an appropriation of $15 million each for fiscal years 1971, 1972, and 1973. This money is for construction of noncommercial educational radio and television outlets. It also provides for a 1-year extension of financing of the Corporation for Public Broadcasting in the sum of $20 million for fiscal year 1970.

Anyone who has seen some of the fine shows that are now being produced by educational radio and television for children in and out of school can appre-

ciate the enormous possibilities it presents.

Educational broadcasting has made immense progress in less than a decade. H.R. 7737 is essential to continue this progress. Unless we provide the money and the backing, channels will go unused and talents will go wasted. We have the power to see that educational broadcasting reaches full fruition, H.R. 7737 is a step in this direction.

Mr. RARICK. Mr. Chairman, I rise in opposition to H.R. 7737. For the Federal Government to be in the broadcasting business, directly or indirectly, is no different from its being in the newspaper business or, for that matter, going into commercial movie business. A controlled press is recognized as a threat to freedom and so must be a controlled public broadcasting system. Official Government radio and television in other countries, as opposed to free enterprise radio and television, have never proven superior to private enterprise.

The public broadcasting can be expected to promote, in large part, material which could not obtain a sponsor because it is unsalable, and sponsors could ill-afford to be linked with it. The sponsors, as businessmen who are selling a competitive product to the public, understand what the people want as opposed to what the bureaucrats, who have all the answers, think the people need.

By way of confirming the threat to free thought, the committee report indicates that there already has been established an Advisory Committee of national organizations to determine the range of interest to be served by public broadcasting throughtout the United States. A cursory glimpse at the Advisory Board offers no satisfaction that it represents any cross-section of the American people. In fact, the majority of the organizations listed, are highly controversial and exist primarily for the purpose of influencing public opinion and political action.

I insert a list of the Advisory Committee at this point in my remarks:

To assist it in determining the range of interests to be served by public broadcasting in communities throughout the United States, CPB has established an Advisory Committee of National Organizations. The Advisory Committee presently consists of—

American Association of University Women.
Consumer Federation of America.
Boy Scouts of America.
General Federation of Women's Clubs.
National Association for the Advancement of Colored People.
National Conference of Christians and Jews.
National Council of Churches.
National Council of Senior Citizens.
National Congress of PTAs.
National League of Cities.
National Conference of Mayors.
National 4–H Club Foundation.
National Education Association.
National Wildlife Federation.
National Audubon Society.
U.S. Jaycees.
National Catholic Office for Radio and Television.
League of Women Voters.

An appealing argument is made that one of the assets to this public broadcasting program is to be the praiseworthy dissemination of education and culture. The unanswered question is "Whose culture, and education in what? Who is to decide?"

It appears that we are well underway in creating a monster domestic propaganda agency paid for, but not controlled by, the American people.

Within my memory a similar machine headed by Dr. Joseph Goebbels was instrumental in misleading the German people. Hitler bragged that by being able to control the minds of the German youth he could change the destiny of the world.

Mr. Chairman, we do not need to repeat that mistake.

Frequent complaints on programing are already received from viewers of CBS, NBC, and ABC networks which must rely on popular support and sponsorship to be able to continue. If the American consumers, voting with their dollars, are unable to modify or effectively direct the policies of free enterprise television, how can anyone be naive enough to think that the citizens will have any voice of protest over an out-of-control, gigantic, tax-supported broadcasting bureaucracy.

In enacting longterm legislation, we must remember that we are creating something that will survive us and current personalities.

A previous Congress has struck down literacy qualifications for voters in some States, based largely on the argument that Americans learn of public affairs from television and do not need to read to form political opinions.

Congress later enacted laws requiring that all television sets manufactured be capable of receiving the UHF bands, although there was no public demand for such sets. This step was intended to encourage a proliferation of UHF stations which have never been economically feasible. The third step now provides programing for these stations to use in the indoctrination of uneducated voters.

We have already seen Government censorship of private enterprise programing in cases where license renewals were challenged by individuals who did not approve of local programing.

It is apparent that the ultimate objective is the total control of radio and television broadcasting and the silencing of free enterprise in this area.

There only remains then to revoke the licenses of the free enterprise television. Full centralized thought control is then but a matter of time.

If the first amendment will not protect broadcasting from tax-subsidized Government competition, newspapers may expect to find themselves the next victims of communications control.

Mr. Chairman, like all of our colleagues, I believe in education and want to do everything possible to make education available to our children. But I also realize that merely labeling something "education" does not make it education. There is a difference between education and indoctrination. This bill, H.R. 7737, provides the vehicle for indoctrination disguised as education and I must oppose it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 7737

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 "Educational Television and Radio Amendments of 1969."

FIVE-YEAR EXTENSION OF CONSTRUCTION PROVISIONS

SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by striking out "and" before "$15,000,000" and by inserting before the period at the end thereof ", and such sums as may be necessary for each of he next five fiscal years".

(b) The last sentence of such section is amended by striking out "July 1, 1971" and inserting in lieu thereof "July 1, 1976".

ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ", and for the next fiscal year the sum of $20,000,000" after "$9,000,000".

(b) Paragraph (2) of such subsection is amended by inserting "or the next fiscal year" after "June 30, 1969,".

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that the bill be printed in the RECORD and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, strike out line 5 and all that follows through line 5 on page 2 and insert the following:

"THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

"SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: 'There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year.'

"(b) The last sentence of such section is amended by striking out 'July 1, 1971' and inserting in lieu 'July 1, 1974'."

The committee amendment was agreed.

AMENDMENT OFFERED BY MR. BUTTON

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

The Clerk reads as follows:

Amendment offered by Mr. BUTTON: Insert after line 22 of page 2, after the period following "$9,000,000," the following: "No less than fifty percent of such funds shall be allocated to the various public television stations in the form of unrestricted direct grants for station operations."

Mr. BUTTON. Mr. Chairman, I propose the amendment of H.R. 7737 to state that a minimum of 50 percent of the funds appropriated to the Corporation for Public Broadcasting shall be allocated to the public television stations across the country in the form of unrestricted direct grants for station operations.

There are some 180 public television stations in operation. In most cases, the local station in your district does not

have sufficient operating funds to perform the service which it should for your constituents. For example, the public television station in my district has just been forced to reduce its operating staff by 25 percent because of lack of funds.

The amount which would be available to these stations under the percentage formula which I urge would increase the direct allocation to each station from the $10,000 of the past year to approximately $50,000.

My amendment would guarantee that a substantial part of the Corporation for Public Broadcasting funds will help alleviate that problem. It would not preempt the administrative authority of the Corporation, for the Corporation would still have complete control over the other 50 percent of the funds. And, in addition, the Corporation would decide on the manner of distribution of the funds that go to the station as direct unrestricted grants.

As all of you know, your local station has struggled and is still struggling financially. There is little hope of any breakthrough unless substantial unrestricted funds are made available through the Corporation. We should provide the mechanism that insures this, and we have the opportunity in this amendment.

A national program service is important, but the local stations have an equally important—if not more important—role to play in providing locally originated programs for the area they serve.

Without a great increase in Federal aid, local program production will continue to be marginal, if it exists at all.

While a certain amount of the Corporation's funds did get to the local stations last year, much of it was the result of the local station submitting a specific proposal for a program project, and then the decision to make the grant was made by someone at CPB in New York or Washington. Under the present arrangement, the CPB can dictate that local stations must produce an opera if they wish a certain allocation of CPB funds; or, on the other hand, there is programing of a "national youth show" instead of allocations which would make possible youth programs at the local level. More and more, under existing circumstances, our local public television stations are mere pipelines for CPB policy.

I believe that it is imperative that the local stations maintain complete autonomy in what they produce locally. At the same time, they should continue to qualify for Federal aid.

I ask for your support for this amendment which will insure that substantial funds are made available to the station in your district for its local operations.

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

Mr. Chairman, I think that we can vote on this amendment very shortly, and I shall only speak for a moment or so.

I think that this amendment hits at the very heart of that which we have sought to do, and that is to make the Corporation independent.

In addition, if we were to require the Corporation to spend 50 percent of its funds for station operations, it would not have any money left to do the job we seek; namely, to develop programs for public broadcasting stations and promote interconnection of those stations.

So I urge that the amendment be defeated.

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

Mr. Chairman, I agree with the chairman in what he said in that this would alter the whole purpose of this bill and this would bring about the very thing the gentleman from Iowa pointed out, and that is that we would thus be giving direct funds for the support of TV stations, and we have no intention of doing this. This matter has been up before the Committee twice and has been defeated twice.

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

The amendment was rejected.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the last word in order to explain the motion to recommit.

Mr. Chairman, I will offer the motion to recommit and it will be a recommital to cut from $20 to $10 million the funds for the Public Broadcasting Corporation which go into programing. It will not cut the funds which go into construction of facilities development under the proposal of the legislation. The motion to recommit is at the desk, and if there are any questions, I will be glad to answer them, but that will be the motion to recommit.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLLING) having assumed the chair, Mr. GALLAGHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7737) to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting, pursuant to House Resolution 526, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BROWN, OF OHIO

Mr. BROWN of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BROWN of Ohio. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROWN of Ohio moves to recommit the bill, H.R. 7737, to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with the following amendment: On page 2, line 22, delete the words "the sum of $20,000,000" and substitute therefor the words "the sum of $10,000,000".

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BROWN of Ohio), there were—ayes 35, noes 38.

Mr. BROWN of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 190, not voting 110, as follows:

[Roll No. 214]

YEAS—131

Abernethy	Frey	Montgomery
Adair	Goodling	Morton
Anderson, Ill.	Gross	Myers
Andrews, Ala.	Gubser	Nelsen
Arends	Hagan	O'Neal, Ga.
Ashbrook	Haley	Passman
Ayres	Hall	Pettis
Beall, Md.	Hammer-schmidt	Poage
Bennett	Hansen, Idaho	Poff
Betts	Harsha	Purcell
Brinkley	Henderson	Quie
Brock	Hogan	Quillen
Brotzman	Hosmer	Randall
Brown, Mich.	Hull	Rarick
Brown, Ohio	Hungate	Reid, Ill.
Broyhill, N.C.	Hunt	Robison
Broyhill, Va.	Hutchinson	Roth
Buchanan	Ichord	Roudebush
Burke, Fla.	Jonas	Ruth
Burleson, Tex.	Jones, N.C.	Saylor
Byrnes, Wis.	King	Schadeberg
Cabell	Kleppe	Scherle
Caffery	Kyl	Schwengel
Camp	Landgrebe	Scott
Cederberg	Langen	Smith, Calif.
Chamberlain	Latta	Smith, N.Y.
Chappell	Lennon	Snyder
Clawson, Del	Lloyd	Springer
Colmer	Long, La.	Stanton
Coughlin	Lujan	Steiger, Ariz.
Cowger	McClure	Steiger, Wis.
Daniel, Va.	McEwen	Stuckey
Davis, Wis.	McMillan	Talcott
Dennis	MacGregor	Taylor
Derwinski	Mailliard	Thompson, Ga.
Dowdy	Marsh	Thomson, Wis.
Downing	Martin	Utt
Duncan	Mathias	Waggonner
Erlenborn	Mayne	Wampler
Findley	Michel	Williams
Fisher	Miller, Ohio	Wold
Flynt	Minshall	Wyatt
Ford, Gerald R.	Mizell	Wylie
Fountain		Zion

NAYS—190

Adams	Carter	Edmondson
Albert	Casey	Edwards, Calif.
Anderson, Calif.	Celler	Edwards, La.
Andrews, N. Dak.	Clark	Eilberg
Annunzio	Clay	Esch
Ashley	Cleveland	Eshleman
Aspinall	Cohelan	Evans, Colo.
Barrett	Conable	Fallon
Biester	Conte	Farbstein
Bingham	Conyers	Feighan
Blanton	Corman	Fish
Boggs	Cramer	Flood
Boland	Culver	Flowers
Bolling	Cunningham	Foley
Brasco	Daniels, N.J.	Fraser
Brown, Calif.	Davis, Ga.	Frelinghuysen
Burke, Mass.	de la Garza	Friedel
Burlison, Mo.	Dickinson	Fulton, Pa.
Burton, Calif.	Donohue	Fulton, Tenn.
Button	Dorn	Fuqua
Byrne, Pa.	Dulski	Galifianakis
	Dwyer	Gallagher
	Eckhardt	Garmatz

Gaydos	McFall	Rodino
Gettys	Macdonald, Mass.	Rogers, Colo.
Giaimo	Madden	Rooney, Pa.
Gibbons	Mahon	Roybal
Gilbert	Mann	Ruppe
Gonzalez	Matsunaga	Ryan
Gray	Meeds	Sandman
Green, Oreg.	Melcher	Satterfield
Green, Pa.	Meskill	Scheuer
Griffiths	Mikva	Schneebeli
Grover	Minish	Shipley
Gude	Mink	Sisk
Hamilton	Mollohan	Skubitz
Hanley	Monagan	Slack
Harrington	Morgan	Smith, Iowa
Hastings	Morse	Staggers
Hathaway	Mosher	Steed
Hawkins	Moss	Stokes
Hébert	Murphy, Ill.	Stratton
Hechler, W. Va.	Murphy, N.Y.	Stubblefield
Heckler, Mass.	Natcher	Sullivan
Helstoski	Nedzi	Tiernan
Hicks	Nix	Udall
Horton	Obey	Ullman
Jacobs	O'Hara	Van Deerlin
Jarman	Olsen	Vander Jagt
Johnson, Pa.	O'Neill, Mass.	Vanik
Jones, Ala.	Ottinger	Vigorito
Jones, Tenn.	Patman	Waldie
Kastenmeier	Patten	Watts
Kazen	Perkins	Weicker
Kee	Philbin	Whalley
Keith	Pickle	White
Koch	Pike	Wyman
Kyros	Pollock	Yates
Landrum	Preyer, N.C.	Yatron
Long, Md.	Price, Ill.	Young
McCarthy	Pryor, Ark.	Zablocki
McClory	Pucinski	Zwach
McCloskey	Reid, N.Y.	
McDade	Reuss	
McDonald, Mich.	Riegle	

NOT VOTING—110

Abbitt	Edwards, Ala.	Price, Tex.
Addabbo	Evins, Tenn.	Railsback
Alexander	Fascell	Rees
Anderson, Tenn.	Ford, William D.	Reifel
Baring	Foreman	Rhodes
Belcher	Goldwater	Rivers
Bell, Calif.	Griffin	Roberts
Berry	Halpern	Rogers, Fla.
Bevill	Hanna	Rooney, N.Y.
Biaggi	Hansen, Wash.	Rosenthal
Blackburn	Harvey	Rostenkowski
Blatnik	Hays	St Germain
Bow	Holifield	St. Onge
Brademas	Howard	Sebelius
Bray	Johnson, Calif.	Shriver
Brooks	Karth	Sikes
Broomfield	Kirwan	Stafford
Burton, Utah	Kluczynski	Stephens
Bush	Kuykendall	Symington
Cahill	Leggett	Taft
Carey	Lipscomb	Teague, Calif.
Chisholm	Lowenstein	Teague, Tex.
Clancy	Lukens	Thompson, N.J.
Clausen, Don H.	McCulloch	Tunney
Collier	McKneally	Watkins
Collins	May	Watson
Corbett	Miller, Calif.	Whalen
Daddario	Mills	Whitehurst
Dawson	Mize	Whitten
Delaney	Moorhead	Widnall
Dellenback	Nichols	Wiggins
Denney	O'Konski	Wilson, Bob
Dent	Pelly	Wilson, Charles H.
Devine	Pepper	Winn
Diggs	Pirnie	Wolff
Dingell	Podell	Wright
	Powell	Wydler

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hays with Mr. Rhodes.
Mr. Brooks with Mr. Bob Wilson.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Daddario with Mr. Stafford.
Mr. Addabbo with Mr. Corbett.
Mr. Holifield with Mr. Broomfield.
Mr. Carey with Mr. Cahill.
Mr. Delaney with Mr. Bow.
Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Miller of California with Mrs. May.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Wolff with Mr. Taft.
Mr. Rostenkowski with Mr. Reifel.
Mr. Devine with Mr. Watkins.
Mr. St. Onge with Mr. Wydler.
Mr. Sikes with Mr. Pelly.
Mr. Fascell with Mr. Mize.
Mr. Kirwan with Mr. McKneally.
Mr. Howard with Mr. McCulloch.
Mr. Teague of Texas with Mr. Denney.
Mr. Rivers with Mr. Edwards of Alabama.
Mr. Kluczynski with Mr. Harvey.
Mr. Biaggi with Mr. Bray.
Mr. Bevill with Mr. Berry.
Mr. Brademas with Mr. Shriver.
Mr. Moorhead with Mr. Teague of California.
Mr. Rogers of Florida with Mr. Collier.
Mr. St Germain with Mr. Belcher.
Mr. Mills with Mr. Watson.
Mr. Dent with Mr. Whalen.
Mr. Griffin with Mr. Railsback.
Mr. William D. Ford with Mr. Lukens.
Mr. Dingell with Mr. Kuykendall.
Mr. Pepper with Mr. Burton of Utah.
Mr. Charles H. Wilson with Mr. Clancy.
Mr. Podell with Mr. Halpern.
Mr. Whitten, with Mr. Don H. Clausen.
Mr. Blatnik, with Mr. Dellenback.
Mr. Alexander, with Mr. Collins.
Mr. Nichols, with Mr. Foreman.
Mr. Wright, with Mr. Bush.
Mr. Abbitt, with Mr. Blackburn.
Mr. Baring, with Mr. Price of Texas.
Mr. Stephens, with Mr. O'Konski.
Mr. Tunney, with Mr. Goldwater.
Mr. Anderson of Tennessee, with Mr. Whitehurst.
Mr. Johnson of California, with Mr. Wiggins.
Mr. Leggett, with Mr. Sebelius.
Mr. Roberts, with Mr. Winn.
Mr. Rees, with Mr. Dawson.
Mr. Hanna, with Mr. Powell.
Mr. Lowenstein, with Mr. Diggs.
Mrs. Hansen of Washington, with Mrs. Chisholm.
Mr. Karth, with Mr. Symington.
Mr. Rosenthal, with Mr. Bell of California.

Mr. COUGHLIN and Mr. HAGAN changed their votes from "nay" to "yea."

Mr. STOKES changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SPRINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 280, nays 21, answered "present" 1, not voting 129, as follows:

[Roll No. 215]

YEAS—280

Adair	Burke, Fla.	Dennis
Adams	Burke, Mass.	Dickinson
Anderson, Calif.	Burlison, Mo.	Donohue
Anderson, Ill.	Burton, Calif.	Dorn
Andrews, Ala.	Button	Dowdy
Andrews, N. Dak.	Byrne, Pa.	Downing
Annunzio	Byrnes, Wis.	Dulski
Arends	Cabell	Duncan
Ashley	Camp	Dwyer
Aspinall	Carter	Eckhardt
Ayres	Casey	Edmondson
Barrett	Cederberg	Edwards, Calif.
Beall, Md.	Chamberlain	Edwards, La.
Bennett	Chappell	Eilberg
Biester	Clark	Erlenborn
Bingham	Clay	Esch
Blanton	Cleveland	Eshleman
Boland	Cohelan	Evans, Colo.
Bolling	Conable	Fallon
Brasco	Conte	Farbstein
Brinkley	Conyers	Feighan
Brock	Corman	Findley
Brotzman	Coughlin	Fish
Brown, Calif.	Cramer	Fisher
Brown, Mich.	Culver	Flood
Broyhill, N.C.	Cunningham	Flowers
Broyhill, Va.	Daniel, Va.	Foley
Buchanan	Daniels, N.J.	Fountain
	Davis, Ga.	Fraser
	de la Garza	Frelinghuysen
	Frey	Lujan
	Friedel	McCarthy
	Fulton, Pa.	McClory
	Fulton, Tenn.	McCloskey
	Fuqua	McClure
	Galifianakis	McDade
	Gallagher	McDonald, Mich.
	Garmatz	McEwen
	Gaydos	McFall
	Gettys	McMillan
	Giaimo	Macdonald, Mass.
	Gonzalez	MacGregor
	Goodling	Madden
	Gray	Mahon
	Green, Oreg.	Mailliard
	Green, Pa.	Mann
	Grover	Marsh
	Gubser	Martin
	Gude	Mathias
	Haley	Matsunaga
	Hamilton	Mayne
	Hammer-schmidt	Melcher
	Hanley	Meskill
	Hansen, Idaho	Michel
	Harrington	Mikva
	Harsha	Miller, Ohio
	Hastings	Minish
	Hathaway	Mink
	Hawkins	Mizell
	Hébert	Mollohan
	Hechler, W. Va.	Monagan
	Heckler, Mass.	Montgomery
	Helstoski	Morgan
	Henderson	Morse
	Hicks	Morton
	Hogan	Mosher
	Horton	Moss
	Hull	Murphy, Ill.
	Hungate	Murphy, N.Y.
	Hunt	Myers
	Hutchinson	Natcher
	Ichord	Nedzi
	Jacobs	Nelsen
	Jarman	Nix
	Johnson, Pa.	Obey
	Jonas	O'Hara
	Jones, Ala.	Olsen
	Jones, N.C.	O'Neill, Mass.
	Kastenmeier	Ottinger
	Kazen	Patman
	Kee	Patten
	Keith	Perkins
	King	Pettis
	Kleppe	Philbin
	Koch	Pickle
	Kyl	Pike
	Kyros	Poff
	Landgrebe	Pollock
	Landrum	Preyer, N.C.
	Langen	Price, Ill.
	Latta	Pryor, Ark.
	Lennon	Pucinski
	Lloyd	Purcell
	Long, Md.	Quie
		Quillen
		Randall
		Reid, Ill.
		Reid, N.Y.
		Reuss
		Riegle
		Robison
		Rodino
		Rogers, Colo.
		Rooney, Pa.
		Rosenthal
		Roth
		Roudebush
		Ruppe
		Ruth
		Ryan
		Sandman
		Saylor
		Schadeberg
		Scheuer
		Schneebeli
		Schwengel
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, Iowa
		Springer
		Staggers
		Stanton
		Steed
		Steiger, Ariz.
		Steiger, Wis.
		Stokes
		Stratton
		Stubblefield
		Stuckey
		Sullivan
		Talcott
		Taylor
		Thompson, Ga.
		Thomson, Wis.
		Tiernan
		Udall
		Ullman
		Van Deerlin
		Vanik
		Vigorito
		Waldie
		Wampler
		Watts
		Weicker
		Whalley
		White
		Williams
		Wold
		Wyatt
		Wydler
		Wyman
		Yates
		Yatron
		Young
		Zablocki
		Zwach

NAYS—21

Abernethy	Davis, Wis.	Passman
Betts	Derwinski	Poage
Brown, Ohio	Flynt	Rarick
Burleson, Tex.	Gross	Satterfield
Caffery	Hagan	Scherle
Clawson, Del	Hall	Scott
Colmer	O'Neal, Ga.	Utt

ANSWERED "PRESENT"—1

Mahon

NOT VOTING—129

Abbitt	Clausen, Don H.	Hanna
Addabbo	Collier	Hansen, Wash.
Albert	Collins	Harvey
Alexander	Corbett	Hays
Anderson, Tenn.	Cowger	Holifield
Ashbrook	Daddario	Hosmer
Baring	Dawson	Howard
Belcher	Delaney	Johnson, Calif.
Bell, Calif.	Dellenback	Jones, Tenn.
Berry	Denney	Karth
Bevill	Dent	Kirwan
Biaggi	Devine	Kluczynski
Blackburn	Diggs	Kuykendall
Blatnik	Dingell	Leggett
Boggs	Edwards, Ala.	Lipscomb
Bow	Evins, Tenn.	Long, La.
Brademas	Fascell	Lowenstein
Bray	Ford, Gerald R.	Lukens
Brooks	Ford, William D.	McCulloch
Broomfield	Foreman	McKneally
Burton, Utah	Gibbons	May
Bush	Gilbert	Meeds
Cahill	Goldwater	Miller, Calif.
Carey	Griffin	Mills
Celler	Griffiths	Minshall
Chisholm	Halpern	Mize
Clancy		Moorhead
		Nichols

O'Konski	St Germain	Watkins
Pelly	St. Onge	Watson
Pepper	Sebelius	Whalen
Pirnie	Shipley	Whitehurst
Podell	Shriver	Whitten
Powell	Sikes	Widnall
Price, Tex.	Smith, N.Y.	Wiggins
Railsback	Snyder	Wilson, Bob
Rees	Stafford	Wilson, Charles H.
Reifel	Stephens	Winn
Rhodes	Symington	Wolff
Rivers	Teague, Calif.	Wright
Roberts	Teague, Tex.	Wylie
Rogers, Fla.	Thompson, N.J.	Zion
Rooney, N.Y.	Tunney	
Rostenkowski	Vander Jagt	
Roybal	Waggonner	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Watkins for, with Mr. Devine against.

Until further notice:

Mr. Hays with Mr. Rhodes.
Mr. Brooks with Mr. Bob Wilson.
Mr. Thompson of New Jersey with Mr. Widnall.
Mr. Boggs with Mr. Stafford.
Mr. Addabbo with Mr. Corbett.
Mr. Holifield with Mr. Broomfield.
Mr. Carey with Mr. Cahill.
Mr. Delaney with Mr. Bow.
Mr. Evins of Tennessee with Mr. Lipscomb.
Mr. Miller of California with Mrs. May.
Mr. Rooney of New York with Mr. Pirnie.
Mr. Wolff with Mr. Hosmer.
Mr. Rostenkowski with Mr. Reifel.
Mr. Albert with Mr. Gerald R. Ford.
Mr. Sikes with Mr. Pelly.
Mr. Fascell with Mr. Mize.
Mr. Kirwan with Mr. KcKneally.
Mr. Howard with Mr. McCulloch.
Mr. Teague of Texas with Mr. Denney.
Mr. Rivers with Mr. Edwards of Alabama.
Mr. Kluczynski with Mr. Harvey.
Mr. Biaggi with Mr. Bray.
Mr. Bevill with Mr. Berry.
Mr. Brademas with Mr. Shriver.
Mr. Moorhead with Mr. Teague of California.
Mr. Rogers of Florida with Mr. Collier.
Mr. St Germain with Mr. Belcher.
Mr. Mills with Mr. Watson.
Mr. Dent with Mr. Whalen.
Mr. Griffin with Mr. Railsback.
Mr. William D. Ford with Mr. Lukens.
Mr. Dingell with Mr. Kuykendall.
Mr. Pepper with Mr. Burton of Utah.
Mr. Charles H. Wilson with Mr. Clancy.
Mr. Podell with Mr. Halpern.
Mr. Whitten with Mr. Don H. Clausen.
Mr. Blatnik with Mr. Dellenback.
Mr. Alexander with Mr. Collins.
Mr. Nichols with Mr. Foreman.
Mr. Wright with Mr. Bush.
Mr. Abbitt with Mr. Blackburn.
Mr. Baring with Mr. Price of Texas.
Mr. Stephens with Mr. O'Konski.
Mr. Tunney with Mr. Goldwater.
Mr. Anderson of Tennessee with Mr. Whitehurst.
Mr. Johnson of California with Mr. Wiggins.
Mr. Leggett with Mr. Sebelius.
Mr. Roberts with Mr. Winn.
Mr. Rees with Mr. Dawson.
Mr. Hanna with Mr. Powell.
Mr. Lowenstein with Mr. Diggs.
Mrs. Hansen of Washington with Mrs. Chisholm.
Mr. Karth with Mr. Symington.
Mr. Gilbert with Mr. Bell of California.
Mr. Jones of Tennessee with Mr. Ashbrook.
Mr. Shipley with Mr. Minshall.
Mr. Celler with Mr. Smith of New York.
Mr. Gibbons with Mr. Cowger.
Mr. Meeds with Mr. Vander Jagt.
Mr. Waggonner with Mr. Zion.
Mr. Daddario with Mr. Snyder.
Mrs. Griffiths with Mr. Wylie.
Mr. Roybal with Mr. Long of Louisiana.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 526, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 1242.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. STAGGERS: Strike all after the enacting clause of the bill S. 1242 and insert in lieu thereof the provisions of H.R. 7737, as passed, as follows:

"That this Act may be cited as the 'Educational Television and Radio Amendments of 1969'.

"THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

"SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: 'There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year.'

"(b) The last sentence of such section is amended by striking out 'July 1, 1971' and inserting in lieu thereof 'July 1, 1974'.

"ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

"SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ', and for the next fiscal year the sum of $20,000,000' after '$9,000,000'.

"(b) Paragraph (2) of such subsection is amended by inserting 'or the next fiscal year' after 'June 30, 1969,'."

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

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

A similar House bill (H.R. 7737) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 13, 1969

Mr. MOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4148, TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and, without objection, appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, WRIGHT, FALLON, CRAMER, HARSHA, and GROVER.

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF OCTOBER 13

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

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

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. I appreciate the indulgence of the Chair, because we have other matters to take care of immediately.

There is no further program for today.

Monday is District Day, but there are no District bills. Monday is also Columbus Day, and we will not program any legislative business on Monday.

For Tuesday and the balance of the week:

H.R. 13000, Federal Salary Comparability Act of 1969, with an open rule and 2 hours of debate.

H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage, with an open rule, 2 hours of debate.

H.R. 4293, Export Control Act extension, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later, and I would say to the Members that we can certainly expect some conference reports during the course of next week.

I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker,

I thank the gentleman and I yield back the balance of my time.

SECOND ANNUAL REPORT OF NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–176)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Committee on Adult Basic Education.

Adult basic education plays a vital role in making our democratic society viable and rewarding to all its members. Teaching the adult to read, write, and speak well leads to expanded job opportunities, enhanced self-esteem, a better home environment for school children and increased civic responsibility.

To help meet the needs for adult basic education, the National Advisory Committee has been reviewing the administration and effectiveness of the Adult Basic Education Program in the Office of Eduction and fifteen other federally supported programs which have adult basic education components. The Report describes this review and makes several recommendations concerning the Federal effort to serve the education needs of the more than 20 million adult Americans who have less than an eighth-grade education.

I have asked the Council for Urban Affairs, which has a special committee on education, to review these and other recommendations of the National Advisory Committee carefully, and to seek ways to improve the performance and coordination of all Federal adult basic eduction programs.

RICHARD NIXON.

THE WHITE HOUSE, *October 9, 1969.*

The message, together with the accompanying papers, was, without objection, referred by the Speaker pro tempore (Mr. BOLLING), to the Committee on Education and Labor and ordered to be printed.

PERSONAL ANNOUNCEMENT OF COSPONSORS OF HOUSE JOINT RESOLUTION 927 PROVIDING FOR FUNDING OF HEALTH, EDUCATION, AND WELFARE

Mr. COHELAN. Mr. Speaker, I rise to correct an error in the sponsorship of House Joint Resolution 927 which provided for the funding of Health, Education, and Welfare under a continuing resolution at the House-passed levels. The name of the Honorable MICHAEL J. KIRWAN, of Ohio, appears as a cosponsor of this resolution. I have been informed that Mr. KIRWAN's name was incorrectly added to the list of cosponsors and I ask unanimous consent that the RECORD stand corrected.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD. There is no way of correcting the resolution.

PERSONAL EXPLANATION

Mr. STEIGER of Wisconsin. Mr. Speaker, on rollcall No. 212 I was unable to be present due to a speaking engagement at the Brookings Institute.

Had I been present, I would have voted "no" on the motion to table the motion of the gentleman from Massachusetts (Mr. CONTE) to instruct the agriculture appropriation conferees.

DOMESTIC FINANCE SUBCOMMITTEE TO CONSIDER FIELD HEARINGS ON THE STATE OF THE ECONOMY

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

Mr. PATMAN. Mr. Speaker, it is essential that the Congress keep in touch with the grassroots thinking of America.

Your Committee on Banking and Currency has received many hundreds of letters from consumers, homebuilders, small businessmen, and others concerning their economic problems. As chairman of the Committee on Banking and Currency, in answering these letters, I have indicated that if the demand is sufficient, the committee would make it possible for these local grassroots people to present their views to the committee in their own or nearby cities and towns. With this thought in mind, I have called for a meeting of the Domestic Finance Subcommittee on October 23 to discuss this matter and, as indicated, if the demand exists, to plan for a tour which will possibly include many areas of the Nation.

It will be our intention, Mr. Speaker, to listen to the views of the people on the key economic questions that are under the jurisdiction of the House Committee on Banking and Currency, questions involving such issues as high interest rates which fuel inflation, tight money, consumer prices, home construction and home mortgage credit, and like subjects. As we all know, most people find it difficult—if not impossible—to come to Washington to present their views to the Congress. As a result, we too often get only the so-called experts' opinion on these issues. And the ideas of these experts do not always coincide with those of the people.

Mr. Speaker, I believe the demand for these field trips is self-evident. In my opinion, these field trips will demonstrate that the Congress wants the views of the people. At the same time, it will enable the Banking and Currency Committee to view some of the serious economic problems firsthand and to collect information that is essential to the committee's legislative jurisdiction and responsibility. The concern of the people about high interest rates, inflation and other issues is real and it is vital that the Congress do everything possible to come up with solutions to these severe problems.

It would be my intention, based on additional requests from the field, to conduct this field trip as soon as possible. Every attempt will be made, of course, to spread these hearings geographically so that the maximum number of people may participate and express their various views.

FAILURE OF THE NIXON ADMINISTRATION TO GIVE FAVORABLE ATTENTION TO PENDING LEGISLATIVE PROPOSALS

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

Mr. HELSTOSKI. Mr. Speaker, I have had the high honor and privilege of serving on the Committee of Veterans' Affairs since coming to the Congress in 1965. Congress has a most distinguished and commendable record of bipartisanship in considering legislation affecting America's veterans and their dependents. I am absolutely certain that this excellent spirit of bipartisanship on veterans affairs will continue in the Congress.

However, Mr. Speaker, I am becoming increasingly concerned and alarmed over the failure of the Nixon administration to give favorable attention to many pending legislative proposals which have been introduced in the 91st Congress.

During the first 9 months of its life, the Nixon administration has opposed, reduced, or asked delay in passage of almost every meaningful bill on veterans matters which the House or Senate has brought to the floor for consideration. At his vacation retreat in San Clemente, Calif., on June 5, 1969, in his first public pronouncement on veterans affairs, President Nixon said:

> Veterans' benefit programs have become more than a recognition for services performed in the past, they have become an investment in the future of the veteran and his country.

Then the President announced the appointment of a study committee heavily weighted with social planners who traditionally have favored dismembering VA and switching administration of veterans health and education matters to the Department of Health, Education, and Welfare.

WHO IS RUNNING THE VA?

Appointments to the study committee raised the question in the minds of those knowledgeable in veterans affairs of "Who is going to run the VA?" Was it to be HEW Secretary Robert Finch, Mr. Patrick Moynihan of the White House domestic affairs staff, the Bureau of the Budget, or the Administrator of Veterans' Affairs?

In offering advice to newly appointed VA Administrator Don Johnson when Johnson recommended that Congress defer action on a bill to raise compensation of widows and orphans, Senator HERMAN TALMADGE, chairman of the Senate Subcommittee on Veterans Legislation said:

> There is a saying around town that if you want to kill a bill, study it to death.

TALK—NO ACTION

The contrast in what administration spokesmen and the President say and what they do, grows sharper with their every position on pending legislation.

They express concern over the problems of returning Vietnam servicemen using the GI educational entitlement—on June 5, 1969, Mr. Nixon said he was shocked—but just prior to the House passing an increase in educational benefits—the one sure economic attraction to get more veterans in school—the Nixon administration on June 23, 1969, implored the Congress to "defer consideration."

VIETNAM VETS LOSING ALMOST $1 MILLION DAILY IN EDUCATION BENEFITS

Meanwhile, Vietnam veterans in school, struggling to meet inflated education and cost-of-living costs are losing almost $1 million per day in benefits.

A recent Wall Street Journal article highlighted the issue in quoting two veterans among many they surveyed. Harry Arrington, a 37-year-old Navy veteran, who left service last year and needs two or three semesters to earn a college degree put it this way:

I'd find it virtually impossible to use now—it's something I've always wanted, but I can't make the sacrifice now. I couldn't even pay my tuition on that amount of money.

Another 22-year-old Vietnam veteran, Kenneth Walker, with a 10th grade education said:

You can't get nothing without a high school education, but first off I have to get me some money. Right now I couldn't afford to (attend school under the GI bill.)

WHAT ABOUT HELP FOR THE "DISADVANTAGED" VETERAN?

There has been much dialog in the new administration about training the disadvantaged veteran and in seeking them out to bring them into veterans' programs. Yet, when the Congress, at Mr. Nixon's request, removed the personnel ceilings on Government agencies and departments which Mr. Nixon asserted were "unworkable," he immediately had the Bureau of the Budget invoke new ceilings. As a result the VA lost 634 more positions over and above the 3,586 jobs they lost when the Nixon administration sent its revised April budget to the Congress. Three hundred and seventy-eight of the lost positions were scheduled for assignment to overworked VA contact and allied staffs which handle education and other veterans' claims. On April 1, 1969, when the new administration was recommending VA reduce its staff for claims processing, almost 600,000 pending actions and inquiries were backlogged in VA regional offices.

While these backlogs were accumulating, the workload of all facets of the VA's Department of Veterans' Benefits continued to grow as more and more servicemen poured out of service at the rate of 75,000 per month.

The increased workload in each division responsible for administering veterans' benefits is shown by these figures:

Workload items	Fiscal year 1968	Fiscal year 1969	Difference
Compensation and Pension: Claims received	1,887,344	2,310,131	+422,787
Education:			
Applications and authorizations	2,029,245	2,643,818	+614,573
Counseling actions	183,284	214,228	+30,944
Loan guarantee:			
GI appraisal requests	340,229	366,481	+26,252
Eligibility determinations	592,026	599,830	+7,804
Guardianship: Beneficiaries	689,545	746,800	+57,255
Contact:			
Personal interviews	2,655,396	2,712,452	+57,056
Telephone interviews	4,344,080	[1] 5,124,494	+780,414
Administrative:			
Incoming mail	54,338,329	60,245,125	+5,906,886
Applications processed	598,648	734,795	+136,147
Claims folder look-ups	25,027,496	27,889,970	+2,862,474

[1] Excludes 1,709,078 administrative type telephone actions.

CONSTRUCTION, MODERNIZATION, AND AIR CONDITIONING OF VA HOSPITALS CUT

One of the most disturbing developments came when the administration ordered a budget reduction of $41,151,000 in the VA hospital construction and modernization program—a program designed to care for sick and wounded veterans in facilities which are supposed to be "second to none."

Being consistent with inconsistency, the new administration ordered, as part of their overall $41 million cut in VA hospital modernization funds, a total of $17,153,000 in VA fund reductions which were scheduled to air condition four VA hospitals. Meantime, back at San Clemente, Nixon's aides were planning the construction of a "Western White House" complex which would end up costing the American taxpayer millions to build, air condition, staff, and transport the seat of Government to a plush California retreat. While the Nixon administration was tightening the budget and cutting the $17 million requested to air condition VA hospitals, there was no administration objection to the expenditure of millions of Federal money on the San Clemente summer retreat and Key Biscayne winter retreat.

And there was no administration objection to "refurbishing" Air Force One—already about the plushest airplane in the world—at a cost of about $830,000 when hospitalized veterans were suffering in 110° heat in several non-air-conditioned hospitals.

HOSPITAL STAFFING SUFFERS

Not satisfied with these deep cuts in the VA budget, the new administration cut another $31,567,000 from the original 1970 VA budget request which had been scheduled to pay the salaries of over 3,500 doctors, nurses, medical technicians, and other hospital personnel.

The Vietnam war is currently producing almost a million new veterans each year. The 16 million World War II veterans are aging rapidly requiring more medical care. Two million World War I men are an average of 75 years old and need more medical attention.

In spite of testimony before Congress from eminent medical experts who expressed alarm about understaffed VA hospitals in the face of increasing workloads, the new administration ordered VA to scrap their modest plans to staff up VA hospitals to relieve the pressure on overworked medical staffs.

Examples of increased workloads in the VA hospital system include:

Workload items	Fiscal year 1968	Fiscal year 1969	Change from fiscal year 1968
Hospital care in VA and non-VA facilities:			
Admissions	670,600	689,459	+18,859
Discharges	678,506	698,926	+20,420
Patients treated	787,871	800,012	+12,141
Average monthly turnover rate:			
VA hospitals	56.0	61.4	+5.4
Non-VA hospitals	98.0	110.6	+12.6
Percent of VA hospital discharges to post-hospital care	46.4	47.3	+.9
Nursing home care:			
Average daily census:			
Total	8,067	9,030	+963
VA	3,468	3,700	+232
Community	2,805	3,177	+372
State	1,794	2,153	+359
Patients treated, total	20,514	22,994	+2,480
Outpatient visits—staff and fee:			
Total	6,563,787	6,947,074	+383,287
Compensation and pension	302,865	345,408	+42,543
Outpatient treatment	3,352,693	3,458,673	+105,980
Posthospital care	1,088,906	1,228,570	+139,664
Prebed care	88,470	99,388	+10,918
Outpatient visits—staff and fee—Continued			
Need for hospital or domiciliary care	1,090,904	1,173,117	+82,213
All other	639,949	641,918	+1,969
Dental examinatons:			
Total	655,431	684,228	+28,797
Staff	648,144	665,313	+17,169
Fee	7,287	18,915	+11,628
Dental treatment cases:			
Total	265,350	276,003	+10,653
Staff	255,815	254,453	−1,362
Fee	9,535	21,550	12,015
Patients receivng new prosthetic appliances	363,365	391,645	+28,280
Social work caseload	104,193	104,949	+756
Mental hygiene clinic—active cases EOP	69,234	74,891	+5,657
Clinical laboratory weighted work units	78,538,657	85,017,251	+6,478,594
Volumtary service man-hours	9,269,080	9,270,292	+1,212
Prescriptions filled	10,530,716	11,782,365	+1,251,649
Residents in training program (noncareer EOP):			
Physicians	3,478	3,876	+398
Dentists	53	64	+11
Interns in training:			
Physicians	396	556	+160
Dentists	35	59	+23

STATE VETERANS' HOMES LOSE FUNDS

While preaching the need for Government economy and greater cooperation with State governments on the one hand, the new administration cut one of the best bargains which had been put in the original 1970 VA budget—$4,000,000 scheduled to go to States on a matching fund basis to help modernize and construct medical facilities in State soldiers homes.

During fiscal year 1969, over 15,000 veterans received domiciliary care in State veterans' homes at an average per diem cost of $3.32 compared to VA per diem cost of $7.69. During this same period, State veterans' homes provided nursing care to almost 4,000 veterans at an average per diem cost of $4.87 compared to average VA nursing per diem cost of $15.67, thus relieving VA of this additional workload. What kind of "new math" concept in the new administration scuttles a program designed to relieve an additional workload in an already understaffed VA system at a cost saving of more than 50 percent. And when bills were presented to the new administration to broaden this bargain program—you guessed it—the new administration "opposed" them.

FINCH DECRIES MASSIVE HEALTH CRISIS—BUDGET BUREAU DECRIES CUTS

Not satisfied with these cuts, the Bureau of the Budget gouged another $11,333,000 out of the 1970 VA budget request which had been earmarked for other categories of veterans' hospital care, medical education, and medical and prosthetic research.

Once again the new administration overcame consistency with inconsistency. While in February HEW Secretary Finch had decried the Nation's massive health crisis because America was not training enough hospital and health personnel, another arm of the administration decreed that the VA budget request for 1970 had to be reduced thus depriving VA of their plans to train over 4,000 "shortage" category medical personnel in a medical education program which eminent medical educators have characterized as being "the most effective in the world."

OLD-AGE VETERAN LEGISLATION OPPOSED

While the new administration was advocating a new $4 billion welfare concept—much of which would be paid to the able bodied who will not work—they were opposing measures to ease the burden of old veterans who are no longer able to work.

The administration was asked to take a position on the following legislation which the Congress was about to vote on:

Eliminate the "pauper's oath" or statement of inability to defray hospital expenses for a veteran 72 years of age or older for admission to a VA hospital.

Provide outpatient treatment and medical services for seriously disabled veterans who are in receipt of special housebound or aid-and-attendance allowances and those who are rated as totally disabled without regard to service connection.

Eliminate the 6-months time limitation for elderly veterans who are receiving nursing care.

The Nixon administration opposed this legislation.

REJECT OR DEFER

While accusing the Congress of "foot dragging" in its legislative program, the Nixon administration has a bleak record of "inaction" on other important veterans legislation areas. They asked the Congress to:

Defer action on cost-of-living increases for widows and orphans of veterans who were killed or died of service-connected causes.

Reject proposals to utilize veteran-owned insurance funds to build homes for returning Vietnam veterans who cannot find mortgage capital while the Treasury Department uses the veterans' money at a rate of about 4 percent—Treasury paid the moneylenders 8 percent during the week of September 17—the highest rate in 110 years.

Defer action on legislation to up insurance coverage for servicemen in Vietnam from $10,000 to $15,000 while hundreds of American boys die each month not leaving enough money to support their dependents in an inflated economy.

Defer action on adding dismemberment coverage to GI insurance policies in the face of thousands of GI's who each month leave an eye or a limb in Vietnam.

Reject increases in the amount the Government pays paralyzed and other seriously disabled veterans as grants for special housing required because of their service-connected disabilities.

Mr. Speaker, as the list of deferrals and rejections grow day by day, America's veterans are asking how long must the maimed, the widows, and the orphans wait. One of President's Nixon's closest advisers, Attorney General John Mitchell, a few days after taking office, urged Americans to judge the Nixon administration on "what it does" not "what it says." By any measure—by any standard—the Nixon administration must, thus far, be judged deaf to the pleas of veterans, calloused to the health needs of veterans, and oblivious to the economic needs of veterans.

RACE CRISIS IN THE MARINE CORPS

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

Mr. HENDERSON. Mr. Speaker, the September 26 issue of Life magazine highlighted on its cover what it described as a "Race Crisis in the Marine Corps." Its table of contents labeled the story "Blacks and Whites stand on the edge of open war in Camp Lejeune."

The article proceeds to expand upon this theme in considerable detail and is highly critical of Jacksonville, N.C., the civilian community adjacent to the big Marine Corps base at Camp Lejeune.

I would suspect that every Member of this body who was in the military service during World War II, or at any other time, has heard all of the standard gripes about the civilian community adjoining the base where he was assigned: Honky-tonk atmosphere. Cheap bars. Camp follower-type girls. Shortage of nice girls for social contacts. Clip joints.

To some degree all of these things exist in all communities adjacent to all major military installations.

When we built major military installations, we have always sought out large tracts of relatively cheap suitable land. Such tracts did not exist in major metropolitan areas, but did exist in more sparsely settled rural areas. Hence we have had for decades all over the country sudden large influxes of thousands of military personnel into areas with limited civilian population.

Inevitably, this has resulted in criticism of civilian communities as dull, offering limited recreational and amusement opportunities during off-duty hours. Boys from other parts of the country tend to be critical of a different environment. Northern boys find small Southern towns dull and uninteresting. Southern boys dislike the cold climates of the North and Midwest. Boys from the east coast dislike the west and vice versa.

These things have nothing to do with race. Yet, they were highlighted in the Life approach to Camp Lejeune.

On October 3, 1969, the Jacksonville, N.C., Daily News did an eight-page feature section giving the community's side of the Camp Lejeune story.

It is too bad no provision is made to include pictures in the CONGRESSIONAL RECORD. Life went to great lengths to publish pictures tending to show bias, discrimination, and a bad environment.

The Jacksonville Daily News feature has equally convincing pictures tending to show a good racial climate.

I am inserting into the RECORD the printed matter contained in this feature, and I want to say that I personally agree with the viewpoint expressed by this fine newspaper.

During the past 9 years, I have spent a great deal of time on the base at Camp Lejeune and have personally known many of the marines who have been assigned there during those years. I likewise have spent a great deal of time in the civilian community of Jacksonville and other areas of Onslow County.

Naturally, I am prejudiced, but in my judgment, so is the article in Life magazine. They approached this whole matter with a preconceived idea of what they wanted and expected to find and they found what they were looking for.

Here is the other side of the story:

[From the Jacksonville (N.C.) Daily News, Oct. 3, 1969]

IN REAL LIFE: EACH SITUATION HAS TWO SIDES

On July 20, this year, a very regrettable tragedy occurred at Camp Lejeune. A young Marine lost his life in what has been described as a "gang attack." Arrests have been made and an investigation into this young man's death is still underway.

No one can guess what this investigation will reveal. This tragedy has brought forth many claims of "racism," these, too, are under investigation.

This has brought national news media into the area in force as they skim the surface for sensationalism.

The latest to join this parade was Life Magazine. In an article last week the maga-

zine presented a lopsided view of the situation.

And, if a major magazine is to be the window for the nation to view Camp Lejeune and Jacksonville then we feel that that magazine has the responsibility of either cleaning up the windows, or removing the blinds to reveal all sides.

We find nothing wrong with the persons interviewed speaking out on situations in which they feel they have a deep involvement, but we do question the fairness of presenting only one side.

Definite feelings on racial discrimination were presented. However, nowhere in the article was there any effort to show the great strides that Camp Lejeune and Jacksonville have taken in overcoming racial discrimination in our area.

And we do feel that there was a certain amount of bias in the article. To quote: "Then there are the southern accents of a great many Marine officers and noncoms." We ask, "Since when has a southern accent been a bar to serving as an officer or noncom in the Marine Corps?"

We feel, and we know that the Jacksonville area is far ahead of the nation in integration. Our schools were the first to recognize that quality education meant equal educational opportunities for everyone through one school system.

The students themselves have proven the wisdom of this, with student leadership based on ability of the individual.

In fact youth is showing the way in many areas of establishing a unified community. The Teen Generation, established and governed by Jacksonville teens, is one outstanding example.

Thus, a magazine representative makes a whirlwind visit into Jacksonville and Camp Lejeune we expect more than a one-sided view to be held up to the world.

The writer didn't even bother to learn the spelling of Northwoods (North Woods was his spelling). He was writing about Marines, yet the spelling in Da Nang and Khe Sanh, areas where Marines have fought, died and are buried, the writer wrote of them Danang and Khesanh.

He harped on 18-percent interest . . . and every credit card holder, Marine or civilian, knows that he pays one and one-half percent interest each month . . . which comes out to 18 percent a year.

The Life piece made derogatory remarks about furniture stores on Lejeune Boulevard. We doubt very much if he bothered to enter a single store.

For, if he had, he would have found furniture of the highest quality and at prices that will certainly be below many areas in the United States.

If he had bothered to look, he would have seen that the buildings were well-built and created with no stinting in cost of construction.

We know for a fact that the creators of the Life magazine article made a trip into Northwoods to get a picture. They talked to Fred Silvia, Jacksonville businessman and owner of the Northwoods 66 service station.

Fred had a sign in front of his business. It stated, "Marines, We Do Give A Damn." This picture didn't make it in the Life magazine article.

Why? Because it showed the good side?

We also know for a fact that the Life writers interviewed a unique bi-racial committee of the 2nd Division Anti-Tank Battalion. We do not question the magazine's editorial prerogative (although we do wonder about the direction it takes).

In view of the other evidence that writer Paul Good's account of the racial situation in our community was tailored to imply some already-drawn conclusion, we cannot help but suspect that the bi-racial committee interview was omitted because it did not imply the "proper" conclusion.

We have been informed by a reliable authority that the committee members are also quite disappointed that their views were not considered as important as those of an anti-black hitch-hiker who refused to even give his name.

The writers wrote of what they called "ugly commercialism" in Jacksonville's dealing with Marines. A general statement if ever one was written.

Maybe that brand would fit the Life article. The exploitation of one-side of a serious and grave situation, the utter lack of regard for the side of those seeking unity, and the grasping for the sensational.

There is racial disharmony in our area, just as there is throughout the world. It is a problem which is being faced up to.

However, integration is not an "everyone-lived-happily-thereafter" solution to life, it is a practicable means to democracy and life. It is the sure step to overcome racism on all sides.

Racism, whether practiced by the majority, or the minority, is a retreat from reality. It is a contradiction of the human spirit and a mockery of democracy.

And to use racism to sell newspapers, magazines or TV shows is rank commercialism, a commercialism that feeds the growth of the cancer in our society.

It is the role of the news media to spotlight the pleasant as well as the unpleasant in the hope that the spotlight will foster corrective measures.

The news media must search out and publish the pleasant and the unpleasant, it must unravel existence . . . display the problems that enguif us.

If this is not done, and we shirk the duties of revealing the events and pressures of our time, our readers would retreat into indifference and self-complacency.

Or, if the revelation of news is weighted, one-sidedly in the direction of the sensationally unpleasant, the public could be placed in a state of tension and anxiety with the ultimate destruction of tolerance in its opinions.

The pleasant and the unpleasant are the warp and woof of the fabric of day-to-day living. Each must be revealed.

We must agree that Life, and other national media, have spotlighted a cause, even if it exists in a minor degree, that needs the sharpest scrutiny and attention of Marine and civilian leaders.

We do hold that any news media has:
The right to be wrong,
The right to offend on occasion
The right to report the disagreeable.
But never:
The right to be unfair
The right to be biased
Nor, the right to be inaccurate.

RESPECT HIM AS A "MAN AND A MARINE"

(By Skip Smith)

Marine Corps Major H. E. House is a Negro. He does not care whether you call him "colored," "Negro," or "black," so long as you respect him as a man and a Marine.

House flatly declares that racial discrimination in the Marine Corps is not prevalent and is not a matter of importance to the career Marine. He feels that the current "flap" about racial discrimination in the Corps is a "crutch" being used by a few black servicemen to escape the type of harassment which is necessary for the development of a "real Marine."

The major, a tall dark-skinned, handsome man, is one of the first two black pilots in the Corps.

He believes that if the color of his skin had any effect on his career as a Marine, it has been a help rather than a hindrance. ("When a black does something outstanding, it gets notices.")

Crowning a chest full of "salad" just below his aviator's wings is an Air Medal with a "20" designation. He does not know exactly how many combat missions he has flown. Since he was in Vietnam early—in 1962—there may be some question about what is, and what is not, a combat mission. Each of the 20 medals accounts for about five missions.

It would take an extremely brave man to call Major House "Uncle Tom" to his face. He does not belong to any black organizations ("The only organization I'm in right now is the Marine Corps."), nor to any Civil Rights groups, but he feels that if he ever does join such an organization, it will probably be the Urban League.

Major House feels that the most dangerous "outside agitators" are not Communists, black militants, anarchists, nor Civil Rights agitators. The problem in the Corps today, he says, is not racial, but disciplinary.

"The laxity resulting from maltreatment scandals has caused a breakdown in discipline and has brought the Corps face-to-face with the type of Marine who demands to be allowed to wear a grotesque hair style that would prevent him from wearing regulation headgear."

Major House, who wears his characteristically Negroid hair, clipped close in traditional Marine Corps "skinhead" fashion, has little patience with Marines, black or white, who insist on civilian coiffures ("I march 'em to the barber shop.").

There is probably some racial discrimination in the lower ranks, says the major, and some racial prejudice as well. But he believes that in order to survive as a professional Marine and become a Non Commissioned Officer, a man must be "purified of such inconsequential considerations as race. ('By the time a man gets to be an NCO, he should have been put through enough hell that the only color he thinks in is green!')"

The "well-meaning Moms" who write to their congressmen demanding "better treatment" for their sons every time they hear a complaint from boot camp have unintentionally weakened the character of the individual Marine and softened the entire Corps, according to the major's theory.

He finds the deaths, injuries, and scandals that have resulted from the alleged maltreatment incidents regrettable, but the public reaction to Marine Corps discipline and training has, in his opinion, had the effect of "crippling" the Corps.

("When a young Marine gets captured by the enemy in Vietnam today, he is very fortunate if he has anything at all in his background to prepare him for the treatment—or maltreatment—he will receive. What happens. He gets pushed around. He is liable to crack. To defect. To give up. The Viet Cong have no fear of his congressman's influence. All the letters in the world of inquiry and concern for his welfare from Washington cannot help him when he is in the hands of the enemy. His only salvation is backbone, something the Marine Corps once stiffened with harassment and stern discipline. It is a terrible thing that young men have died because of Marine Corps training—but far, far more young men have lived because of precisely the same training. It would be difficult to imagine the North Vietnamese or the Viet Cong agreeing to listen to grievances from prisoners about racial discrimination.")

Major House, who says he is one of only about a dozen field grade officers in the entire Marine Corps, does not see any prima facie evidence of discrimination in this fact, although he admits the shortage of black field-grade officers and absence of a general officer is probably the main reason why many young black choose other branches of the service. ("The Air Force has a three-star general who is a Negro, and his father was a general in the Army. Both branches are full of Negro majors and colonels. The Negro college graduate sees all this and he hears

that there is discrimination in the Marines. Why should he choose the Marines?")

The major's only racial activism is in getting young black college men interested in the Marine Corps and convincing them that the tales of discrimination are false. All other things being equal, he would be more inclined to help a black man get into flight school than a white man (". . . because there are barriers I can remove, not barriers in the Corps, but in the Negro's mind. I can show him he can make it as well as anybody can . . . if he's intelligent and tough.")

He believes he has been instrumental in getting several black pilots into flight school, and he believes all have been treated fairly by the Corps and evaluated solely on their ability. ("You don't fool anyone in flight school and you don't make it.")

Major House is a bachelor, who is "married to the Corps" and whose social life is intertwined with his work in such a way that he is not personally affected by the type of discrimination that is sometimes directed at the young enlisted black Marine. ("Most of the places where they still discriminate against colored people are sort of grubby anyway, and when I go out I like to go to a place with a little class. That's why I usually go to the "O" clubs or to places where there is no question about whether I'm welcome.")

Although the major's personal life is not touched too often or too profoundly by what goes on "outside," he has some "very strong opinions" about the forces at work today in American colleges, universites and cities. He has not led a sheltered life. After his first hitch in the Marine Corps, he served for a time as a Los Angeles police officer, and was a member of the first suburban L.A. two-man "salt and pepper" patrol. He also flew a small, "non-sked" commercial air service in South America. ("But I got tired of winding up the plane.")

He sees a need for change in higher education and a new emphasis on the role of the Negro in American history, but he has some rather conservative ideas on how to accomplish these objectives. ("I think the black students at any good college in the United States could go to the administration and say something like 'Now here's an important Negro—an important American—and he's been neglected in the study of our history.' And I think that if they present their case properly and reasonably, that school would change its policy. Furthermore, I think a lot of important Negroes have been neglected. But when they start raving about African studies and taking over administration buildings to demand studies about spear throwers' cultures that's where we part company. My ancestors have been on this continent at least 300 years. That's a good, respectable American ancestry as far as I'm concerned. My roots are in America, not Africa.

"I was educated in a tough Roman Catholic school in New York City called "Manhattan College." Frankly, I was so glad for the opportunity to get an education that I just worked too hard at my studies to think about protesting college policies. In college, and in later life, I have failed or succeeded as a result of my own personal efforts, and not because of my race, or my friends, or my organization.

"Once a group of students did get together to protest the ban on smoking on the quadrangle at Manhattan College. When they returned to their dormitories, they found the rooms locked and their bags neatly packed outside. They were informed that they had agreed to the college rules before enrolling and their activities had indicated they no longer intended to abide by their agreement. Harsh, maybe. But I never questioned the justice of it.

"It appears that modern students either don't put much value on the opportunity for higher education, or they just don't believe the schools have any authority to do anything about their disruptive acts. In either case, I feel it's time the colleges clamped down and restored order.")

The major discusses patriotism as matter-of-factly as he discusses the aircraft-carrier landing problems of the old Vought Corsair. ("You couldn't see over the nose when she was level.")

He says that such men as Stokely Carmichael and Rap Brown have not only set the Negro back after the progress made under the leadership of the great moderates of recent years, but they have set back the cause of all Americans. ("I don't know where the proper place for these men is, but it is not in this country.")

Major House is no misty-eyed chauvinist, but he can say to a stranger in a manner that leaves no room for doubt about his sincerity, "This race business is bad for America. I want it resolved in the right way, the American way. People who use it to their own advantage—whatever their reasons—are selling this country short."

Major H. E. House, USMC, American, Marine, Negro, Roman Catholic, minority of one.

SELLING A "CLASH"

". . . Long before a coastal dusk settles on the 110,000 piney acres outside Jacksonville, N.C., two-man patrols with walkie-talkies move out over ground normally covered by only one sentry. Their M–14s each carry 10 rounds of live ammunition, double the usual sentry load. Special armed 'reaction squads' wait in barracks for an alarm to sound. At nightfall, Cyclopian searchlights burn in so-called 'drift areas'—wooded shortcuts. . . . etc., etc., etc. . . ."

Get the picture? The cover of the Sept. 26 "Life" hawks "Race Crisis in the Marine Corps." In the table of contents the reader is promised a story about how "Blacks and whites stand on the edge of open war in Camp Lejeune."

Setting the stage for the "edge" is the verse from the Marines' Hymn about the streets on Heaven's scenes being guarded by United States Marines.

The mother lode of poesy continues with the above-quoted imagery involving the settling of "coastal dusk" on "piney acres" and the burning of "Cyclopian" (one-eyed) searchlights in shortcuts.

You are now prepared, dear reader, to believe that a horde of marauding blacks—probably brandishing Zulu spears—will appear before the one-eyed searchlights to do battle with the double sentry-loaded walkie-talkie patrols.

You are prepared to believe that there are as many robbers as there are cops, that there is a bank robber for each guard, that for each pound of dirt there's a pound of Ajax. You, dear reader, have been promised the "edge of a war."

The "war," it appears will take place in "shadowy drift areas" where there have been "interracial assaults" for the past two years.

The Marine Corps mobilization for the edge of war took place only after a young Marine was killed in a tragic preembarkation brawl, the "Life" story goes. But the brawl did not take place in a drift area, and the weapon with which the unfortunate Marine was killed was not a Zulu spear, nor even a straight razor. It was a tree limb.

One wonders what conclusions the "Life" reporter would have drawn if he had witnessed a landing at Onslow Beach.

One of the two chief prognosticators of the impending "war," it seems, is a PFC with a cool attitude, an Afro haircut, and complete disillusionment with the Marine Corps. He gets along with some "white duds" and winds up "hooking with others," so he feels ". . . there's gonna be a bloodbath here someday."

The other is a "clean-cut, freckle-faced kid from Indiana" (another PFC), "who refuses to give his name" and hates Negroes. "Their turn is coming," he warns darkly.

A bunch of "them," it seems, stood in front of his car the "other night" at a drive in so he couldn't see. He asked them ". . . nice to move but that don't do any good with them." After reading about this incident—which is important enough to be related in one of the world's most widely circulated publications, one is inclined to hope that, during his military career, the clean-cut, freckle-faced kid is never put in charge of anything loaded.

(Where was "Life" magazine the time I got beat up by six white guys because I tried to make their dog spit out an innocent turtle it was carrying around. Those guys are in for a lot of trouble one of these days, too.)

The magazine has also noticed that a lot of black Marines are upset about the fact that the Marines have spent a good part of their existence fighting people "of color" "from China, the Philippines, Panama, Haiti, Cuba and the Dominican Republic." Apparently the reporter does not take into consideration that about three-fourths of the people on this globe are "of color." Sometimes it's either fight people of color or stay home.

To give credit where credit is due, however, it should be noted that the reporter diligently researched his remark that of ". . . 109 photos of individual Marines training, receiving awards, or engaged in sports competition in three recent issues of the 'Globe,' only one was of a black face." It certainly must have taken a good deal of valuable time to find three issues of the Globe that did not have a great number of "black faces" especially in the sports section where the Marine Corps' great Negro athletes always figure prominently in virtually every edition.

Of course, no piece of research is perfect, so we are inclined to overlook the reference to the Camp Lejeune "Globe" as the "Division newspaper." Strict adherence to facts is obviously not intended to be one of the article's stronger points, anyway.

As if it were not bad enough that three-fourths of the earth's population has been discriminated against and the writer claims he managed to dig up three "recent issues of the 'Globe' with but a single black face." One is faced with the clincher! Indeed, one can almost see the gleam of spearpoints in the glare of the one-eyed searchlights. "Then there are Southern accents of a great many Marine officers and noncoms," states one of the world's foremost publications!

And you never know exactly how you look to others. According to "Life":

"Jacksonville disturbs almost all Lejeune's Marines. It is not so much a city as it is a cash register ringing up its share of Lejeune's quarter-of-a-billion dollar annual contribution to the state's economy. While most merchants are reputable, neither Jacksonville nor other service towns have zoning that considers the sensibilities of men who have been recently shot at in Vietnam. Returned from dubious battle, they again become targets of ugly commercialism. Lejeune Boulevard leading to town is lined with used car lots, schlockhaus furniture stores, real estate operators, drive-in pawn shops. Jacksonville offers little more than credit buying at 18 per cent and unavailable go-go girls in the joints on Court Street. City fathers boast that there is no prostitution. This is small comfort to unsatisfied Marines who return to base feeling bullish and primed to take a poke at anybody, interracial or otherwise, who crosses them. In Saigon, at least, there was some action."

True, but someone's hostility is showing. Suppose all the words in bold face type were replaced with less emotionally toned words having essentially the same meaning?

Jacksonville disappoints many of Le-

jeune's Marines. It is not so much an entertainment center as it is a retail center taking in its share of Lejeune's quarter-of-a-billion dollar annual contribution to the state's economy. While most merchants are reputable, neither Jacksonville nor other service towns have zoning that is entirely able to avoid offending some men who have been recently shot at in Vietnam. Returned from battle they feel they are subjects of an unappreciative commercialism. Lejeune Boulevard, leading to town is lined with used car lots, furniture stores, real estate offices, and one drive-in pawn shop. Jacksonville's attractions are credit merchandise at 18 per cent, the standard credit-card rate and go-go girls who are not prostitutes in the joints on Court Street. City fathers boast that there is little prostitution. This is small comfort to healthy young Marines who return to base feeling frustrated and therefore more likely to get into fights with anybody, regardless of race, who disagrees with them. In Saigon, at least, the go-go girls were available.

(Interestingly enough, a Washington Post reporter, who also became an expert on race relations at Camp Lejeune and in Onslow County within a couple of days, reached an entirely different conclusion about the availability of prostitutes.)

WHAT'S THE CONNECTION?

"Onslow County has a klavern of the Ku Klux Klan but it has no black deputies or highway patrolmen."

True. There is a klavern in the county, according to reliable sources, but what is the connection between the klavern and the fact that the county has no black deputies or highway patrolmen? Does the writer mean to imply that there is collusion among klansmen, deputies and highway patrolmen to make ". . . Onslow County . . . insufferable for blacks?"

If this was the writer's intent, he has succeeded in what he set out to do: To establish in his reader's mind the unwarranted conclusion that somehow the Ku Klux Klan works to keep Onslow law agencies lily white and all work together to persecute blacks. But if the writer had a shred of evidence to this effect, he would not have had to resort to the shabby trick of establishing a relationship by including them all in the same rather inane observation. He would quite obviously have taken great delight in telling all the world that Life had uncovered collusion between the klan and the law in Onslow.

A conscientious reporter would not assume racial discrimination from the fact that neither the Sheriff's Department nor the highway patrol has any black officers in Onslow County. He would ask the question: "Does either the Sheriff's Department or the highway patrol in Onslow County practice racial discrimination in carrying out the duties of enforcing the law and preserving the peace?"

A diligent effort to find the answer to this question would reveal that neither agency practices racial discrimination in the line of duty. Questioning reporters who deal with these agencies each day (and who are sometimes highly critical of them) would reveal that in the opinion of the reporters, deputies and highway patrolmen are not without certain faults, but racial discrimination in the line of duty is not among them. Onslow County Sheriff Thomas Marshall is not likely to hire a black deputy simply because he has been criticized for not having one.

Assignment of highway patrolmen is the responsibility of the state of North Carolina and not the county.

"There are no black firemen and no blacks working in City Hall. Only 30 are employed in Jacksonville's 145-man work force."

True. But this piece of coverage is, to be charitable, highly selective. The reporter delights in telling the world that the City of Jacksonville discriminates against black firemen, but does not choose to mention the Police Department's fine black officers, Joe Brackeen and Levi Simmons, who are a credit to their city, their department and their race.

Furthermore, the least bit of research into why there are no black firemen would show that blacks who can qualify as Jacksonville firemen can qualify as Camp Lejeune firemen with higher pay and Civil Service benefits.

The statement that there are no blacks working in City Hall is not only highly selective, it is false.

The use of the world "only" is, to be charitable again, highly selective, in relating the number of blacks in the city's "145-man work force." If this piece of reportage has survived the reporter's selective mortality rate and has retained some semblance of truth, it means that 28 per cent of the work force is black, a much higher percentage than the percentage of blacks in the city's population.

The random sampling technique—as used by Life to show the feelings of Marines and barbers about the racial problems of this area produced some rather bizarre accounts of what is going on in the area:

Thus the klan got credit—through an oblique quote attributed to a deputy sheriff—for a cross-burning effort that had none of the earmarks of that organization.

The cross-burning was botched so badly that there was talk of citing the local Ku Klux Klan for unklansmanlike konduct. According to authorities familiar with klan activities, flaming crosses are not "tossed on front lawns."

It is doubtful that what "Life" with characteristic hyperbole calls a "cross burning" is actually the work of the Klan, it is more like the work of children or pranksters.

Using the "Life" interview technique, this reporter learned from two young Marine hitchhikers that (a) Seventy-five percent of the 1st Battalion, 6th Marines is Negro; (b) the blacks are accumulating large quantities of weapons and ammunition for an eventual takeover of the Marine Corps; (c) that the bars on Court Street make Negroes more welcome than they make whites; (d) that there is a lot more such secret information I could get if I looked hard enough; (e) that young Marines take great delight in putting on reporters and seeing their names in print.

ONSLOW COUNTY, A UNIFIED PUBLIC SCHOOLS STRUCTURE

(By Skip Smith)

Onslow County has removed the "final vestiges of the dual racial structures from its school system, and the U.S. Department of Health, Education and Welfare is satisfied that the latest plan submitted by Onslow is a plan for total desegregation.

To accomplish this, the county has, since the Civil Rights Act of 1964, closed down two of its best schools—both all-Negro, and directed far more administrative effort to desegregation than to education.

The closing of Georgetown High School was deplored by the black and white communities alike. Georgetown once was the only accredited high school in the county (although accredited by the Negro accrediting association). It was representative of the highest hopes for the "separate but equal facilities" doctrine of the South. Few white high schools could equal Georgetown in library, laboratory, classroom, shop and athletic facilities.

And the "Mighty Georgetown Panthers" were something to behold. The first desegregated football crowds in the area were at Georgetown. It was a big school, and they played a better class of ball than the other teams in the county. State and regional championships came to Jacksonville regularly in the days of the Mighty Panthers.

"But the Panthers fielded their last team in 1965, and the night lights over Georgetown went out. There was an outcry, for a time, from some Georgetown graduates and Negro educators, but the transition to the other area high schools was fairly painless.

The Jacksonville High School coaches were happy to get the great Negro athletes of Georgetown, and the coaching of Gid Johnson, former Georgetown coach, has been a big factor in making the Cardinals a power in the state.

Probably the happiest result of the closing of Georgetown School (the 400-student elementary school was phased out last year) has been the coming of Onslow Technical Institute which will be designated a community college this week. Onslow Tech has a freshman college class right now. The school reaches about 8,000 students with vocational, technical and academic education.

With great respect for what was a great high school, it must be said that Onslow Tech will be of far greater service to black and white citizens of Onslow County than Georgetown School could have been.

It is too early to say what will be the result of the closing of the second school, Silverdale Elementary, in the Silverdale section of White Oak Township. The new (16 years old) school was closed this year because the desegregation plan would have cut the student enrollment so severely that the school would not even have been authorized a teacher for each grade.

So far the Silverdale closing has not "worked out" to the advantage of all, the way the Georgetown closing has. For one thing a brand new elementary school, Morton Elementary, was opened less than seven miles away, the year before Silverdale was closed. More than one irate taxpayer has questioned the expenditure of a half-million dollars on a new school while closing another a short distance away.

Negro parents of Silverdale students were puzzled and hurt at the implications. "Why," they asked, "couldn't the Silverdale school have been expanded? It was new and in excellent condition."

It appeared that the white people did not want their children to attend what had once been an all-Negro school, even though the whites would far outnumber the blacks and the school was new and clean.

Two Civil Rights field workers from the U.S. Office of Education, one black and one white, who had approved the Silverdale plan as proposed by the county Board of Education returned to Onslow County and appeared before the Silverdale parents. "Yes," the black Civil Rights field worker said, "your suspicions are well-founded. The white people don't want to send their children to a formerly all-black school . . . and they don't have to, because the school board has come up with a plan that meets the desegregation requirements. It is a good plan. Accept it. It will mean a better educational environment for your children." The people of Silverdale grumbled, but they accepted.

The black Civil Rights worker, holder of a PhD in Sociology and a former school district administrator, wore a large medal on a chain around his neck and an Afro-style shirt. The Silverdale parents wore conservative dresses and coats and ties.)

The Board of Education is now in the process of granting a request by Rev. Willie Green of Onslow County Fund Inc. to permit the opening of three classrooms at Silverdale School for adult education classes. The defunct school may be on the way to becoming a center of community life in one of the county's most remote rural areas.

While HEW has expressed satisfaction that the county has eliminated the "last vestiges"

of duality, some black parents feel that the de facto segregation at the all-Negro Bell Fork Elementary School in Jacksonville is just as discriminatory as the forced segregation of the dual school system in years gone by.

The Board of Education points out that the Bell Fork school is filled to capacity and above by students who live in the neighborhood, as the all-white Northwoods and Parkwood Elementary Schools inside the city limits are.

The board also points out that the faculties of all schools are completely desegregated.

The Bell Fork school remains as the only unit that could bring the county face-to-face with the profound questions raised by busing and schools in which white children find themselves the minority race.

The county office reported all quiet on the desegregation front on the first day of school this year. There was, however, some dissatisfaction with at least one assignment to Bell Fork Elementary and some rather unfriendly words between a parent and a school official, but the issue was resolved peacefully.

During a period when literally scores of North Carolina communities voted down school bond issue referendums, Onslow County taxpayers voted to sell $4 million worth of bonds to build new schools. Most opposition to school bonds, here and throughout the state, was couched in terms of disgust with the high-handed tactics of HEW in telling local school boards what they can and cannot do with their schools.

Whether by design or not, the building projects have served as safety valves during Onslow County's transition from a dual to an integrated school system.

Characteristically, the "trouble" in the south has come when white students have been assigned to formerly all-Negro schools, when the better all-Negro schools have been closed down, when the ratio of black-to-white students in a school area became overbalanced on the black side, and when certain groups from outside took an interest and decided to exploit the situation.

Fortunately, Onslow has had very little outside agitation. The closing of the all-Negro schools has apparently been resolved satisfactorily, and in one case, to the advantage of the entire county. The building money has taken the pressure off the only possible trouble spot, the formerly all-Negro Woodson School in Richlands. The rambling, partially dilapidated Richlands School—grades 1 through 12—will be renovated and turned into an elementary school. The county has the money, thanks to the bond issue, to transform the Woodson School into what will be the new, modern Richlands High School. Formerly all-white Trexler Junior High in Richlands is totally desegregrated.

Ironically enough, a majority of the members of the Board of Educaton are willing to state publicly that they are against integration. In fact, some vowed in their campaigns for election to work to reverse the trend. Incumbents, who had seen the handwriting on the wall—and had seen it written by the hands of HEW officials—tried to explain, but to no avail.

The new men came to office with the largest chunk of money the Onslow school system has ever had at one time, a determination to halt the integration of the schools, and in some cases, instruction from their constituents to go after the head of superintendent of schools J. Paul Tyndall, who was suspected of collusion with the enemy (HEW).

Fortunately for the children of Onslow County, the new board was composed of five reasonable men. They too saw the handwriting on the wall, and they continued the work of making the transition from old to new.

The school board that "caught the most hell" of any school board in the history of Onslow County was composed of Dr. James Piver, chairman, Dan Rand, Elbert Barbour, Leon Rowe Sr., and Gene Ennet. Ennet, now chairman is the only survivor. The next board consisted of Ennet, Chairman Piver, Sam Brown Meadows, who replaced Barbour, Wilbur Banks, who replaced Rowe; and J. M. Horne, who replaced Rand. The present board—expanded to seven—consists of Chairman Ennet, Horne, Meadows, Banks, Clyde Hurst, Mrs. Louise Sylvester, and Herschel Brown.

The opposition to desegregation of schools in a county which conscientiously fulfilled its obligations under the "separate but equal facilities doctrine" has not been based upon race hatred, but upon a cherished tradition. There have been a few ugly incidents, but these have involved individuals and families, not large groups. There appears to be no polarization of strong racial hatred here.

Another ironic factor in the desegregation of Onslow schools has been the role of federal money. HEW holds the blade above the heads of local school districts which can lop off federal assistance in cases of noncompliance with the desegregation guidelines. Onslow County gets a great deal of money from the federal government for capital outlay, voag teachers, all kinds of visual aid equipment, library projects and many other uses.

The great need for this money and the "federal impact" money, which is supposed to compensate for the fact that a military installation is non-taxable but military dependents must be educated, has quieted many a voice raised in protest against what has been called "high-handedness" by HEW in desegregation policy.

Onslow County, with one of the best records for cooperation with HEW of all southern school districts, faces disaster in its school system this year, with an impending layoff of as many as 200 vital employees, because the current administration in Washington is withholding Public Law 874 (impacted area) funds as an economy measure. The economy measure, if enacted, will cost Onslow about $1 million in already-budgeted current expense funds.

[From the Jacksonville (N.C.) Daily News, Aug. 23, 1969]

SMILE, SAY SOMETHING CLEVER

(By Skip Smith)

Two young white men and a Negro tussle playfully on the sidewalk in front of a bar on Court Street. A police officer walks over briskly. The worried look on his face changes to relief and then to mild irritation as he recognizes the men.

"C'mon you guys. Knock it off," he says in the manner of a father correcting a trio of overly rambunctious sons. "You wanta mess around like that, go someplace else. You know what that can cause out here."

"Same old story officer," cracks a sidewalk loafer. "One black guy gangin' up on two white guys." The other sidewalk loafers, including the playful young men, all laugh and find some other diversion to pass the time on a slow evening in downtown Jacksonville.

A trivial incident, perhaps. Scarcely worth mentioning, except for some small humor from a sidewalk wag. But beneath the surface there is something ugly. There is fear of a racial flare-up.

Some of the fear is, no doubt well founded, and even justifiable. But a good part is the product of irresponsible sensationalism and plain laziness of newsmen who come to Jacksonville in the wake of a tragic death which resulted from a beer party at Camp Lejeune that got out of hand.

If there is no more major news of racial strife from Camp Lejeune during the next few weeks, it will not be because the news media has not worked at creating it. The major Washington newspapers, the Post and the Star have had their men on the scene. The New York Times has been heard from. Newsweek has given the situation at Camp Lejeune a half a page.

And now the Olympians themselves have come to Jacksonville and Camp Lejeune. Major television network cameramen and reporters have been working Court Street and the base, and the odds are pretty slim that they are doing a special on the chamber of commerce military affairs committee.

Cameramen invaded the cage of a go-go girl at Jazzland for some closeup art work, filmed the activity around the shops and bars of downtown Jacksonvile and even found time to record some of yesterday's Force Day ceremonies at Camp Lejeune honoring Lt. Gen. Richard Weede.

Hometown folks are getting interviewed. So get a haircut and wear a tie, and if a guy with a fat tie who looks like he has either given up barbers or is wearing his toupee backwards starts to question you about racial tension among the Marines in Jacksonville, be prepared to say something fit for national consumption.

One hopes the stories about rioters waiting around for the TV cameras to arrive before swinging into action are not true. It would be nice for the TV newsmen though, if after spending all that time and money they could take home something really interesting.

If they wait around on Court Street long enough they are sure to see a fight. But the hassle is more likely to be over some fancied insult between two members of different units rather than members of different races. When there is no one else available, Marines fight each other to keep in practice.

The stories about TV newsmen stirring up trouble are probably not true, but some newsmen from major newspapers have come up with some pretty fair substitutes for stirring up a little racial activity.

For example a Washington Post reporter quotes an anonymous captain—who has probably never been in a bar in downtown Jacksonville except as Officer of the Day—as stating, "A Negro Marine will be served in J-Ville's local bars, but the white waitress is likely to pour the beer on his lap instead of in the glass."

Waitresses of any color are likely to pour beer without regard to race, creed, or national origin in anyone's lap on Court Street, as anyone who does any active part-time barhopping in the hectic, crowded cabarets of this community will affirm.

The same self-styled expert says both Fayetteville and Jacksonville have the "usual string of used car lots, tattoo parlors and pawnshops, a shortage of nice girls and an abundance of prostitutes." Jacksonville, he notes, is inferior to Fayetteville, and Fayetteville is a "model of progress" compared to Jacksonville.

Tattoo parlors? Pawn shops? Prostitutes? There has not been a tattoo parlor in Jacksonville in nearly 10 years. The town has fewer pawnshops than any town this writer has ever been in. As for the prostitutes, and the shortage of nice girls, the Post reporter may have known what he was looking for, but one is tempted to suspect that he read about our town in the News and Observer and was never even here.

The Post reporter states the young Marines "swoop" to the large cities on the weekends to escape from Jacksonville. Young men who are close enough to their home towns to spend a few hours with their sweethearts and wives on the weekends would swoop from the Fountainbleu in Miami!

Sad to say, most large newspaper and wire service accounts of the situation at Camp Lejeune and Jacksonville, are written by "experts" who come for a few hours, strike up a conversation with some loafer and rep-

resent his remarks as the gospel truth to the rest of the nation.

Sadder to say, this appears to be what far too many viewers and readers are willing to believe.

And a final observation: A Marine is neither black nor white, say those who love the Marine Corps. A Marine is green.

Fair enough. The chief industry of Jacksonville is Camp Lejeune. Most of the people who serve the Marines in Jacksonville and Onslow County are well aware they are serving a desegregated, green industry. Money is also neither black nor white. It is green.

A SEACAP OPERATION—244 INTO JOBS, JOB TRAINING

In a nine month period, beginning November 25, 1968 and ending August 31, 1969, SEACAP's Jacksonville Manpower Center has placed 244 formerly hard-core unemployed persons into permanent jobs or training leading toward permanent jobs.

At the end of August the Jacksonville Center's main placement categories for indicating participant status show that 50 enrollees were placed in Operation Mainstream, 26 in OJT (On-The-Job-Training), 47 in NYC (Neighborhood Youth Corp) and 70 in MDTA (Manpower Development and Training Act) classes. One person was still on Employment Trial and 50, who have successfully completed their employment trial period, have been terminated to permanent employment.

COMMUNITY COOPERATION

Mrs. Almita S. R. Woods, Center Director, stated that this story of accomplishment is made possible because of outstanding community cooperation. She had high praise for every member of the Jacksonville Center Staff, which she said works as a closely-knit team to enhance the employability of, and find gainful employment for SEACAP enrollees.

The Jacksonville Center is one of 4 Manpower Centers operated by SEACAP (Southeast Area Community Action Program), a private non-profit corporation under contract with the U.S. Department of Labor to alleviate unemployment and underemployment of disadvantaged citizens in 12 counties of South East North Carolina. The Jacksonville Center serves Onslow, Duplin and Pender counties. Central office of SEACAP is in Clinton, North Carolina. The other three Manpower Centers are in Wilmington, Lumberton, and Fayetteville. The operation of SEACAP is coordinated under A. J. Rauchle, Executive Director. SEACAP has a contract with the Employment Security Commission of North Carolina to furnish the manpower service necessary for an operation of this type.

Effort of personnel from the North Carolina Employment Security Commission, the local Community Action Program (Onslow County Fund), and the local Health, Education, Welfare and Law Enforcement agencies are coordinated by the Jacksonville Center into a team approach toward resolving problems of disadvantaged citizens, increasing their employability and developing jobs to assure permanent gainful employment suitable to their capabilities.

The Jacksonville Chamber of Commerce gives full cooperation to SEACAP and is presently assisting in organizing a Center Advisory Council. The Onslow County Planning Board and Neuse River Economic Development Commission keep the Center informed of new and-or expanding businesses in the area.

Service, business, and professional organizations such as Lions, Kiwanis, Medical Society, Pharmaceutical Society, Independent Garage Owners, Jacksonville Movers' Association, Cleaning and Pressing and others have endorsed SEACAP and many, through individual member firms, have provided employment and training for SEACAP enrollees. Onslow Board of Education, and church and school administrators cooperate with SEACAP. Films and maps are loaned SEACAP by the board of Education. Sponsorship of a Day Care Service to serve children of SEACAP enrollees and others qualifying for such service is under consideration by a local church. SEACAP enjoys excellent cooperation from the Onslow County Department of Social Services, Mental Health Center, Health Department, Onslow County Fund, Police Department, Jacksonville Daily News and every facet of community life.

COMMUNITY COLLEGES TRAIN ENROLLEES

Enrollees are trained in auto mechanics, brick masonry, carpentry, welding, plumbing, and cosmetology under State and Federal MDTA programs in cooperation with Onlow Technical Institute in Jacksonville and James Sprunt Institute in Kenansville. Others are trained in a variety of areas under Operation Mainstream, OJT and NYC components. The community colleges also provide basic education for MDTA, NYC and Mainstream participants.

OPERATION MAINSTREAM

Purpose of Mainstream under SEACAP is to provide opportunity for establishing good work habits while enrollee develops basic skill that leads to permanent unsubsidized employment at the Federal minimum wage of $1.60 per hour or more. Mainstream is designed for the chronically unemployed adult. Training under Mainstream can only be done with a public or private non-profit organization. The trainee is paid by SEACAP while the non-profit organization gives training and supervision. At the close of the training period, which can extend to six months, the trainee is ready for the competitive job market or, most desirably, is employed by the agency or organization which did the training.

On-The-Job-Training under SEACAP permits placement with nonprofit or profit making organizations. The trainee must receive a minimum wage of $1.60 per hour (as a full-time employee) from the firm with which he is placed. SEACAP provides up to $25.00 per week to the employer to cover cost of training and supervision of each OJT employee. Training period for an OJT employee may extend from a minimum of four to a maximum of twenty weeks, according to the extent and type of skill the enrollee must master.

A SEACAP OPERATION

SEACAP handles all administrative details leaving no burdensome responsibilities on the employer. At the close of the training period the enrollee is terminated to permanent employment.

STATE AND FEDERAL SUBSIDY

Training under MDTA may extend from eight months minimum to 18 months maximum, determined by the field of training and the standard curriculum for the training. Through State and Federal appropriations, SEACAP provides a small stipend of $29.00 a week plus $5.00 for each dependent and actual cost of travel, or five cents a mile. Before the training is completed, SEACAP's Job Developer develops a job for the enrollee so that he may move from training directly into employment.

NYC

The Neighborhood Youth Corps is designed to encourage continued education and to provide work experience for young people 16 to 22 years of age who, for various reasons, have not completed and are not attending high school. The enrollee may gain work experience in a public or private nonprofit agency while continuing his education on a part-time basis. He is paid at the rate of $1.40 per hour. Although SEACAP provides assessment and orientation for the NYC enrollees, the program is administered by Onslow County Fund under the NYC Director, Mrs. J. Sue Westfall and the NYC Out-of-School Counselor, Mr. George Tooks. Mr. Adam Mattocks is OCF Director.

HOW SEACAP WORKS

The hard core unemployed or underemployed are recruited from special target areas. They are provided counseling and medical examinations. Personality and work capabilities are evaluated by Job Counselors in a two-week assessment and orientation period during which time enrollees learn how to fill out job applications, how to seek and find a job, what community resources are available and how to apply for their services, what an employer expects of an employee and what the employee should expect of an employer, the importance of good personal hygiene, how to budget income, and everything about the world of work that can be as adequately covered as possible in a two-week period. If there are physical, mental or social problems which SEACAP cannot help the enrollee resolve, referrals are made to agencies or organizations that can help him. The enrollee is then assigned to a work experience component such as Operation Mainstream, OJT, NYC, special vocational training under MDTA, or is placed directly into a job on an employment trial basis.

A job coach is in constant contact with the enrollee, ironing out any misconceptions he may have of the job and-or the employer, and any misconceptions the employer may have of the enrollee and or SEACAP. The Social Services Counselor assists in resolving problems of child care, transportation, medical needs and, sometimes, has to help with improving family relations. When necessary, referrals are made to the Department of Social Services, Onslow County Health Department, Vocational Rehabilitation, Mental Health Center or other community service organizations.

It is the purpose of SEACAP to give meaning to "the policy of the U.S. to eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity. . ."

The Jacksonville Center pleads with each employer to work with it toward these goals by providing at least one job for a SEACAP enrollee. Without jobs, poverty and crime will never be eliminated. Employment of a SEACAP enrollee means good business for the employer, new hope for the enrollee, less tax for the tax-payer and an improved and happier community for all citizens.

"THIS IS MRS. WOODS' OFFICE"

(By John Rogers)

You drive down a sloping, graded dirt and gravel road, pass the bread store, and stop in front of an unadorned block building with a simple sign "SEACAP" fastened a few feet left of the doorway.

As you enter a pert, polite, and attractive receptionist looks up from her typewriter and smiles.

"Mrs. Woods is expecting you," she says and rises from her chair. She leads you through a spacious outer office and down a narrow hall. All along the hall you sense an air of busyness and business coming from the cubbyhole offices and classrooms.

"This is Mrs. Woods' office," she says, excusing herself and you enter.

Mrs. Woods rises from her desk to greet you. She is a tall, well-proportioned, well-dressed woman exuding warmth and friendliness. She has the air of a college student rather than of a director of a large service organization, but as director of SEACAP (Southeastern Community Action Programs) for Onslow, Pender and Duplin counties, Mrs. Woods supervises a staff of about 20 persons

and administers a complex and demanding program.

In addition to being a woman holding what is usually a man's position, she is also a Negro. She believes that both being a woman and being black make her more effective.

Being a woman, she says, helps her to get through to more people.

"When a woman travels out in the country to talk to a man, no matter how crude that man may be, he'll listen to her and show her respect if she approaches him as a lady. A man doesn't have this advantage," she explains.

As for being a Negro she believes it has made her more sensitive to the feelings and needs of other persons and makes it possible to relate directly with the many Negroes who come to SEACAP seeking help.

"Understanding, feeling . . . it's not something you can really put into words. If I cut my finger you know that it hurts but you can't feel what I feel unless you cut yours.

"Being black . . . you can know that this can sometimes be painful but unless you are, you really can't know what it's like. I do, I understand," she offers.

Perhaps it is a heightened sensitivity to others, perhaps it is something else, charisma, whatever it is, Mrs. Woods has quite a bit of it.

The 18th of 19 children, she grew up on a large farm in South Carolina, was valedictorian of her high school class, graduated Cum Laude from Benedict College, Columbia, S.C., and earned a Masters degree from Atlanta University.

She worked as a school teacher in South Carolina, a public relations director in East Texas, a peacemaker in Chicago, a social worker in various capacities, and now is the director of SEACAP. The job is satisfying.

"I love my job, the work, the staff . . . these men and women, they are more than enthusiastic. They are dedicated to seeing that everyone who comes to us does get a job. They take it as their own responsibilities," she says with obvious pride.

She came by the job almost by luck . . . or perhaps it was fate.

"One of the staff here suggested I apply for it. I didn't really think I wanted it. I was working three days a week for the Mental Health Center and I told her 'I've been working all my life and this three days a week is just my speed now.'"

However, she did consent to allow Clinton (SEACAP headquarters) to consider her resumé and a short while later she, much to her surprise, was hired.

How Mrs. Woods came to Onslow County is quite a story all by itself.

After a stint of public relations work for Jarvis College in East Texas, Mrs. Woods took leave to return to Atlanta to complete her thesis and get her Masters. While there the school received an inquiry from Chicago seeking a qualified, experienced person to head an early prototype of a community action program. Mrs. Woods submitted her résumé and was hired immediately.

After five months that consisted mostly of organizations, she tackled a real problem. The University of Chicago was on the verge of annexing the primarily Negro community of Woodlawn. The residents were bitter toward the University. The University was baffled and stunned by the reaction.

"Situations like that are dangerous. On one hand it would be easy for the community to see me as a kind of Uncle Tom, and on the other the University could believe that I was primarily a rabble rouser," she explains.

Neither, however, happened. She steered the tricky course between Scylla and Charybdis, she believes by "talking and talking to people and looking them right in the eye all the time.

"Now the situation is much better. The university is helping the people. At one time Woodlawn had no public sanitation, no trash pick up, nothing. Now it is getting help," she says looking back.

Mrs. Wood went to Chicago in 1960 and left in 1967 because of a raincheck that was cashed in 1965 in Hawaii.

In 1960 Mrs. Woods was not Mrs. Woods. She was a widow. On a trip to South Carolina to visit a niece she was introduced to a "really good looking man" who asked her out to dinner. She declined.

Five years later, in 1965, while visiting the same niece, now married and living in Hawaii and about to have her first child, who should appear but the same gentleman.

"My niece's husband met him at the Staff NCO Club. He had just arrived in Hawaii and he invited him home for dinner. For the life of me I couldn't remember him until he got to the house.

"Aunt Almita! You owe me a rain check," boomed MSgt. W. M. Woods on arriving. For the next month the couple spent most of their time exploring Hawaii.

Upon returning to Chicago in February Aunt Almita found her apartment laden with valentines.

"We met during Easter in Los Angeles and met again in July to get married. And do you know what? He planned that wedding down to every detail. I didn't even have to do a thing except put on my gown. He even picked one of his friends to act as my father and give me away," she remembers.

And so MSgt. Woods, upon receiving orders to Camp Lejeune, brought with him the woman who is now directing one of this area's most promising and important agencies.

The Woods have just purchased a new house and are planning to make Onslow their permanent home, though Sgt. Woods left last week for Da Nang, Vietnam. He has 26 years of active service and plans to go for 30.

Although when she came to Onslow County it was to be a housewife, the habits of many years of work are not easily broken.

"I believe the more you are exposed to learning the greater your responsibility becomes to help human beings and to see all people as human beings. I have a deep faith in people and what it means to be human," she openly admits.

This belief in mankind and her conviction that it is important to help others reflects the person that is Almita Woods.

From her birth more than 50 years ago to the present, she has been immersed in the flavor of life and living.

She had 18 brothers and sisters, five were from her mother's first marriage, six from her father's first marriage, and eight from her mother's and father's union. It was a large, diverse, and happy family.

"I remember we had such good times," she recalls smiling. "We used to steal potatoes and bury them under the ashes in the big fireplace and cook them. Then we'd sit around. Then father would come in the room and sit down and start chewin' a big hunk of tobacco. Then sptttt, he'd spit all over our potatoes and we didn't dare say a thing."

As she tells the story she laughs and laughs. "Oh those were such good times."

The times that followed were tougher . . . the depression, sickness and death, the struggle against racial intolerance.

"I worked with Martin Luther King Sr. in Atlanta, served on Negro Welfare Committees in Texas, on the Urban League in Atlanta, and many other agencies," she says.

What she doesn't say is that in 1963 she was selected as one of the 12 most outstanding women in Chicago, she holds a citation from the American Friends Service Committee (Quakers) for a "job well done" in Dallas, Texas, a citation from the American Friendship Club for her work in Chicago, and numerous other honors.

Her record with SEACAP since assuming its directorship need be judged by looking no further than the outstanding record of the agency itself.

"You know, I never thought I'd decide to live in North Carolina, but here I am," she remarks cheerfully.

You drive up the sloping, graded dirt and gravel road and onto the paved highway. A young man with his hands in his pockets passed on his way down the road. He nods to you and you nod back. You almost stop the car to tell him he has come to the right place.

CALL FOR A VOTE AGAINST CONFIRMATION OF JUDGE CLEMENT F. HAYNSWORTH TO THE SUPREME COURT

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

Mr. EILBERG. Mr. Speaker, I rise today to call upon the senior Senator from my State of Pennsylvania to cast his vote against confirmation of Judge Clement F. Haynsworth to the Supreme Court.

As a member of the Judiciary Committee of the Senate, that gentleman's vote carries a double value. I urge him to vote against Judge Haynsworth in his committee and, if necessary, on the floor of the Senate.

Now elevated to minority leader, the senior Senator's influence is considerable. While he launches diversionary attacks on the Democratic Congress, the gentleman's first hour of truth is at hand.

He spoke of "conscience" after his election by his colleagues and that is a matter of conscience, but it is more. For certainly those who sit on the Supreme Court must be more virtuous than Caesar's wife.

It has been charged that Judge Haynsworth's business interests conflicted with his judicial responsibilities. Seeking to apologize for Judge Haynsworth, others have said no conflict of interest existed, but that Judge Haynsworth simply had made errors in judgment.

This is an outrageous defense. The business of the Supreme Court is judgment and errors in judgment certainly disqualify a man for service.

Beyond that, the controversy surrounding the appointment of Judge Haynsworth already has compromised the respect that must be held in the land for the Court.

For these reasons, I vigorously urge the senior Senator from Pennsylvania to use his counsel in urging the President to withdraw Judge Haynsworth's name. Failing that, I urge the gentleman from Pennsylvania to exercise his leadership to defeat the nomination in the Senate. It goes without saying that I urge the senior Senator to vote against the nomination both in his committee and on the floor.

The Senator from Pennsylvania serves the President, but he also serves the people of Pennsylvania and they have prior claim on his loyalty. The nomination of Judge Clement Haynsworth is clearly not in the best interests of the people of Pennsylvania.

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

CASIMIR PULASKI—SOLDIER OF FREEDOM

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

Mr. ANNUNZIO. Mr. Speaker, October 11, 1969, marks the 190th anniversary of the day on which the great Polish patriot, Count Casimir Pulaski, gave his life in order that our country might be free.

He was only 31 when he died on board the brig *Wasp* where he was removed after sustaining mortal wounds in the Battle of Savannah. Thus ended the life of one who was the embodiment of the best traditions of Polish chivalry and foremost in the ranks of those wholeheartedly dedicated to the cause of liberty.

Despite his youth, he had established a brilliant reputation in the field of cavalry, and was so thorough in completing the arduous task of reorganizing the American cavalry, that the book of drill regulations which he compiled still serves today as the basis of cavalry drills for the U.S. Army.

Pulaski first heard of the American rebellion against the British in Paris in 1776, and true to the words he had once spoken—

> Wherever on the globe men are fighting for liberty, it is as if it were my own affair.

This heroic Polish nobleman offered his services to our country.

He arrived in America in July of 1777 and Gen. George Washington immediately entrusted the command of our cavalry to him. Subsequently, Pulaski gave such distinguished service at the Battle of Brandywine and during other encounters with the enemy that the Continental Congress commended him for his efforts and rewarded him with the rank of brigadier general.

On this anniversary, it is especially fitting to remember Pulaski's courage in the face of tyranny, his patriotism, his warmth, and generosity, for all these are characteristics which the Polish people have demonstrated throughout centuries of strife and foreign domination.

In my own Seventh Congressional District of Illinois, which I am privileged to represent, hundreds of thousands of Polish-Americans reside. Therefore, I am particularly aware of these extraordinary characteristics of the Polish people and join my colleagues in the Congress in gratefully acknowledging the countless contributions with which our citizens of Polish heritage have enriched American culture.

Count Casimir Pulaski, of course, was among the first of the Polish people who served our Nation and aided its progress. Although he did not live to see America win her independence, his gallantry on the battlefield and his complete devotion to the cause of freedom helped our country in winning the ultimate victory.

Count Casimir Pulaski is remembered here today and is honored as a hero of two hemispheres—in one for his valiant efforts to prevent the partition of Poland—and in the other, for his outstanding contributions during America's war of independence.

This great man made the supreme sacrifice in the age-old struggle for freedom, and it is with a sense of real pride that I join my colleagues in commemorating the anniversary of General Pulaski's death.

CHANGE IN VOTING PROCEDURES NEEDED

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

Mr. WHITE. Mr. Speaker, I wish to advise the Members I am sending to the membership a suggestion for improving our voting procedures. I hope that you will give this matter consideration and I hope you will look at the RECORD today if you do not receive your letter. I hope you will examine my particular plan.

Mr. Speaker, the House truly needs to consider a change in voting procedures, and I herewith suggest a change that will help you in the performance of your duties. I have suggested these changes to the House Rules Committee.

Accepting that the present system of taking the roll is time consuming and subject to error, I suggest the following plan, in lieu of an electronic voting system:

When a yea-and-nay vote is called for, at the discretion of the Speaker, the Speaker may declare the standard present system of rollcall, or he may call for the special rollcall outlined below:

First. Upon the announcement of a special rollcall, the clerks shall lay out a suitable number of alphabetized sheets of paper—suggested, 10 legal sheets with 43 or 44 names each—with the Members' names printed in the left column, and then three blank vertical columns for aye, nay, and present. Each Member will then go forward to the clerk's desk to sign his name in the appropriate line and column, on which his name is located, according to his vote.

Second. Since 7 minutes is required to walk from the farthest point in the office buildings to the Hall of Congress, the list should be available for signature in 10 minutes from the first bells—or some specified time.

Third. After the time for signatures expires, the reading clerk will then take the lists and read:

> The following Members have voted "aye."

And then he will read the names in quick succession. Then he will follow the same procedure for the "nays" and the "presents."

This step could be eliminated, except that this completes the public record and allows other Members the opportunity to hear how others voted.

Fourth. Thereafter, the reading clerk will take votes from the well of the House from those who failed to register their votes on the lists, until all present are recorded, and the Speaker raps his gavel.

Fifth. While the reading clerk is taking votes from the well, other clerks are tallying the votes from the list—sheet by sheet, then totalled—then the Speaker will announce the results of the total vote.

Sixth. To differentiate a special rollcall from the standard rollcall, on the special rollcall two bells will be followed by a short pause and then two more bells, or if an automatic rollcall on a quorum, three bells will be followed by a pause and then three more bells. This will advise the membership of their time and procedure.

Seventh. If the same system were desired on a straight quorum call, the Speaker would so declare a special quorum call ,and then the special bells would ring, alphabetized sheets would be laid out and the membership would sign their names in the "present" column on the line designated by their printed name. After 10 minutes the Speaker or Chairman would direct the Reading Clerk to read the names of those who failed to respond to the registered lists—or this step could be dispensed with, since the presence or absence of the Members signing evidences their presence or absence. Then Members who failed to register could answer "present" from the well. The total process should consume 15 minutes, compared to 26 to 30 minutes under present procedures.

The advantages of this system over the present system are as follows:

First. Errors in voting and answering "present" would be reduced to a minimum, since the signature of the registering Member would attest his true position. For those who answer from the well, they would be close enough for the reading clerk to clearly hear their responses.

Second. The need for embarrassing calls to order would virtually be eliminated. These calls to order cast the Congress in a poor light with the gallery spectators.

Third. A Member would be sure that he is recorded correctly, and not have the need to later ask if he is recorded or how he is recorded. He will have signed his name in the proper column reflecting his position.

Fourth. Members who are already in the Chamber at the commencement of the voting will not have to wait until their name is reached before they can vote and thereafter attend to their business, or see a constituent, make a phone call, and so forth.

Fifth. Members coming to the floor will have the assurance that they can vote soon upon arriving at the floor, whenever they can affix their signature to the appropriate sheet. With 43 or 44 names to each sheet, over a 10-minute period, there should be virtually no waiting period. For example, this would be a great advantage for committees meeting during the session. A committee could be assured of resuming hearings or deliberations within 10 minutes after the first bells.

Sixth. A proven record will have been made by the membership itself, when all voting Members in the first 10 minutes have registered their votes. There can be little room for error for the journal clerks.

Seventh. At least 10 to 15 minutes on each rollcall or quorum call is saved by this procedure. At 10 minutes, for 435 Members, this is a savings of over 72 hours or nine 8-hour work days. Regardless of where the membership may be, and under the most extreme normal circumstances, he can be on the floor in 12 minutes. This rollcall would probably take 15 minutes at a maximum.

If you feel these suggestions have merit, I hope you will discuss the ideas with your colleagues, especially your friends on the Rules Committee, to see if an acceptable plan can be devised and implemented.

LEGISLATION REQUIRING ADVANCE REPORTING OF PROJECTED EXPERIMENTS IN WEATHER MODIFICATION

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

Mr. MARSH. Mr. Speaker, I am introducing today legislation to require advance reporting of all projected experiments in weather modification.

The bill also would establish a commission to evaluate attempts by governmental and private agencies to alter the weather by cloud seeding and other means, and to develop recommendations as to the regulation of weather control efforts.

There is growing concern, particularly among farmers, as to the effects of tinkering with the weather. The subject is little understood, and there are substantial differences of opinion among scientists as to the practical value of the methodology so far established.

An urgent need, Mr. Speaker, is for reestablishment of a reporting system. We had one, maintained by the National Science Foundation, but it lapsed last year. I am informed that there is current active interest within Government in the renewal of reporting requirements for weather modification experiments. To that end, the bill I am offering would assign responsibility to the Environmental Science Services Administration in the Department of Commerce.

The study to be undertaken by a National Weather Modification Commission would assess the state and prospects of weather modification experimentation with particular reference to the economy and the environment.

Various Federal agencies are engaged in experimental work, and there are private organizations in the field, including some which offer cloud seeding services commercially. The Commission proposed by the bill could provide the much needed coordination.

Legal problems, such as intrusion on air rights, and matters of international cooperation would be other proper concerns of the Commission.

Finally, the Commission would be expected to provide the President and the Congress with recommendations as to the extent and nature of regulation found in the public interest. This, of course, would be a matter for future legislative action.

Heads of Federal departments and agencies having an obvious concern with weather changes would be represented on the Commission, as would both bodies of the Congress and the non-governmental scientific community.

My principal concern, Mr. Speaker, is for prompt reestablishment of a reporting requirement in the matter of weather modification experimentation. I believe it logical, at the same time, to set up a coordinating agency with a view to placing in appropriate perspective the state of this art and reducing public misunderstanding and uneasiness about it.

INCREASE AMOUNT OF OUTSIDE EARNINGS ALLOWED UNDER SOCIAL SECURITY WITHOUT PENALTY

(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, I am today introducing a bill that would raise the amount those drawing social security under age 72 are permitted to earn without forfeiting part of their benefits. The bill would increase this figure from the present total of $1,680 per year to $3,000.

Under the present law, many are receiving benefits far too little to meet the basic cost of living. Among this group are substantial numbers who are both willing and able to do some work. But as of now they can earn only $1,680 without losing some of their annuities. This is a rate equal to only $140 monthly if a person works the entire year.

Thus the law penalizes those who are trying to help themselves. It also penalizes the community, by drastically limiting the services of this substantial group. By raising the limit to $3,000, which would permit a year-round earning at a $250 monthly average, we can open the way for these people to keep themselves out of the poverty bracket. This amount, plus their social security annuities, would enable them to make ends meet.

In 1968 alone, the Consumer Price Index rose 4.7 percent. And its rise is continuing this year at a rate even greater. The hardest hit by inflation are those elderly citizens who are on meager fixed incomes. The greatest increases are coming in the necessities of life—medical care, food, and clothing.

We all know how difficult it is to obtain reliable help in many low-paying small business jobs, especially part-time ones, in present economic conditions. This provision will make available more elderly people to help fill this need.

Under existing law those 72 and over have no limitation on the amount of their earnings, but the $1,680 figure applies to all others drawing social security annuities. From $1,680 to $2,800 annually an individual loses $1 in benefits for every $2 in outside earnings, while above $2,800 the loss is dollar for dollar.

I hope the Committee on Ways and Means will go into this subject when it takes up the need for revision in the social security laws.

MORATORIUM ON WAR RESOLUTIONS IS SUGGESTED

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

Mr. WILLIAMS. Mr. Speaker, it is proper and essential that the Congress remain gravely concerned with the continuing problem of Vietnam and, in that concern, that the Congress hear and consider the voices and petitions of the people with regard to that problem.

It is imperative, however, that Members of the Congress do nothing, however unwittingly, that furthers the Communist effort against this country.

It is, therefore, essential that the Congress not forget the Communist objective nor the modus operandi through which the Communists hope to achieve that objective.

The objective is world domination. The modus operandi is what the Communists call "perpetual revolution" and "protracted conflict."

It is through this modus operandi that the North Vietnamese Communist regime and its Vietcong and National Liberation Front extensions in the South seek to gain by means short of total, modern war what they could not gain in such a direct conflict with the United States.

The prime tools for this Communist effort are: Limited aggression, guerrilla warfare, and outright terror tactics intermingled with agitation, propaganda, and political activity on a global scale.

Through this cynical blend of military action, professions of peace, and posturing of negotiation, the Communists seek to divide us—to wear us down—to fatigue us to the point where we will give them what they want; that, at the moment, is all of Vietnam.

In pursuing this course against us, they take maximum advantage of the full gamut of the freedoms which, guaranteed by the American system of government, are ruthlessly repressed by the Communist system.

I do not suggest that, because of this well-established Communist technique, we should, in any way, declare a moratorium upon those freedoms which, in the continuing great national debate over Vietnam, place greatest emphasis upon the fullest exercise of the freedom to assemble, speak, and petition.

I do suggest, however, that in consideration of these actions, the Congress cannot afford to appear to permit itself to panic, and, in so doing, accommodate the Communist objective.

The more irresponsible or reckless the demands, the more responsible and prudent must be the congressional reaction and conduct.

Consequently, I repeat my suggestion of last week that, in response to efforts to impose upon the President a time limit for withdrawal from Vietnam, we might better impose a limit upon the time our President feels impelled to be patient with the Communists who, up to now, have demonstrated contempt for his every effort to end the war with an honorable peace—a peace with which mankind can live. There is, however,

some indication, now, that Mr. Nixon's policy and conduct may be causing them to modify their contemptuous conduct.

I would suggest, therefore, that we could do worse than to discipline ourselves with a resolution to end, at least for the moment, the flow of resolutions on "what to do about Vietnam."

I would remind my colleagues that it is much easier and, certainly, quicker, to run a resolution through a mimeograph machine than it is to find a viable solution to the Vietnam dilemma which, in the main, this flow of resolutions only compounds.

Like the President, the Congress has no reasonable choice than to remain resolved to contribute, not to defeat in Vietnam, not to surrender in Vietnam—not to the aid, comfort, and convenience of the Communist enemy—but to an end to hostilities commensurate with established American standards of morality and responsibility.

Every one of us in the Congress shares the burning desire of the people to end this most nightmarish and unpopular military effort in which this Nation has permitted itself to become embroiled. But every one of us in the Congress must also share the burning desire that it shall not be ended in the form of another Munich.

Let us not forget that the cost of that foolish effort to buy "peace in our time" ended with more than 50 million human beings killed in a global war—not on the battlefield alone, but in bombing attacks on cities and farms, in concentration camps, and in gas chambers and ovens under a maniacal Hitlerian tyranny with which, when it began, communism was formally and ideologically allied for the purpose of conquering the world and dividing the spoils.

Even as this was the well-recorded result of the original Munich, this, and worse, could be the result of the new Munich for which, however unwittingly, too many argue in their demands for unilateral American withdrawal from Vietnam in the misguided belief that such action might, indeed, prove to be the key to peace.

Even as Stalin, like his former ally, Hitler, was responsible for mass murder and genocide within his sphere of World War II control, so would the Hanoi-commanded Communists rush to do the same against the hundreds of thousands of North Vietnamese who have fled into the South in search of asylum from the Red tyranny which they suffered in the North. This is the asylum, the freedom, which we have guaranteed. These are the refugees from Communist terror who have believed us. These are the tragic human beings who have accepted our guarantee.

Even as the Communists would destroy these refugees so, too, would they destroy the hundreds of thousands of South Vietnamese who have resisted them, who have demonstrated friendship for Americans and belief in the American guarantee of security and freedom.

Then, with South Vietnam firmly in their grasp, the Communists would move into the new Vietnams which, in fact, they have already begun in Laos, Cambodia, and Thailand.

This is the Communist objective, this is the Communist modus operandi, with which our President is confronted even as he is further burdened by the unreasoned and unreasonable demands that he pave the way for that new Munich by surrendering to political expediency rather than standing on principle—the principle of freedom and honor.

This is the compounding of the basic problem of Vietnam which is being heaped upon him by the cries and the antics of thousands of malinformed, misguided, suspiciously led students who, to the delight of the Communists, prepare to contribute richly to the Communist objective and modus operandi on that defined as "Moratorium Day" next Wednesday.

On that day over which the Communists are already exuding great glee and to which they are giving active cooperation, any fool, any incompetent, any malcontent, any radical, will be able to rush into the streets to shout "peace," and "stop the killing," as long as he does it in the streets of America, where it is permitted—not in the streets of Hanoi, where it would result in instant annihilation.

On that day, in America, such conduct will be globally reported without the activists having to account for the consequences of what would follow the unilateral withdrawal from Vietnam for which they will be demonstrating.

But it will take a man—a statesman—to stand up in Congress, and in the White House, to resist that which, however sweet sounding, would, by no means, really be "the easy way out." Quite the contrary: such a precipitous action would, in all reality, be the fast way into a whirlpool of a second Munich and the nuclear age consequences from which mankind might never emerge.

It is this which, in all respect, I commend to the attention, intelligence, and consciences of my colleagues and, in turn, to the American people whom we represent—and whose security and interest we are sworn to protect and defend.

VIETNAM

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

Mr. WEICKER. Mr. Speaker, I would like to refer my colleagues to a statement Democrat Senator FRANK CHURCH made on the floor of the U.S. Senate last week:

> After all. Democrats in the White House led this country into Vietnam. If President Nixon fails to lead us out, it may become his war, but it is not Nixon's war yet. For eight years we, Democrats, bore the responsibility. Now, we must wear the hair shirt longer than eight months. Quite apart from what our personal positions may have been, we are not yet entitled as a party to hold the Republicans to account.

And yet, of course, this is exactly what the Democratic Party is attempting to do in 1969.

Make no mistake about it—the American people rejected the possibility of war in 1964, and the actuality of war in 1968.

In representing my district, I intend to use all my energies to see to it that our young people do not continue to pay the price for past legislative silence and executive error.

Now it is easy enough to blithely go on to the problem of how many troops do we withdraw and how fast, but the fact is that Richard Nixon set up and put into motion without fanfare the machinery for peace. Very simply what used to be national rumor has been replaced with national policy. I would like to point out to the Democratic Party that for the very reason that they cooly, calmly, and surely put us into a war in Vietnam means that hysteria is not going to get us out. Steady hands securely tied the knot of war and steady hands are going to be required to unravel it.

I am more committed than ever to the disengagement of American land forces from Vietnam, and I think it is the job of this Congress to see that the President neither fails nor falters in continuing what he has started. But I can tell you what I am not about ready to do and that is to listen again after 8 months to those that gave the advice to America for 8 years. I saw 8 years of increased draft calls. I saw 8 years of increased troop commitments. I saw 8 years of increased casualties.

The fact is that now I see men returning from Vietnam—I see draft calls canceled—I see draft reform proposals—I see cutbacks in defense spending—I see declining casualties.

You and I both know that there is another side to the coin. For every man that would like to make this Mr. Nixon's war politically, there are people who would like to make this Mr. Nixon's war realistically. In an era of extremes, that makes the role of reason the most difficult and is why the President's program of disengagement should be encouraged.

POSTAL REFORM

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

Mr. LANDRUM. Mr. Speaker, I was privileged to be one of the early sponsors of H.R. 11750, a bill which would make historic changes in the organization of the U.S. Post Office.

This bill attempts to give the Post Office a more manageable structure by converting it to a Government-owned corporation, operating under the broad policy direction of the Congress.

Some months have passed since the introduction of that bill, and I feel compelled to restate my convictions on the urgency of coming to grips with the serious problems which beset this department.

The Post Office is perhaps the best example in Government of an organization out of the past attempting hopelessly to deal with the larger, more complex demands of today.

Every credit must be given to the thousands of dedicated and hard-work-

ing postal employees. Were it not for them the system would not perform nearly so well as it does at present. But they are unable by themselves to overcome the serious obstacles the system places in their paths.

One does not have to be a postal expert to determine that the Post Office Department suffers serious problems. Its plant is sadly deteriorated. It does not have funds to purchase sufficient mechanical mail handling equipment already available on the market. Its employees often work under deplorable physical conditions, and under personnel policies that are decades behind the times. The Department's inefficiencies are widely known and documented, and it loses over $1 billion a year.

On top of all this, mail service is neither fast nor dependable.

Despite the increased use of electronic communications, and talk of using satellites for mail purposes, the hard fact is that the postal service is not a dying industry. Mail volume is booming—expected this year to reach an unbelievable 82 billion pieces. And a steady increase is predicted for the next decade.

While the productivity of workers in industry increased steadily in recent years, that of postal workers remained static; in fact, it has declined somewhat—due mainly to lack of mechanization.

We are confronted with a case of decreasing productivity and increasing mail volume—a recipe for disaster if I ever saw one.

Delays and breakdowns constantly threaten the mails. A complete breakdown in service did in fact occur in 1966 in one of our largest cities, causing severe economic damage and personal hardship. Similar breakdowns could occur at any time in many of our major post offices.

What is wrong with the U.S. mails?

The central problem, in my judgment, is that Congress holds management prerogatives which rightfully belong to the management of the post office. Congress is deeply involved in setting wages and benefits, in establishing postal rates, and in determining capital investments.

Without management authority in these vital areas, the Postmaster General and his staff can do little more than administer; certainly they cannot manage in the truest sense of the term.

This bill—basically—is an attempt to make the Post Office Department more manageable—to give it a management structure similar to those found in the Nation's most successful service enterprises.

This structure would consist of a board of directors, appointed by the President to serve part time. It would include a professional management, insulated from politics, to give the system a continuity it has which has been missing in recent years, as six different Postmasters General have held the office in this decade alone.

Provision is made for collective bargaining, to enable the employees to share in savings which might accrue from the creation of a corporation. Provision is made for a panel of full-time rate commissioners, independent of operating management, to consider postal rate adjustments, hold public hearings, and make recommendations to the board of directors. The board's decision on rate matters would be subject to congressional veto. Finally, and most importantly, it would authorize the Postal Service to raise money for new buildings and equipment by issuing public bonds.

Employees would be protected. They would retain their participation in the civil service retirement plan, and their veterans' preference and other benefits will remain the same or be improved. Indeed, postal employees may be the greatest beneficiaries of this plan.

The Postmaster General has assured the Congress of his conviction that the Postal Service, under this plan, can be operating on a break-even basis within 5 years, without any substantial reduction in the scope of present services. Indeed, he has promised a higher quality of service.

One of the bill's most important features, in my view, is that it clarifies and separates the confusing lines of responsibility which currently exist in this department between the Congress and the executive branch. Congress is so heavily involved in the details of postal affairs that it might legitimately be said that the Post Office is managed by legislative action.

I submit it would be far more preferable for the Congress to establish broad policy guidelines for operation of the Post Office, and retain responsibility for oversight of its operations, while leaving the actual day-to-day management of the postal system in the hands of postal officials. This is basically what H.R. 11750 proposes.

One cannot help but note the broad public support this bill enjoys.

Editorial support has been overwhelming. The Post Office claims that out of 275 editorials it has collected, 252 have been in favor of the bill, and 23 against.

Those Congressmen who have polled their constituents on this matter have almost without exception found respondents to be strongly in favor of the bill.

The surveys of the business community, particularly by the Chamber of Commerce of the United States, indicate business strongly favors the corporation concept.

The American people are behind this bill. If we fail to act responsibly in this matter, if we ignore broad public interest in this bill in favor of narrow, special interests, we will have to answer to the American public on this question.

I recognize this bill is not perfect. The Congress will want to make changes and improve on it. But in my judgment, this is the finest, most sensible solution to come forth to date, and Congress should give it the serious consideration it deserves.

Britain recently turned its mails over to a corporation. Germany has an organization very similar to a corporation in charge of its mail system. And Japan has a proposal before its Diet for a postal corporation. This important new concept for handling the mails is spreading. I urge the Congress to move in all due haste to authorize the U.S. Post Office to take this progressive step.

Only in this way can we assure that our postal system will measure up to the highest standard in the world—the American standard.

OLD CAPITOL: EMINENCE TO INFAMY

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

Mr. PICKLE. Mr. Speaker, on Tuesday evening, September 23, 1969, I attended the seventh annual meeting of the U.S. Capitol Historical Society. Under the guidance of our able and energetic Congressman, the Honorable FRED SCHWENGEL of Iowa, its founding president, this unique organization has become an integral part of Capitol Hill, performing a variety of excellent services for the Congress and the public. I was privileged to speak to this group briefly along with the distinguished Senator from Oregon, the Honorable MARK HATFIELD.

The principal speaker at Tuesday's meeting was Dr. James I. Robertson, Jr., professor of history at Virginia Polytechnic Institute, in Blacksburg, Va. A prolific writer and articulate spokesman, Professor Robertson served as executive director of the U.S. Civil War Centennial Commission and is the author of several Civil War books and articles. His talk on the Old Capitol, which accommodated the House and Senate during the years 1815–19, and later served as a prison during the Civil War, highlights a much neglected part of the Capitol and the Congress' history. For this reason, and because it should be of interest especially to the present Members of Congress, I include his remarks at this point in the RECORD:

OLD CAPITOL: EMINENCE TO INFAMY

(By James I. Robertson, Jr.)

Historically speaking, no building in Washington ever had a more contrasting sixty-year life of fame and infamy than Old Capitol. Certainly none ever began on a note more hallowed—or ended on one more horrible. In this sense, the building that stood at the northeast corner of First and A Streets epitomizes the tragedy to the Union of the American Civil War.

The story begins in August, 1814, when English soldiers burned the U.S. Capitol. For almost a year thereafter, the Congress was left homeless. Yet a combination of public patriotism and private enterprise soon went into operation. Thirty-eight public spirited citizens banded together into a corporation, sold $17,362 worth of stock, and commissioned the construction of a building that would provide at least temporary quarters for the two houses of Congress. The site chosen was a block east of the charred timbers of the Capitol.

In July, 1815, workmen began demolishing the Tunnicliff Tavern, which stood on the lot; and in the incredibly short period of six months, the largest privately constructed building in Washington was completed. Total cost of the brick structure was $25,000, exclusive of $5,000 which the Federal government contributed to furnish the interior in a reasonable eloquence befitting the Congress. The Senate Chamber, 45 by 15 feet, dominated the first floor; the House Chamber, 75 by 45 feet, occupied the center portion of the second floor. For these quarters,

the government paid an annual rent of $1,650.

The building served as the nation's capitol until 1819, and it was on the steps of this imposing structure that James Monroe was inaugurated fifth President of the United States. After Congress returned to its renovated headquarters across First Street, the still-new building that had been its home became known out of distinction as "Old Capitol." It was used thereafter for a time as a school; by the 1830's, however, it was Mrs. H. V. Hill's fashionable hotel. So many politicians (plus "dashing young men and transient bachelors") frequented the establishment that it was known popularly as the "Congressional Boarding House." It was there, in the summer of 1850, that the inimitable John C. Calhoun died.

The boarding-house soon closed and for a decade remained unoccupied. When the Federal government in 1861 confiscated the building for use as a prison, it possessed little vestige of past grandeur. "Decayed walls, broken partitions, and creaking doors and stairways" were its leading characteristics. One writer of that time referred to Old Capitol as "a vast brick building, somber, chilling, and repellent;" another noted that because of its dingy, timeworn condition, it "closely resembled the Negro jails in Richmond."

Why authorities selected a rundown structure only a block from the Capitol as the site for a prison remains a mystery. In any event, the government also purchased a series of nearby houses known as "Duff Green's Row," renamed them "Carroll Prison," and made these buildings an annex to the old boarding-house. Enclosing the other two sides of the square with a twelve-foot-high wooden fence completed the compound known thereafter as Old Capitol Prison.

Composite accounts by a number of inmates provide a rather detailed picture of Old Capitol and its adjunct buildings. Dominating the whole complex was Old Capitol itself. The main entrance, on First Street, led into a large hall that served as a guardroom. To the right, off the hall, were two rooms used for searching and interrogating all incoming prisoners. To the left of the hallway was a "dirty, dismal" room that constituted the messhall. It was noted more for its filth than for its cuisine. The principal stairway was at the end of the hall. On the midway landing of the steps was a single office occupied by the prison superintendent.

The second floor contained five rooms (Numbers 14–18) created from the former chambers of the Congress. Incarcerated Federal officers occupied one of the cells; recalcitrant Virginians were in three others; and the central room, Number 16, was reserved for influential political prisoners and noted for the large arched window situated over the entrance on First Street.

According to one embittered inmate, the small rooms were filled with three-tiered bunks along the walls and "filth of every imaginable kind, and entirely destitute of any furniture or other accommodations indispensable to the humblest cabin." This is exaggeration, for each room contained what another prisoner termed "pine tables, chairs, benches, and other home-made apologies for seats." The bunks were so constantly invested with vermin that prisoners customarily slept on the tables and floor.

The third floor of Old Capitol was either an after thought or an attic. The rooms were exceedingly small and low-ceilinged. Ventilation was poor; mold, must and heat were oppressive; and when ten men were not jammed into one of these five-bunk rooms, the quarters were used as solitary confinement cells. Beneath Old Capitol was a two-roomed basement used initially to house Confederate soldiers captured in battle. In December, 1862, the Southerners were moved out and the rooms permanently converted into laundries.

Behind Old Capitol was a yard intended to provide ample space for exercise. However, transfer of Confederate prisoners to this area during periods of overcrowding made it one of the least enjoyable spots in the prison. Half of the yard was paved with cobblestones; the other half varied between a dustbowl and a quagmire, depending upon the weather. On the opposite side of the yard was a two-story wooden building that housed the hospital and apothecary. Next to it—in flagrant ignorance of sanitation—were the "sinks," as latrines were then called.

The sinks, wrote one prisoner, "consisted of wide trenches, partially covered over, but open in front, with long, wooden rails, on which the eighteen or twenty persons using them were obliged to stand. The accumulated excrement—for months, of several hundred men, many of whom were suffering from diseases of the intestines produced by these sinks—sent forth an offensive effluvium that poisoned the atmosphere of the whole prison, and disgusted the sickened senses of its inmates." Another prisoner described the situation more succinctly: "The presence of these sinks . . . did not contribute to the beauty of the scenery or add sweetness to the tainted air."

What set Old Capitol apart from all other prisons of the Civil War was not its location, background or facilities as much as it was the indescribable heterogeneity of its prisoners. No stranger conglomerate of people ever occupied the same compound. Inmates covered the full range of humanity: male and female, black and white, young and old, soldier and civilian, millionaire and vagrant, the brilliant and the retarded, the sadistic and the senile, as well as the guilty and the innocent. That each of the above classes received basically the same treatment in Old Capitol explains why the prison was continually likened to the infamous Bastille of the French Revolution.

Originally, Old Capitol was intended only for prisoners of war; and while Confederate soldiers always formed the largest block of inmates, the prison came to be the chief depository for political offenders (so-called "suspects and enemies of the state"), plus smugglers, kidnappers, counterfeiters, bounty-jumpers, Negro contraband, and Northern soldiers accused of major crimes.

Indeed, a sampling from the Prison's records of charges filed against persons confined in Old Capitol runs the full gauntlet of misbehavior: bushwhacker, contrabandist, guerrilla, carrying goods South, disloyalty and stoning guards, rebel spy, awaiting sentence for treason, dealer in Confederate money, murdering and robbing Federal soldiers, kidnapper, furnishing information which led to the murder of Union pickets, deserter and spy, persecuting Union men, refusal to take the oath, abusive language, damaging Long Bridge, burning commissary stores, aiding and piloting deserters, burning barges. Others were arrested on hazier charges: suspicious character, a crazy wanderer, showing "secesh" sentiments, a "rabid rebel." Beside the names of many prisoners was a simple notation: "Committed by Sec. of War."

In March, 1862, fifteen women were listed among Old Capitol's inmates. Two of them had been jailed for being "notorious prostitutes." Conversely, when in September of that year 170 Federal deserters were brought to Old Capitol, the prison superintendent exploded with rage. "G-- ---- them!" he shouted to the guards. "Take them down to the Navy Yard, and shoot every ---- son of a ---------- of them!" Fortunately, higher authorities intervened before the order could be executed, and the soldiers were admitted to the already-crowded prison.

Probably the most pathetic of Old Capitol's occupants were persons arrested for voicing political opinions contrary to those of the Lincoln administration. A Virginian so imprisoned noted: "Many persons confined here were arrested, robbed of everything they possessed, and kept merely on suspicion for weeks and even months, without examination or trial, and sometimes, after an examination and no proof of charges, being still detained."

Another writer commented: "Hundreds of persons were subjected to military arrest and detention without formal accusation or trial. It was an easy, though illegal, way to render them harmless, and whenever further detention became useless, military commissions released them informally without establishing their innocence or their guilt. That their constitutional civil rights were violated was officially neither of concern nor [of] consequence."

Numbered among this group was a fifty-seven-year-old New York farmer named Joseph Kluger, who was sent to Old Capitol in 1862 for stating publicly that "Lincoln had no right to call out 75,000 troops without first convening Congress, and that if the South had her just dues there never would have been a rebellion." A Lieutenant McClune of the 135th Pennsylvania Infantry was confined in Old Capitol for four months because he voiced disapproval of the Emancipation Proclamation. Dennis A. Mahony an outspoken newspaper editor in Dubuque, Iowa, spent a good part of the war in Old Capitol as a result of his strong Democratic editorials. He was never arraigned or tried.

Mahony, who termed himself "a victim of partisan malignity, and of the despotism of Abraham Lincoln," wrote dejectedly in his diary in mid-September, 1862: "Every effort the State Prisoners make to have their cases heard seems to be futile. There is an evident determination on the part of those who have assumed authority in the matter to give no satisfaction to the prisoners, nor to give them the least opportunity to be heard in their defense. A reign of terror and of despotism is as firmly established here as in any city on the globe."

In the case of one political prisoner, the results proved disastrous for the Lincoln government. James W. Wall was a popular but Democratic political leader in New Jersey; and when he appeared to be gaining too much influence in the approaching elections of November, 1862, he was arbitrarily arrested and thrown into Old Capitol. Incensed New Jerseyites responded by electing a Democratic governor, Democrats to four of five congressional seats—and, after Wall's release, sending him to the U.S. Senate.

Old Capitol always had more than its share of strange and unique prisoners. Two inmates were kept in solitary confinement most of the time because each was completely insane. Mrs. L. A. McCarty of Philadelphia was arrested when she was discovered promenading on Washington streets while dressed as a man. (How this transvestite fared in Old Capitol is not known.) Another prisoner was John W. Smith, a roving eccentric known as "The Wandering Jew." He was over sixty-five years of age, blind in one eye, and apparently without home or friends. An inventive man who tinkered with contraptions, he developed the fundamentals of a timebomb—and went to Old Capitol as a result of it.

A Confederate sympathizer named Mrs. Baxley spent considerable time in Old Capitol. She was noted for her constant assailment of any and all guards who came within striking distance, and of the barroom tactics she employed in her many fights. A fellow inmate was Louisa P. Buckner, niece of Postmaster General Montgomery Blair. Miss Buckner was briefly detained on charges of smuggling quinine into the Confederacy. It was not uncommon for women and their young children to be clapped together into cells. Many were imprisoned for simple refusals to take the oath of allegiance.

Special mention must be made of the two

most celebrated prisoners in Old Capitol's history. Both were female, and both were acknowledged Confederate spies.

First of the two to be imprisoned was Rose O'Neal Greenhow, widow of an influential Washingtonian who had been a confidant of James Buchanan, John C. Calhoun and others. Mrs. Greenhow was forty-four and the mother of four daughters when the Civil War began. Few espionage agents in all of American history possessed more skill, or more political influence, than she. Congressmen, high-ranking army officers, and officials in every branch of the government were frequent guests in her elegant 16th Street home. They also and unknowingly were reliable sources of information for the enemy. The secrets that Mrs. Greenhow relayed to the Confederacy in the summer of 1861 enabled the South to win a smashing victory in the war's first major battle.

Secret Service agent Allen Pinkerton was then assigned to keep the widow under surveillance. Pinkerton soon reported that Mrs. Greenhow had "alphabets, numbers, ciphers, and various other ways of holding communication with the Confederate officials." On January 18, 1862, she was arrested and conveyed to Old Capitol. During her seven-month stay in the prison, she and her young daughter were the center of attention of guards and prisoners alike. Mrs. Greenhow was then banished from Union territory. She spent most of the ensuing two years in England on behalf of the Southern cause. During that time, she allegedly turned down a wedding invitation from the eminent Lord Granville.

On October 1, 1864, Mrs. Greenhow was en route home aboard a blockade-runner when a Federal gunboat intercepted the ship off the North Carolina coast. Mrs. Greenhow attempted to get ashore in a dingy; but high waves overturned the craft and she drowned at sea. Her body was later recovered and returned to Washington, where it was buried with military honors.

Carl Sandburg wrote of Mrs. Greenhow that she was "a tall brunette with slumberous eyes . . . gaunt beauty, education, manners and resourceful speech. . . . Her proud loyalty to the South and her will and courage set her apart as a woman who would welcome death from a firing squad if it would serve her cause."

Certainly Mrs. Greenhow's audacity was incalculable. Once, while sending secret messages to the Confederacy, she at the same time was pleading for the promotion of her son-in-law, a captain in the Union army!

The second noted Confederate spy confined in Old Capitol was the "Siren of the Shenandoah," the legendary Belle Boyd. A native of Martinsburg, Va., and daughter of a Confederate officer, she first attracted attention when she killed a Federal soldier who attacked her mother. Thereafter, Belle rode constantly through the Shenandoah Valley and gathered valuable information for General "Stonewall" Jackson. Late in July, 1862, Belle was finally captured; and Federal authorities wasted no time in dispatching her to Old Capitol.

She was then but nineteen. It would be dramatically fitting if one could compare Belle in appearance with Raquel Welch, Sophia Loren or Lana Turner. In truth, she had a marked resemblance to Judy Canova: slim build, sharply cut features and oversized teeth. Belle's first stay in Old Capitol lasted three months. While there she "played her role of Southern heroine with zest" by assisting three prisoners in a successful escape. She became "the darling" of the prison—so much so that confinement for her was practically a holiday. Food, attention and affection were showered upon her by all; and upon Belle's release, inmates took up a collection and bought her a gift which a Confederate officer presented to her weeks later in Richmond.

Following the battle of Gettysburg, Belle was again arrested and sent to Old Capitol. She spent seven months there under sentence of death, but then was exchanged for General Nathan Goff. Like Mrs. Greenhow, Belle was eventually exiled from the North. She married a Federal officer and ultimately moved to Wisconsin, where she died in 1890. She was given a military funeral—not by Southerners but by men and sons of men who had fought for the Union.

Of this remarkable young woman, Old Capitol's superintendent commented: "She was a good talker, very persuasive, and the most persistent and enthusiastic Rebel who ever came under my charge." Yet a Baptist minister confined near her in the prison observed: "I cannot help admiring the spirit of patriotism which seems to control her conduct, although much of romance is no doubt mixed with her patriotism."

Before describing life inside Old Capitol, one must bear in mind two unalterable facts about Civil War prisons: 1) the great majority of surviving accounts were written by inmates, not administrators, and hence are overly biased; and 2) prisoners in any institution tend always to exaggerate their misery. Old Capitol's political prisoners, most of whom were there because of inflammatory writings or vociferous speeches, naturally were inclined to give the most outspoken and dismal picture of their situation. These factors notwithstanding, Old Capitol still left something to be desired.

"In gloom and filth and discomfort," the prison truly "belonged to an ancient tradition." Owing to constantly crowded conditions, individual privacy was out of the question. Prisoners were normally packed into rooms with twice as many people as each room was supposed to hold. Newspaperman Mahony once moaned: "Nothing but the Providence of God preserved the prisoners from the natural effects of the filth, heat, and their crowded contact with each other."

Furniture was sparse and crude. Bunkbeds consisted of straw thrown atop boards cut more to the measurements of midgets. Vermin and spiderwebs graced every nook and corner; the strong odor of human excrement permeated the whole compound. The only diversions available to the prisoners were card-playing, letter-writing, smoking, singing, and whatever horseplay men might devise. "The worst misery in the Old Capitol," one writer has concluded, "was the helplessness and uncertainty which made the men . . . dull their minds with endless games of bluff poker, and toss wakefully at night on their shakedowns . . ."

A typical prison day began at dawn, when guards unlocked room doors and announced breakfast. Prisoners then tramped to the first floor messhall, which a Virginian described as "a long, dirty, gloomy-looking room, with nothing in its appearance to tempt the appetite." The food, he added, "looked as though served at second-hand. The odor which assailed the nostrils seemed as if coming from an ancient garbage heap. Judge Andrew D. Duff of the 26th Judicial Circuit of Illinois never forgot his first meal as a prisoner in Old Capitol. He termed the messhall a *"hog-pen,* a place where several hundred prisoners rushed at meal-time to satisfy the cravings of hunger." Judge Duff was unable "to bear the stench of the place, and the sight of the disgusting mass of half-putrid meat."

Civilian and political prisoners were of one voice in damning the food issued at Old Capitol. Dennis Mahony reported a breakfast as consisting of "a plate of the same crackers which had been furnished the night before—a piece of what we call mule beef, and which we seldom eat, . . . camp knives which stain anything they touch, forks to match, and a teapot of what is called coffee, but which looks as if the coffee-slops of some hotel table were all put together and boiled over." Another prisoner described prison fare as bread, pork and beef. "The pork was of poor quality, and was made worse by being badly kept, and illy cooked. The beef . . . had the appearance . . . of a piece of thick sole-leather, steeped in grease . . . Those who had good teeth might masticate it, with an effort, but even then they could not swallow it."

Mrs. Greenhow once characterized a chicken dinner as "fowl which must have been the cock that crowed thrice to wake Peter," and years after the war, her daughter remarked: "I do not remember much about our imprisonment except that I used to cry myself to sleep from hunger."

After the morning meal, prisoners returned to their rooms. Other than sick call at 9 a.m., the inmates had nothing to do until lunchtime. The same quality of rations was distributed at noon. Then followed a thirty-minute period in the yard for exercise and fresh air. Yet, one inmate noted, the yard was generally so full of the tents of Confederate prisoners of war "that all the recreation which could be indulged in was to gather in a crowd together, and elbow one's way through it."

On August 15, 1862, civilian George H. C. Rowe of Fredericksburg, Va., took his first thirty-minute outing in the yard. He stated: "This little enclosure I found filled; about three hundred and fifty prisoners of every rank, condition and degree, statesmen, lawyers, bankers, doctors, editors, officers, merchants, soldiers, deserters, and vagabonds were mingled in the court. The great majority, however, were dirty, lousy, half-clad soldiers. . . . The condition of many of the captive soldiers can be conceived when I state that many of them were actually scraping lice from their persons with knives and sticks."

When the half-hour "recreation" period ended, prisoners were herded back to their rooms for more boredom until supper time. Roll call came immediately after the evening meal. "Taps" consisted of a guard moving down the hall and shouting for all lights to be extinguished. Prisoners then sat in the darkness until sleep came. Yet, more likely than not, sleep was but temporary—thanks to the presence in every room of vermin. "There is a large force of bedbugs in the room," prisoner James J. Williamson recorded in this journal, "and they send out detachments and raiding parties to all the different bunks, and draw their full supply of rations from the occupants. Sometimes we get together and have . . . a promiscuous slaughter, regardless of age or sex. But they must recruit from the other side, like the Yankee army, as we can notice no diminution in the forces."

Iowa's Dennis Mahony stated the case more dramatically. "No dodging could escape the reconnaissance of these vigilant and active marauders. Even those [prisoners] who slept on the tables were assailed with as much fury as those who remained in the bunks." The bedbugs customarily made their assault in force around 1 a.m. "About that time of the night, some one would wake up smarting from the bites which he had received, and uttering imprecations on his tormentors. Soon the whole crowd would be awake, candles would be lighted and then for the onslaught on the bugs . . . pickets were set to watch the enemy, skirmishers were thrown out, bases of operation were selected, reports made of the number of captured and slain—and after an exhaustive battle, in which many wounds were inflicted on one party, and thousands killed on the other side, the assailing party being always routed, the prisoners slept upon their arms, ready at a moment's warning for a renewal of the attack."

As a further complication for Old Capitol inmates, and in marked contrast to other Civil War prisons, no specific regulations ex-

isted for the conduct of the incarcerated. As one Confederate observed early in his confinement: "There are no prison rules for our guidance placed where they can be seen, and no official instructions as to how we are to act, or to whom we shall make known our necessities. A knowledge can only be gained from conversing with prisoners who have been a long time in the prison, or from actual observation, or from seeing punishment inflicted upon some poor wretch for a violation of an unwritten law. One can only do as you see others do, and if you blindly follow a willful or ignorant transgressor, you must take the punishment of a guilty person."

The security of Old Capitol Prison lay not in its boarded windows and locked doors but in the heavy guard that patrolled constantly on the streets outside. Two inmates were killed by these prison sentries. Jesse W. Wharton, the twenty-six-year-old son of a college professor, was slain in the spring of 1863 when he refused a guard's order to back away from a window. Wharton had been an officer in the Federal army but had resigned because his heart was not in the struggle. The following month, twenty-three-year-old Henry Stewart, son of a Baltimore physician, was shot in the thigh while attempting to escape. Stewart's leg was amputated, but he died the next day from complications. Prison gossip claimed that Stewart had bribed a guard to allow him to escape, but that the guard had reneged at the critical moment.

No prisoner ever loves his jailer. This truism aptly existed at Old Capitol, and it applied in particular to the four chief administrators of the compound.

The most detested of the quartet was General Joseph K. F. Mansfield, who was Military Governor of Washington during the first year of the war. Mansfield allegedly gave orders that all prisoners would be fed "side pork and hard biscuit, the worst that could be procured." When a subordinate protested that the majority of the inmates were civilian gentlemen not even formally accused of any crime, Mansfield snorted: "Damn them! They are all traitors, or they would not be there. They shall have nothing else but what I have ordered. That is good enough for them!"

Mansfield was killed in September, 1862, at the battle of Antietam Creek. When news of his death made the rounds of Old Capitol, many prisoners "hoped he would realize in the new existence to which he was introduced what it is to be a tyrant towards his fellow mortals in misfortune. This was the most charitable feeling entertained towards him."

The prison official mentioned most often in the writings of inmates was Superintendent William P. Wood. Born in 1820 in Alexandria, Va., and a former private in the Regular Army, Wood was commandant of Old Capitol throughout its wartime existence. He and Secretary of War Edwin M. Stanton were such close friends that a Washington provost marshal once sneered: "Wood was deeper in the War Office than any other man at Washington, and it was commonly said that Stanton was at the head of the War Office and Wood at the head of Stanton."

Wood was a small man in his early forties when he became civilian administrator of Old Capitol. He proved to be a veritable bundle of inconsistencies. On the one hand, he was flagrantly impudent of authority and seemed to delight in disregarding all orders from above. That he compiled a fortune from stealing money and other valuables of prisoners is substantiated in official reports. Small wonder that his superiors (with the exception of the powerful Stanton) regarded him with distrust and contempt.

On the other hand, Wood went out of his way to try and win at least the confidence of his prisoners. In his own, rather uncouth way, he proved indulging and sympathetic. He supposedly violated regulations and allowed mail to pass in and out of the prison; he was always disarmingly respectful to all inmates; and he explained every hardship imposed by stating that such were direct orders from his superiors.

The prisoners never held Wood in any esteem. He was their jailer—the source of their misery. He was also a "renegade Virginian" noted for loud views on both the abolition of slavery and the preservation of the Union. Inmates regarded as disgusting Wood's tactic of sending spies (posing as prisoners) into the cells to gather information. His alleged penchants for stealing and embezzlement were considered sadistic dishonesty. Lastly, and despite his Roman Catholic background, Wood was an avowed atheist. One Sunday morning in 1862, when Wood allowed a Confederate and a Union chaplain to hold separate church services in the compound, the Superintendent announced the fact by strolling through the halls and yelling cheerfully: "All ye who want to hear the Lord God preached according to Jeff Davis, go down to the yard; and all ye who want to hear the Lord God preached according to Abe Lincoln, go down to Number 16!"

Late in 1865, Wood became Chief of the United States Secret Service. He died in 1903 at the Soldier's Home in Washington.

Of the two other prison administrators who acquired large shares of denunciation from inmates, the most obnoxious was the permanent officer of the guard, Lieutenant Joseph Miller of the 10th New Jersey Infantry. Prisoners referred to him as "Bullhead," and one voiced the opinion that Miller was "like many other civilians who never before had any authority over their fellow-men," for he "arrogated to himself all the power, as well as authority, which he dared exercise with impunity, over the defenceless victims intrusted to his guardian care." Slightly less repulsive was Old Capitol's portly and pompous medical officer, Surgeon W. D. Stewart. Mrs. Greenhow regarded him as "a vulgar, uneducated man, bedizened with enough gold lace for three field marshals." However, the quality of Stewart's medical practice at Old Capitol must have been above-average, for embittered prisoners never singled it out for condemnation.

Life in Old Capitol early degenerated into boredom and personal uncertainty. Prisoners passed the time sitting dejectedly in their cells. Confederate soldiers could only pine for exchange or transfer to a supposedly better compound. Civilian political prisoners hoped for arraignment or release. Either was regarded as preferable to detainment without charge. With prisoners of war being continually shuttled in and out of Old Capitol, the anxieties of civilian inmates naturally increased with each succeeding day.

A few unusual events occurred to break the tedium of prison existence. On December 5, 1862, a Federal soldier convicted of murder was hanged in the prison yard. The condemned man was Private John Kessler of the 103rd New York Infantry. For several weeks thereafter, the gallows were left standing in the yard, where their presence added to the "terror" of the prisoners. In January, 1864, smallpox erupted inside Old Capitol. Yet as quickly as cases were detected, diseased prisoners were transferred to Washington's Kalorama Hospital. Such actions prevented the disease from reaching epidemic proportions as it did in other Civil War prisons. On the morning of Abraham Lincoln's death, an angry mob gathered in front of Old Capitol and remained there throughout the day. Yet no attempt was made to rush the building.

The blackest day in Old Capitol's history came on November 10, 1865—seven months after the Civil War ended. At 11:20 that Friday morning, as spectators perched in nearby house windows and treetops, another hanging took place in the prison yard. The condemned man was Captain Henry Wirz, former commandant of Andersonville Prison. He was the only war criminal to be executed as a result of America's bloodiest conflict. That Wirz was undeserving of such a fate makes the incident more a legal lynching than a military execution.

Arrested on May 10, 1865, the small and crippled Swiss officer was confined for seven months in Room No. 9 on Old Capitol's third floor. That summer a military court martial, violating every known concept of justice, arraigned Wirz on charges of murder, conspiracy and excessive cruelty. In the course of the trial, the prosecution introduced 160 witnesses, consisting mainly of deserters, bounty-jumpers, and men actually hired by agents of Secretary Stanton to present false evidence.

For example, one "star witness" gave severely damaging testimony, walked from the courtroom, and gleefully confessed to friends outside that everything to which he had sworn was "all a damned lie." Another key witness was Boston Corbett, a known religious fanatic who early in the Civil War had been under death sentence for desertion. Only five years after the Wirz trial, this man (who also claimed credit for shooting John Wilkes Booth) was adjudged hopelessly insane.

The Wirz trial made a mockery even of military court proceedings. Wirz's defense witnesses were dismissed before they could testify; his attorneys were intimidated and denied time to prepare their defense. In railroad fashion, Henry Wirz was found guilty on ten counts of murder and conspiracy.

But let it be remembered that this Confederate officer went to his death with heroism. He walked calmly to the scaffold; for eighteen minutes he sat quietly on a stool while the sentence and other pronouncements were being read. Then, with the halter around his neck, Wirz made a final statement: "I am innocent, and will die like a man, my hopes being in the future. I go before my God, the Almighty God, and He will judge between me and you." Then, a recent writer has summarized, "what heroism there was disappeared with the roll of the drum, the jerk of the halter, and the cheers of a nation gone mad."

Henry Wirz was the pound of flesh that a victorious North had to extract. Yet the injustice of his trial, and the illegality of his sentence, will forever remain black marks on the American judiciary system. It is one of the ironic coincidences of our national heritage that on the precise spot where Wirz was put to death now stands the U.S. Supreme Court building.

Less than three weeks after the Wirz execution, Secretary Stanton ordered Old Capitol closed. The dozen remaining prisoners were transferred elsewhere. By 1869 the entire Old Capitol compound had been demolished—as if the Federal government were eager to erase the historical building from view and memory.

In its four-year existence as a prison, Old Capitol contained a host of prominent prisoners: Rose Greenhow, Belle Boyd, John S. Mosby, Mrs. Mary Surratt, Southern governors Joseph E. Brown, John Letcher and Zebulon B. Vance, plus many others. The prison had an average monthly population of 1,011 inmates. Its most crowded period was November, 1863, when 2,763 prisoners passed through its doors. A total of 51 prisoners died in Old Capitol; 17 others made successful escapes.

The smallness of the last two statistics leads to a major and irrefutable conclusion: compared to other Civil War compounds, life in Old Capitol was reasonably pleasant. Captured Southern soldiers who spent time there considered Old Capitol far superior to such Northern prisons as Point Lookout, Fort Delaware and Elmira. While political prisoners wrote many and long tracts of the hardships and "cruel despotism" they were forced to

endure, they tended to overlook such luxuries at their disposal as coal-fire stoves in every room, the availability from the outside of food, whiskey, newspapers and playing-cards, and regular visitations from relatives and friends. Such leniencies as these explain why Old Capitol had no outbursts of violence and only a minimum number of escapes.

One can hardly deny that a large number of persons cast into Old Capitol were jailed without due cause and—moreover—detained for unjustifiably long periods of time. Even Provost Marshal William E. Doster was led to admit: "The great fault of this prison (and one for which the Secretary [of War] is and ought to be blamed) was that it operated like a rat-trap—there was a hole in but no hole out; in other words, plenty of provision for arresting people, but none for trying them or disposing of their cases.

"[Colonel Lafayette C.] Baker could arrest, the detectives could arrest, the provost marshal could arrest, the Secretary and each of his two assistants could arrest, but none of them could discharge without running great risk of getting into trouble with some or all of the others. . . ."

Nevertheless, and prisoners' memoirs notwithstanding, most of the civilians sent to Old Captiol were arrested for good reason. The large majority were, in truth, active saboteurs, Confederate agents, inciters of riots and desertion, and in many other ways guilty of giving direct aid to the enemy. Their confinement, even without official charges, was a necessary wartime precaution. The treatment they received was far more benevolent than the treatment they plotted or executed against the Union. For many inmates, Old Capitol was "the American Bastile." Yet, in its last years of existence, that grand old building deserved better tenants—and a far better fate—than it received.

Such was the indignity of civil war.

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SECRETARY LAIRD SPEAKS TO AFL–CIO

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

Mr. BYRNES of Wisconsin. Mr. Speaker, this week Secretary of Defense Melvin R. Laird became the first Secretary of Defense to address the AFL–CIO. His illuminating speech on the Vietnam situation is printed elsewhere in the RECORD.

Mr. George Meany, president of the AFL–CIO, introduced the Secretary and thanked him at the conclusion of his speech. Mr. Meany's remarks were both pertinent and interesting and, I would like to quote them herewith:

INTRODUCTORY REMARKS BY MR. MEANY

At this time it's my pleasure to introduce to you a member of the Cabinet, who has perhaps the most difficult job at the present time, second, I think, only to that of the President. I've known this gentleman for many years. When I first met him he was a State Senator in Wisconsin and he afterwards came to Washington, was a very distinguished member of the House of Representatives, and I feel that when he was put in charge of the Department of Defense, that the President secured the finest person for that job—capable of handling it and doing the very difficult day-to-day work in the Department of Defense under rather severe handicaps at times. I think the Congress bugs him once in a while and sort of throws some curves at him, but he's quite well able to handle it, and I'm delighted to present him to you, the Secretary of Defense, the Honorable Melvin Laird.

CONCLUDING REMARKS BY MR. MEANY

On behalf of the delegation, the officers of AFL–CIO, myself, I express our appreciation to the Secretary of Defense for his very enlightening and forward looking address here this morning. I'm sure that this is one group who understands that when you negotiate with an opponent you must negotiate from strength and I'm sure that this is one group who believes that unilateral withdrawal is not the answer. I am hopeful that the plan that President Nixon has of negotiating and at the same time keep the pressure on our opponents, I'm hopeful that it will bring results. Frankly, it's the best possible plan I've seen yet. I can assure Secretary Laird that in the days to come, in his difficult job of trying to bring peace, in bringing our boys home, he's going to certainly have the backing of the AFL–CIO and its people. Thank you very much.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

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

Mr. McCULLOCH. Mr. Speaker, today I have introduced legislation which would first, make clear that the Law Enforcement Assistance Administration may make discretionary grants to units of general local government and State law enforcement agencies, or universities, and second, authorize $650,000,000 in appropriations for the Law Enforcement Assistance Administration for the fiscal year ending June 30, 1971.

I am sure that every well-informed person knows that we have a serious crime problem in our Nation today. More crimes are being committed today. Fewer crimes are being solved. Fear walks the streets. Since 1960 serious crime has increased 122 percent, and police solutions have declined 32 percent.

To meet this problem, we enacted the Omnibus Crime Control and Safe Streets Act of 1968. Title I of that act recognizes two basic facts of the crime problem—that law enforcement is primarily the responsibility of the States and the States are financially incapable of meeting this responsibility. Thus title I established the Law Enforcement Assistance Administration and authorized it to make block grants to the States.

Section 306 states that 85 percent of the Federal funds shall be allocated to the States according to population while the rest shall be allocated "as the Administration may determine."

The question arises as to how much discretion the Administration has regarding the remaining funds. What discretion does it have? To make grants regardless of population? Yes, of course, but may it make grants directly to units of general local government and State law-enforcement agencies, and universities as well as to the States?

Although the legislative history intimates an affirmative answer to the question, the language is open to either construction. This ambiguity should be eliminated. The bill I introduced today would eliminate the ambiguity and make clear that the Administration has broad discretion consistent with the purpose of the title.

The second section of the bill would authorize $650,000,000 in funds for fiscal year 1971. The program for fiscal year 1970 is to cost $300,000,000. However, the States have made requests for funds in excess of $1.1 billion for fiscal year 1971.

I would like to see that amount spent on the war on crime, but other demands of Government require that a smaller sum be sought. I believe that the figure of $650,000,000 is realistic.

We do not solve the crime problem by the simple enactment of a few laws. Progress will take time, effort, and money. Let us not forget the task we began last year. We must make the streets safe again.

TEXTILE PROBLEMS

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

Mr. MANN. Mr. Speaker, today I have introduced legislation aimed at providing relief for the domestic textile industry of the United States.

I have patiently awaited results from trade negotiations between representatives of the Department of Commerce and Japanese officials. Several meetings have been held this year, but the Japanese have repeatedly refused to discuss voluntary cutbacks on textile products. In fact, this afternoon a representative

of the State Department in Tokyo said that the latest discussions had achieved only "limited" concessions and that "We can't go on negotiating in this fashion." For these reasons, I believe we should enact legislation to provide protection for our textile industry.

Japan, of course, is not alone in providing unreasonably tough competition for our textile industry. Cheap-labor plants have appeared in Hong Kong, in Korea, and on Taiwan, and all are modern enough to provide competition. In many cases the modernity and technical know-how are the result of aid and guidance from the United States in its assistance to these countries while they were in an "underdeveloped" status.

The textile industry is one of the basic and most essential industries in our country. In addition to those employed directly in the manufacturing of textiles, some three million Americans are engaged in various support activities, such as supplying and transporting raw materials and selling goods. The industry makes a myriad of items that are indispensable to our defense forces and has been classified second only to steel in essentiality. While many people think of textile-apparel manufacturing as largely regional, 36,500 plants are located in all 50 States. Every State except Hawaii produces wool for the textile industry and 19 States grow cotton. All in all, the textile industry spends about $30 billion annually for products and services of the various industries which supply it and provide the transportation for its products. The industry has an annual payroll of $10.5 billion and pays some $750 million in Federal taxes in addition to millions of dollars in State and local taxes.

Textiles and textile-related industries together account for 75 percent of industrial wages in South Carolina, 70 percent of industrial employment, 68 percent of the annual product value, and some 50 percent of capital investment. South Carolina's textile industry has been called the most modern in the world. The spinning, weaving, finishing, knitting, and fiber plants spend around $500 million for plant expansion and modernization projects annually. No other State has a higher degree of textile concentration than South Carolina and that concentration is heaviest in Spartanburg, Greenville, and Laurens Counties—the Fourth Congressional District, which it is my privilege to represent.

What concerns the people of this area is not so much the current level of imports, but the steady and phenomenal rate of growth with no sign of a let-up. This year textile imports are showing a substantial increase over 1968, with shipments from Japan jumping 23 percent. the Republic of China 60 percent, Korea 51 percent, and Hong Kong 20 percent. Our total textile imports so far in 1969 stand at 2.1 million equivalent square yards, compared with less than 1.6 million yards last year. Of this total Japan has contributed 530 million yards, Hong Kong 300 million, China 140 million, and Korea 122 million.

The Japanese have been most skillful in the way they have concentrated on the U.S. open market. When restraints were placed on cotton textile imports under the long-term agreement on cotton textiles in 1962, they quickly switched to the unprotected man-made fiber and wool markets. This year Japanese man-made fiber textile exports to this country have jumped 51 percent, with yarns skyrocketing 140 percent. Even the cotton arrangement, which expires next year, has not produced the type of restraints we had hoped for since cotton textile imports have doubled in the last 5 years.

While complaining about the injustice of textile import quotas, even before they are imposed, the Japanese maintain a closed-door policy at home, shutting out U.S. goods and capital and erecting a bewildering maze of restrictive regulations. Foreign-owned firms can make wire, but not cable, cameras but not lenses, watches or clocks but not both. Imports of 120 items, including such U.S. specialties as computers and feather goods, are either banned or severely limited.

Japan, with the third largest gross national product in the world, accounts for 50 percent of our textile imports while the Western European nations, offering a market comparable to ours, takes only 5 percent of the Japanese output. One-quarter of all Japanese textile production is sold to the United States, and Japan has no less than 130,000 manufacturing companies employing 1.1 million workers—the country's biggest single worker group.

One of the best barometers of the problems facing our domestic textile industry is the fact that capital investments within the industry dropped from $1.1 billion in 1966 to $750 million last year. In spite of this drop in investments, wages have continued to rise. In fact, they have risen 46 percent in the last 10 years, so that the hourly wage rate in the United States industry is now $2.28 per hour. The hourly wage rate in Japan is now less than $0.50 per hour, and Japan has no wage and hours laws, overtime pay, workmen's compensation, antitrust acts, safety standards, or child labor laws.

It is simply unrealistic to assume that the United States should endure this inequitable situation any longer. Our trade deficit with Japan last year was $1.1 billion, possibly the highest deficit that the United States has ever registered with any nation. As I pointed out earlier, the prospects for an even greater deficit this year appear certain.

Profits in the textile industry, whether measured on sales or percent of equity, lag behind other manufacturing industries. Net profits after taxes, on sales, for 1968 were 3.1 percent, compared with the all-manufacturing average of 5.1 percent. Apparel industry profits were even lower, and long-range projects indicate that as many as 100,000 people per year will find themselves unemployed unless foreign competition is cut back. Already this year, four textile plants in my district have been forced to close while others watch profits shrink.

For all of the reasons I have given, Mr. Speaker, I feel that the legislation I have introduced today is imperative. All of us in South Carolina are hopeful that the Department of Commerce will continue to pursue voluntary cutbacks on foreign imports, but we must now consider the alternatives if such negotiations fail.

Recently two of the leading newspapers in South Carolina have pointed to the problems facing the textile industry. The State, of Columbia, S.C., published an article by its Washington correspondent, Lee Bandy, and the Greenville News, Greenville, S.C., editorialized on the subject. At this point I would like to have these items printed in the RECORD.

[From The State, Columbia (S.C.), Oct. 5, 1969]

STANS FORMING GROUP FOR TEXTILE PROBLEMS

(By Lee Bandy)

WASHINGTON.—Commerce Secretary Maurice H. Stans is in the process of setting up an intergovernmental committee to deal strictly with the textile import problem.

Formation of the panel is expected to be announced in the near future, reliable sources say.

The move is part of the overall program to put pressure on the Japanese and other textile-producing allies to negotiate voluntary agreements on imports.

Stans has been pushing for voluntary restraints, but thus far our trading neighbors refuse to budge. They claim the American industry is healthy and doing well.

The Nixon administration takes strong exception to that, citing figures showing imports on the rise at an alarming rate, specifically among man-made fibers.

Voluntary agreements exist on cotton textiles, but there is none for woolens or manmades.

Stans hopes the administration can reach an arrangement with Japan to regulate the flood of textile imports before Nixon meets with Prime Minister Sato here next month.

The secretary says the "tidal wave of textiles from Japan to the United States" creates a very serious problem which colors the atmosphere between the two nations.

The matter of textiles overhangs every other issue in U.S.-Japanese relationships, he contends, adding:

"Resolution of the textile problem by a mutual agreement between the United States and Japan would go a long way toward improving relations between the two countries."

In the same breath, however, he warned the Japanese that if they show an unwillingness to curb imports, "Congress will take action to do so."

There are several bills pending, one of which is sponsored by Sen. Ernest F. Hollings, D-S.C., who successfully led a textile import quota bill through the Senate two years ago. It later died, however, in conference with the House.

House Ways and Means Committee Chairman Wilbur, D. Mills, D-Ark., also has a measure before his panel which would benefit any industry damaged by excessive imports.

Stans says he's prepared to start negotiations with the Japanese at any time. He hopes the Far Eastern trading partners will agree to meet with the administration team in Washington, Tokyo, Geneva, or anywhere "to consider the means of developing a satisfactory solution that will provide reasonable security to the American industry without doing any harm to the Japanese industry."

The secretary has assured Japan the United States seeks no roll-back in Japanese production or has any intention of trading the textile issue against any other.

He denied reports the administration would use the textile issue as a club to resolve the Okinawa matter.

In other words, Stans says there is no

truth to stories the U.S. will demand import concessions in return for relinquishing the Pacific Island to the Japanese.

The U.S. is expected to run a trade deficit with Japan this year in excess of the $1.1 billion in 1968. Textile imports account for almost $500 million of that. During the first eight months of 1969, imports of Japanese textile imports rose 83 per cent over the same period last year.

"It is extremely important that the Japanese government understand the political, economic and social considerations that are involved" in the textile issues in this country, Stans said.

Its resolution, he added, would permit the two nations "to move forward progressively and effectively on a number of other fronts."

But the Japanese are not impressed. They consistently refuse to discuss the administration's ideas for a solution. A showdown is imminent.

[From the Greenville News, Oct. 1, 1969]

IT'S ABOUT TIME TO LEGISLATE

Those who depend upon the textile industry—and that's a lot of Americans—have about "had" it with trying to get voluntary restraints on textile imports.

The Japanese, who hold the key to the situation if voluntarism is to solve the acute problem, apparently won't even listen to American proposals, let alone negotiate the issue. At least that's the impression gained when Japanese trade representatives packed up and went home a few days ago.

Unless the question can be solved at the highest level when President Nixon and Japan's prime minister get together in Washington in December, there's no hope of getting relief for domestic textiles from the voluntary restraint approach.

It is downright disheartening that months of effort by Commerce Secretary Maurice Stans have produced no sign of response or cooperation by the Japanese. Mr. Stans has made clear that this country does not propose to cut back on imports, and that the domestic textile industry can and will live with reasonable increases.

The main thing the domestic industry wants—and must have if it is to survive as a strong sector of the American economy—is an orderly and predictable flow of imports. Unless the industry can have reasonable assurances of what to expect in the way of foreign competition, it can neither plan nor produce. The result will be stagnation and chaos over wide areas.

But the Japanese apparently feel they can get away with unlimited inroads upon the American textile market, no matter what it costs in damage to a vital industry.

The time has come for the textile states to begin pushing for legislation to restrict textile imports. Perhaps that is what it will take to get results from the December talks.

Restrictive legislation is distasteful, and damaging to the cause of free trade among free world nations. But the United States cannot afford to be the only free trader, letting other nations keep all sorts of restrictions, while its own industries suffer.

As noted before the textile industry is especially important now because it is serving as an economic ladder for increasing numbers of Negro citizens who want to better themselves. That, plus the impact of the industry upon the economies of several states, ought to give textiles a fairly high place on this nation's priority list.

SIXTY-TWO PERCENT OF AMERICAN PUBLIC SUPPORTS LEGISLATION TO BAN THE INTERNAL COMBUSTION ENGINE

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

Mr. FARBSTEIN. Mr. Speaker, on July 31, I introduced H.R. 13225, legislation to ban the sale of internal combustion engines. The purpose of this legislation is to force the American automobile industry to develop nonpolluting engines.

The results of a nationwide public opinion survey announced earlier this week indicate that the American public favors by almost 3 to 1 this legislation. The survey conducted by Opinion Research Corp., of Princeton, N.J., between September 26 and October 3, found that 62 percent of those polled favored doing away with gasoline-driven autos, 23 percent opposed, and 15 percent had no opinion.

The selected random sample of 1,015 households was conducted in 138 U.S. cities across the country, including Detroit, and encompassing all of the largest metropolitan areas in the country. Those polled were asked to respond to the following:

Exhaust from the existing kind of automobile engine, that is, the internal combustion engine, causes air pollution. It has been suggested that legislation be passed to outlaw the sale of the internal combustion engine effective in 1975 in order to force auto makers to develop other engines. Would you favor or oppose such legislation?

The Opinion Research Corp. has conducted survey research for business and government as well as political candidates. One recent project was for the 1968 presidential campaign of Richard M. Nixon.

The poll, conducted by telephone, sampled 505 men and 510 women. The breakdown of results by sex is as follows:

[By percent]

	Favor elimination	Oppose elimination	No opinion
Male	55	34	11
Female	69	12	19
Total	62	23	15

Support for this legislation can only be interpreted one way—the American people, be they from Los Angeles or New York—are worried about the quality of the air they are breathing and want drastic action taken to do something about it now. The auto industry take heed.

The article reporting on this survey in yesterday's Christian Science Monitor follows:

EXHAUST BAN BACKED

LOS ANGELES.—Sixty-two percent of people polled across the nation said they favor outlawing the internal combustion engine to force carmakers to develop smogless power sources.

Opinion Research Corporation of Princeton, N.J., said it telephoned a random sampling of 1,015 households in 138 cities with this question:

"Exhaust from the existing kind of automobile engine, that is the internal combustion, causes air pollution. It has been suggested that legislation be passed to outlaw the sale of the internal combustion engine in 1975 in order to force automakers to develop other engines. Would you favor such legislation?"

Twenty-three percent of persons responding opposed the idea and 15 percent had no opinion.

NATIONAL PRIORITIES

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

Mr. RYAN. Mr. Speaker, I take this time to discuss one of the most important issues before the American people.

Americans now face a challenge so vast that many of our citizens and most of our leaders have totally avoided it.

This is the question of our national priorities.

Hundreds of residents of New York, Ohio, Illinois, California, Washington, Florida, and other areas of the Nation have written me of their concern.

They have pointed out that we must change our priorities.

And the fight to change our priorities may well be one of the major political conflicts of the 1970's and of American history.

A number of Congressman and I have been trying to bring the question of our priorities into open debate and into the political arena where it belongs.

More than 8 years ago, seeking a real priority for disarmament, I introduced legislation that led to the Arms Control and Disarmament Agency.

Throughout the 1960's I have been fighting the increasing influence of the military. I have spoken out repeatedly against Americanization and escalation of the Vietnam war. In 1964, I proposed a plan for the neutralization of Southeast Asia. Over the last 5 years, a handful of Congressmen and I consistently voted in direct opposition to the war.

More than a year ago, seeking a nationwide guaranteed annual income to replace our outmoded welfare system, I introduced the first income maintenance bill in Congress.

On issue after issue, from Vietnam to the antiballistic missile, to the supersonic transport, to housing, food stamps and social security, a few Congressmen and I have consistently pointed out that we are giving too much priority to the wrong things and not enough to the right ones.

Two years ago 10 of us stood up in the Congress to warn that our Nation was in a deepening crisis.

We said, "Never before in modern American history have our national priorities seemed more seriously unbalanced." And we called for an immediate end to the war, a reallocation of our resources and a "national movement for social reconstruction."

Our priorities are dangerously out of balance in two fundamental ways:

First, we are devoting most Federal expenditures to preparations for war and to war itself rather than to strengthening our society.

And second, in nonmilitary spending, we are devoting resources to relatively rich and to rural interests rather than to meeting fundamental needs in housing, education, medical care, jobs, pollution control.

More than 8 years ago the late Presi-

dent Eisenhower warned that "we must guard against the acquisition of unwarranted influence, whether sought or unsought by the military-industrial complex."

And over the last 8 years, the military-industrial complex has become enormously powerful, our biggest national employer and our biggest spender.

The Pentagon has more civilian employees than any other area of Government—45 percent of all Federal civilian employees. And the military-industrial complex has come to employ one out of every 10 workers in the Nation.

In the decade from 1959 to 1968, direct military outlays of the United States totaled more than $551 billion.

As I have noted in the House, this is twice the amount spent for new private and public housing over the same decade. and nearly twice as much as Federal, State, and local governments allocated to all education.

In this fiscal year, more than $82 billion or 56 percent of controllable Federal funds are budgeted for the military-industrial complex. That $82 billion is just about equal to all the money we spend in a year on building all the new homes, apartment buildings, factories, warehouses, shopping centers, motels, schools, bridges, and highways throughout the whole United States.

To put it another way, military-related spending in this fiscal year is more than all Federal expenditures on health, hospitals, education, old-age benefits, low- and middle-income housing, welfare, unemployment, and agriculture.

And the military-industrial complex is strengthening its priorities every day through the increasing arms race and the continuing Vietnam war.

The Nixon administration is stepping up the arms race with the $10 billion program to develop the Safeguard anti-ballistic-missile system and billions more for new weapons systems including multiple warhead missiles.

We are pouring $30 billion a year into Vietnam; we have 3.4 million men under arms, 33 percent stationed on foreign soil, 511,000 in Vietnam alone.

In terms of all our priorities, we have put the military first. We have given relatively low priorities to aid for low- and middle-income families and urban dwellers.

We have created an enormous capacity for destruction. And so have others. But unfortunately, the ability to wreak mutual destruction is no guarantee against disaster. The only final security for all of us is in increasing the strength of our society and our way of life—freedom, equality, courage, productivity, and intellectual relevance.

But with our present priorities, as I have said for many years, we are increasing the militarism and sowing the very seeds of social despair, hopelessness, and failure which can lead to our destruction.

In the last decade we spent about $30 billion for agricultural subsidies and $35 billion for space exploration.

In contrast, over the same period, we spent less than $4 billion for Federal low- and middle-income housing programs—one-eighth as much as to stabilize farm prices. And nearly 8 million Americans still cannot afford decent housing; 3 million live in slums.

In this fiscal year, while we are spending more than 50 percent of our controllable Federal funds for the military-industrial complex, we are spending only about $13 billion, or about 9 percent, for programs to service and improve the health of Americans.

That $13 billion, incidentally, is less than we are losing to the rich in tax loopholes.

This year, as I noted in the House, we are spending about eight times as much to prop up farm prices as to help the poor get adequate diets. The total outlay for farm income stabilization programs comes to about $4 billion; the total for surplus commodities and food stamps, aiding the poor, comes to only $1 billion.

And farm subsidies often go to rich farmers. In 1967, as I noted in a speech in Congress, the Agriculture Department paid more than $4 million to the J. G. Boswell Co., of Kings County, Calif.; $3 million to Rancho San Antonio, of Fresno County, Calif.; and last year more than $116,000 to Senator JAMES EASTLAND'S plantation in Mississippi.

Two years ago, when we spoke out in Congress, we warned of increasing despair and disruption in our society. We called for a "national movement for social reconstruction—a Marshall plan for the cities" and a wider distribution of American affluence.

Six months after that, the National Advisory Commission on Civil Disorders substantiated our warning. The Commission found unemployment, underemployment, and inadequate housing the three most intense causes of civil disorders.

The Commission said that it was "time to turn with all the purpose at our command to the major unfinished business of this Nation. It is time to adopt strategies for action that will provide quick and visible progress. It is time to make good the promises of American democracy to all citizens."

But we have not done that.

Two years after our warning in Congress, and a year after the Commission report, the National Urban Coalition reported this spring that we had made no progress on meeting pressing urban problems.

And the Nixon administration is emphasizing not new goals, but the same twisted priorities.

It has continued the war, although as I said early this year in Congress:

> The people of this nation through the political process have repudiated the very policy which still prevails.

In facing the arms race, we had hoped, as I said in March, that the new administration would take the opportunity to "reassess our national priorities." But instead the administration has supported the anti-ballistic-missile program and the "insatiable demands of the military-industrial complex."

The administration has talked of tax reform. But when we passed the tax reform bill in the House, the administration immediately set out to undermine it. We had closed many tax loopholes on the rich, but the administration wants the loopholes continued. We had changed relative tax burdens, but compared to our changes, the administration advocates higher taxes for middle-income citizens and lower taxes for corporations.

The administration has talked of economy. But it is planning enormously expensive space ventures, including a manned landing on Mars, which may cost up to $200 billion. And it has pledged $96 million in this fiscal year to subsidize the aircraft industry's supersonic transport airline, which the experts now say will cost the taxpayer $895 million before it gets off the ground.

While pouring funds into military programs and space, it has slashed funds and cut back on programs for domestic welfare and urban reconstruction.

It has cut housing funds. It has supported the principle of income maintenance but proposed a program that would be totally inadequate.

It has proposed to increase social security by 10 percent in stages at some future date. But that increase would leave 2½ million Americans enjoying retirement on some $60 a month. And it has fought a program to provide free food stamps so families earning $60 a month or less would have enough to eat.

The administration has talked about inflation and tried to combat it by cutting aid programs and increasing living costs of the middle class and the poor. It has failed to curb high interest rates. Yet the fact is, as experts have pointed out, that the costs of the war and the military budget are the major causes of inflation.

Two years ago, when we spoke out on our priorities, we launched a campaign for public awareness, open debate and a change in our national priorities.

In discussing Vietnam, I said recently:

> While our cities disintegrate and our country becomes increasingly disunited, a war which was ill conceived from the beginning rages on with undiminished fury.

In discussing the space program, I said:

> The primary role of Congress in connection with the space program should be to participate in the definition of national goals . . . Congress should determine which goals are worthy of the investment of public funds and which potential benefits are of great value to the nation.

In the battles for funds for housing, antipoverty programs, social security, income maintenance, antipollution programs, we have consistently emphasized the facts about our actual priorities today and the need to debate and set new priorities.

And our campaign has begun to take effect.

Last year we questioned and cut the bloated space budget, for the first time in a decade. By last December, the Wall Street Journal was calling for a reexamination of the space program.

This year, two Senators and eight Congressmen, including myself, initiated a major Congressional Conference on the Military Budget and National Priorities. Participants included military, scientific, and academic experts from all over the country.

Our conference set the stage for the first real congressional investigation and debate into the swollen coffers of the Pentagon and into the billions wasted each year by the military-industrial complex.

When it finally came to a vote in the House, we succeeded in rallying 93 votes against the anti-ballistic-missile system. The Senate almost defeated it. In the words of the United Auto Worker's Washington Report:

> It was the biggest massing of votes against a military proposal ever to hit Congress.

Four Senators and 32 Congressmen have now suggested Congress create a Joint Committee on National Priorities to conduct continuing broad investigations of the implications and objectives of American defense policy—providing a focus for research, study, and debate.

I am also introducing a bill to create a Temporary National Security Commission to study all aspects of defense policies in an effort to determine what current national defense policies are and the extent to which weapons systems conform to those policies. It is also supported by the four Senators and 32 Congressmen.

In Congress a number of us have pledged to make the setting of new priorities a major campaign issue whenever possible. And the setting of new priorities is going to be one of the major political issues of the 1970's.

As we noted 2 years ago, a successful movement for reconstructon and for new priorities must be national. It must find representation and power in Congress. It must have leadership.

But most important, it must fundamentally and ultimately rise from the people and the neighborhoods of America.

OCTOBER 15—DISSENT OR DISLOYALTY

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

Mr. RARICK. Mr. Speaker, a great deal of advanced notoriety is being given to public manifestations of disloyalty planned for October 15.

The sponsors of the so-called moratorium protest frantically that they are helping American fighting men by forcing the President to accept peace on the enemy's terms—even surrender. They register indignation at any suggestion that their actions aid the enemy or at any comment that such activities are less than patriotic.

Many innocent people are in danger of being duped into participation in this disgraceful misconduct because they simply are not being told the whole story. Radio Hanoi and Radio Moscow have called for these activities.

Monday of this week, Radio Hanoi—the official voice of the enemy—heaped lavish praise on the heroic struggle against what was termed "this aggressive war right in the United States."

The enemy radio singled out with special praise their friends in New York, Washington, Oakland, and Berkeley. It also complimented the manifestation of solidarity showed by the friends in the United States on the death of Ho Chi Minh.

It is extremely important for all Americans to understand that Ho Chi Minh defeated France—not in Vietnam, but in Paris. This continues to be the tactic of the enemy today. Hanoi has repeatedly announced that it will win its war in Washington.

So that our people may better understand how these unconscionable demonstrations aid and abet the enemy, 2 days before the Hanoi broadcast, Tass International Service, the propaganda voice of Moscow, transmitting in English for American listeners, commended officials here in Washington in the following words:

> We appreciate the actions taken by the American people and officials in support of demands for an end to the aggressive United States war in South Vietnam, for a rapid and complete withdrawal of American troops from South Vietnam, for discontinuing support to the Thieu-Ky-Kiem administration and granting to the South Vietnamese population the right to decide its affairs itself.

Mr. Speaker, knowing these tactics no American and certainly no Member of this body can profess ignorance of the effect of the disloyal actions planned for October 15.

I include at this point in my remarks the full text of the enemy propaganda broadcast from Hanoi as published in the Foreign Broadcasting Information Service Bulletin of October 6 and which is available to all Members:

U.S. STUDENTS URGED TO ACCELERATE PROTESTS

Hanoi in Vietnamese to South Vietnam 0100 GMT 6 Oct. 69 S.

(Text) According to LPA, Mr. Tran Buu Kiem, chairman of the South Vietnam Liberation Students' Union, recently addressed a letter praising the American students and youth on the occasion of the 1969 fall struggle movement. The letter reads:

"While carrying out a firm resistance against the U.S. imperialists' aggressive war, the South Vietnamese youth and students are following, with keen sympathy, the struggle movement of their friends of the same ages, on the other side of the Pacific—regardless of whether they are white or black—against this aggressive war right in the United States. The heroic struggle of the friends in New York, Washington, Oakland, and Berkeley, has been much appreciated by the South Vietnamese youth and students.

"We greatly admire the active and massive participation of the American youths and students in this fall struggle movement just as other colorful and multiform activities, from the antidraft manifestations to (words indistinct) and from the protests against the participation of college administrations in the working out of the Defense Department's study plans, to the recent demonstrations in front of the U.N. headquarters. We hail the strong development of your struggle movement, just as (we hail) the American people's antiwar struggle, through various phases and under various forms, such as the congresses of the SDS and SMT, that is, the organization of Students for a Democratic Society, and the Students' Committee for the End of the Vietnam War (as heard) held in June, and the all-nation anti-war conference held in Cleveland in July this year.

"We are extremely touched by the warm sympathy and support you have reserved for the struggle of our people, the NFLSV and the Republic of South Vietnam Provisional Revolutionary Government. We are particularly touched by the manifestation of solidarity you have shown on the occasion of the death of President Ho Chi Minh, the venerated leader of the entire Vietnamese people. We want to take this opportunity to express our sincere thanks to all of you."

The letter of the South Vietnam Liberation Students' Union continues: "While you are holding meetings over there, the Nixon administration stubbornly continues to violently intensify the aggressive war in South Vietnam. This administration, along with issuing deceitful statements about deescalation, continues to actively step up its acts of war to the highest levels. Indeed, in July and August the B–52 sorties exceeded the average monthly sorties of the first 6 months of the year. On the one hand, this administration pretends to respect the right of self-determination of the South Vietnamese people, but on the other hand it continues to hold on to the Thieu-Ky-Khiem administration which actually represents no one and which is despised by the South Vietnamese people.

"At the Paris conference, the U.S. delegation has always sought to evade discussion of the reasonable proposals of the Republic of South Vietnam's Provisional Revolutionary Government and the DRV, while putting forward unreasonable ones which they knew beforehand were unacceptable.

"Recently, faced with the just demand of the Vietnamese people, the American people, and world's peoples—that the Americans must quickly and completely withdraw their troops from South Vietnam—the Nixon administration again announced the second troop pullout, describing it as a peace initiative. However, right in the United States, many people have termed this an old trick to soothe public opinion and conceal the scheme of prolonging the war and the U.S. military occupation in South Vietnam. The fact that you have given prominence to the slogan demanding quick withdrawal of all U.S. troops is sound proof that this trick has failed to deceive anyone.

"More than anyone else, you have seen that the replacement of a score of thousands of troops is insignificant, as compared with about half a million U.S. youths still remaining in South Vietnam. These U.S. youths are daily sowing (?death) in South Vietnam and will, in the long run, die uselessly for the democracy and freedom which they themselves and their relatives and beloved ones do not have.

"More than anyone else, you are aware that your interests and those of the American people and the United States do not lie in such a drop-by-drop troop pullout, but in the quick and complete withdrawal of U.S. troops from South Vietnam; not in the Vietnamization or de-Americanization of the war in South Vietnam, which is unpopular and costly in human and material resources, but in ending it. This is the only honorable way out for the United States, as the NFLSV and the Republic of South Vietnam's Provisional Revolutionary Government has often pointed out.

"If Mr. Nixon sincerely wants to live up to his promise to end the war, a promise which he made when he ran for office and when he took over the presidency, there is no other way than to respond to the 10-point solution of the NFLSV and the Republic of South Vietnam's Provisional Revolutionary Government by quickly withdrawing all U.S. and satellite troops from South Vietnam without imposing conditions and by abandoning the lackey Thieu-Ky-Khiem administration, leaving the South Vietnamese people to decide their own internal affairs without foreign intervention."

Finally, the letter said: "You are entering a new, seething, and violent struggle phase. We hope that you all will pool your efforts

in achieving great success in this fall struggle phase, thus contributing to further accelerating the common movement of the American people against the war of aggression in Vietnam for peace, democracy, freedom, and justice.

"As for their part, the South Vietnamese youths and students pledge to stand shoulder to shoulder with you. We pledge to closely unite with the South Vietnamese people in overcoming all difficulties and hardships and continuing to accelerate the resistance struggle until final victory, in order to fulfill our responsibility to our country and to be worthy of your confidence and that of friends the world over.

"Once again, we hope that you will achieve broad solidarity, struggle perseveringly, and win great victories."

THE BOARD OF REVIEW: ACHILLES HEEL OF COAL MINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. HECHLER) is recognized for 3 minutes.

Mr. HECHLER of West Virginia. Mr. Speaker, the history of coal mine safety laws is a sad and sorry story of weakness, ineffective action and loopholes which have rendered past attempts almost meaningless. Year after year, death and injury have stalked the mines and thousands of men working underground have contracted the deadly pneumoconiosis from breathing excessive amounts of coal dust. Whenever attempts have been made to correct these unsafe and unhealthy conditions, powerful forces have blocked the way and have watered down the effectiveness of sound legislation.

For the first time this year, I believe that this Congress has a chance to enact meaningful legislation. I am confident that the final outcome will be a law which will provide genuine protection for the health and safety of the coal miners. We all realize that the Nation is demanding such action. I have received letters from every State in the Union, expressing the outpouring of support for the protection of the lives, limbs, and lungs of those who labor in the coal mines. We cannot turn our backs on the miners or the people of this Nation who are demanding that those human beings who work in this most hazardous occupation in the Nation be given genuine protection. Therefore, we must be aware of those aspects of the proposed legislation which could constitute loopholes to weaken effective enforcement.

NATURE OF THE PRESENT BOARD OF REVIEW

Under the 1952 Coal Mine Safety Act, which is the basic legislation under which we are for the most part now operating, there was established a Federal Coal Mine Safety Board of Review. This Board now has five members. The Chairman must be a graduate engineer with experience in the coal mining industry—and he usually has been a big coal operator. The most recent Chairman, who resigned this spring, was Dennis L. McElroy, a long-time coal operator and former vice president of Consolidation Coal Co. The four other members, appointed, like the Chairman, by the President of the United States, by law represent the interests of large and small coal operators and large and small mine workers. One of the present members is George C. Trevarrow of the Bituminous Coal Operators Association, who also has had very close connections with Consolidation Coal Co. The 1952 act requires that when any case arises before the Board involving a large coal mine, both the representatives of the large coal operators and the large mine workers must "participate."

CONFLICT OF INTEREST

There is a case pending now before the Federal Coal Mine Safety Board of Review, involving an appeal from a closing order issued against a large coal mine—Barnes & Tucker Coal Co. in Pennsylvania. One of the officials of Barnes & Tucker Coal Co. is George C. Trevarrow, Jr., the son of the Board of Review member. Despite this obvious conflict of interest, Mr. Trevarrow, Sr., must "participate" as a member of the Board of Review to hear and decide whether or not his son's coal mine is as unsafe as the duly-appointed Federal mine inspectors have found when they issued an order to close the mine.

These five individuals who make up the Board of Review are private-interest individuals, who are allowed to retain their private connections while they serve. They sit to hear appeals from coal operators—not from coal miners who feel that safety is being compromised. Their function seems to be purely economic rather than to protect human beings—they review the work of the Federal inspectors who are charged with the public interest responsibility of protecting the safety of the men who mine the coal, and they review orders which the coal operators feel might interfere with their interest in production.

THE RECORD OF THE PRESENT BOARD OF REVIEW

Defenders of the Board of Review concept make quite a point of the fact that the present Board has really not interfered very much with the operation of the Mine Safety Act, because they have judged only 22 cases in the last 17 years. In these cases, the Bureau of Mines was upheld in 10 cases, partially upheld in one case, and reversed in five cases; six cases were settled after a hearing. The point is that under the bill proposed by the Committee on Education and Labor the powers of the Board are vastly expanded. In addition, the present, basic law of 1952 is so weak in other respects that it is not really necessary for those who wish to escape the act to appeal to the Board of Review. On the other hand, as the provisions of the new law now proposed start to bite, the role of the Board of Review will loom as far more important and constitute the major loophole in the mine safety legislation. It is for this reason that I hope that the Congress will reject the entire concept of the Board of Review, as it was rejected in the other body by a rollcall vote of 53 to 24.

NATURE AND POWERS OF THE PROPOSED BOARD

Under the proposed bill, there is established a Federal Coal Mine Health and Safety Board of Review. The five members, appointed by the President, represent large and small mine operators, large and small mine workers, and a public Chairman. Of the five Board members, only the Chairman is required not to have any interest in or association with the coal industry for 5 years prior to serving; the other four Board members are not required to sever their connections with the coal industry or workers during their tenure. Three additional members are added to the Board for the purpose of reviewing health and safety standards, and to determine how money is to be spent on health and safety research.

A coal operator who is assessed a penalty by the Secretary of the Interior under section 111, for violating health or safety standards, may appeal to the Board of Review. The Board must give the coal operator a hearing, and "determine by decision whether or not a violation did occur or whether the amount of the penalty is warranted or should be compromised."

That is pretty strong medicine for me to swallow. Why should a group of private individuals, four out of five of whom are still connected with their private business, be given the power to come in and overrule a Member of the President's Cabinet? One of the advocates of the Board told me he did not trust the Cabinet officer who is charged with administering the law. The point is that under our system of government, we must have responsible government in the public interest, and we must be able to point the finger of responsibility instead of diffusing this responsibility among private citizens with private interests.

As with the present Board, the proposed Board of Review can receive appeals from coal operators if a Bureau of Mines inspector finds a coal mine unsafe and orders it closed. The Board of Review has the power to get such a closing order annulled. In those cases where the operator chooses, under the bill, to appeal first to the Secretary of the Interior, the Board may hear and decide appeals from the Secretary's order. The Board of Review is not "bound by any previous findings of fact" of either the Federal inspector or the Secretary of the Interior if an appeal is made directly to the Board.

In the cases where three additional Board of Review members are added, the Board under the proposed bill has these powers:

First. It holds hearings and makes recommendations to the Secretary where objections are raised to proposed health and safety standards issued by the Secretary of the Interior.

Second. The Board of Review is also charged with establishing "objectives" for the conduct of health and safety research. The Board also may "distribute funds" to the Secretaries of Interior and Health, Education, and Welfare to provide medical examinations for miners afflicted with pneumoconiosis; "reduce the royalty required" from the operators to fund research and medical examinations; and, finally, "make a study to determine the best method to coordinate Federal and State activities in the field of coal mine health and safety."

CONCLUSION

Retaining the Board of Review in the proposed legislation would make a joke out of the rest of the law. Such a board,

consisting of private-interest individuals with vast powers to veto otherwise effective provisions of the law, would drive a huge loophole by overriding the efforts of full-time public officials to enforce the law.

SOUTH VIETNAM—SEARCH FOR AN EXIT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. ROBISON), is recognized for 30 minutes.

Mr. ROBISON. Mr. Speaker, the rash of resolutions—introduced or contemplated—relating to President Nixon's patient search for an acceptable exit from Vietnam, make it incumbent upon us to restate our individual positions on this most difficult of all current issues before Congress.

I am as impatient with this misbegotten war as anyone.

We should never have gotten involved in it.

For—as someone recently wrote to the editor of the Wall Street Journal:

> A land war in Asia where we have no allies, no regime worth defending, no freedom of sensible military action, no hope of victory, and nothing to offer the kids we send over than death in vain, is an *idiotic venture* that violates every rule in the book.

I could not have said it better—and I wholeheartedly agree with President Nixon that "the time has come to end this war."

But, how? That is the question over which the Nation agonizes.

It is probably true that antiwar sentiment over Vietnam reached a peak last year. This was followed by a mood of, more or less, national resignation as administrations changed in Washington—an event that always seems to give the American people a sense that a page in history has been turned and their new President has, as it were, a blank sheet of paper on which to write.

Richard Nixon has been scribbling away at that task for 9 months, now, and it is understandable if the Nation, that has been remarkably patient with him, is most anxious to know what it is he has "written" concerning Vietnam.

There are those—largely motivated by political considerations, it seems to me—who claim he came into office possessed of a self-proclaimed "plan" for ending the war, and demand now to know where that "plan" is.

Well, there is not much point now in going over last fall's campaign rhetoric in an effort to see what Mr. Nixon said—or did not say—on that subject. For myself, I am satisfied that what he meant to imply was that, if elected, he would institute a new policy vis-a-vis the war in Vietnam—which had already become a bloody quagmire—and that he hoped thereby to bring the fighting, or at least our direct participation in it, to an early and acceptable conclusion.

Has that Nixon policy—not "plan"—been put into effect?

Some critics say not; Senator EDWARD KENNEDY for instance, sees no change. In fact, he recently charged that our "Vietnam policy of today is the discredited policy of the past," and he added that Mr. Nixon has merely "chosen to repeat the mistakes of the past."

Well, I think this is clearly wrong, and that we are following a new policy in Vietnam.

If I were to fault the President at all in this whole matter—and I shall not hesitate, for political reasons, to say he is wrong when I believe him to be wrong—it would be in his failure to articulate this new policy as well he might for the benefit of the American people.

Admittedly, this has been no easy task.

There has always been an inordinate amount of ambiguity about our involvement in Vietnam. This has probably been not only the most mistaken but also the least understood war we have ever stumbled into. There is no plausible explanation for it at all, anymore; unless, that is, one goes all the way back to our original, limited purposes in Vietnam, which then seemed like a logical extension of our whole post-World War II effort to help maintain some degree of order in a very unstable world.

As I say, no one really likes to go back over all this ground again, and I can understand why Mr. Nixon has avoided doing so, directly.

But there may be some value in doing it, for just a moment, in order to help us better understand the policy that, under our new President, we are now trying to get back to

For our new policy in Vietnam is only "new" in the sense that it is one we are going back to, after having unwisely deviated therefrom.

To be sure, our involvement started under the late President Eisenhower—though it had its roots in such as the so-called Truman doctrine.

But, and this is important to note, General Eisenhower always stuck by his basic position that if we were to look for a "solution" in Vietnam's tangled affairs it had to be a political not a military solution.

Of course, one can say we never should have interfered in Vietnam's internal problems at all—and most of us now wish we never had—but surely General Eisenhower never contemplated American armies in Asia, or a land war in Asia, or unilateral military intervention of any sort, but merely the supplying of money, material, and arms to help the French and later the South Vietnamese improve their chance to stand against externally supported aggression.

But policies change with personalities and, by the end of 1961, President John F. Kennedy had been persuaded that only military intervention on our part could "meet the challenge of Communist expansion now in Southeast Asia." The quoted words are taken from then Vice President Lyndon Johnson's memorandum of May 23, 1961, to President Kennedy. Mr. Johnson also therein declaring that we either had to then make "a major effort in support of the forces of freedom in the area or throw in the towel."

By the end of 1961—during which year the first American soldier was killed in open combat in Vietnam—the war there had taken a qualitative turn, insofar as the United States was concerned.

It took on a gradual quantitative change, too, as American forces in the south grew from the 3,164 advisers that were there, working with the military units of South Vietnam in 1961, to about 20,000 by the time of President Kennedy's tragic death.

President Johnson, taking over, could have reassessed our situation and the deadend nature of what we were getting into, but he, more than ever, saw our by-now common goal with the South Vietnamese in military terms and, in December of 1963, sent a New Year's message to General Minh—one in that series of temporary South Vietnamese leaders—pledging:

> We shall maintain in Vietnam American personnel and material as needed to assist you in achieving *victory*.

In this fashion, had the American involvement in Vietnam come to require an open-ended military commitment.

The rest is history which there is little point in repeating—but the lesson to be drawn therefrom is that one nation simply cannot fight and win a war for another nation. Put another way, this lesson is that, with all our vaunted power, we cannot "save" another nation whose people are either unwilling or incapable of saving themselves.

What we had forgotten—but what President Nixon has not—is that the only successful strategy to follow in any counterinsurgency effort is not one defining "victory" as destruction of the enemy but as construction of a viable state capable of winning and holding its own nationals' loyalties in such a fashion as to be capable, in turn, of holding its own against externally supported insurgency.

Thus, nothing could have more effectively or rapidly smothered the spark of true nationalism in South Vietnam, and stifled its war-weary citizens' self-confidence and initiative, than the overwhelming American presence that was built up in that unhappy little state during the past 5 years.

That the American people understood the nature of this blunder in foreign policy is amply demonstrated by their retirement of Lyndon Johnson to private life.

But as Mr. Johnson departed the Washington scene, he left Richard Nixon, as his successor, painfully few options.

They were, at best, three in number, for to have merely kept following the Johnson course was unthinkable.

First, Mr. Nixon could have further escalated the war—and our prosecution of it—in the hope of forcing a political settlement through military means.

The President—and wisely, in my view—has firmly rejected this seeming—and to some, appealing—"alternative." This is clearly a change, because this idea of a military victory was one that Lyndon Johnson, with his occasional vision of "nailing coonskins to barn doors," could never quite rid himself of.

Why is this wise?

Well, beating the Vietcong into submission, and then North Vietnam along with them, has always been well within our supposed military capabilities. I presume we could still do it, even though it would practically involve the leveling

of most of South Vietnam—or whatever is left of it—as well as much of North Vietnam, with hundreds of thousands of civilian casualties.

To my mind, neither the Vietcong nor North Vietnam have ever posed such a threat to our own security as to justify such a use—or abuse—of our military power. Besides which, even if we attempted it, we could only do so at the risk of a far wider war than the one under whose weight we now groan, and could only end up, at best, with an unwanted colony, halfway around the world, whose unhappy and sullen people we would have to police and nurture for years to come.

Victory for us, in this tragic war, does not lie that way.

Mr. Nixon's second option would seem to be that of our unilateral withdrawal, in a mood of "hang the consequences."

To those who have always seen this war—or our involvement in it—as being immoral as well as illegal, this is still, and will always remain, our only honorable course.

I respect the sincerity of most of those who now demand, openly or in veiled fashion, our withdrawal in pure, precipitate terms; just as I understand those former hawks who now argue that, if we are to deny our troops in Vietnam any chance at a military victory, then—in all decency—we ought to just pull them out.

As I have said, I would have preferred that our troops had never been sent in—but they were.

Many Americans voted for Lyndon Johnson for President in 1964, with the thought that he would not further escalate a war that simply could not be won that way—but he did escalate the war.

And the grimmest statistic of all the grim ones we now must deal with in deciding on our future course is that, since Mr. Johnson made that decision, 38,461 young Americans—as of September 25—have given their lives supposedly in defense of freedom for the people of South Vietnam.

The Nation—and each and every one of us—has been diminished by the individual sacrifice each such life represents.

And this is a matter that weighs heavily on my mind—as I assume it does on Mr. Nixon's mind.

Though Lyndon Johnson, after his election by a landslide to the Presidency in 1964, could undoubtedly have managed an abrupt withdrawal from Vietnam, it is not so easy to do, now, if for no other reason than this.

These young men may well have all died in vain—a fact which would be certified to if we were now simply to scuttle and run from Vietnam.

What is the other alternative—Mr. Nixon's third, and last?

It is, as I see it, precisely the one he has chosen—that of working out a phased withdrawal from Vietnam; "de-Americanizing" the war—or "re-Vietnamizing" it, if you prefer; getting back, as rapidly as possible, to a point where South Vietnamese forces do at least all the ground-combat fighting still required, if the conflict is to go on, while we, as we did at the beginning, provide them with money, materiel, and arms plus, for awhile yet, such air and naval support as may be indicated to help them hold if the Vietcong and Hanoi decide to escalate, rather than deescalate, the level of combat on their side.

There can be no question—Senator KENNEDY'S protestations to the side—but what this is a change in policy.

It is a policy of deescalation, as opposed to a policy of escalation.

And it is a policy that, I would like to think, the American people understand and, by a large majority, support, for it would seem to be our only hope of salvaging something from the tremendous—and so mistaken—investment of blood and treasure we have made in Vietnam.

But it is not a policy that can be implemented overnight.

If it is to be successfully applied at all, the President will need—as he has suggested—as broad and united a front in support thereof at home as is possible under the prevailing circumstances.

And one of the difficulties the President has faced in trying to secure that support, has been the fact that he has been required—in his attempts at explaining his policy—to speak to several different audiences at one and the same time: To Saigon, to Hanoi and Moscow, for instance, as well as to the American people.

In each such instance, it is natural enough, one supposes, that he has tried to put the best possible face on his policy; trying to reassure the South Vietnamese people that there will be no precipitate and disorderly American withdrawal, so that they will have time to remarshal their own strengths and to reassume the major burden of such combat as may continue—yet, at the same time, signaling to Hanoi that we are most anxious to scale down the level of that combat, while meanwhile attempting to reassure the American people that an end to this war can shortly be in sight.

Mr. Nixon's problems in this respect have undoubtedly been magnified by the recent rash of criticism of his policy—or the implementation of it—here at home.

A "moratorium" on such criticism has been suggested, and one can well understand why the President would like that.

However, as one who believes in the basic values of the widest possible national debate over Vietnam—provided the same remains within constructive bounds—I would much prefer to see the President now more clearly and positively present his policy to the American people, and aggressively defend it.

I would like him to spell out both the risks and the ramifications in his policy for the Nation in a way he has not yet really done.

Some of our people, from a reading of the President's words and those of his more outspoken critics, have apparently assumed that it is all over in Vietnam but for the leaving of it.

This is quite clearly not what Mr. Nixon has in mind, at all.

As I read his policy, it is one of doing all we can to encourage Hanoi—with or without Moscow's influence in that direction—to begin, at last, to truly negotiate at Paris for an end to the fighting and for arranging the details of an eventual political settlement.

Toward that end, he has not only renounced, as I have said, the idea of an imposed military "solution," but he has also proposed free elections organized by a joint commission—on a "coalition" basis—under international supervision, as well as the withdrawal of all U.S. and allied forces over a 12-month period. And he has declared our lack of intention to retain any military bases in Vietnam, along with our willingness to negotiate—at any time—a supervised cease-fire to facilitate the process of mutual withdrawal, our willingness to discuss—at any time—the 10-point program previously put forth by the NLF and Hanoi, and finally our willingness to accept any political outcome in the contemplated elections, provided the same are truly free in nature.

Some critics say this is not enough in these directions.

Just the other day, the New York Times expressed its disappointment that no "creative new White House approach" for ending the war has emerged during the 9 months Mr. Nixon has been in office. Well, it is a matter of opinion whether or not the President has moved as fast or as far as he could toward inducing Hanoi to contemplate a political settlement, but the Times seems, in its critique, to be ignoring the substantial degree of flexibility Mr. Nixon has given to our bargaining position so far, or the fact that Mr. Nixon has essayed nearly every such proposal the Times itself was advocating along such lines a few months back.

In fact, the only item involved in a political settlement of the war that Mr. Nixon says is not negotiable is, in his words, "the right of the people of South Vietnam to determine their own future free of outside interference."

This would, on its face, seem to be a reasonable restatement of what this war—even dating from our original limited involvement therein—has been all about.

Yet its constant critics—now zeroing in on Mr. Nixon—argue that our present policy as enunciated by the President implies the participation of the present Saigon regime in the mechanics of the search for that tantalizingly difficult political solution, and say neither the NLF or Hanoi can be expected to accept that anymore than we would be willing to accept in advance the dominance of the Vietcong's present provisional government.

It is as difficult for me to understand exactly what such leading critics as Senator KENNEDY'S position on all this really is, as it seems to be for the Times, for instance, to understand Mr. Nixon's position, and discuss it objectively.

The Senator from Massachusetts seems to be saying, of late, that the President should demand and insist on the Thieu-Ky regime's acceptance of a coalition government with NLF representation now. His implication is that such a forced reorganization of Saigon's

government would automatically bring peace.

Hanoi's aim—as it always has been—is complete control of the South. It might accept a coalition government, whether or not imposed by us upon Saigon, as a step in that direction but not, I suggest, until after it has become convinced that the United States is not going to be forced, by the sheer weight of public opinion here at home, into a precipitated withdrawal of all our forces from Vietnam, regardless of what then happens—and regardless of the previous, tragic investment we have made in our ill-directed effort to preserve South Vietnam's last chance at self-determination.

Now, let me be understood: I am no happier with many aspects of the Thieu-Ky regime than anyone else. Though its claim to legitimacy is considerably better than that the Vietcong's provisional government could advance, or that of the government in Hanoi, for that matter, one could prefer other people than Thieu and Ky to deal with.

But, again, the problem is: There they are—and what do we do about them? Engineer their overthrow—or encourage dissident elements in the South to do so—thereby repeating one of our previous, and sorrier, acts of intervention into the affairs of this little nation?

I would surely hope not.

Yet at the same time, American boys are surely not dying in Vietnam in order to keep Messrs. Thieu and Ky in power, and we should thereby insist—as one hopes that, behind the scene, Mr. Nixon is—on Thieu and Ky assuming a negotiating stance equally as flexible as ours, on a true broadening of their political base, and on their instituting, at long last, those kinds of internal political and social reform without which no one can offer the people of South Vietnam the kind of government we have always hoped they would have a chance to choose.

It is, then, essential that when we say the only important thing in bringing the war to an end is what the South Vietnamese people want, we do our utmost to make sure that Thieu and Ky are only interested in the same thing, and not—as sometimes seems to be the case—only in their own futures.

From this distance, it is easy to criticize Thieu and Ky. At times they almost seem to invite U.S. criticism. But I have to believe that Mr. Nixon is as aware of this constant danger that our efforts can get sidetracked by petty politics—or politicians—in Saigon as anyone can be, and will do his best to remain faithful to our one peace objective as he, himself, has now restated it.

If this proves to be the case, we then come down at last to that one commodity which, above all, is presently most precious to Mr. Nixon in his goal of salvaging something from this misadventure for which he, personally, bears no blame.

That commodity is time.

How much time does the President have—more to the point, how much time will the American people give him—to see if he can yet work things out?

That depends on many factors—not the least of which is related to the nature of the swelling tide of criticism that will undoubtedly be aimed in his direction from now on.

If that criticism takes on a partisan tone along the lines just indicated by the present national chairman of the Democratic Party—who promised to "take the gloves off on Vietnam"; or if it follows the lead of the Wisconsin Democratic Party which, meeting in recent convention, adopted a resolution reading in part:

> President Nixon has done little to bring a just and honorable end to this ghastly conflict. His current proposals to withdraw 35,000 more troops from Vietnam and to temporarily suspend the draft calls are admittedly designed to defuse the anti-war movement. They are Nixon tricks, for which he is well known, to fool the people and to promote their apathy.

Then, Mr. Speaker, the American people can only become further divided and confused.

If, on the contrary, only constructive, nonpartisan criticism is aimed at Mr. Nixon and his policy, then one has to believe the national interest will be served, whatever the outcome for the President or the people of Vietnam.

It is in that sense, then, that I regard the recent proposal as made by Senator GOODELL, of my State—and the proposal soon to be made, so I understand, by the gentleman from Michigan (Mr. RIEGLE) and the gentleman from California (Mr. MCCLOSKEY) and others here on our side of the Capitol.

These gentlemen, though in different ways, would seek to impose a deadline of sorts on the Presidential efforts; Mr. GOODELL by offering a resolution that, if passed, would prohibit the further use of Federal funds to maintain American troops in Vietnam after November 1, 1970, unless before then specifically authorized by Congress, and Messrs. RIEGLE and MCCLOSKEY getting ready to introduce a resolution that would amend the so-called Tonkin Gulf resolution of August 10, 1964, by terminating the President's "warmaking authority," thereunder, as of December 31, 1970.

There is another proposed resolution that, so far as I know, has not been sponsored yet by any Member. This is one being circulated by the Friends Service Committee—as I believe it is called—which urges it be made the "sense of Congress" that the "continuous and orderly withdrawal of U.S. forces should proceed as expeditiously as possible until all American forces are removed from Vietnam," and goes on to state that—

> In no event shall American forces including air units or support personnel remain in Vietnam later than December 31, 1970.

Now, these kinds of proposals may well be counterproductive—as some have called them—insofar as they would relate to what Mr. Nixon is evidently trying to do, and I, personally, do not believe the President should be subjected to any such time limit within which to try to work out his policy, on which I shall comment more in a moment, but I do not object to such proposals being made nor question the motives of those advancing them.

Understand me, I am not defending these proposals—only their sponsors' right to submit them, following which we, of course, have a duty to consider them.

Out of that consideration here in Congress—as well as through the public discussions they have already precipitated—may well come a better public understanding of Mr. Nixon's policy and, it is even possible, the public support he has asked for.

For, if the President is trying to salvage a last chance at a political solution—meaning, in its broadest terms, a new election in South Vietnam in which all elements in this long conflict for control of that nation would participate, under international supervision guaranteeing its people a freedom of choice—he must, first, induce the NFL and Hanoi to accept that road toward an end to the fighting.

We have established, at Paris, our bargaining position.

It is a far more credible one than it was under Lyndon Johnson.

It should—under all prevailing circumstances but one—be attractive to both the NLF and Hanoi.

That missing circumstance is evidence of a clear U.S. determination to remain in Vietnam—albeit in a sharply modified military posture—as long as it may be necessary to do so in order to convince the NLF and Hanoi that they cannot pick up all the marbles by default.

Mr. Nixon has stated and restated that determination—though admittedly and, I think, unwisely, he fuzzed it up somewhat a few weeks back by trying to publicly outpromise former Secretary of Defense Clark Clifford as to the time needed to make his policy work out.

I believe that an issue was thereby raised, to which the President should now address himself.

It is all very well to hope—as we all hope—that the NLF and Hanoi can be induced to accede to a fair arrangement leading to a political settlement in which all sides take their chances, before the end of 1970.

But it is also necessary for the American people to understand the possibility that this may not happen, and that, if it does not, the President is proposing that we maintain a military presence in Vietnam beyond that date, if need be; a presence that, by then, hopefully would not involve more than, say, 200,000 troops, nearly all of whom would be there for air and naval support purposes, and not for ground combat, and all of whom, equally hopefully, could be volunteer forces.

This last point is, in my mind, of extreme importance, for I have never believed that American boys should be conscripted, against their will, to fight in a war that does not involve the security of the United States except in the most remote way possible, and that is being waged in pursuit of some international political purpose.

Again, let me be understood: I do not relish the thought of continuing any sort of American presence in Vietnam after the end of next year or, for that matter, 1 day longer than necessary to the working out of our original goal.

It is especially hard to accept that thought since it means that, for awhile

at least, more American blood will be spilled on Vietnamese soil; posing a national dilemma of a sort we have never faced before, whereunder we contemplate a continuing sacrifice of American lives in order to salvage something from the larger sacrifice that has gone before.

Will the American people accept such a course—when so stated in such stark and tragic terms?

Frankly, I do not know—nor does the President.

But only the American people—and not the politicians nor the editorial writers—and not just the Dr. Spocks and the militant student groups—can answer.

Mr. Nixon—and the Nation—needs that answer, and needs it now.

Mr. Speaker, let us, each in our own way, search for that answer from our respective constituencies.

For my part, I hope these remarks of mine will encourage the people I am privileged to represent in this Chamber to search their hearts and minds with respect to this terrible problem we face, and to let me know what they think.

It would be better, I suggest, for each of us to attempt this than for us to spend our time debating whether or not we should put some sort of deadline on the President.

Deadlines or timetables are of no value now.

Indeed, they might well be counterproductive, as has been said, in that were we to impose one on the President, he would at once lose all chance at working things out in the manner he has chosen to try. For we would then simply be saying to the NLF and Hanoi: "We would like you to stop fighting and to begin to negotiate in earnest but, if you do not, before such and such a date, we will simply then go home and let you do what you will in South Vietnam."

Mr. Speaker, I do not believe the President needs to be pressured in this fashion in order to insure that he will pursue his announced policy as vigorously as possible, or to insist on the full cooperation of the Saigon regime in the implementation of that policy.

For no American could more fervently wish the end of this war than does Richard Nixon.

But what he needs to know—and what he is entitled to know—is whether or not the people he leads are still willing to give him a chance to work things out in an orderly way in a final effort for an acceptable conclusion in Vietnam.

If they are not, or if a substantial majority of them is not—then we should withdraw from Vietnam, at once.

The issue we face, as I see it, is as simple as that.

INTERNATIONAL POLICIES AND OVERSIGHT OF THE DEFENSE DEPARTMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 10 minutes.

Mr. ESCH. Mr. Speaker, I rise to speak today only after a great deal of deliberation, coupled with no little frustration over the events that have transpired in this body during the past 7 days.

My deep concern is over the manner in which this body has fulfilled its responsibilities with regard to our international policies and oversight of the Defense Department. I believe that through our actions last week, we were derelict in our responsibilities to play a meaningful role in the shaping of our international and defense policies.

Let me first address myself to the recommittal motion on the defense authorization bill offered last week by the distinguished gentleman from Wisconsin (Mr. O'KONSKI). It essentially would have deleted all funds for research, development or deployment of an antiballistic-missile system. It was quite apparent to observers that this was an artificial motion made by a person who did not in fact favor it, as a parliamentary maneuver.

That vote, at best, was a contrived means of giving a false appearance of increased support for the administration's ABM proposal. At worst, it was a procedure developed to prevent the minority of Members from expressing on record either its objection of the deployment of the ABM or securing a meaningful record vote on the military authorization budget. In either case, it is a parliamentary procedure of which the House of Representatives and its leadership should be concerned.

Mr. Speaker, I have spoken out against the deployment of the ABM since early March. I recognize that the administration made its decision to request funds after thorough consideration and analysis. Yet others have made equally as objective analyses, and have concluded that deployment of an ABM is unwise and unnecessary. Upon careful study of both points of view, I found myself in agreement with those who dispute the need for an ABM, and I therefore oppose deployment. However, in light of the sincere conflict, I believe that our research in this field should continue. This point of view, which, I believe, is shared by a great many of my colleagues, was impossible to express on a record vote last week.

Although the failure to take a true vote on the deployment of an ABM is in my view unfortunate, the failure to go on the record with regard to limiting military spending is even more deplorable. Each of us in the House of Representatives has a direct responsibility to analyze and oversee military expenditures. I very strongly believe that major cuts could be made in our gigantic defense budget without in any way affecting the strength of our national defense. Indeed, I believe that a cutback in funds would force new efficiency on the military which would, in fact, result in an even more effective Defense Establishment. Yet, because of the nature of the recommital motion, once again the minority was silenced.

In many ways, however, the specific issue involved in last week's vote is less important than the principle involved. This is not the first time this has happened.

This vote parallels in many ways the vote on May 25, 1967, when the House was debating the extension of the Selective Service Act. There was a strong minority view held by Members from both sides of the aisle, that major reform was needed in the draft and that the act should be extended for only 2 years so that detailed review could be made and reform undertaken in the near future. That day, like last week, the gentleman from Wisconsin gained recognition through tradition as ranking minority member of the Armed Services Committee, to offer a recommital motion which was designed specifically to deny the minority an opportunity to express its support for reform. That day, like last week, the gentleman from Wisconsin was supported by the leadership of both parties.

History has proved that contrived motion to be unwise. Our President has called on the Congress, as we were trying to do 2 years ago, to enact a much-delayed reform of our draft system. Reform of the draft reflects both the will of the people and the best interests of the Military Establishment, and in my view it should not have been delayed through contrived parliamentary procedures for 2 years.

History has also recorded that the parliamentary maneuvering in the House last week was unwise and, indeed, this House has failed to be responsive to the will of the people by giving the Military Establishment a carte blanche approval for spending.

This whole procedure is not, however, the only matter which greatly disturbed me about the debate here in the House last week. During the closing minutes of debate the distinguished gentleman from Illinois (Mr. ARENDS) suggested that anyone who criticized the President with regard to Vietnam is doing so only to "advance their own political ambitions." The implication of his remarks was that criticism of the President was unpatriotic and was designed to further the cause of Hanoi.

Much as I respect the gentleman from Illinois and the position which he holds, I object to those remarks. I believe that a Member of the House of Representatives has a responsibility to represent his constituents. We have a responsibility which runs just as deep as that held by the President, to work for the betterment of the Nation and its international policies. We are not charged with the day-to-day operation of our foreign affairs, but we are charged with the responsibility of oversight of all Government activities.

No useful purpose is served by ill-advised charges from any political position that those not in accord somehow damage their country. What we debate is the wisdom of policy, not the courage, loyalty, or integrity of anyone.

As a Member of the House of Representatives, I have in the past felt responsible as a part of my duty in an independent branch of the Government to criticize the administration when I felt they were wrong—either domestically or internationally. That responsibility to express an independent point of view when a Democrat was in the White House has not changed now that a member of

my own party is in power. I have the responsibility to criticize and to suggest constructive alternatives no matter what the issue, no matter what the party in power.

Hopefully, my criticism and suggestions in the past have been made with a maximum degree of analysis and constructive intent and with a minimum degree of personal aggrandizement. It was with that attitude that a group of eight of us here in the House joined on July 10, 1967, to state our proposals for a gradual, reciprocal, identifiable deescalation of the Vietnam war—a proposal which was eventually adopted in large part by the President in working toward the Paris talks. It was with that attitude that I sent to the President on February 7, 1968, a series of questions about the failure of the Americans to involve the Vietnamese sufficiently in the defense of their own nation and our failure to insist on reform in Saigon to assure freedom for all the people of South Vietnam—programs which have now been undertaken by the President. It is in this same vein that I will continue to speak out on Vietnam when I believe that our policies are wrong or that I can make a constructive contribution to our policy decision.

Mr. Speaker, I have not joined this week with the gentleman from Michigan (Mr. RIEGLE) and the gentleman from California (Mr. MCCLOSKEY) in their proposal that all troops be withdrawn from Vietnam by December 31, 1970. In my view, their goal is laudable but their suggested means of achieving it impractical. To suggest any timetable would be for us to remove the flexibility which the administration needs in negotiating. To remove this flexibility would be for us to fall into the structured, locked-in Johnsonian procedures. Flexibility is, I believe, one of the most important factors in dealing with our difficult situation in Southeast Asia.

Neither have I joined with the 104 Members who have introduced a resolution in support of the President's announced plan "to remove troops at the earliest possible date." In my view, this resolution in intent is meaningless since our country, through its Chief Executive, has already committed itself to this goal.

Although I disagree with these proposals, I believe that the Members of the House who are making them have both a right and a responsibility to do so if they sincerely believe them. In the much quoted words of Voltaire:

I disapprove of what you say, but I'll defend to the death your right to say it.

I believe that this administration has taken positive and significant steps to set a new course in Southeast Asia—and I applaud and associate myself with their efforts. Yet where I feel I may be constructive, today or tomorrow, I will continue to comment and criticize. I will continue to speak out actively on those issues, including Vietnam, on which I believe I can make a meaningful contribution without "cutting and running," "bugging out," "hauling down the flag," or seeking personal aggrandizement. I will not be silenced by the leadership of my party and I will fight their efforts to silence others whatever their view.

In his speech the gentleman from Illinois alluded to the concept of the late Senator from Michigan Mr. Vandenberg, that "politics ended at the water's edge"—implying that, if we as Representatives were responsible, we would not enter into debate in the field of foreign affairs—that we would silence all criticism of the President's policy.

However, if we examine carefully the attitude of the Senator, we find that he held just the opposite view—that, indeed, he felt a direct obligation to contribute constructively.

Listen to his words as he so eloquently spoke on January 10, 1945, on the responsibility which the legislative branch holds. His words echo back to us today and hold special meaning for the Members of this body and our Chief Executive:

I venture to repeat, with all the earnestness at my command, that a new rule of honest candor in Washington, as a substitute for mystifying silence or for classical generalities—honest candor on the high plane of great ideals—is the greatest contribution we can make to the realities of unity at this moment when enlightened civilization is our common state. . . . I realize Mr. President, in such momentous problems how much easier it is to be critical than to be correct. I do not wish to meddle. I want only to help. I want to do my duty. It is in this spirit that I ask for honest candor in respect to our ideals, our dedications, and our commitments, as the greatest contribution which government can now make to the only kind of realistic unity which will most swiftly bring our victorious sons back home, and which will best validate our aspirations, our sacrifices, and our dreams.

Let the dialog and debate continue, then—it is the essence of the ideal for which we strive—the crucial difference that sets apart this land from others. And let us all seek a realistic unity.

Mr. ARENDS. Mr. Speaker, the gentleman from Michigan (Mr. ESCH) graciously furnished me with a copy of the remarks he proposed to make on the floor of the House dealing with our international policies and our defense program.

In the course of his remarks he refers to the debate on the recently passed military procurement authorization bill. He voices objection to the remarks I made during the closing of the debate on this bill. He states:

During the closing minutes of debate the distinguished gentleman from Illinois (Mr. ARENDS) suggested that anyone who criticized the President with regard to Vietnam is doing so only to "advance their own political ambitions." The implication of his remarks was that criticism of the President was unpatriotic and was designed to further the cause of Hanoi.

The gentleman from Michigan has entirely misconstrued my remarks. I would never make such a broad generalization as to say that criticism of the President by anyone was "to advance their own political ambitions" or that it was "designed to further the cause of Hanoi." He has lifted a phrase from my speech entirely out of context. What I said was:

There are those in high places on both sides of the political aisle who would seek to advance their own political ambitions at the expense of our country's international status.

And I stand by that statement. There are, indeed, some, but certainly not everyone, who are critical of the President's efforts solely to advance their own political interests. This criticism is not "designed to further the cause of Hanoi," as the gentleman from Michigan interprets my remarks. I did not believe that anyone would ever have such a design. I do claim, however, that some of the criticism is of such character that its result in fact, although not in intent, furthers the cause of Hanoi.

The burden of my remarks was to emphasize the importance of all of us helping the President bring this war to an honorable settlement. As I stated in my remarks:

The surest and quickest way to achieve an honorable settlement of this unfortunate war is to unite behind him—

The President—

in his efforts.

ADMINISTRATION'S POLICIES ON VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois (Mr. ARENDS) is recognized for 5 minutes.

Mr. ARENDS. Mr. Speaker, last Tuesday our distinguished minority leader, Mr. GERALD R. FORD, called special attention to the speech of our able Secretary of Defense Melvin Laird before the convention of the AFL–CIO at Atlantic City.

The speech dealt with the administration's policies with respect to Vietnam. I, too, urge every Member to read it. It will be found on page H9217 of the CONGRESSIONAL RECORD of last Tuesday—October 7—as a part of Mr. FORD's remarks.

I deem it also of importance that you be apprised of what George Meany said in introducing Secretary Laird to the convention, and especially what he had to say at the conclusion of the speech. I am accordingly making Mr. Meany's opening and closing remarks a part of the RECORD.

You will especially note that at the conclusion of Secretary Laird's speech Mr. Meany said that labor is "one group who understands that when you negotiate with an opponent you negotiate from strength" and that "unilateral withdrawal is not the answer" to the Vietnam situation. He said in reference to the administration's policies in Vietnam:

Frankly it is the best possible plan I have seen yet.

The transcript of the opening and closing remarks of George Meany follow:

OPENING REMARKS OF GEORGE MEANY

At this time it's my pleasure to introduce to you a member of the Cabinet, who has perhaps the most difficult job at the present time, second, I think, only to that of the President. I've known this gentleman for many years. When I first met him he was a State Senator in Wisconsin and he afterwards came to Washington; was a very distinguished member of the House of Representatives, and I feel that when he was put in charge of the Department of Defense, that

the President secured the finest person for that job—capable of handling it and doing the very difficult day-to-day work in the Department of Defense under rather severe handicaps at times. I think the Congress bugs him once in a while and sort of throws some curves at him, but he's quite well able to handle it, and I'm delighted to present him to you, the Secretary of Defense, the Honorable Melvin Laird.

CLOSING REMARKS OF GEORGE MEANY

On behalf of the delegation, the officers of AFL–CIO, myself, I express our appreciation to the Secretary of Defense for his very enlightening and forward looking address here this morning. I'm sure that this is one group who understands that when you negotiate with an opponent you must negotiate from strength and I'm sure that this is one group who believes that unilateral withdrawal is not the answer. I am hopeful that the plan that President Nixon has of negotiating and at the same time keep the pressure on our opponents, I'm hopeful that it will bring results. Frankly, it's the best possible plan I've seen yet. I can assure Secretary Laird that in the days to come, in his difficult job of trying to bring peace, in bringing our boys home, he's going to certainly have the backing of the AFL–CIO and its people. Thank you very much.

IMPROPRIETIES AT VETERANS' ADMINISTRATION MEDICAL FACILITIES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, on some past occasions, it has been my reluctant duty to call to the attention of this House certain irregularities and improprieties in hospitals operated by the Veterans' Administration. I regret to report still another situation has arisen. The activities are serious in nature and have not met with the sort of response from officials in the Department of Medicine and Surgery that the condition warrants. Therefore, I feel that the matter must be publicly aired so that it may be corrected promptly.

Present activities in this particular Veterans' Administration facility, and there is no evidence to indicate that the hospital has received an order from the Chief Medical Director to stop such practices, involve full-time Veterans' Administration physicians treating patients in a hospital affiliated with a medical school and billing the patients so treated for their care. The patients then either pay the doctor directly or an insurance carrier does. The money is then deposited into a fund operated within the medical school for the payment of a multitude of services, such as supplemental travel allowance, dues in professional societies, malpractice insurance premiums and other fringe benefits believed to be of significant value to the medical profession.

The funds generated by this sort of activity by personnel in Veterans' Administration hospitals have at this one station alone totaled nearly $100,000. Central office did prohibit Veterans' Administration doctors from acting as disbursing agents of such funds but only after a General Accounting Office audit produced the information. The Veterans' Administration made no concerted effort to ascertain the facts.

My investigation reveals that there are similar funds for a variety of purposes in 34 other medical schools affiliated with Veterans' Administration installations, and this must not be allowed to exist. There are regulations which specifically prohibit a Veterans' Administration physician from assuming responsibility for care of a patient outside and beyond the Veterans' Administration hospital. This is not being observed.

Records which show how a physician's time is spent in and out of the Veterans' Administration, when such activity involves remuneration, were not maintained at the specific station involved to any degree at the time of the investigation, and are not being maintained properly in many stations throughout the 165-hospital system.

In the hospital under investigation, one "full-time" civil service employee was found to be acting as the chief of the laboratory service while holding the same "full-time" position in the medical-school-operated hospital across the street. There was no specific tour of duty regulation indicating the hours in which doctors were expected to be on duty. One physician served 6 months in the capacity of coroner without any approval from the station or central office in Washington.

This particular facility had a sharing agreement with the university hospital providing for cardiac surgery. At the suggestion of the medical school, the Veterans' Administration hospital referred service-connected patients having hospital insurance coverage and needing cardiac surgery to the university medical school hospital so that the insurance carriers could be billed at a higher rate than that provided in the sharing agreement, even though the law clearly provides that service-connected patients are the responsibility of the Veterans' Administration for full care and treatment at no expense to the veteran or a third party. The director of the hospital called this matter to the attention of central office on August 14. It was 27 days later—on September 11—when central office in Washington teletyped the station director informing him that such activity was illegal and prohibited.

Investigation shows that out of 5,000 full-time Veterans' Administration physicians, there are 679, or 13.6 percent, who are supplementing their income in one form or another by outside professional activities. Nineteen of these physicians received annual payments of more than $10,000 a year from outside sources. Six hundred and sixty have earnings below that figure. The median outside income is $2,000 per year involving nearly 4 workdays out of each 10-day work period for a full-time employee. The average Veterans' Administration salary for doctors engaged in this activity is $23,234 and the average income from "consultation and other" is $2,433. A few examples will suffice to show the discrepancies involved—one physician in a southern Veterans' Administration hospital is being compensated at the rate of $13 an hour; his outside activities are paid for at the rate of $175 an hour. Another doctor receives $125 an hour and a third at $120 an hour, and others in the vicinity of $100 to $115 an hour.

It should be borne in mind that 86 percent of the Veterans' Administration doctors do not participate in this activity which could lead to the conclusion that the leadership, or lack of it, in central office is letting the tail wag the dog.

The condition in the hospital which triggered the investigation was called to the attention of central office by the hospital director on April 14. One month later, on May 16, the regional medical director and an assistant chief medical director paid a visit to the station involved. Their appraisal of the seriousness of the problem is indicated by the fact that the action taken consisted of writing a one-page memorandum for the file. When this information came to light, there was an investigation by individuals from central office of the Veterans' Administration a representative of the General Accounting Office, and the staff of the Committee on Veterans' Affairs.

To this date, I have not been advised of any substantive correction despite the submission of a detailed and critical report by the chairman of the Committee on Veterans' Affairs, numerous conferences and several letters. The leadership in the Department of Medicine and Surgery after nearly 6 months has displayed no sense of urgency to correct this deplorable and dangerous condition. Despite the abuses shown in the time and attendance records, required by the Veterans' Administration's own regulations, central office has taken no steps to correct the deficiencies in this field. The number of funds of questionable character were determined at the request of the Committee on Veterans' Affairs, but the Department of Medicine and Surgery leadership was uninterested in ascertaining what activity on the part of the physicians generated the funds.

"Full-time" Veterans' Administration physicians have been receiving payments from medicare and medicaid. Perhaps the worst offense is that of a hospital in a community which involves "full-time" Veterans' Administration physicians who receive through a corporation or individually in the neighborhood of $200,000 in 1 fiscal year for the treatment of patients under medicare in a county hospital operated by local government funds. Central office has not conducted any survey of its own or indicated any interest in the amount of income that physicians, allegedly of a small number, may be receiving for care and treatment of patients eligible under medicare or medicaid.

Central office has issued no new regulations to supplement travel allowances above and beyond that authorized under existing law. Veterans' Administration regulation 00–67–12 specifically prohibits a Veterans' Administration doctor from assuming responsibility for care of patients outside the Veterans' Administration hospital. No effort has been made to alter this regulation or to enforce it. There have been no new definitions or guidelines formulated which define or

redefine teaching or the treatment of patients. Effort has not been made to determine if open heart surgery infractions, previously described, at one hospital extends to other localities.

Aside from advising the station involved that the activities with regard to cardiac surgery were illegal, the net significant result at this troubled station is the approval by central office of a contract which triples the cost of consultant and attending fees from $16,000 to $48,000. This fact was disclosed through committee staff interrogation which revealed money is now going to the medical school rather than individual doctors. Formerly individual consultants were paid $50 for each visit and attendings $25; now the medical school will determine the amount to be paid individuals.

Nearly 6 months have elapsed since these deplorable conditions were called to the attention of responsible officials in the Department of Medicine and Surgery. No action has been taken other than that which I have indicated. Committees have been appointed to study the matter and I deplore the total lack of urgency or concern on the part of responsible officials of the Department of Medicine and Surgery.

The Committee on Veterans' Affairs, on which I have the honor to serve, has worked diligently, carefully, and steadily to improve the quality of patient care in Veterans' Administration hospitals. This has involved cooperation with medical schools throughout the country. We believe that it has worked in the best interest of the medical schools, but I submit that by no stretch of the imagination did the Congress ever envision or expect practices to develop like those which I have just described.

Neither did the Congress expect to have irresponsible attitudes displayed by doctors of medicine and high-ranking physicians in the Department of Medicine and Surgery. The sole reason for the existence of the largest hospital and medical complex in the world operated by the Veterans' Administration is for the care and treatment of veterans who are entitled under law to such benefits. It seems to me from the activities I have described that at least some individuals have departed from that concept. In fact, I am beginning to doubt they even share this reasoning and basic intent of the law.

Mr. Speaker, I have introduced bills to correct these situations. The first is H.R. 12901, which would designate a layman as the Chief Medical Director's deputy. I think this would result in solving many of the problems which now face us by placing a trained layman at the helm for administrative purposes, and let the doctors practice medicine. My second proposal is H.R. 13503, which in effect says that sick and annual leave by employees of the Department of Medicine and Surgery shall be no less than or no more than that enjoyed by civil service employees in the classified services.

My third bill, H.R. 13758, is broader in its concept and has a number of provisions: A Veterans' Administration doctor—

First. May not assume responsibility for the medical care of any patient outside a Veterans' Administration facility—as prescribed in Veterans' Administration regulations but not observed;

Second. May not teach or provide consultative services which interfere with his duties as a Veterans' Adminstration physician;

Third. May not accept medicare and medicaid patients;

Fourth. May not accept money from outside sources beyond the travel allowances authorized for Federal Government employees; and

Fifth. May not engage in any professional service which has as its purpose the generating of money for a fund operated by a medical school.

H.R. 13758 further provides that:

First. Patients may not be transferred from Veterans' Administration facilities for the purpose of permitting insurance payments from commercial health carriers;

Second. Removes from medical schools the veto which now exists, by practice, over the appointment of professional personnel;

Third. Requires sharing agreements to be approved by the Comptroller General and audited regularly by that official; and

Fourth. Attempts to provide some guidelines for full-time employment of doctors. Inquiry, for example, on one station revealed that a "full-time" physician is away from his station 2 full days out of each 5-day workweek, yet he continues to be classified and paid as a "full-time" employee. Other employees are away 2, 3, 4, or 5 hours each day and still qualify as full-time employees. Really now, are such employees "full time?"

Not surprisingly, the Veterans' Administration has frowned on the first two proposals. I am sure it has no enthusiasm for the last one, and will shortly so advise our committee.

What is needed is positive leadership in the highest echelons of the Department of Medicine and Surgery—a following, if you please, of the highest ethics of the medical profession. Failing to display this will make it necessary for the Congress to proceed with legislative action. If steps are not taken on an administrative level in the immediate future I shall press for consideration of my three bills and a complete ventilation of the entire deplorable condition.

HARRY EMERSON FOSDICK

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, Dr. Harry Emerson Fosdick, founding pastor of Riverside Church in New York City, died last Sunday at the age of 91. During his rich, full life, which extended over most of a century, he was a leading spokesman for those deep concerns of the spirit which have shaped the history of our time. His prophetic ministry at Riverside Church gave witness to his heartfelt mission: To render the Christian Gospel intelligible and meaningful in a world increasingly dominated by scientific and technological knowledge. He was, in fact, the first great urban preacher, in the sense of having been the first to relate faith to the complex realities of modern urban culture and society. Yet withal, he remained the warm, understanding, and compassionate counselor, able as few men have been, to unite a burning social conscience with a tender regard for persons. A sermonic craftsman, which is to say a master of simplicity and clarity, he brought his own deep feeling for life to bear in his retelling of the story of Jesus: The result was a book of permanent worth, at once scholarly and vibrant, "The Man From Nazareth," a truly ecumenical work.

The great battles of the early decades of this century over the fundamentalist-modernist conflict are largely over and done with. Yet, in retrospect, regardless of our changing perspective as we confront the issues of the past, it may be that Dr. Fosdick's greatest achievement will have been to provide an intelligent understanding of the Bible and of the Christian faith for men and women of today's world. His service in this regard can hardly be exaggerated. Finally, his most enduring legacy can never be measured: That patient, gentle, and sensitive pastoral care which was always at the heart of his ministry—in the words of another great American preacher, Phillips Brooks, "the communication of truth through personality." His passing impoverishes us all, even as the memory of his life and his continuing ministry through the influence of his sermons and books remain to inspire and strengthen us in "the living of these days." To his family I extend my deepest sympathy at this time in their and our loss.

Mr. Speaker, I include at this point in the RECORD an obituary of Dr. Fosdick which was prepared by Charles H. Whittier of the Library of Congress:

HARRY EMERSON FOSDICK

(By Charles H. Whittier)

Harry Emerson Fosdick was born in Buffalo, New York, on May 24, 1878, the son of Frank Sheldon Fosdick, a high school teacher, and Amy Inez Fosdick. Descended from people who came to Massachusetts Bay in 1635 seeking religious freedom, he carried this heritage forward as the leading spokesman for liberal religious belief in his time. In 1900 he received his B.A. from Colgate University, where he was a member of Phi Beta Kappa. Influenced by such men as President Andrew D. White of Cornell, whose *Warfare of Science and Theology* has become a classic, he determined to enter the ministry, receiving his doctorate in divinity summa cum laude at Union Theological Seminary (after a brief period at Colgate Theological School), where he came under the influence of Walter Rauschenbusch, pioneering advocate of the Social Gospel, and Rufus Jones, the beloved Quaker mystic.

What he later called "an overdose of mission work in the bowery" precipitated a short-lived nervous breakdown and severe depression. Following his recovery, he was ordained to the Baptist ministry in 1903, and was called to serve his first parish, the First Church, Montclair, N.J., in 1904. He remained at Montclair until 1915, while also teaching at Colgate Theological School. His

unorthodox ideas and preaching fervor here won him growing attention.

During the First World War he visited the AEF Troops in France under the auspices of the YMCA. In 1919 he was called to the First Presbyterian Church in New York City, where he was assured of freedom to pursue his ecumenical goals. During this time he continued his teaching at Union (begun in 1908), which extended over a period of 33 years. His marriage to Florence Allan Whitney of Worcester, Mass., brought happiness during a time of mounting controversy in which he gave outspoken leadership to the Liberal movement in its conflict with the Fundamentalist position (as represented by William Jennings Bryan and the Scopes "Monkey Trial" in Dayton). His 1922 sermon, "Shall the Fundamentalists Win?", attracted national attention. Charged with heresies by the Fundamentalist wing of the Presbyterian denomination, he refused to compromise when the issue came to a head in the General Assembly of the Presbyterian Church, U.S.A., and resigned, delivering his farewell sermon to an immense congregation, March 1, 1925.

At this point, John D. Rockefeller, Jr., a Liberal Baptist layman, offered him the pastorate of the Park Avenue Baptist Church in New York City. He accepted with the condition that the Church open its doors to all creeds and move in closer proximity to Columbia University. In 1927 he preached to 6,000 people for the first time in the new building (contributed by Rockefeller), and for the dedication in 1931 he wrote his finest hymn, "God of Grace and God of Glory," one of many hymns now sung in almost every denomination. The Riverside Church, as his parish soon became known, was an early center of interracial, interdenominational, and international ministry. In the ensuing years, it became one of the great pulpits of America.

From 1922, he pioneered in radio ministry, and his "National Vespers" program was heard regularly by millions. He served as trustee of Colgate, Barnard, and Smith Colleges, and received innumerable degrees from some 20 Ivy League colleges and other universities. Fearless of controversy, he gave early and constant support to Alcoholics Anonymous, to the birth control movement associated with Margaret Sanger, and to the cause of the League of Nations. He was friend and counselor to President Wilson. All forms of bigotry, racism, and nationalistic excess were alien to his broad, humane concern. Through the spoken and written word (he was author of some 40 books), he sought to relate Christian faith to the scientific culture of the 20th century. His *The Meaning of Prayer* went through 38 editions. *The Man from Nazareth* made Christ real to millions; *On Being a Real Person* communicated psychological insight with religious truth.

Beginning in the 30's, he moved toward a vigorously outspoken pacifism, and associated himself with leadership of the "No Foreign War" campaign. Following Pearl Harbor, he concentrated on those personal problems which the war situation created. In 1945 he expressed public shock at the revelations of the death camps.

His retirement from Riverside in 1946 marked a new era of activity in church and civic concerns, and for a time he headed the Manhattanville Community Center. The publication of his autobiography in 1956, *The Living of These Days*, revealed an alert, warmhearted, and witty mind and spirit, outspoken on issues of the day well into his 80's. Mrs. Fosdick passed away in 1964, saddening his last years. His death (at 91), came at Lawrence Memorial Hospital, Bronxville, New York on Sunday of this very week (Oct. 5, 1969). He is survived by a brother, Raymond B. Fosdick, former President of the Rockefeller Foundation; a half-sister, Mrs. Ruth Fosdick Jones; two daughters (Mrs. Elinor Fosdick Downs and Dr. Dorothy Fosdick); two grandchildren; and one great-granddaughter, born on September 15 of this year (and whom he lived to see).

Mr. Speaker, I include at this point in the RECORD the obituary by Edward B. Fiske which appeared in the New York Times on October 6, and also an editorial from the Washington Post of October 7:

[From the New York Times, Oct. 6, 1969]

HARRY EMERSON FOSDICK DIES; LIBERAL LED RIVERSIDE CHURCH

(By Edward B. Fiske)

Dr. Harry Emerson Fosdick, founding pastor of the Riverside Church and a pivotal figure in the Liberal-Fundamentalist split in American Protestantism in the nineteen-twenties, died last night at Lawrence Hospital in Bronxville, N.Y. He had been taken there two weeks ago after having suffered a heart attack.

The author, hymn writer and renowned preacher was 91 years old. He had lived in an active retirement since 1946, writing books and espousing social, religious and sometimes political causes. His home was in the Rivermere Apartments, Alger Court, in Bronxville.

On the first Sunday of March 1925, a 46-year-old, bushy-haired preacher stood in the pulpit of Manhattan's First Presbyterian Church and told the congregation:

"They call me a heretic. Well, I am a heretic if conventional oratory is the standard. I should be ashamed to live in this generation and not be a heretic."

The speaker was Harry Emerson Fosdick, an apostle of theological liberalism who had already become a pivotal figure in American Protestant history.

As a radio preacher and author, Dr. Fosdick was to become counselor to two generations of Americans and a major force in the struggle to relate Christian teachings to the scientific culture of the 20th century.

As the founding pastor of Riverside Church and a professor at Union Theological Seminary, he would be a pioneer in ecumenism, race relations and the peace movement and would leave his mark on the style of virtually every American Protestant preacher.

BITTER CONTROVERSY

When he spoke these words, though, Dr. Fosdick was still embroiled in the first major struggle of his career—the bitter controversy between Fundamentalists and Modernists.

Liberals eager to reconcile religion with evolution and other new theories were laying siege to traditional Christian teachings such as the infallibility of the Scriptures, the truth of miracles and the doctrine of the Virgin Birth.

Conservatives reacted with intensified devotion to the "fundamentals" of the faith, including adherence to the literal language of the Bible, a rigid salvation scheme and stanch opposition to the intrusion of historical scholarship into the Biblical field.

"It was a day," said Reinhold Niebuhr, the theologian, "in which the old evangelical piety of American Protestantism, so vital in its earlier form and so potent in taming an advancing frontier, had hardened into a graceless biblicism and legalism."

ICONOCLASTIC STAND

In this polarized and tension-filled situation, Dr. Fosdick clearly stood with the iconoclasts. He rejected the world-view of the Fundamentalists and paid little attention to the doctrines that they regarded as the tests of orthodoxy.

Instead, he concentrated in his sermons and writings on other traditional teachings such as the divinity of Christ, the doctrine of immortality and, above all, the concept of "God's indwelling presence in the world and in man."

"For me," he wrote, "the essence of Christianity is incarnate in the personality of the Master, and it means basic faith in God, in the divinity revealed in Christ, in personality's sacredness and possibilities, and in the fundamental principles of life's conduct which Jesus of Nazareth exhibited."

Dr. Fosdick became a prime target of William Jennings Bryan and other Foundamentalist leaders in 1922 when he preached a sermon entitled "Shall the Fundamentalists Win?"

In it he charged that the Fundamentalists were trying to drive the liberals out of the churches and dismissed the doctrine of the Virgin Birth as "one of the familiar ways in which the ancient world was accustomed to account for unusual superiority."

OUSTER ATTEMPTED

The resulting furor led to concerted efforts to force Dr. Fosdick out of his pulpit. He was a convenient target not only because of his visibility but also because he had been ordained as a Baptist and had never formally subscribed to the tenets of the Presbyterian church that he was serving.

In 1923 the General Assembly of the Presbyterian Church in the U.S.A. directed the New York Presbytery to require the preaching of First Presbyterian Church to "conform to the system of doctrines taught in the Confession of Faith."

Dr. Fosdick handed in his resignation, but the congregation refused to accept it. The case came up again the following year, however, and this time he was asked either to become a Presbyterian minister or to resign.

He took the latter course because of his conviction that subscription to creeds was "dangerous to the welfare of the church and to the integrity of the individual conscience."

On March 1, 1925, he preached his farewell sermon to a packed church. A newspaper account of the event stated that "most of the women in the church were in tears, and many of the men struggled to hide their feelings."

AN "URBAN" PREACHER

In a sense, Dr. Fosdick was the country's first great "urban" preacher, a pragmatist who focused on the needs of those who were abandoning the spiritual mores of the frontier and the farm and seeking an accommodation of Christianity with the emerging urban culture.

He challenged theological obscurantism as a basis for this and made it possible for the cultured classes to appreciate the "intellectual respectability of the Christian faith," Dr. Niebuhr said.

Dr. Fosdick was well prepared for this task, for as a youth he had himself fought his way through Fundamentalism to a so-called "rational" faith.

He was born in Buffalo on May 24, 1878, to Frank Sheldon Fosdick, a high school principal, and Amy Inez Fosdick. He had a sister, Edith, and a brother, Raymond, who became president of the Rockefeller Foundation.

Harry Fosdick was educated in Buffalo schools and went on to Colgate University, from which he was graduated in 1900 at the age of 22.

As a youth he had absorbed the religious orthodoxy of the day, but at college he reacted against what he termed "the puerility and debasement of a legalistic and terrifying religion."

Under the influence of liberal thinkers such as Andrew D. White, president of Cornell University, he developed the foundation of his progressive theology and made the decision to enter the ministry.

He entered the Colgate Theological School in 1900 and the following fall transferred to Union Seminary, where his major intellectual influences were the works of Walter Rauschenbusch, the leader of the Social Gospel movement, and Rufus Jones, the Quaker thinker.

He began doing outside work on the Bowery, but the extra load led to a nervous break-

down, and he was forced to withdraw from the seminary in December, 1901.

Dr. Fosdick later described his illness as a "horrid experience" but "one of the most important factors in my preparation for the ministry."

"Many times in later years," he wrote, "I have faced people who started in to tell me the inner hell of their neurotic agony—the waves of melancholia, the obsessive anxieties, the desire for suicide and all the rest—and I have stopped them, saying: 'Don't you tell me, let me tell you how you feel.'

"One typical man, with wide eyes, exclaimed when I was through: My God! how did you know that?' "

ORDAINED IN 1903

After a trip to Europe, he returned to Union, was graduated summa cum laude and was ordained on November 18, 1903. He took his first post at the First Baptist Church in Montclair, N.J., and the following year he married Florence Allen Whitney of Worcester, Mass.

Each morning the young pastor locked himself in a room and soaked up philosophy, literature and history. This paid off in first-rate preaching, and during his 11 years in Montclair the congregation doubled its budget and constructed a new building.

In 1908 he also began teaching at Union, a connection that he retained until his retirement 38 years later.

During World War I Dr. Fosdick traveled among American troops in Europe for the Young Men's Christian Association. In 1918, after his return, he moved to First Presbyterian Church with the understanding that his duties would be limited to preaching.

Shortly after his forced resignation from the Presbyterian church, Dr. Fosdick was approached by John D. Rockefeller Jr. and asked whether he would be interested in serving the 800-member Park Avenue Baptist Church, which had recently built the structure at Park Avenue and 64th Street that is now occupied by the Central Presbyterian Church.

Dr. Fosdick's first response was negative. "I do not want to be known as the pastor of the richest man in the country," he said.

Mr. Rockefeller replied, "I like your frankness, but do you think that more people will criticize you on account of my wealth than will criticize me on account of your theology?"

CONDITIONS STIPULATED

Dr. Fosdick accepted the job on the conditions that church would eliminate sectarian restrictions on membership and would leave its exclusive residential area in favor of still another new edifice in the area of Columbia University. Thus was borne Riverside Church.

From the beginning the church was interracial, international and interdenominational—what Dr. Fosdick described as a "united Church of Christ in miniature."

It was tied to two denominations—Baptist and United Church of Christ—and while it was being constructed the congregation, in what was then a bold ecumenical gesture, held services at Temple Beth-El, Fifth Avenue and 76th Street, which had just merged with Temple Emanu-El and moved eight blocks south.

The cornerstone was laid in November, 1927, and, despite a serious fire in the course of construction, the neogothic structure with its 72-bell carillon was formally dedicated on February 8, 1931. For the occasion Dr. Fosdick wrote the hymn that he considered to be one of his major accomplishments:

"God of grace and God of glory,
On Thy people pour Thy power;
Crown Thine ancient church's story,
Bring her bud to glorious flower.
Grant us wisdom, grant us courage,
For the facing of this hour."

From the outset the ministry of Riverside Church extended well beyond the needs of its immediate membership, and Dr. Fosdick's congregation was truly national.

He had been one of the first preachers to see the possibilities of radio in reaching nonchurchgoers, and in 1922 he had begun regular broadcasts.

Although Dr. Fosdick's theological ideas were advanced for his time, he was primarily a gifted popularizer rather than an original thinker.

He was, first of all, a superb craftsman. He wrote in his autobiography that "preaching for me has never been easy," and he used to spend as many as 15 to 20 hours of preparation on every sermon he delivered.

SUMMERS IN MAINE

Every summer he would withdraw to the large rambling house that he owned on Mouse Island in Boothbay Harbor, Me. There he would do his thinking and research, and emerge September with the outlines and background material for a year's preaching and lecturing.

His preaching voice was not heavy and although he occasionally thundered, his pulpit manner was undramatic. He was below average in height and somewhat rotund with a round face and thick dark hair that eventually grayed.

Dr. Fosdick's sermons were dotted with illustrations from literature, history and the arts, as well as from his own personal experience, and he was skilled at re-creating a scene from the past.

Preaching on St. Paul's farewell to the church at Corinth, for instance, he declared:

"You can imagine that group down by the Corinthian seashore gathered to say goodby. It must have been replete with many emotions, regrets, fears, happy memories, deep satisfaction, for Paul had tarried there a good while and was now taking leave of the brethren and sailing thence."

A FORM OF COUNSELING

Above all, though, he built his sermons around contemporary problems and viewed preaching as "personal counseling on a group basis."

"A good sermon," he said, "is an engineering operation by which a chasm is bridged so that the spiritual goods on one side—the 'unsearchable riches of Christ'—are actually transported into personal lives upon the other."

One former parishioner recalled, "I almost never left church after hearing him preach without some new idea that I could apply to my own relationship with people."

An American church historian said that Dr. Fosdick's influence on present-day preaching lay in his "intelligent understanding of Biblical materials."

"He showed, for instance, how the ways that Jesus dealt with people have been rediscovered by psychologists today," the historian stated.

Dr. Fosdick's topics included all the major social issues of his day. He was an early supporter of Margaret Sanger's birth-control movement and was both a backer of Alcoholics Anonymous and a vigorous opponent of Prohibition.

SUPPORTER OF LEAGUE

He was a good friend of Woodrow Wilson, whose League of Nations he vigorously supported, and he regarded himself as a liberal on social and economic issues.

"In the long fight . . . to make government the servant of all the people," he said, "I have been on the liberal side. The perils involved in the assumption of governmental responsibility for the welfare of the people are obvious—expanding bureaucracy, wild expenditures, crazy subsidies under political pressure, dependence on government as an exhaustless cornucopia, and many more—but the cure is not a return to Adam Smith's economic doctrines."

Some of his most controversial preaching stemmed from his pacifism, which grew out of his observations of World War I.

"In the first world conflict I saw war at first hand, and went through the dissillusionment of its aftermath, confronting with increasing agony the anti-Christian nature of war's causes, processes and results," he stated.

"I could not dodge my conscience: I must never again put my Christian ministry at the nation's disposal for the sanction and backing of war."

ANTIWAR CRUSADE

In 1937 he joined Mrs. Franklin D. Roosevelt and Rear Adm. Richard E. Byrd in opening a national "No Foreign War Crusade." When war broke out in 1939 he continued to oppose American entry into the conflict.

After Pearl Harbor and full-scale American involvement, he concentrated in his preaching on the personal problems posed by the war and on the means of conducting it. He was a vigorous opponent of "obliteration bombing" of Germany, but later, after the disclosure of German prison camps and crematoriums, he called for stern punishment of Germany.

During these years Dr. Fosdick's theological liberalism underwent a process of mellowing. As a result of disputes with Dr. Niebuhr and others, he challenged some of his own optimism about the prospects for human progress.

In the mid-thirties he preached a famous sermon entitled "The Church Must Go Beyond Modernism." In it he declared that the battle against Fundamentalism had been won and urged modernists to abandon the polemics of the past and confidently move on to the new task of criticizing culture.

"We cannot harmonize Christ with modern culture," he declared. "What Christ does to modern culture is to challenge it."

In his younger days, Dr. Fosdick was an avid squash and tennis player, and later he took up golf.

Dr. Fosdick retired from the active leadership of Riverside Church in 1946 but immediately devoted himself to the establishment of a community center in Manhattanville, just off Morningside Heights.

From his home in Bronxville he continued to add to the list of books under his name, which numbered nearly 40 at his death. Among the most influential were "The Meaning of Prayer," which went through 38 printings, and "On Being a Real Person." Another was his autobiography, "The Living of These Days," published in 1956.

A WIDOWER SINCE 1964

Dr. Fosdick's wife died in 1964, when she was 84 years old. Surviving are a brother, Raymond B. Fosdick, former president of the Rockefeller Foundation; a half-sister, Mrs. Ruth Fosdick Jones of Portland, Me.; two daughters, Dr. Elinor Fosdick Downs of Bronxville and Dr. Dorothy Fosdick of Washington; two grandchildren, Dr. Patricia Downs and great-granddaughter, Margot Stephen Fosdick Downs, and a great-granddaughter Margot Ann Downs, born on Sept. 15.

"We're so happy that daddy lived to see her," a member of the family said.

A small private service will be held for members of the family at the Fosdick residence. A memorial service will be held at the Riverside Church at a date to be determined.

[From the Washington Post, Oct. 7, 1969]

HARRY EMERSON FOSDICK

Those who honor God by serving men seldom lead quiet lives. From the beginning of his mission of teaching and witnessing the Christian gospel, Harry Emerson Fosdick, dead this week at 91, was engulfed by controversy. He upset religious conservatives because, among other things he believed that Christianity was a movement, not a system;

that conscience was more important than creed; that the title of believer had to be earned before it could be owned. In his long pastorate at the Riverside Church in New York, his teaching at the Union Theological Seminary, and in his writing which included nearly 40 books. Dr. Fosdick was reaching in service for those "who are trying to make religion practical, not simply a meditative exercise in spiritual blessedness."

As a pacifist, he understood that war was both anti-Christian and anti-human. "Our present chaos, far from refuting, bears witness to . . . inexorable laws in the ethical realm, with which we have been trifling. We are like a man who has walked out of a third-story window and then complains that he is badly shaken. He is shaken because he has transgressed laws that are unshakable. Consider, then what the last generation has been doing—our wars, our militant nationalisms, our imperialistic greed, our racial discrimination, our economic avarice, our dedication of science to destructive purposes." He likened war to a fire—you can prevent it or put it out, but a fire can't be won because fire is destruction.

Most of the opponents of Dr. Fosdick have long since disappeared into their triviality. Tribute is made to the great minister in the way his style of service is being imitated today by more and more clergymen who see that Christianity is just as concerned with this life as with the next life. Or as Dr. Fosdick once wrote, religion is best carried on by men who see it as something that is "not simply theistic theory but personal experience of (a) Presence."

THE WEST FRONT OF THE CAPITOL

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, we have not finished in this House with the important issue of the proposed costly extension of the west front of the Capitol. The bill is now over in the Senate, and some day it will be back here for our further consideration.

In that connection I wish to bring to the attention of my colleagues three items that have a direct bearing on the final decision we make. The first is an announcement from the American Institute of Architects, representing 80 percent of the members of their profession.

They say flatly that restoration of the Capitol in place of its extension is structurally feasible, and will cost around $10 million, which is a saving of $35 million from the proposed costly and elaborate $45 million extension.

Even in the language of Washington's inflated budget figures, $35 million assuredly is not hay.

Second is an editorial from the New York Times of October 6, and finally, in an article from the October 4, 1969, issue of Human Events, a publication which many Members of this Congress know read with some care.

I include them all at this point in the RECORD:

ARCHITECTS OUTLINE CAPITOL RESTORATION

WASHINGTON, D.C., September 26.—America's most important architectural landmark—the West Front of the U.S. Capitol—can be restored for far less than a massive addition, The American Institute of Architects said today.

Restoration and correction of structural weakness could be completed for around $10 million, AIA estimated for Congress, on the basis of consultation with engineers and restoration architects.

That would be considerably less than the $45 million or higher estimates for extending the West Front which would erase the last walls of the original capitol, Francis D. Lethbridge, AIA vice president, told Senate Appropriations Committee members.

The restoration also could be concluded without undue inconvenience or time, Lethbridge said. Some structural work would be needed under either restoration or an addition and should start immediately, he added.

"We say it can be done and there is no need for Congress to rush into" an expensive addition because it is "frightened" the Capitol may collapse, Lethbridge said. Mario E. Campioli, AIA, assistant architect of the capitol, has conceded he does not think the building is in immediate danger of falling down, Lethbridge said.

The House of Representatives has approved $2 million for detailed architectural drawings for a 4.5 acre addition. The new space would house restaurants, committee rooms and other functions.

Since 1955, AIA has opposed major changes in the Capitol which is widely considered an architectural masterpiece. Architects want a master plan for Capitol Hill which will protect its historic buildings and provide new buildings for orderly growth. A professional study of Congress' space needs should precede any major building or additions, said AIA.

The West Front extension would erase the last visible walls of the original Capitol and alter its "noble terraces," said Lethbridge. He is also chairman of the Joint Committee on Landmarks of the National Committee, appointed by the President of the United States.

AIA's "best estimate" on restoration cost follows consultation with structural engineer James Madison Cutts of Washington, soils engineer Charles Meyerson of Atlanta, Contractors George M. Rullman, Jr. and James W. Cox of Baltimore, architects F. Blair Reeves, AIA, of the University of Florida and Carl Feiss, FAIA, of Washington and others.

[From the New York Times, Oct. 6, 1969]

CAPITOL CRIME

The so-called Architect of the Capitol, backed by an unthinking House, proposes to keep the nation's prime historic monument from falling down by erecting a $45-million extension for the most ludicrously expensive restaurant, cafeteria and hide-away office space in the world—and all of it behind a new and preposterous false front.

It must be made clear—since it is being deliberately muddled in Congressional minds—that there are other, more sensible, appropriate and less costly ways to hold up the walls, and more responsible ways to get that space. The dome will not come tumbling down around legislators' ears as the only alternative to the present plan. The West Front obviously needs strengthening and restoration immediately. But that is all it needs, and all it should have, in the interest of historical and esthetic integrity.

Professionals have shouted themselves hoarse in the face of the elaborate schemes and reports from the office of the non-Architect of the Capitol, whose ossified imperial style and dogged amateur taste must be giving his distinguished predecessors, Bulfinch and Latrobe, sepulchral fits. But the amateurs on Capitol Hill go right ahead.

The House has already voted $2 million to start the $45 million attack. That $2 million is exactly the sum of the first year's authorization of the Historic Preservation Act of 1966. The $32 million authorized by the Preservation Act for a three-year period is less for the whole country's heritage than the cost of the Capitol mutilation alone.

In the light of this Congressional delinquency toward historic preservation, Congressional generosity toward historic destruction is even more appalling. It is doubly appalling after the murder and embalming of the East Front, under the same auspices. The Senate can take corrective action now by backing the most direct kind of restoration. This would cost about $10 million, according to the American Institute of Architects, or less than one quarter the cost of the extension.

The Capitol is a public building, not a private club. It belongs to the nation. It will not be served by the profligate distortion of history and art.

[From the Human Events, Oct. 4, 1969]

"REPAIR" OF THE WEST FRONT: ANOTHER BOONDOGGLE BY CONGRESS?

The controversy over what to do about the deteriorating west front of the U.S. Capitol is back in the news again, and this time it appears Congress is going ahead with a long-debated rebuilding project. Last week the House appropriated $2 million to begin architectural planning on the estimated $45 million restoration; the Senate, despite the threat of a floor fight, is expected to concur.

Everyone familiar with the Capitol is aware that the walls and buttresses along its west front, the only portion of the original structure remaining intact, are beginning to crack and crumble. And everyone agrees that something must be done about it.

The controversy comes over the question of what must be done, how, and at what cost. An important point is that the currently favored bill to shore up the west front involves considerably more than just shoring up the west front.

The $2 million in planning and the estimated $45 million in actual building costs would be spent not only on repairing the west front, but on *extending* it, a construction project that would move the existing wall out as much as 88 feet and create some four and one half acres of new floor space. Within the extended portion, as now planned, there would be: 43 large offices, 55 medium offices, five committee-conference rooms, two 270-seat dining rooms, two 400-seat auditorium-theaters, two escalators, 19 stairways and bathrooms containing a total of 40 pay toilets.

It is this boondoggle which has outraged opponents of the extension bill. Coming on top of the goodies congressmen have already voted themselves this year, the bill's foes believe such a multi-million-dollar scheme to further enhance the comforts of the congressmen could only strengthen the growing rebelliousness among middle-income taxpayers—particularly when the members are supposed to be fighting inflation.

"In this Congress, we have already done a number of things in our own interest," said Rep. Samuel Stratton (D.–N.Y.), a leading House opponent of the extension windfall. "We've raised our pay, increased our staffs, and boosted our retirement benefits. Do we really need to pay this enormous sum to create 58 [sic] hideaway offices for ourselves? That is the question."

Stratton and his allies also scoff at the projected $45-million construction price tag. Considering cost overruns on past Capitol projects and the fact that actual construction would not begin for over two years, they estimate the bill will be closer to $70 million. In cost per-square-foot, says Stratton, this project could become the most expensive building ever constructed by mankind.

The House foes have a powerful, authoritative ally in the prestigious American Institute of Architects (AIA), which has been promoting a simple restoration plan for the

west front to repair, not extend, the crumbling wall. This approach would preserve the architectural design of the original building as well as be less costly, the AIA claims, noting that sandstone from the same Virginia quarry used in the original Capitol is still available.

But the Congressional Establishment is never to be deterred when on the scent of a succulent boondoggle. Typical of the profound arguments the Establishment brought to the important debate was this statement by House Speaker John McCormack (D.-Mass.):

"I can't say [the west front] will collapse today, but I can't say it won't. If it should collapse it would have a tremendously adverse effect on public opinion." To say the least.

"Everyone recognizes that something has to be done," rejoined opponent Stratton, "but do we really need anything this elaborate? Is the only way to save the west front to have this incredible four-and-a-half-acre expansion?"

Stratton's side lost in the final House vote on the bill, 177 to 94. The battle now moves to the Senate.

ELECTORAL REFORM DANGER

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, changes in any of the basic laws or in the Constitution of the United States should require the most careful study and thorough consideration. We should never forget that there are two sides to any issue and that the pros and cons of the issue, regardless of its character, should be carefully analyzed lest in the zeal to modernize or to reform we create even greater problems than those we seek to resolve.

Our Founding Fathers provided us with a living, viable, and flexible instrument when they wrote the Constitution of the United States. They weighed and reweighed every thought, every provision and the consequence of those provisions as they wrote the document. It was a time consuming process. They provided a method of change so that it could be adapted to meet the needs of modern men, the needs of change that would develop in the years to come.

We should seek to change where change is needed—but in our efforts to change the provisions of the Constitution, we should be as deliberate and as thorough in our approach to change and the consequences of that change as our Founding Fathers were in producing that Constitution.

The House of Representatives has passed and sent to the Senate of the United States the resolution which would become upon ratification by 38 States a constitutional amendment reforming the electoral college. There are those of us, including the editorial writer of the Sarasota Herald-Tribune, who are concerned about the consequences of the change we have proposed here in the House of Representatives.

In the attached editorial, "Electoral Reform Dangers," which appeared in the Sarasota Herald-Tribune of Sunday, October 5, 1969, we are cautioned to consider more carefully the consequence of the action this House has taken.

The editorial is a warning that should be heeded not only in its application to the issue of electoral reform but to future attempts to change our basic instrument of government and in our basic laws. The editorial merits careful attention:

ELECTORAL REFORM DANGER

In the current discussions about amending the Constitution to change the way we elect a President, there has been an alarming lack of consideration given to one practical drawback of the direct election scheme under consideration.

The House has passed and sent to the Senate a plan to eliminate the electoral college entirely and provide for popular election of a President and Vice President—with the stipulation that if no candidate wins at least 40 percent of the total vote there shall be a run-off between the top two votegetters.

To us this looks like a potentially dangerous adventure, and we do not say this out of pious concern for the reduced role it would give the states.

The electoral college, like our bicameral Congress, was a compromise agreement worked out by the framers of the Constitution to get the big and little (in terms of population) colonies to relinquish much of their sovereignty to a central government.

The idea in Congress was to have all people (qualified, free, adult males) equally represented in the House, and each state equally represented in the House, and each state equally represented in the Senate. This pragmatic, non-egalitarian solution to a real political problem has worked out, over the years, but only because we have modified it from time to time.

(A cruel war was fought before the franchise was extended to men who had been slaves. It took only a peaceful amending to extend the vote to women. Another amendment gave people in the several states—not their respective legislatures—the right to choose their U.S. Senators.)

The Constitution can be changed when it needs to be, and we should not be afraid to exercise that most basic and essential of our political rights, the right to do so.

And clearly, the Constitution's framers had no foggiest notion that the electoral college would become only a sham, that the people themselves in every state would choose among Presidential candidates offered by national political parties. In an era when it could take weeks for a letter to get from Providence to Savannah and when most Virginians probably did not know the name of a single citizen of Connecticut, the founding fathers simply didn't conceive of every voting American expressing his direct choice of a chief executive. And most would have mistrusted the idea anyway, if it had been suggested.

So they fixed it so the people of each state would choose a number of their wise citizens—as many as each state had senators and representatives—and those electors would meet and pick us a President.

But what worked in the beginning is now a menace. We don't want electors, now faceless men, to do our picking for us. We'll pick our own, thank you, with no hanky-panky about electors switching from the candidates they pledged themselves to. And no deals or stalemates to throw the decision into the House of Representatives, as many thought might happen last time if third-man Wallace had siphoned off enough electoral votes to prevent either major-party candidate from getting an electoral college majority.

Thus the rush to reform and modernize. Thus we hear the reformists call for direct counting of all votes from everywhere. And the stand-patters wail that this would take away the extra political power enjoyed now by the small states. But little attention is paid to the danger of a close direct vote.

The political trauma that might result from a hung electoral college and a deal among state delegations in the House would be mild compared to what would happen if a nationwide vote resulted in a near tie.

Every vote would have to be recounted. Every vote, everywhere, could be challenged. The decision could be hung up in the courts for months.

Think it unlikely? Then recall 1960, when candidate Kennedy got 34,227,096 votes and candidate Nixon 34,108,546.

Under the electoral system, the election wasn't particularly close. JFK won in the electoral college, 303–219. But his popular margin was a tiny two-tenths of one percent: 49.7 to 49.5. A recount changing just one vote in a thousand from the Kennedy total to the Nixon total could have reversed the popular vote victory.

A whisker-close Presidential election under a direct vote system would invite a re-examination of the votes and voting rolls in every precinct in the nation—from Oneco or Laurel to the most boss-ridden wards of Chicago—whether the outcome there happened to be close or not!

We simply cannot afford, as a nation, the prolonged period of leaderlessness which the House-approved direct election plan could produce.

An amendment to award electoral votes on the basis of the plurality vote in each Congressional district—with or without going through the formality of the electoral college procedure—would be fair and democratic but would not invite chaos and interminable controversy in case of a photo-finisher.

Let us hope the elders in the Senate will think carefully on this matter.

PRIVATELY CONTROLLED TAX-EXEMPT FOUNDATION—FOUNDATIONS SHOULD BE CAREFULLY SUPERVISED AND CONTROLLED AND CARRY A FAIR SHARE OF THE TAX BURDEN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it was my privilege to present a statement on October 3, 1969, at a hearing held by the Senate Finance Committee on H.R. 13270, the Tax Reform Act of 1969, which outlines the urgent need for reforms affecting privately controlled tax-exempt foundations. I want to take this opportunity to insert in the RECORD the text of my remarks for the consideration of the Members. My statement follows:

STATEMENT OF HON. WRIGHT PATMAN, ON TAX REFORM BILL, H.R. 13270, OCTOBER 3, 1969

Mr. Chairman, I greatly appreciate your invitation to testify before this Committee on H.R. 13270, the House-passed tax reform bill. I shall direct my remarks principally to the important subject of privately controlled tax-exempt foundations.

It has been puzzling to me for some time why the majority of privately controlled tax-exempt foundations were established in the first place. The religious, charitable and educational contributions which are made by foundations can just as well be made by an individual. The fact that the foundation route is taken, immediately gives rise to a question as to the actual purpose for establishing the foundation.

A great many huge family fortunes have been continued in perpetuity through the private foundation route. Controlling interests in closely held corporations have been transferred to foundations with no apparent change in the continuity of direction and control through this technique. I don't be-

lieve we really know the vast amount of tax dollars lost to this nation by tax avoidance through the vehicle of privately controlled tax-exempt foundations.

It appears to me that the time has come to look very closely at this problem, and to develop sufficient information so that the Congress can make a decision on the desirability of continuing the present concept of privately controlled tax-exempt foundations. Later on in my testimony, I shall speak further to this point.

At the outset, I would like to strongly endorse the provisions of H.R. 13270 dealing with privately controlled tax-exempt foundations. I hope this Committee takes no action to weaken the provisions affecting these organizations. This Bill is a step in the right direction and contains only the minimum reforms needed as shown by the experience of the Subcommittee on Foundations in dealing with this problem.

The Subcommittee on Foundations has been conducting a continuous and in-depth review of the activities of privately controlled tax-exempt foundations for a number of years. During this period, seven reports were issued and two hearings were held. As a result of our study, a number of abuses of the tax-exempt privilege were uncovered and recommendations were made to deal with them. Although these recommendations have heretofore been made public, I believe it important that they again be made a part of the record.

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

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

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

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

4. Self-dealing transactions should be prohibited. A foundation should not be permitted to use its funds to grant benefits to a controlled company's employees. This is quite a competitive advantage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. Re gift and estate taxes,

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

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

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

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

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

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

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

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

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

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

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

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

27. A reasonable tax on income of foundations should be assessed.

These and other reforms are vitally necessary.

H.R. 13270 contains provisions dealing with some of these recommendations; others still remain.

A glance at these recommendations indicates quite clearly that while tax reform is extremely important, there are many other facets of the activities of these organizations which bear close scrutiny. Further, although H.R. 13270 is less restrictive than H.R. 7053, which I introduced in the House of February 18, 1969, I support the provisions of H.R. 13270 as they relate to privately controlled tax-exempt foundations, since I believe they are a step in the right direction.

For instance, H.R. 7053 recommended a 20 percent tax on gross income, but H.R. 13270 establishes a tax at 7½ percent on net investment income. Further, my bill recommended restricting stock ownership by foundations in corporations to three percent. The bill under consideration by your Committee allows 20 to 35 percent.

To place this entire matter in perspective, I would like to give some over-all statistics on those foundations under study by the Subcommittee on Foundations.

In the ten-year period ending 1960, 534 foundations had total receipts from all sources of $6.9 billion. In the succeeding seven-year period (575 to 647 foundations were studied), their receipts totalled $8.6 billion, or, $1.7 billion (25 percent) more in a three-year shorter period. These same foundations more than doubled their accumulated (unspent) income from $1 billion at the end of 1960 to over $2 billion at the end of 1967 and their net worth increased from $6.8 billion to $10.1 billion, or about 50 percent.

During the period from 1951 to 1967, these foundations had $15.7 billion in total receipts. Of this amount, $7.3 billion or somewhat less than half came from such sources as business income, interest, dividends, rents and royalties. Of the balance, $4.1 billion came from capital gains on the sale of assets and the remainder, $4.3 billion from contributions, gifts and grants.

At the end of 1967, the 647 foundations under study had total assets at market value of $17.8 billion, as compared to some $10.2 billion at the end of 1960; an increase of almost 75 percent. The $17.8 billion valuation is 50 percent greater than the $11.8 billion of capital stock, surplus undivided profits and contingency reserves of the 50 largest banks in the United States. When one considers that these figures are for only 647 of the 30,000 foundations, even though most of the larger ones are included, the size of the problem strikes one in full force.

One of my greatest concerns is the impact of such organizations on the small businessmen of this country. Foundations, because of their tax-exempt status can unfairly compete with a business which does not enjoy the benefits of such privileges. Holdings by foundations in enterprises constitute a powerful influence in corporate control, in the market place and in proxy solicitations. Our last report shows that almost 25 percent, or, 154 of the 647 foundations studied, held sizeable amounts of stock from 5 to 100 percent in 313 corporations. The carrying value of these shares was $2.7 billion, with an estimated market value of $6.2 billion. The market value of all corporation stock holdings by these foundations amounted to the staggering sum of $13.1 billion, or, al-

most 80 percent higher than the holdings at the end of 1960.

As *Fortune* magazine of June 1969 states, "Philanthropy does get shortchanged however, when the corporate stock that a foundation holds for control purposes produces meager income." It cites the Lilly Endowment and the James Irvine Foundations as examples of disbursements representing only about one percent of its assets.

It would be interesting to take a look at what the foundations have done with their tax-free dollars. In the years 1951 through 1967, of the receipts of $15.7 billion, disbursements were $9.9 billion, of which $1.9 billion was paid out for expenses and $8 billion was distributed for contributions, gifts and grants. In other words, the foundations had distributed as contributions, gifts and grants only about 50 percent of what they had received; it cost them $25 in expenses for every $100 of contributions, gifts and grants made. However, this is an over-all average. When we look at 1967, we see that it cost the foundations $33 in expenses ($253 million) for every $100 in contributions, gifts and grants made ($745 million).

I am therefore constrained to view rather cynically the statements made by foundations' representatives that a 7½ percent tax on net investment income will seriously impair the ability of foundations to continue their philanthropic activities. This view is further supported when the record shows that the Rockefeller Foundation spent half as much just running its New York office—$5.4 million—as it spent throughout the entire nation in 1966. It spent more just running its New York offices—in salaries and the like—than it spent in "benevolence" in New York and California combined.

In fiscal years 1966 and 1967, the tax-exempt Ford Foundation lost $92,500 and $100,200 respectively in the operation of its cafeterias and dining room, and, of course, the taxpaying restaurant owners in New York City lost over several hundred potential customers.

In 1966 and 1967, the tax-exempt Rockefeller Foundation lost $44,500 and $47,200 respectively in the operation of its lunch rooms and taxpaying restaurant owners in New York City also lost several hundred potential customers.

Mr. Benson Ford received $15,000 for attending three meetings of the Ford Foundation.

I could go on and on giving examples of loose administrative practices, unconscionably high expenses, and free spending on the part of foundations. The reports issued by the Subcommittee on Foundations are replete with examples of complete disregard of the public interest in the operation of foundations.

If the foundation managers adopted a more prudent business-like approach to the cost aspect of their operations, exercised a more careful review of contributions, gifts and grants policies, and paid more attention to the kinds of income producing stocks in their portfolios, the 7½ percent tax, contemplated in H.R. 13270, would not be the burden they protest it would be. In fact, I would hazard a guess that tightening their belts would make more funds available for charitable purposes.

The provisions of H.R. 13270 were reviewed in depth by me. While much more remains to be done, the provisions relating to privately controlled tax-exempt foundations will have a salutary effect on the operations of such organizations. I strongly support its provisions.

As I have indicated, much remains to be done with respect to the control and supervision of the activities of privately controlled tax-exempt foundations. The foundation problems are far more numerous and serious than Treasury officials have been willing to admit publicly. During our subcommittee's 1964 hearings, I made the following statement, in part:

"The Secretary of the Treasury has testified that it is the Treasury's duty to be alert to all possible violations of law. The Secretary also says (1) he does not consider it proper for a foundation to engage in insider's stock deals, stock price manipulations, short sales, margin trading, speculation in commodity futures, or to act as an unregulated source of stock market credit, and (2) the SEC should be alerted to the possibility of a foundation's involvement in insider deals and stock price manipulations.

"Yet, testimony before this Subcommittee indicates the following:

"The IRS does not examine foundations to determine whether they are violating any Federal securities laws—including those relating to insider's stock deals, stock price manipulations, and unregulated sources of stock market credit.

"The IRS has not collected any information, as to the extent that foundations are involved in speculation and trading on margin.

"The IRS has not collected any data on the involvement of foundations in corporate proxy fights.

"The IRS does not examine foundations to determine whether their foreign operations may be in conflict with Government policies.

"The IRS does not examine foundations to determine whether the foundations are channeling income and corpus in a direction that may hurt competitors and investors.

"The IRS does not examine foundations to determine whether they are being used as a device for engaging in various trade practices which might be in violation of certain statutes administered by the Federal Trade Commmission or the Antitrust Division.

"Few of the persons in the IRS who examine foundation tax returns would be sufficiently familiar with the antitrust law to know whether the practices as cited may violate Section 5 of the FTC Act or the Sherman Act.

"The IRS does not examine foundations to determine whether there is a conflict of interest between the duties of a foundation's directors or trustees and their interests as officers, stockholders and employees of business corporations whose stock is controlled by the foundation.

"The Acting Commissioner does not know of any cases where compensation of officers, directors or trustees among the large foundations has been unreasonable or unjustified. Yet, Mr. Benson Ford received $15,000 for attending three meetings of the Ford Foundation.

"The IRS does not review a foundation's individual charitable donations.

"The IRS has no rule of thumb regarding the percentage of income that a foundation must spend for the purpose for which it was granted tax exemption.

"The IRS does not examine foundations to determine whether contributions are being made to the foundations by persons or organizations that supply goods or services to companies interlocked with the foundations.

"The IRS does not know how much money was spent overseas by U.S. foundations in 1963.

"The IRS does not examine foundations to determine whether they are making loans overseas that may be contributing to our balance of payments problem.

"This is the most impressive record of do-nothing that I have seen in my 36 years in Congress."

I regret to say that those observations are just as pertinent today as they were in 1964.

The fact that foundations are exempt from taxation does not mean that they are exempt from other Federal laws. Hence, antitrust law, FTC law, SEC law, etc. are applicable to foundations.

It is, of course, possible for a foundation to be used as a device for engaging in various trade practices which may be a violation of certain statutes administered by the Federal Trade Commission or the Antitrust Division. For example, contributions may be made to a foundation by (1) persons or organizations that supply goods or services to companies interlocked with the foundations, or (2) from persons or organizations that buy goods or services from companies interlocked with the foundation. The point is that if the company that is interlocked with a foundation is doing business with and by a contribution to the parent foundation they get the business because of that interlock, they are obviously getting an advantage.

In other words, a contribution can be made to a foundation for a business purpose rather than an elemosynary purpose. For example, under the Robinson-Patman Act, business concerns are prohibited from making disproportionate discriminatory discounts to particular buyers if the effect might be to substantially lessen competition or tend to create a monopoly. Hence, contributions to a foundation can be a method of getting around this provision of law.

Also, there is the business practice known as reciprocity, which may violate the antitrust laws. It involves tacit or actual agreement to do business with a firm if it reciprocates and gives business in return. Foundations may be parties to reciprocity arrangements. For example, a business affiliated with a foundation may say to one of its suppliers, "I will buy from you if you will contribute to such and such a foundation" or, "if you buy from me, such and such foundation will make you a business loan at favorable terms".

Our study indicates that many business suppliers and buyers have made sizable contributions to foundations controlled by customers. For example, we know that a number of suppliers of the Hilton Hotel chain are contributors to the Conrad N. Hilton Foundation, of Los Angeles. Mr. C. N. Hilton, Jr., Secretary of the Conrad N. Hilton Foundation, has acknowledged that, during the fiscal years ending February 28, 1952 through February 28, 1963, 29 donors—who were suppliers of goods or services to Hilton Hotels Corporation or its subsidiaries—made contributions to the Conrad N. Hilton Foundation in the amount of $61,695.18.

Does not this kind of situation appear to raise the specter of business reciprocity—We will buy from you if you contribute to our foundation?

If so, does it not raise a number of serious antitrust problems? Specifically, may it not involve a possible violation of the Robinson-Patman Act because it involves the inducement of discriminatory prices?

Or may it not involve a violation of Section 5 of the FTC Act as have other instances of business reciprocity because they involve "unfair methods of competition?"

Here is another case that we discussed in our hearings. The Rogosin Foundation of New York City, is controlled by the Rogosin family. The Rogosin family has also dominated Beaunit Corporation (formerly Beaunit Mills, Inc.), Rogosin Industries, Limited, and Skenandoa Rayon Corporation.

At December 31, 1952, the Foundation held 33½ percent of the nonvoting preferred stock of Beaunit Mills, Inc. (carrying value $2.7 million) as well as 5 percent of the common voting stock of the same corporation (carrying value $1.9 million).

Beaunit Mills, Inc., manufactures synthetic yarn, knits and weaves fabrics, and manufactures intimate apparel. The Goodyear Tire and Rubber Company of Akron, Ohio, has been a buyer of tire-cord yarn from Beaunit Corporation.

In March 1952, Goodyear made a cash do-

nation of $150,000 to the Rogosin Foundation. Additionally, on March 10, 1952, Goodyear loaned $2.5 million to the Rogosin Foundation at 4 percent interest. The loan was to be paid off in installments due January 3–August 15, 1953, January 3–August 15, 1954, and January 3–August 15, 1955. According to the Foundation, payments on the loan were made on August 15, 1953, August 15, 1954, and August 15, 1955.

The Foundation states that it used the $2.5 million loan to purchase from Beaunit Mills, Inc., 30,000 shares of the latter's preferred stock. An identical number of shares of Beaunit Mills, Inc., preferred stock was pledged by the Foundation as collateral for the loan.

So, here we have the question as to whether this arrangement involves a price discount from Rogosin to Goodyear, for which Goodyear, the buyer, compensated Rogosin by making a contribution to the Rogosin Foundation. If this were the case, would it not seem to raise both tax and antitrust problems. First, it is a method whereby the buyer compensates the seller by making a tax deductible contribution to the Rogosin Foundation? Second, would not this practice, at best, be a distortion of the pricing and exchange process in a free enterprise economy? Third, might not this practice actually involve, (a) a violation of the Robinson-Patman Act because it involved discriminatory pricing, or (b) a violation of section 3 of the Federal Trade Commission Act because it is an unfair method of competition? Additionally, of course, Goodyear was acting as a source of unregulated credit.

Then there are the possible antitrust problems—actual or potential conflict of interest situations—that may stem from situations where board members of foundations also sit on the boards of business firms that compete with each other. As we all know, Section 8 of the Clayton Act provides that no person shall be a director of two or more competing corporations. Now, that Act does not apply to indirect interlocks, such as when a foundation has two board members, one of whom is also a board member of corporation A and the other member is on the board of corporation B (a competitor of A). While there is nothing illegal about such an arrangement under Section 8, there could be a special public interest problem when a foundation established for eleemosynary purposes becomes a vehicle for such indirect interlocks which might affect competition.

Here is another area that this panel should explore. Does a businessman in government pose a greater potential conflict of interest than the officials of foundations in government—such as, for example, McGeorge Bundy, President of the Ford Foundation, whose overlords, the Ford family, have immense commercial interests throughout the world, including the Middle East? It seems to me a bit inconsistent for the Congress to require a businessman to completely eliminate potential conflict of interest when, at the same time, it permits Mr. Bundy to wander in and out of the Government while retaining his $65,000 annual salary from the Ford Foundation. This was the case in June 1967 when Mr. Bundy became Executive Secretary to the National Security Council Committee on the Middle East.

Now, to turn to the stock market—there is ample evidence that many foundations are actively trading in the market with substantial portions of their funds. Judging from the content of their portfolios and the frequency of turnover, many foundations are concerned less with equity yields and inflationary trends than they are with the lure of capital gains to swell their principal funds. I might add that former Secretary Dillon testified that he shares my view that speculative gains for charity are not worth the risk of speculative losses, and that he knew of no case where directors or trustees of a foundation have reimbursed the foundation for losses incurred in speculation.

One of the operations that should be subjected to the close scrutiny of this Committee is that of the private pooling of investments by some foundations—in other words, the pooling of capital to trade in the stock market. For example, some of the Rockefeller foundations have informed us that they have a joint investment staff of 16 persons, not including secretarial, headed by Mr. J. Richardson Dilworth, which provides investment services with the cost shared by the various Rockefeller participants.

Does this not raise some potential problems—the possibility of speculative tactics, the possibility of a conflict of interest, the possibility of huge buying power that will have a strong impact on the prices of stock they deal in?

Secretary Dillon also testified that a foundation can be a source of unfair competition arising from active use of foundation assets by donors or trustees for private business ends, and that there are an infinite number of ways in which foundation assets or income can be used for the preferment of one set of private persons over another. The Seceretary agreed that (1) foundations' money-lending activities put them into unfair competition with private lenders and also give the foundations an element of influence over a wide range of business ventures, and (2) such activities may present problems, such as preferential rates of interest. All this is made possible by the fact that, at present, the only restraint on a foundation's moneylending appears to be that loans must carry a "reasonable" rate of interest and adequate security, and that nothing prevents the foundation from making loans to its founder or his family, the businesses under his control, or a donor.

I conclude with this thought: There is something fundamentally wrong in conditions which make such acquisition of economic power possible, and which tolerate its continuation. And it is the responsibility of Congress to correct those conditions.

The Internal Revenue Service has proven itself over the years unable to administer and enforce effectively the laws and regulations governing such organizations. For many years the Subcommittee on Foundations attempted to obtain a list of privately controlled tax-exempt foundations. Finally, in December 1968, after many delays and much prodding, such a list was submitted to the Subcommittee. This list contained the names and addresses of 20,262 foundations. Shortly, thereafter, almost 300 corrections were made to the list.

In attempting to broaden our study of such organizations, and after unsuccessful attempts to obtain the kinds of information we needed from the Internal Revenue Service, we undertook to obtain the information by communicating directly with the foundations. We are presently in the first stages of such a project. Of the first several thousand mailings made, about 1,000 have been returned with the notations, "Moved, not forwardable," "Addressee Unknown," "Addressee moved and left no forwarding address," "Insufficient address." In some cases we were advised that some foundations had been out of existence for years, one as long as ten years ago. The list furnished us by the Internal Revenue Service is replete with duplications and incomplete addresses and names.

If the Internal Revenue Service cannot even come up with the current addresses of the organizations for which they have responsibility, I shudder to think of the kind of audit and review that is being undertaken by them. Several years ago in one of our studies, we indicated that some of the larger foundations had not been audited for many years. In fact, as a result of prodding by the Subcommittee, some $28 million in assessments have been levied against a number of foundations.

The public is entitled to complete disclosure of information concerning these organizations which have been granted tax-exempt status. It is estimated that only 140 such organizations publish annual reports. The only other data is in the Form 990–A which is required to be filed with the IRS annually, which is admittedly limited in depth.

Recently, as a result of Congressional interest, there has been a great deal of scurrying around by the foundations to establish some kind of a self-policing organization. In view of the record, allowing such self-policing would be akin to having the fox guard the hen house or letting the goose watch over the shelled corn. Stronger Government action is urgently needed.

The proliferation in the number (2,000 new ones in the past year) of such organizations and in their increasing economic and other powers makes it necessary that their activities be given the closest scrutiny.

Accordingly, I introduced legislation in the House on September 9, 1969, (H.R. 13725) to establish an independent Government Agency to control and supervise the activities of privately controlled tax-exempt foundations. Because of its relevance to the deliberations of this Committee, I would like to request that the text of this bill be included in the record of these hearings.

The new Agency, "The Private Foundation Control Commission," would be headed by three Commissioners appointed by and reporting to the President. Commissioners will serve five-year staggered terms with a Chairman whose term as Chairman would be coterminus with the President's term.

As stated in the bill . . . "The establishment of a Private Foundation Control Commission is necessary in the public interest to:

(1) provide general leadership in the identification and solution of problems relating to private foundations;

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

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

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

Under the legislation, no private foundation will be eligible for tax exemption unless it is registered with the Commission. The Commission would be authorized to revoke such registration under appropriate circumstances.

The Commission will be self-sustaining through assessing the foundations a registration fee and an annual maintenance fee. Such fees are not a substitute for the tax on net investment income of foundations included in H.R. 13270, the tax reform legislation recently passed by the House and under consideration by this Committee. The legislation is restricted to private foundations, which are defined in the legislation.

Mr. Chairman, I appreciate the time and courtesy afforded me in presenting this rather lengthy statement to the Committee. I would like to make it clear that my efforts are not directed to the elimination of all foundations as a constructive part of our democratic society. Rather, it is my hope that the corrective actions being considered

by the Congress will clean up the bad apples in the barrel and allow those privately controlled tax-exempt foundations which are operating in the highest and best public interest to continue their worthy efforts.

In a democratic society, the burdens of taxation should be shared equitably by all. Privileges granted to any particular group for any special purpose must be accompanied by the acceptance of the responsibilities that such privileges carry with them. With the passage of this tax reform bill, as it relates to privately controlled, tax-exempt foundations, as passed by the House, and my bill (H.R. 13725) which I consider to be a companion bill, it is hoped that these objectives may be attained.

THE PRESIDENT'S PLANNED ATTACK ON THE CONGRESS

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

Mr. BARRETT. Mr. Speaker, I was shocked to read in the paper last night that President Nixon plans to attack the Congress through a statement next Monday to be "leaked" to the press for Sunday release. According to the report, the President will chide Congress for not acting on a number of administration legislative recommendations.

It is highly regrettable that the President chooses to put politics ahead of the needs of our country. If that is his plan, let me set the record straight. In my own field of housing, we did not receive the administration bill until July 15; 2 days later, the Subcommittee on Housing began its hearings. I would not call that a delay. It was only after those hearings began that we were able to get from the administration its recommendations on farm housing legislation. After 3 weeks of hearings, the subcommittee held 5 days of executive session and there were an additional 2 days of markup sessions in the full committee. A housing bill, H.R. 13827, was reported by a vote of 35–0. This, I believe, is good evidence that we have done our job well and carefully. The bill we have brought out is a balanced bill which will carry our programs in the field of Housing and Urban Development through the next fiscal year and which makes a number of important amendments to existing programs. This bill will come before the House shortly.

If there has been any delay, it has been on the part of the administration which did not submit its proposals until mid-July, the latest date that I can recall.

In the case of mass transit legislation, the administration did not make its recommendations until August 7. We will start hearings on that bill as soon as possible but before we do we want to have the administration comments on mass transit legislation introduced by more than 100 members which would establish a trust fund for this purpose. These views were requested back in March of this year but so far the administration has not bothered to reply.

Mr. Speaker, in view of these facts, the President's planned attack on the Congress strikes a false note. He knows full well that sound legislation takes time and that the committees of Congress must consider not only his proposals but many other related bills introduced by Members of Congress. It is our intention to produce the best legislation as possible as soon as possible and political press releases do not contribute to that goal.

THE DREAD "BROWN LUNG" DISEASE—A REPLY FROM HEW SECRETARY FINCH

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virgina, Mr. Speaker, there is a growing recognition that the American people will no longer put up with the threat of the dread, crippling "brown lung" disaease to the health of thousands of textile workers no more than the American people will continue to tolerate the threat of the dread, crippling "black lung" disease to thousands of coal miners.

Ralph Nader lifted the lid on several aspects of the "brown lung" problem in a letter dated August 9, 1969, to the Honorable Robert H. Finch, Secretary of Health, Education, and Welfare, the text of which I placed in the CONGRESSIONAL RECORD on page 23177 of the August 11, 1969, edition.

I am pleased to insert in the RECORD the text of Secretary Finch's reply:

SEPTEMBER 19, 1969.

Mr. RALPH NADER,
Washington, D.C.

DEAR MR. NADER: Thank you for your letter of August 9, 1969, regarding the problem of byssinosis in the textile industry.

It is clear that byssinosis is a serious occupational disease that has been too long ignored in the United States. For many years it was thought that the disease was not a significant problem in this country. That comfortable illusion no longer prevails.

Reports as early as 1961, indicated a high prevalence of respiratory symptoms among cotton mill cardroom workers. Further reports of disabling byssinosis among American cotton mill workers were submitted in 1967. And, in 1968, a survey of two cotton mills in the United States showed that 25 percent of the carders and 12 percent of the spinners were suffering from this lung disease. In the cotton mill operated at the Federal prison in Atlanta, 28 percent of the men in carding and spinning were found to have symptoms of byssinosis.

We do not have at this time any precise estimate of the total number of textile workers that may be afflicted by byssinosis. But it appears that thousands of workers may be adversely affected by cotton dust. I strongly agree that effective action must be taken to curb this occupational hazard.

You asserted in your letter the textile industry's unwillingness in the past to recognize the seriousness of the byssinosis problem. We have had indications that this is not the attitude of the industry today. The latest survey results I mentioned above were called to public attention some months ago by the Consumer Protection and Environmental Health Service. Since then, the Executive Council of the Textile Workers Union of America, the National Cotton Council of America, and the Committee on Health and Safety of the American Textile Manufacturers Institute, have expressed their concern and have asked the Public Health Service to provide more definitive information on the prevalence and control of the disease.

This in itself, of course, is hardly meaningful action to control byssinosis. But I am hopeful that it does reflect a growing recognition by both industry and labor that we can no longer tolerate this threat to the health of textile workers.

You urged a stronger Federal initiative in dealing with the byssinois problem. I believe that the Federal Government has a dual role to carry out in achieving this end. First, we must develop the additional information needed to curb the hazard in the mills. Second, we must have an effective mechanism for ensuring that this knowledge is applied.

In your letter, you cited the research of Dr. Arend Bouhuys and his associates. The Publice Health Service has helped support Dr. Bouhuys' work for the past five years. The Environmental Control Administration of the Consumer Protection and Environmental Health Service recently approved a new three-year research grant which will enable Dr. Bouhuys to continue his byssinosis studies. Other research necessary for the development of standards and control of the disease is under consideration now.

The National Institutes of Health currently is undertaking an examination and expansion of its research efforts in the entire field of pulmonary diseases, with special emphasis on the chronic pulmonary diseases.

Once criteria are developed to protect the health of workers, there must be a mechanism for putting them into effect. New legislation in this field is essential. The Occupational Safety and Health Act proposed to Congress by the President would provide this mechanism.

As you well know, byssinosis in only one of the occupational diseases and other hazards that confront American workers. We cannot build a comprehensive health program in this country without dealing with these job-related diseases and injuries.

I am forwarding a copy of your letter and my reply to the Department of Labor so that they will be appraised of your concern over their enforcement of the Walsh-Healy Act.

Thank you for giving me your views.

Sincerely,

ROBERT H. FINCH,
Secretary.

SANE, SENSIBLE SUGGESTION

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, amid all the smoke over the use of marihuana, one fact stands out like the Washington Monument over the fog of the Potomac. As the following editorial from the October 4 Charleston, W. Va., Gazette so well points out, we do not have enough information in marihuana to know what we are talking about. I join the Gazette in congratulating my distinguished colleague from New York, the Honorable EDWARD I. KOCH, for his legislative proposal to establish a Presidential Commission to look into this problem and report back to the American people. I am pleased to have joined the gentleman from New York in cosponsoring this bill.

The editorial follows:

SANE "POT" IDEA FINALLY OFFERED

The sanest suggestion we've yet encountered on what should be done to handle the incidence of marijuana smoking among the nation's youth comes from Rep. Ed Koch, D-N.Y.

His proposal is simple and sensible: establish an authorative commission to study in detail the problem and to report back to the American people as soon as possible its conclusions. The congressman desires a report that will have the same impact on the Ameri-

can public as did the 1964 Surgeon General's Report on Smoking and Health.

Not nearly enough is known about marijuana to answer even basic questions: Is it dangerous? Is it addictive? Does it damage the brain? What are its long-term effects?

For years the United States has been handling narcotics on the theory that stiffer laws and sterner punishment would decrease traffic in drugs and thereby reduce the number of addicts. The contrary has happened. The black market in narcotics has increased by leaps and bounds, and addiction in some sections of the country—notably urban ghettos—has reached epidemic proportions.

Isn't it about time a new tack was taken and new policies initiated? Might it not be desirable to turn the problem over to the medical profession? It is impossible imagine doctors making a bigger bungle than has already been made.

Meanwhile, a definitive study on marijuana is clearly needed.

LEAVES OF ABSENCE

By unanimous consent (at the request of Mr. ASPINALL), leave of absence was granted as follows to:

Messrs. ASPINALL, HALEY, EDMONDSON, TAYLOR, MEEDS, SAYLOR, BERRY, POLLOCK, WOLD, CAMP, and LUJAN during the week of October 13 to 18, 1969, inclusive on account of official committee business. These Members will be conducting field hearings and inspections in Alaska in connection with legislation involving Alaska native land claims.

By unanimous consent, leave of absence was granted as follows to:

Mr. CEDERBERG (at the request of Mr. GERALD R. FORD) for the week of October 13, 1969, on account of official business.

Mr. CHARLES H. WILSON (at the request of Mr. Moss) for today on account of official business for the Committee on Post Office and Civil Service Subcommittee on Census and Statistics.

Mr. BURTON of Utah (at the request of Mr. GERALD R. FORD) for October 6 through October 13 on account of official business as a member of House Committee on Interior and Insular Affairs.

Mr. WATSON (at the request of Mr. GERALD R. FORD) for today on account of official business as member of the Select Committee on Crime.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RYAN, for 60 minutes, on October 14; to revise and extend his remarks and include extraneous matter.

Mr. KOCH, for 60 minutes, on October 14; to revise and extend his remarks and to include extraneous matter.

Mr. HELSTOSKI, for 60 minutes, on October 14.

Mr. SCHEUER, for 60 minutes, October 14.

Mr. CLAY, for 60 minutes, October 14.

Mr. MOORHEAD, for 60 minutes, October 14.

Mr. BRADEMAS, for 1 hour, on October 14.

Mr. MCCARTHY, for 1 hour, on October 14.

Mr. WALDIE, for 1 hour, on October 14.

Mr. STOKES, for 1 hour, on October 14; to revise and extend his remarks and include extraneous matter.

Mr. HECHLER of West Virginia, for 30 minutes today, and to include therewith extraneous material.

(The following Members (at the request of Mr. ESCH), to revise and extend their remarks and to include extraneous matter to:)

Mr. ARENDS, today, for 5 minutes.

Mr. ROBISON, today, for 30 minutes.

Mr. ESCH, today, for 10 minutes.

Mr. DUNCAN, on Monday, for 60 minutes.

Mr. SAYLOR, today, for 30 minutes.

(The following Members (at the request of Mr. Moss) to address the House:)

Mr. FARBSTEIN, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RYAN, for 15 minutes, today.

Mr. RARICK, for 15 minutes, today.

Mr. HANNA, for 60 minutes, on October 13.

Mr. BINGHAM, for 60 minutes, on October 14.

Mr. CONYERS, for 60 minutes, on October 14.

Mr. SIKES, for 30 minutes, on October 15.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, to extend his remarks and to include certain tabulated material on appropriations business for this session of Congress.

Mr. MADDEN, and to revise and extend his remarks and include editorials in two instances.

Mr. OLSEN to include extraneous matter in his remarks made in Committee today.

(The following Members (at the request of Mr. ESCH) and to include extraneous matter:)

Mr. RUPPE in two instances.

Mr. ROUDEBUSH.

Mr. FISH in two instances.

Mr. SANDMAN.

Mr. ANDERSON of Illinois.

Mr. SCHWENGEL.

Mr. DON H. CLAUSEN.

Mr. BURKE of Florida in two instances.

Mr. KLEPPE.

Mr. ASHBROOK in two instances.

Mr. HOGAN.

Mr. MORSE.

Mr. WYMAN in two instances.

Mr. PRICE of Texas in two instances.

Mr. REID of New York.

Mr. CUNNINGHAM in four instances.

Mr. DEL CLAWSON.

Mr. GROVER.

Mr. QUIE.

Mr. FULTON of Pennsylvania in five instances.

Mr. MATHIAS.

Mr. SCOTT.

Mrs. HECKLER of Massachusetts in two instances.

Mr. POLLOCK.

(The following Members (at the request of Mr. BURLISON of Missouri), and to include extraneous matter:)

Mr. ANNUNZIO in five instances.

Mr. BIAGGI in three instances.

Mr. ROONEY of New York.

Mr. MINISH in three instances.

Mr. STOKES.

Mr. EDWARDS of California in two instances.

Mr. BURTON of California.

Mr. ADDABBO in two instances.

Mr. RARICK in three instances.

Mr. ROGERS of Florida in five instances.

Mr. GONZALEZ.

Mr. FLOWERS in three instances.

Mr. OTTINGER.

Mr. RYAN in three instances.

Mr. EILBERG.

Mr. PICKLE in two instances.

Mr. MARSH.

Mr. CHAPPELL.

Mr. WOLFF.

Mr. FASCELL in two instances.

Mr. BOGGS.

Mr. DANIELS of New Jersey.

Mr. BINGHAM in two instances.

Mr. CORMAN.

Mr. CHARLES H. WILSON.

Mr. RODINO in two instances.

Mr. KOCH in two instances.

Mr. ZABLOCKI in two instances.

Mr. MONAGAN in two instances.

Mr. EDMONDSON in two instances.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2564. An act to amend the act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park, and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ADJOURNMENT

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, October 13, 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:

1239. A communication from the President of the United States, transmitting an amendment to the requests for appropriations transmitted in the budget for fiscal year 1970 for the Department of Transportation for the civil supersonic transport development program (H. Doc. No. 91–173); to the Committee on Appropriations and ordered to be printed.

1240. A letter from the Assistant Secretary of the Interior, Public Land Management, transmitting a copy of the river plan for the Rio Grande River, pursuant to the provisions of sections 3(a)(4) and 3(b) of the Wild and Scenic Rivers Act (H. Doc. No. 91–174); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1241. A letter from the Assistant Secretary of the Interior, Public Land Management, transmitting a copy of the river plan for that

portion of the Rogue River under the administration of the Bureau of Land Management in Oregon, pursuant to the provisions of section 3(b) of the Wild and Scenic Rivers Act (H. Doc. No. 91–175); to the Committee on Interior and Insular Affairs and ordered to be printed, with illustrations.

1242. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report on the operation of section 401 of the Second Supplemental Appropriation Act, 1969 (Public Law 91–47), through September 1969, pursuant to the provision of the act; to the Committee on Appropriations.

1243. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the annual report of the Commission for 1968, pursuant to law; to the Committee on Foreign Affairs.

1244. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed research and development contract with American Standard Inc., Melpar Division to study and improve the design of cutting assemblies of continuous mining machines for the purpose of reducing the production of respirable dust, pursuant to the provisions of Public Law 89–672; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL. Committee on Foreign Affairs, House Joint Resolution 894. Joint resolution to authorize appropriations for expenses of the United States section of the United States-Mexico Commission for border development and friendship, without amendment (Rept. 91–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 574. Resolution for consideration of H.R. 14127, a bill to carry out the recommendations of the Joint Commission on the Coinage, and for other purposes (Rept. No. 91–557). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 575. Resolution for consideration of H.R. 4293, a bill to provide for continuation of authority for regulation of exports (Report No. 91–558). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 576. Resolution for consideration of H.R. 13000, a bill to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes. (Rept. No. 91–559). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Florida:

H.R. 14273. A bill to amend the Internal Revenue Code to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 14274. A bill to amend the Social Security Act to provide an increase in benefits under the old-age, survivors, and disability insurance program, provide for automatic benefit increases thereafter in the event of future increases in the cost of living, provide for future automatic increase in the earnings and contribution base, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 14275. A bill to amend the Internal Revenue Code of 1954 with respect to certain union negotiated pension plans; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 14276. 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. HALPERN:

H.R. 14277. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record, to eliminate certain special requirements for entitlement to husband's or widower's benefits, to provide for the payment of benefits to widowed fathers with minor children, to equalize the criteria for determining dependency of a child on his father or mother, and to make the retirement test inapplicable to individuals with minor children who are entitled to mother's or father's benefits; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 14278. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 14279. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. MARSH:

H.R. 14280. A bill to provide for a study of weather modification activities, for the coordination and reporting of such activities, and for other purposes; to the Commission on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 14281. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Commission on Ways and Means.

H.R. 14282. A bill to amend title XVIII of the Social Security Act to provide payment for optometrists' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 14283. A bill to amend title 38, United States Code, to provide employment and relocation assistance for veterans; to the Committee on Veterans' Affairs.

By Mr. STAGGERS:

H.R. 14284. A bill to amend the Public Health Service Act to extend for 3 years the program relating to heart disease, cancer, stroke, and related diseases; to authorize training and clinical demonstration programs for related chronic diseases; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14285. A bill to amend the act of August 2, 1956, relating to safety devices of household refrigerators to extend the coverage of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEED:

H.R. 14286. 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. TEAGUE of Texas:

H.R. 14287. A bill to amend title 38 of the United States Code to provide that the Administrator of Veterans' Affairs may provide certain treatment to veterans for disease; to the Committee on Veterans' Affairs.

By Mr. UTT:

H.R. 14288. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 14289. A bill to amend the act of March 4, 1921, to place the counties of El Paso and Hudspeth, Tex., in the mountain standard time zone; to the Committee on Interstate and Foreign Commerce.

By Mr. WYDLER:

H.R. 14290. A bill to amend the Federal Aviation Act of 1958 to authorize States and their political subdivisions to make and enforce certain rules and regulations to control and abate aircraft noise and sonic boom; to the Committee on Interstate and Foreign Commerce.

By Mr. KEITH (for himself, Mr. BIAGGI, and Mr. PELLY):

H.R. 14291. A bill to amend the Fisheries Protection Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BERRY:

H.R. 14292. A bill to improve farm income and insure adequate supplies of certain agricultural commodities by extending and improving the commodity program for corn, feed grains, and wheat; to the Committee on Agriculture.

By Mr. BINGHAM:

H.R. 14293. A bill to amend title 39, United States Code, to restrict the mailing of unsolicited credit cards; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN:

H.R. 14294. A bill to amend the Export Control Act of 1949 to provide for congressional approval of any economic boycott instituted by the President of the United States; to the Committee on Banking and Currency.

By Mr. BURKE of Florida:

H.R. 14295. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McCULLOCH:

H.R. 14296. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the provisions relating to discretionary grants to the State and to provide authorization of appropriations for fiscal year 1971; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 14297. A bill to impose limitations on the quantity of textile articles imported into the United States; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 14298. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. MOSHER:

H.R. 14299. A bill to authorize a survey of the Black River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. NEDZI (for himself and Mr. PETTIS):

H.R. 14300. A bill to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes; to the Committee on House Administration.

By Mr. STAGGERS:

H.R. 14301. A bill to implement the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDSON:

H.J. Res. 943. 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. WOLFF (for himself, Mr. EDWARDS of California, Mr. LEGGETT, Mr. LOWENSTEIN, and Mr. RYAN):

H.J. Res. 944. Joint resolution to create a Special Joint Congressional Committee on Oversight in Vietnam; to the Committee on Rules.

By Mr. KING (for himself, Mr. GROSS, Mr. DEVINE, Mr. SCHERLE, Mr. DEL CLAWSON, Mr. WATKINS, Mr. STEIGER of Arizona, Mr. FOUNTAIN, Mr. RARICK, Mr. HALL, Mr. UTT, Mr. LENNON, Mr. COLMER, and Mr. ASHBROOK):

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. ANDERSON of California, Mr. BROWN of California, Mr. CLAY, Mr. CORMAN, Mr. DERWINSKI, Mr. EILBERG, Mr. GRAY, Mr. KOCH, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MOSS, Mr. ROYBAL, Mr. ST GERMAIN, Mr. CHARLES H. WILSON, Mr. WOLFF, Mr. TUNNEY, Mrs. MINK, Mr. POWELL, and Mr. POLLOCK):

H. Con. Res. 402. Concurrent resolution to provide that failure of executive departments, agencies or instrumentalities of the Federal Government to respond within 60 days to requests from committees of Congress for reports on pending legislation shall create the conclusive presumption that such agencies favor enactment of the legislation and that enactment is consistent with the legislative program of the President; to the Committee on Rules.

By Mr. ROSENTHAL (for himself, Mr. BROWN of California, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. EDWARDS of California, Mr. ECKHARDT, Mr. FRASER, Mr. JACOBS, Mr. KASTENMEIER, Mr. MIKVA, Mr. OLSEN, and Mr. RYAN):

H. Con. Res. 403. Concurrent resolution urging the withdrawal now of U.S. Forces in Vietnam; to the Committee on Foreign Affairs.

By Mr. KING:

H. Res. 577. Resolution directing the U.S. Tariff Commission to make an investigation of competition between domestic and imported leather and leather goods; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 14302. A bill for the relief of Mr. Isauro Alandy and Mrs. Jennifer Alandy; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 14303. A bill for the relief of Giovanni Paolo Quagliariello; to the Committee on the Judiciary.

By Mr. BUTTON:

H.R. 14304. A bill for the relief of Munir W. El-Far; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.R. 14305. A bill for the relief of Hassan Chaharsough Vakil, doctor of medicine; 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:

284. By the SPEAKER: Petition of Harold Lindemann, Eatontown, N.J., relative to enlargement of the U.S. Supreme Court; to the Committee on the Judiciary.

285. Also, petition of Mrs. L. Vail, et al., Lynden, Wash., relative to appointments to the U.S. Supreme Court; to the Committee on the Judiciary.

286. Also, petition of the Committee on Public Health and Welfare, Florida House of Representatives; relative to the proposals of President Nixon for welfare reform; to the Committee on Ways and Means.

SENATE—*Thursday, October 9, 1969*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Mighty God, Lord of the nations who by Thy providence didst guide our fathers to create a great nation, teach us to humble ourselves by remembering that where much is given much shall be required. Be with us to strengthen us that we may guard faithfully this good heritage, conserving and using wisely all things material for the well-being of the people, but cherishing most zealously all things spiritual, that the idealism and character of the fathers may be renewed in each generation. Remove from all men the hate and prejudice which turns man against man. Subdue the pride, greed, and anger which corrupts and blemishes the life. And so nourish us in righteousness and truth that Thy promised kingdom may be fulfilled in the brotherhood of man, for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, October 8, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For the nomination this day received, see the end of Senate proceedings.)

APPOINTMENTS BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. On behalf of the Vice President, the Chair, pursuant to Senate Resolution 33, as amended, 87th Congress, appoints the Senator from Illinois (Mr. SMITH) to the Special Committee on Aging, in lieu of Senator Dirksen, deceased.

On behalf of the Vice President, the Chair appoints the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New York (Mr. JAVITS) as advisers to the Third Inter-American Conference of Ministers of Labor on the Alliance for Progress, to be held at Washington, D.C., October 10–17, 1969.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read the nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees