HOUSE OF REPRESENTATIVES—*Thursday, December 4, 1969*

The House met at 12 o'clock noon.

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

Your faith should not stand in the wisdom of men, but in the power of God.—I Corinthians 2: 5.

Our Heavenly Father, who art the source of all our being and the companion of our way, we thank Thee for the creative ideas which come to life within us and for the deeper experiences of daily existence which enable us to realize the power of Thy presence. We are grateful for every awakening of mind that comes helping us to see human need and bidding us to share with others what we ourselves so richly enjoy.

By Thy spirit may we learn to live unselfishly and be concerned about the welfare of our people and the future of our country. Walking with Thee may we go forward building that which is good and true that Thy kingdom of justice and love and brotherhood may come upon this earth. 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 agrees to the amendment of the House to a bill of the Senate of the following title:

S. 118. An act to grant the consent of the Congress to the Tahoe regional planning compact, to authorize the Secretary of the Interior and others to cooperate with the planning agency thereby created, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 14159) entitled "An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate recedes from the amendment numbered 5 to the foregoing bill.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. 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. 302]

Abbitt	Fulton, Tenn.	Philbin
Abernethy	Galifianakis	Pickle
Albert	Gallagher	Pike
Anderson, Tenn.	Gaydos	Podell
	Gray	Pollock
Ashley	Green, Oreg.	Powell
Bell, Calif.	Griffiths	Quillen
Bow	Grover	Railsback
Brock	Halpern	Reid, N.Y.
Brown, Calif.	Harrington	Reifel
Broyhill, Va.	Hawkins	Reuss
Burleson, Tex.	Hébert	Rivers
Cabell	Hosmer	Rooney, N.Y.
Cahill	Hull	Ruppe
Casey	Hutchinson	Ryan
Celler	Jacobs	Sandman
Chisholm	Jarman	Smith, Iowa
Clark	Johnson, Calif.	Snyder
Clay	Karth	Staggers
Colmer	Kirwan	Steed
Conyers	Landrum	Steiger, Ariz.
Cramer	Lipscomb	Taylor
Culver	Lloyd	Teague, Tex.
Davis, Ga.	Lowenstein	Thompson, Ga.
Dawson	McCarthy	Utt
de la Garza	McMillan	Van Deerlin
Denney	Macdonald, Mass.	Waggonner
Dennis		Waldie
Dent	Mann	Watkins
Devine	Martin	Watson
Diggs	Mayne	Whalley
Donohue	Meskill	Wiggins
Edmondson	Murphy, N.Y.	Wilson, Bob
Edwards, La.	Nedzi	Wright
Eilberg	Nix	Wydler
Evins, Tenn.	O'Neal, Ga.	Wylie
Fascell	Passman	Yates
Fulton, Pa.	Pepper	

The SPEAKER. On this rollcall, 322 Members have answered to their names, a quorum.

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

THE LATE HONORABLE CHARLES BENNETT DEANE

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

Mr. FOUNTAIN. Mr. Speaker, although many have already read or heard about it, it is with sadness that I announce to this House that one of its most distinguished former Members, Charles Bennett Deane, died on Tuesday night, November 25, 1969. Charlie was 71 years of age. North Carolina and the Nation lost a distinguished citizen and friend in the passing of this humble public servant, who served the Eighth Congressional District of North Carolina so ably and well in the 80th, 81st, 82d, 83d, and 84th Congresses.

Charles Deane gave generously of his time and talents in the halls of government, in the councils of the Baptist Church and also in the total Christian community. He was a sincere and dedicated Christian who believed in putting his faith into practice every day.

From 1932 to 1959 Charles Deane was the highly capable recording secretary of the Baptist State Convention of North Carolina. Following that long period of service he received the highest honor which the Baptist State Convention can bestow upon one of its members, when he was elected president of the convention for two successive terms.

Charles Deane was born in Anson County, N.C., on November 1, 1898, and received his law degree from Wake Forest College in 1923. He was admitted to the bar that same year and began the practice of law in Rockingham, N.C.

From 1926 to 1934 he was register of deeds in Richmond County, N.C. Later, he was an attorney for the Wage and Hour Division of the Department of Labor in Washington, D.C.

Long active in the Democratic Party, Charles Deane served as chairman of the Richmond County Democratic executive committee from 1932 to 1946.

He was elected to the 80th Congress and served this body with honor and distinction from 1947 to 1957. After his outstanding and dedicated service in the Congress came to an end, he returned to the practice of law, and also established an insurance brokerage business in his hometown of Rockingham.

A man who devoted his life to a variety of good causes, Charles Deane had a deep and abiding interest in Christian higher education and was chairman of the board of trustees of Meredith College, a girls school, in Raleigh, N.C., and a trustee of Wake Forest University in Winston-Salem, N.C.

Charlie Deane was a quiet, kind, and gentle man, extremely personable, but with an unassuming personality. He endeared himself to all who came to know him and had a host of friends of every race, creed, and color. I don't believe I ever heard him raise his voice in anger or malice.

At times, as is the case with every public official, Charlie Deane found himself taking an unpopular position in connection with decisions he had to make here. Whatever his position may have been on any given issue, especially highly controversial ones, I think it can be truly said that he took it with courage and conviction, often stating that he knew his position probably would hurt him back home but he just felt that way and could not do otherwise.

I believe my distinguished colleague, the gentleman from North Carolina (Mr. JONAS), and I are the only present members of the North Carolina delegation who were here when Charlie Deane was a Member of the House—although all of our delegation knew him either personally or by reputation.

I am sure I speak, not only for the North Carolina delegation in the House, but for every Member of this body who knew and served with Charlie Deane when I say we are truly sorry over his passing. At the same time, we recall with pride the many significant contributions he made to the life and well-being of North Carolina and the Nation.

We would like for his widow, Mrs. Deane, and the other members of his family to know that we share their loss and that they have our deepest sympathy during their hours of sorrow.

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

Mr. FOUNTAIN. I yield to the gentleman.

Mr. JONAS. Mr. Speaker, I thank my colleague for giving me the opportunity to join him in paying this tribute of respect to the memory of our late colleague, Charles Bennett Deane.

As the gentleman who preceded me has already pointed out, Charles Deane was an unassuming man, although he was a man of great ability. He served with honor and distinction here in the House for a number of years, and I am sure all the Members of this body who served with him will join in stating that he was a man of strong convictions, with the courage of those convictions.

There was nothing negative about Charles Deane. You could always find him taking his stand on controversial issues, and that stand was based on what he thought was right irrespective of whether his position was the majority or the minority one. Despite the fact that during most of his public life he was in the midst of controversy, one of the things I admired most about him was that he never seemed to lose his temper, never spoke harshly of his political opponents, and displayed in his public activities the gentle spirit that characterized his private life.

Charlie was a devoted husband and father, and he was a devout Christian. He was not only a Christian on Sunday when he attended religious services but he practiced his religion every day of the week. He was deeply sincere and was without guile.

After leaving Congress, Charlie Deane remained in Washington and for awhile engaged in the practice of law; but the life of a permanent resident in Washington did not appeal to him so in due time he returned to his native Richmond County in North Carolina and to the city of Rockingham where he lived when he was first elected to Congress. Back home as a private citizen, he maintained a keen interest in politics and government but devoted most of his time working for his beloved Baptist Church.

Charlie Deane will be remembered here in the Halls of Congress, so long as any Members remain who served here with him, as a skilled and effective Representative who had the courage of his convictions.

He will be remembered by the people at home as a devoted public servant whose interest in their welfare was undoubted.

He will be remembered for all time by his dear wife and children as a devoted husband and father. Mrs. Jonas joins me in extending our profound sympathy to them as they mourn his passing.

Mr. FOUNTAIN. Mr. Speaker, I thank my colleague, the gentleman from North Carolina.

Mr. Speaker, I am happy to yield to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. McCORMACK), who knew our colleague very well and for whom I am sure Charles Deane had the greatest respect.

Mr. McCORMACK. Mr. Speaker, I am very sorry to learn of the death of our former colleague and my dear and valued friend, Charles B. Deane, of North Carolina.

Charlie Deane served with great ability and outstanding courage in the House of Representatives for 10 years. He was one of the most dedicated legislators with whom I have ever served.

He had an intense love of our country. He was a great American. Charlie Deane was also possessed of deep faith and more so, of strong moral conviction and courage.

Charlie Deane believed in God, His Word and His law, and more so—he lived as he believed.

It can well be said of Charlie Deane that he accepted political defeat rather than compromise his moral convictions, or to follow the pathway of political expediency where he felt such journey violated the moral code.

If some newspaperman or columnist wanted to write a constructive article of examples of moral courage in public life, they could easily find Charlie Deane and his life a No. 1 subject.

For Charlie Deane, as I have stated, "lived as he believed." He was truly one of God's noblemen.

I telephoned Mrs. Deane the other day and conveyed to her and her son and daughters the deep feelings of Mrs. McCormack and myself in their bereavement. I again, for Mrs. McCormack and myself, extend to Mrs. Deane and her loved ones our profound sympathy in their great loss and sorrow.

Mr. FOUNTAIN. I thank our Speaker for his very gracious tribute.

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

Mr. FOUNTAIN. I am delighted to yield to our distinguished minority leader.

Mr. GERALD R. FORD. It was my privilege to serve a number of years in this body with Charlie Deane. He was a good friend, an outstanding legislator and, as the distinguished Speaker has said, he was a man of great moral integrity. He lived a life of honor, and his convictions were of the highest. As the Speaker said, he was more willing to be defeated politically than to sacrifice his devotion to principle.

I extend to his family my deepest condolences.

Mr. FOUNTAIN. I thank the minority leader for his gracious tribute.

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

Mr. FOUNTAIN. I am happy to yield to the distinguished gentleman from Florida.

Mr. SIKES. Mr. Speaker, on behalf of the Florida delegation, I want to say that we are deeply grieved to learn that Charlie Deane has passed on. He was one of my very close friends. I knew him intimately. I admired his courage, his ability, his steadfastness, his loyalty to our country. He loved America and he loved its institutions. He stood for them and by them every day that he served here. He was indeed a wonderful person to know and his service to the Congress and the Nation was outstanding. I join with my colleagues in expressing our deep sympathy to Mrs. Deane and to all of the family in their very great bereavement.

Mr. FOUNTAIN. I thank the gentleman from Florida for his very thoughtful words.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I yield to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, Charlie Deane and I came to Congress together. A friendship sprang up between us, a friendship which was very close. I admired him for all the traits that have been mentioned here by my colleagues, and I give witness that they were as substantial as we have been told.

I extend to his wife and family the very sincere sympathy of the Miller family. He exemplified the closing words of Kipling's poem "If" because he could very well "walk with kings and keep the common touch."

Mr. FOUNTAIN. I thank the distinguished gentleman from California (Mr. MILLER).

Mr. GALIFIANAKIS. Mr. Speaker, at a time when so much emphasis is being placed on keeping the affairs of church and nation separate, it is easy to forget that what is good for the soul can often be good for the State. Charles B. Deane, who served in this Chamber for 8 years, never forgot, and those same qualities which made him a life-long leader in the Baptist church made him a leader in Congress from 1947 to 1956. Mr. Deane died November 24 at his home in North Carolina after a long illness. Those who knew him in Washington and those of us who knew him in North Carolina knew C. B. Deane was a practicing Christian.

Mr. Deane was the son of sharecroppers, and the love of North Carolina land that his parents tilled never died. Five years ago when he was strongly urged to seek another term in Congress, he declined explaining that he wanted to work for a local education bond issue. Trained as an attorney at Wake Forest Law School, Mr. Deane was recording secretary for the Baptist State Convention from 1932 to 1959. Afterwards he served as its president for 2 years. In addition to being a dedicated public servant he was a great layleader, and he brought his Christian convictions to bear on the problems of his country. Once he admitted he was "disturbed by the shock-slums in sight of our church steeples," and he contended that "too many good men are on the sidelines and are hesitant to take a stand for what is right." Throughout his 71 years, Mr. Deane referred to himself as one of the "little men." Those of us whose lives he touched know, as one North Carolina editorialist saddened by his passing, that "the label was appropriate to his unassuming personality but clearly not to his achievements."

Mr. Speaker, my State and my Nation have lost a true friend—one who was unafraid to serve his God and his country simultaneously.

GENERAL LEAVE TO EXTEND

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the RECORD in

connection with the passing of our former colleague Charlie Deane.

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

There was no objection.

LEGISLATIVE PROGRAM

(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 whip the program for the remainder of this week and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. I am very happy to reply to the distinguished gentleman from Michigan.

It is my intention to ask that we go over until Monday when the session concludes today.

The program for next week is a very heavy program.

Monday, of course, is District day. No District bills are scheduled; so we will schedule for Monday and the balance of the week—I will say in advance, the balance of the week, in my judgment, will include Friday and Saturday—the following bills:

H.R. 15090, Department of Defense appropriation bill, fiscal year 1970;

The foreign assistance and related agencies appropriation bill, fiscal year 1970;

H.R. 4259, to extend the Voting Rights Act of 1965, which will come up under an open rule with 3 hours of debate;

H.R. 12321, the Economic Opportunity Act Amendments of 1969, under an open rule with 3 hours of debate;

H.R. 15095, to provide for a 15-percent, across-the-board, benefit increase under the social security insurance system; and

S. 740, to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, subject to a rule being granted.

The gentleman from Arkansas (Mr. MILLS) has advised that next week he will seek to call up, by unanimous consent, two bills which have to do with the suspension of duties, which are noncontroversial, which have been reported by the Committee on Ways and Means. These are H.R. 14956 and H.R. 15071.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. The gentleman from Louisiana has indicated that the social security amendments will be programed. That was not on the original list.

Mr. BOGGS. No. We just added it.

Mr. GERALD R. FORD. Can the gentleman identify when next week it will be programed?

Mr. BOGGS. We have scheduled it as the next to last order of business for next week.

Mr. GERALD R. FORD. Which means, undoubtedly, late Friday or Saturday?

Mr. BOGGS. I would think so.

Mr. MILLS. Mr. Speaker, will the gentleman from Michigan yield to me?

Mr. GERALD R. FORD. I yield to the gentleman from Arkansas.

Mr. MILLS. We will endeavor to go to the Rules Committee on Tuesday for the purpose of obtaining a rule. We will only ask for 1 hour of general debate. That was unanimously agreed to in our committee. My guess is that we could dispose of it in less time than that. There would, I assume, be a vote on final passage, since it seems to be a matter many Members are interested in and perhaps would like to be recorded as favoring.

Mr. Speaker, will the gentleman yield further for a unanimous consent request?

Mr. GERALD R. FORD. I yield.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 15095 UNTIL MIDNIGHT FRIDAY, DECEMBER 5

Mr. MILLS. Mr. Speaker, in order to facilitate this matter and expedite it, I ask unanimous consent that the Committee on Ways and Means have until midnight Friday, December 5, to file a report on the bill H.R. 15095.

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

There was no objection.

Mr. COLMER. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Rules.

Mr. COLMER. I have asked for this time to make an observation. That is, we are talking about legislation for next week. The Committee on Rules, it will be recalled, in the past two sessions fixed a closing date in order to expedite the adjournment of the Congress, beyond which applications would not be received.

We want, of course, to work with the leadership and with the House in getting whatever is necessary to be passed before the Christmas holidays, but this is not the final action of this Congress, the 91st Congress. The committee is very restless, as is the House, about getting adjourned at some reasonable time, at least so we can get home in time to hang up our stockings on Christmas Eve.

I just want to take this occasion to announce to the committees, and particularly the chairmen of the committees, that we do not propose to take up any new matter in the Committee on Rules other than a couple of bills that expire during this month.

I thank the gentleman.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, I would certainly hope that the chairman of the Committee on Rules would make an exception in the case of the increase in the social security benefits that was reported out of the Committee on Ways and Means today. Frankly, the committee unanimously reported this bill, and it did so in a sense on an emergency basis, because we felt it was an emergency as it was necessary we should take this action as promptly as possible, with the understanding that other provisions for possible changes in the Social Security Act would go over until next year but that this item was of the highest priority and therefore should be enacted at the earliest possible time.

Mr. COLMER. Mr. Speaker, will the gentleman yield further?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Rules.

Mr. COLMER. I thank the gentleman for yielding.

I am afraid that in the urge to get this message across I did omit to say that I have been spoken to by the Speaker about this bill and, of course, we expect to have at least one more meeting, and that will be on the agenda.

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

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. MICHEL. If I might have the attention of the chairman of the Committee on Rules (Mr. COLMER) for one further question, what would happen, for example, if we required a rule for an appropriation bill before the Christmas holidays? Would we assume that that would be required to go over beyond whatever recess we might take at the Christmas holiday?

Mr. COLMER. If the gentleman from Michigan will yield further?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. COLMER. Again I am afraid that my statement was not complete. There has been an understanding with the leadership and the Speaker that that is an emergency matter on the question of these appropriations and, assuming and with the hope that those can be taken care of next week, I would think that that would be an exception.

What I was really trying to do, if you will permit me to say this to my friend, was to try to get across to the House and to the chairman of these committees particularly that the Committee on Rules is going to be very reluctant and reticent about taking up any new matters in order that we might adjourn.

Mr. PICKLE. Mr. Speaker, this morning the House Commerce Committee passed several measures which should be acted on this session. Most of the bills were bills to extend or renew legislation which is already on the books. For instance, one bill was to extend the authority to make formula grants to schools of public health; a bill to extend the program of assistance for health services for domestic migrant agricultural workers; a bill consenting to the extension and renewal of the interstate compact to conserve oil and gas; and other important bill was to amend the community mental health centers to extend the program of assistance under that act for community health centers and facilities for the treatment of alcoholics and narcotic addicts.

I know that the chairman of the Rules Committee and his committee would want to take action on these bills. Some of the measures have actually and tech-

nically terminated, and these bills must be passed. I have discussed this with the chairman of the Rules Committee and understand, of course, that the chairman of our committee will be discussing these bills with him in person. I do think it well, however, to point out that whatever notice the chairman of the Rules Committee was attempting to convey to the House today would not preclude his committee and this Congress from taking action on these vital measures which are not controversial, but which have great impact and importance to our country.

I hope this matter is brought to the attention of the full Rules Committee because these bills should be acted on this session.

Mr. MILLS. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. I yield to the chairman of the Committee on Ways and Means.

Mr. MILLS. Let me propound a question, if I may, to the acting majority leader. Did I understand you to say that the bills you enumerated would be taken up in the order of your enumeration of them?

Mr. BOGGS. Yes. That is my understanding.

Mr. MILLS. Would it not be possible for the social security bill to be taken up sometime in the middle of the week in order to accommodate Members who want to be here to vote for it? That is, if some later arrangement can be worked out.

Mr. BOGGS. I assure the chairman of the Committee on Ways and Means of that if we can possibly do the same. The main thing I want to emphasize is I do not want somebody to come back tomorrow or Monday and say we did not announce that probably the House will be in session next week both on Friday and Saturday.

The SPEAKER. The time of the gentleman from Michigan has expired.

ADJOURNMENT OVER TO MONDAY, DECEMBER 8

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, the quorum call which I made at the opening of the session this afternoon demonstrates that the House has a quorum and is ready, willing, and able to do business. Yesterday when the chairman of the Committee on Education and Labor (Mr. PERKINS), refused to call up, as scheduled, the poverty bill, the contention was made then that certain members of the committee had not had an opportunity to read and study the substitute amendment that was proposed to be offered.

They have now had that opportunity.

I ask the gentleman why the leadership cannot bring that bill up today, dispose of general debate and go to the amending stage tomorrow?

Mr. BOGGS. Mr. Speaker, if the gentleman will yield, I would say to the gentleman that that matter was discussed here on yesterday for 4 or 5 hours. It seems to me that there is nothing more I can add, because the gentleman heard the discussion.

Mr. GROSS. But the gentleman from Iowa is making the point that the contention of those who opposed the calling up of the bill yesterday was because they had not been given the opportunity to study the substitute and they have now had that opportunity.

Mr. BOGGS. I understand the gentleman's position but I cannot speak for the chairman of the Committee on Education and Labor.

Mr. GROSS. Can the gentleman explain why he is not on the floor, prepared to bring up the bill today so that we would not have this added load of legislative work placed upon us next week?

Mr. BOGGS. I think if we established the precedent that the leadership or anyone else can answer as to why Members are not on the floor, it would be a very dangerous precedent.

Mr. GROSS. Mr. Speaker, I regret, and deeply regret, that there is no answer to the fact that there is nothing before the House today other than perfunctory business, and this is Thursday, while next week we are scheduled to work Friday and Saturday—in other words, all week—and that is all right with me. But why not divide the huge workload in an orderly fashion when there is legislation pending and available to be considered? This is incredible and it is no credit to the legislative process when we are presumably within days of adjournment of this session of Congress.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

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

There was no objection.

KEEPING THE RECORD STRAIGHT

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

Mr. WHITTEN. Mr. Speaker, the column in Saturday's Washington Post by a nationally known columnist with reference to the conference on the appropriation bill for the Department of Agriculture, H.R. 11612, and the matter of payment limitations is untrue.

It does not disturb me that they say I appoint conferees, which of course is not true though those appointed certainly would have been my choices. What is disturbing is that many writers, commentators and others do not seem to realize that to provide food and fiber we first must make it worthwhile to produce; that to have a stable economy we must have a financially sound agriculture.

So far as the conference is concerned, the conferees met periodically for more than a month and tried to work out satisfactory language, but were unable to arrive at any language that would be agreeable to both the House and Senate conferees. There were a number of reasons for this situation.

The author of the limitation provisions in the House, for reasons of his own, exempted producers of sugar and wool. Producers of cotton were excepted by operation of law, and winter wheat had already been planted, leaving the limitation where is would be applied only to producers of spring wheat and feed grains.

As chairman, I wrote the language pointing out these facts, and further pointed out the fact that the act expires next year when the whole law must be rewritten. The pertinent language appears on page 34680 of the CONGRESSIONAL RECORD of November 18, 1969.

Mr. Speaker, many people have asked why such large payments are made in some cases under the present farm program. This question was raised with me by the clerk at the registration desk of a Holiday Inn at which I stayed some weeks ago. He wanted to know how these large payments to producers could be justified. I explained that I had opposed the law, but since it was enacted by the Congress and signed by the President it must now be carried out until it expires in another year. Then I said:

"In answer to your question about the large payments, may I cite you an illustration: I have just rented a room from you at $16 plus tax; how about renting me a wing?"

"I would be glad to," he replied.

"How many rooms are there in a wing?"

He answered, "There are 100."

I asked, "Will you let me have the 100 rooms for $16?"

"No, of course I could not do that; I would have to have $1,600 for a wing."

"Well," I said, "the big payments come from the fact that these large landowners rent a 'wing' to the Government, instead of one room. It was the Congress and the President who enacted the Agriculture Act of 1965, and who concluded it was to the interest of Government to rent acreage from landowners to keep it out of production."

Members of the Congress know I opposed the present farm program when it was passed in 1965. I said then that for agricultural producers to be required to sell what they produced at world prices while paying domestic prices—with built-in labor costs—for their equipment, supplies, and machinery and having to rely upon annual appropriations to make up the difference largely based upon land rented to the Government would never work; that such a system would leave the producer of much food and fiber dependent upon annual appropriation by succeeding Congresses for part of his cost

and all his profit; that he would soon find the money withheld by some Congress, notwithstanding the law; that he would become the object of terrific attack from the urban news media; would eventually go bankrupt and, from the history of the last two depressions, would pull the rest of the economy down with him. However, the act was passed and our Appropriations Subcommittee for Agriculture has done its best to carry out the law as it exists, by recommending funds to carry out its provisions. In this effort we have had the support of Congress.

Mr. Speaker, what the columnist said happened did not happen; and what did happen was reported to the House and Senate and is a part of the record.

Mr. Speaker, in view of the attention given to the payment issue, most present-day stories overlook the fact that our committee recommended and the Congress provided in our Appropriations Act over $2 billion for the various food assistance programs, including the school lunch and school milk programs; provided the full amount authorized by law for food stamps—$610 million.

I would remind you that years ago we insisted on publication of an agricultural bulletin on human nutrition which continues to be published. More than 12,000,000 copies have been distributed.

In my State our committee had the Department of Welfare to send a special representative to every person who was alleged to be suffering from hunger, whose name we could obtain so that the food programs could be made available to them. Existing programs were made available. In other States we were never able to obtain names. We further authorized the Secretary of Agriculture to supply the total cost of food for any individual where he found it necessary.

If people are hungry, we need to know who they are and the reason for their situation. If existing programs are not reaching them, we need to find out why and then make such changes as are required. Grabbing a huge figure out of the air, without facts or plans, will not get the job done. For this reason we continue to investigate the problem.

Mr. Speaker, in our bill we took many other actions vital to the well-being of the people of the Nation. In addition to loan funds we provided $46 million in grants for water and sewerage projects, provided 100 more new starts on watersheds to aid in pollution control, provided for the one thousand and one things so essential to all consumers for the production and preservation of food and fiber. We provided for meat inspection, quarantine, protection from plant and animal diseases, soil conservation, regulation of pesticides, all of which are necessary to maintain our high standard of living.

Mr. Speaker, it is easy to make a whipping boy out of those engaged in agricultural production, for there are only about 5 percent of our people on the farm. May I say it is a dangerous pastime for the consumer, however; for if we do not keep it worthwhile to produce food and fiber, there could well be little to distribute—and all could go hungry.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House until Monday, December 8, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE CONFERENCE REPORT ON S. 2864

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Saturday, December 6, to file a conference report on the bill S. 2864, to amend and extend laws relating to housing and urban development, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Saturday, December 6, to file a report.

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

There was no objection.

ADMINISTRATION APATHY TOWARD THE INDIAN—THE SOBOBA INDIAN BILL A CASE STUDY

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

Mr. TUNNEY. Mr. Speaker, the Members of this Chamber have often heard the phrase "the need to reassess our national priorities." My purpose here today is to provide a practical example of this problem—to show that the phrase is not simply a meaningless generality.

One of the sad consequences of the misappropriation of our Nation's resources is the plight of the American Indian today. The Indians face increasingly severe problems such as poor housing, lack of adequate sanitation facilities, unemployment, and underemployment, and substandard nutritional and health care. The rate of unemployment on most reservations average 40 percent. Seventy percent of California's Indian population have incomes below $3,000.

Yet despite these severe and tragic conditions, one cannot help but get the impression that the executive branch has all but forgotten the Indian and has relegated the solution of his problems to the lowest possible priority status.

I could cite many examples such as the inactivity of the National Council on Indian Opportunities. However, I would like to provide my colleagues with a personal example of the low priority given to Indian legislation by the executive branch.

In 1966, I introduced H.R. 16017 at the request of the Soboba Indians of California. The legislation would authorize the Secretary of Interior to approve an agreement entered into by the Soboba band of mission Indians to provide for construction of a water distribution system for the Soboba reservation.

The negotiations to develop the program were initiated in 1956. The project was approved on a preliminary basis in 1962. The Soboba Tribe ratified the agreement in an election held in 1965. I then introduced legislation to authorize the program. The chairman of the House Interior Committee requested the appropriate departmental reports. None were sent then and none have been received to this very day even though the bill was reintroduced and reports requested each session thereafter.

In 1968, at the request of the Bureau of the Budget, the Bureau of Reclamation conducted a cost-benefit analysis of the Soboba project which revealed a favorable ratio of 4.4 to 1.0. However, even after the study the Bureau of the Budget has refused to provide a report of any kind giving the administration's views on the legislation. It appears that Indian problems do not merit the same priority as do other programs.

Four and one-half years have passed since the Soboba's voted to ratify the program embodied in the bill—now H.R. 3328. They are now beginning to wonder about the prospects of ever having the matter resolved. I cannot blame them for their diminishing confidence in their Government's willingness to meet their needs.

Mr. Speaker, the program is designed to provide for facilities to supply the Soboba Reservation with a permanent source of water supply in order to insure their very existence and future economic progress.

The Subcommittee on Indian Affairs has been willing to hold hearings on the legislation. To this date the administration has refused to provide the subcommittee with the necessary reports stating its views.

I ask only that the administration take a position on this bill—whatever that may be—to enable the subcommittee to hold hearings. Even to oppose the bill would be preferable to relegating it to the callous back burner of bureaucratic indifference. The cruelest stance of all is that of apathy.

Once again, I call upon the administration to reassess national priorities and move to meet the pressing social needs of the American Indian.

PRELIMINARY RELEASE OF AN INTEROFFICE MEMORANDUM BY THE U.S. DEPARTMENT OF LABOR

(Mr. KEE asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, for the first time since the passage of the Landrum-Griffin Act, the Labor Department has injected itself into the preelection campaign of a major labor union. It has done so on the basis of alleged improprieties on the part of the president of the United Mine Workers of America and several of his aides.

The basis for such allegations is not evident in the reports issued by the Department of Labor. To the contrary, much of the information is already well-known because of the election campaign, or is readily available to both union members and the general public under the labor laws of the United States.

Given these facts, it is difficult to believe that the Labor Department had any but a partisan political motive in its actions of recent date.

Mr. Speaker, this is a serious charge to make. But, the record does not leave any other alternative. Obviously, the report issued was only a preliminary one, a document in the nature of an interoffice memorandum rather than the type of exhaustive investigation one would expect. Its issuance only 11 days before the union election adds credence to the theory of political motivation. So, too, does the exclusion of any information about the salary and expense of the rival candidate in the election.

If the Labor Department is to serve effectively, it must do so objectively, giving favor to no one. I do not believe that it has done so in this instance.

The UMW election has assumed national significance. Much information about it is carried in the news media. The American people by nature have probably chosen sides.

But, we must never forget that the election is not a matter for the general electorate. Rather, it is the members of the United Mine Workers who must decide the issues in their own way, according to the UMW constitution and the Federal law. If the law is broken, the Government has every right to step in. On the other hand, no other excuse, no other motive no matter how noble, can justify the intrusion of outside governmental pressure into the UMWA election. For, to permit such interference is to somehow circumscribe the rights of the Nation's coal miners to run their own affairs, a position which is obviously untenable in our free society.

I call upon the Labor Department to explain their actions in this instance. I hope that they can do so. But, if they do not or cannot, I believe the matter warrants the attention of the Congress.

Mr. Speaker, the labor laws of the United States are designed to protect the rights of the American worker. It would be a cruel paradox indeed if the Department charged with protecting them would, in this instance, inject itself unwisely and thus thwart the very democratic process it supposedly defends.

PERSONAL ANNOUNCEMENT

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

Mr. STOKES. Mr. Speaker, on Monday, November 24 and on Tuesday, November 25, I was in my congressional district on official business.

Mr. Speaker, on rollcall No. 288—H.R. 11193, the National Capital Transportation Act—on the amendment to eliminate study of possible extension of the system to Dulles, I ask that the RECORD reflect that had I been present, I would have voted "nay."

On rollcall No. 289, on final passage of the bill, H.R. 11193, I ask that the RECORD show had I been present, I would have voted "yea."

On rollcall No. 290, on the District of Columbia Appropriations Act of 1969—H.R. 14916—I would have voted "yea."

On Tuesday, November 25, on rollcall No. 292, on H.R. 14741, the Federal Highway Act of 1969, I would have voted "yea."

The SPEAKER. The gentleman's statement will appear in the RECORD.

Mr. STOKES. I thank the Speaker.

THE RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, I am happy to join with my colleagues in paying respects to Gen. George H. Decker on the occasion of his retirement as president of the Manufacturing Chemists Association.

Others have lauded—and rightly so—this distinguished soldier-citizen's brilliant record as a commander of our military forces. I should like to add that he demonstrated equal talent as a cost-conscious administrator at the Pentagon.

In his 5 years in the office of the Comptroller of the Army, first as chief of the Budget Division and then as comptroller, he established procedures and systems designed to achieve the maximum in military security at minimum cost to our hard-pressed taxpayers.

During the 1968's General Decker held a series of increasingly responsible overseas field commands. The culmination of this experience came during his tour in Korea when General Decker was given the singularly demanding post of commander in chief, United Nations Command, and commander, U.S. Forces, in Korea. During his 2-year tour in Korea, General Decker played an important role in encouraging the improvement of the Armed Forces of that nation. In addition, he was instrumental in the significant improvement of the firepower, mobility and efficiency of the American forces under his command. For his fine work in Korea, General Decker has, I know, earned the respect and affection of citizens in both our country and Korea.

In his civilian service, as in his military, General Decker has displayed both extraordinarily good judgment and the ability to meet and to master new challenges.

During his 6 years' leadership of the chemical industry, great progress has been registered—and not only in technology, where the industry has always been in the forefront.

There has also been a conscious acceptance of social responsibility by the industry—an acceptance not only in words but in deeds. Major chemical companies have demonstrated their willingness to dedicate real resources—in money and highly qualified manpower—to the public good.

This has been—and will be—vital in solving problems of great importance to all Americans, such as safety on the job and in the home.

It will be most important of all in meeting the urgent need to preserve and upgrade the quality of our environment—the purity of our air and of our water.

General Decker—like the patriotic American he is—has set an outstanding example. As he steps down to honorable—and we hope thoroughly enjoyable—retirement, we look to Bill Driver to continue on the course the general has so soundly set.

RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. ALBERT (at the request of Mr. HANNA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I join my colleagues who today take note of Gen. George H. Decker's retirement as president of the Manufacturing Chemists Association. This is one of the great trade associations which represents an important national industry and plays a vital role in our society and economy.

General Decker's retirement marks the close of a career of dedicated service, both military and civilian, which has spanned almost half a century and has been marked by distinction and great success. General Decker began his military career as a second lieutenant in the 26th Infantry at Plattsburgh, N.Y. During his 38 years in uniform, he rose to become Army Chief of Staff, serving 2 years in that post under both President Eisenhower and President Kennedy. He was also chief of staff of the 6th Army under General MacArthur in the Southwest Pacific. He acted as commander of each of the major combat organizations of the U.S. Army and as commander in chief of major combined Allied Forces in Korea.

On the occasion of General Decker's retirement from the Army, President Kennedy complimented him upon "a very long and distinguished career in the service of the United States."

General Decker did not, however, rest upon his laurels.

Instead, he accepted a new challenge, this time in the field of industrial leadership. Six years ago he was elected president of the Manufacturing Chemists Association, representing one of America's backbone industries.

He undertook as his responsibility the development of more effective communications between business and Government with the ultimate goal, as he himself expressed it, of achieving "a mutuality of understanding and respect."

During his years as president of the association, he has worked with Congress

and the executive agencies in dealing with major problems confronting the American people—fighting inflation, restoring our balance of payments, cleansing our air and water, and enhancing the health and safety of Americans both on the job and off.

More often than not, those of us in public office have found ourselves in basic agreement with General Decker—and even when we differed we have respected his sincerity.

Thanks to him there has been a steadily deepening "mutuality of understanding and respect" between the chemical industry and Government. General Decker can take well deserved satisfaction in the major part he has played in bringing this about.

I salute a great man, a great general officer, an oustanding leader, and my good friend of many years. I wish him a happy, contended, and well-earned retirement.

RETIREMENT OF GEN. GEORGE H. DECKER

(Mr. MURPHY of New York (at the request of Mr. HANNA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, I am proud to join General Decker's many friends in paying tribute to him on the occasion of his retirement as President of the Manufacturing Chemists Association.

It is his second retirement—his "re-retirement," as he calls it. Seven years ago he stepped down as Army Chief of Staff. He had risen, without benefit of a West Point springboard, all the way from second lieutenant in the small and homebound Regular Army of the 1920's to the leadership of more than a million men in uniform, on duty throughout the world.

On that occasion, in 1962, he was presented by President Kennedy with the Distinguished Service Medal. The citation, read by Secretary of the Army Cyrus Vance, ended with this sentence, and I quote:

> General Decker's outstanding achievements as Chief of Staff and his entire career are in keeping with the finest traditions of the United States Army and reflect the highest credit upon himself and upon the military service.

General Decker has given equally distinguished service as leader of one of our most important and progressive industries during a challenging period in its history.

To him belongs much of the credit for the continued development of corporate good citizenship within the chemical industry.

Thus, the Manufacturing Chemists Association and its member companies have taken a positive and constructive attitude toward the enhancement of the health and safety of Americans in their places of work.

Further, the association has cooperated in the enactment of major legislation at the Federal level to bring air and water pollution under control and improve the quality of life for many millions of citizens. For this purpose, a major segment of the industry has expended something like a billion dollars—a very substantial investment in a better and brighter future.

General Decker's second career has been relatively brief. But, like his long military career, it has been characterized by high standards of service in the interests in his fellow-Americans. I wish him health and happiness in his retirement.

KEEP THE MILITARY OUT OF POLITICS

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

Mr. KOCH. Mr. Speaker, I know that many of our colleagues are concerned about the rising tide of political demonstrations in our country. Unfortunately, on occasion there have been indications of a desire to chill peaceful protests. But I hope all of us can agree that political demonstrations ought not to be initiated by those having military authority. I refer now expressly to a recent incident involving the National Guard which, in my judgment, requires immediate attention. Maj. Gen. Winston P. Wilson, Chief of the National Guard Bureau, recently attempted to introduce partisan politics into that service.

I have asked that Secretary of Defense Melvin Laird advise me as to whether the actions of the general, all of which are set forth in the annexed correspondence, constitute violations of the Army regulations and the United States Code. If they do, I trust that appropriate measures will be taken. If they do not, then I suggest new regulations or laws be proposed that will effectively deal with this problem. As I pointed out to Secretary Laird:

> Any attempts to politicize the Army by Generals using their official position to encourage and influence political demonstrations, pose a serious threat to the traditional supremacy of civilian control over military command authority and have the potential of subverting our democratic process.

I will advise the House of Secretary Laird's response as soon as I receive it.

Pertinent material follows:

NEW YORK, N.Y.,
November 4, 1969.

Mr. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: Major General Winston Wilson, Chief of the National Guard Bureau, asked National Guardsmen to counterdemonstrate against our planned war protest later this month.

Did he send out this appeal as a private citizen? Did he use his personal stationery? Did he pay for reproduction, secretarial and mailing costs out of his personal funds?

If, as one would assume from the AP story, this was done as an official act, using government facilities and at government expense, then he must be asked to retract the statement and personally reimburse the government for expenses thus incurred and given at least a slap on the wrist that future acts of this nature will not be tolerated and will call for disciplinary action.

In New York, as you well know, we are scrounging money for printing, distribution and bus fares for protestors for the demonstration. It is not tolerable to have men like General Wilson using official channels and our tax money to oppose our efforts to bring peace to our poor war-divided country.

It was an extreme pleasure to watch you on several recent TV appearances. While we miss you in Chelsea, we must applaud your growing stature and leadership in Washington. Carry on, please.

Sincerely,

IRENE DAVALL.

NOVEMBER 17, 1969.

Maj. Gen. WINSTON P. WILSON,
Chief, National Guard Bureau,
Washington, D.C.

DEAR GENERAL WILSON: I am writing to you about a matter brought to my attention by Ms. Irene Davall, 311 West 24th Street, New York, New York.

I am enclosing a letter received from Ms. Davall concerning your position on the Vietnam antiwar moratorium. I would like you to know that I consider your introduction of partisan politics into the National Guard as very destructive to our democratic system. Other countries have suffered grave damage to their democratic processes when they permitted the military to enter the political arena. I join with my constituents in asking whether any government funds were used by you in your appeal to our nation's 500,000 National Guardsmen to engage in a political demonstration.

Sincerely,

EDWARD I. KOCH.

NATIONAL GUARD BUREAU,
Washington, D.C., November 24, 1969.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in reply to your inquiry in behalf of Irene Davall regarding my recent message that I sent to the Adjutants General of the several States.

The National Guard Bureau is an administrative agency which oversees the maintenance of the Army and Air National Guard in the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. My message to the Adjutants General was sent out in my official capacity as Chief of the National Guard Bureau. This was a routine type of message providing information to the States. As a part of this message, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969. A copy of this message is inclosed for your information.

It is regretted that my message was interpreted as a counterdemonstration against the anti-war protestors.

Sincerely,

Maj. Gen. FRANCIS S. GREENLEAF,
Deputy Chief, National Guard Bureau.

From: NG Depts of the Army and Air Force,
Washington, D.C.
To [Adjutants general].

On November 11, our nation will once again pay tribute to those who have made the supreme sacrifice in the defense of their country. This year's ceremony, as for the past number of years, will take place while our armed forces are still locked in battle in Vietnam.

In that war, at least 75 National Guardsmen from the four mobilized Air Guard and eight Army Guard units which were deployed to the combat zone *or who volunteered to serve in Vietnam,* have given their lives. One of our mobilized Army Guard units is still fighting there. Many former Air Guardsmen who became active Air Force pilots have been shot down over North Vietnam and are now prisoners of war suffering indignities and torture at the hands of a cruel, inhumane enemy.

I find unfortunate the fact that just a few days following the day of national tribute to Americans who have fallen in battle, many other Americans will demonstrate in many of our cities to demand a course of action that not only would betray those Americans who already have suffered and died in Vietnam, but also would mean abandonment of our allies and a revocation of our pledged word.

Certainly, every American wants to end the war. Every American wants peace. However, the desire for a speedy conclusion of the conflict should not be so great that we become blind to the realities of such a shortsighted course. We do not, through emotional confusion, want to pursue an impetuous action at the price of capitulation and surrender. We should move ahead cooly, methodically and orderly—as I believe we are doing—in a manner which will give us the greatest guarantee of lasting results.

I am concerned that those Americans who seek a capitulatory solution are creating a feeling of comfort in Hanoi and are leaving the enemy with the impression that their vocal and active groups represent the majority opinion within the United States.

As a result, I think the time has come for all of us to awaken to the difficulties these misguided activities create for our nation's efforts to bring about an honorable peace in Vietnam, how disruptive they must be to negotiations in Paris. It's time for Americans to unite behind a move that will demonstrate true majority opinion in this country. I believe as a matter of national honor, the will of the American people will be to show Hanoi that America's overwhelming public opinion is *not* represented by those who carry the enemy flag in our streets.

Undoubtedly, many Guardsmen may be called upon to protect the rights of these citizens to protest. To act with restraint in the face of what many of the Guardsmen, I know, believe to be a dishonor to our country requires a patience and understanding that are above and beyond what most Americans are ever asked to perform. Yet, I know Guardsmen will act with the restraint and orderliness that has marked their past efforts to maintain peace in our cities and on our campuses.

Because of my grave concern that the moratorium activities might be misunderstood in North Vietnam, however, I suggest that we ask even more of our Guardsmen. Therefore, I urge that we encourage all National Guardsmen, as citizens, to join in a national effort that will underscore the nation's determination to follow a prudent course in Vietnam. To do this, I urge that from 11 November through 16 November 1969, National Guardsmen: 1. Fly the American flag at their homes and businesses. 2. Drive their automobiles with the headlights turned on and turn their porch lights on at home.

I hope, too, that Guardsmen will encourage others in their families and in their communities to do the same.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1969.

HON. MELVIN LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: I would like to place a matter before you which I believe deserves your closest scrutiny.

As the result of a newspaper article commenting on the alleged action of Major General Winston P. Wilson to the effect that he had sent an appeal to the members of his command requesting that they undertake actions which could only be interpreted as constituting a political demonstration, I wrote to General Wilson inquiring whether any government funds had been used in connection with this matter.

I received his reply, a copy of which is enclosed with the entire correspondence. He states without reservation that his message was sent "in my official capacity as Chief of the National Guard Bureau." He went on to say, "As a part of this message, I suggested that our National Guardsmen be encouraged to exhibit their patriotism by flying the American flag at their homes, by burning their porch lights, and by driving with their car lights on from November 11–16, 1969."

I would very much appreciate your advising me as to whether these acts of the General constitute violations of the Army regulations and the United States Code. If they do, I trust that appropriate measures will be taken in this case. I would appreciate being informed of the disposition that you do make in this matter.

Any attempts to politicize the Army by Generals using their official position to encourage and influence political demonstrations, pose a serious threat to the traditional supremacy of civilian control over military command authority and have the potential of subverting our democratic process.

I would appreciate your views on this matter.

Sincerely,

EDWARD I. KOCH.

"POUND FOOLISH" CUTBACKS IN FEDERAL PROGRAMS THREATEN NATION WITH GROWING HEALTH CRISIS

(Mr. OTTINGER (at the request of Mr. KOCH) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, the cutbacks proposed this year in Federal support of medical education, medical research, and health services are a false economy move which may actually represent one of the most costly and wasteful programs ever proposed under any administration. Unless these cuts are reversed and the programs fully funded, the inevitable result will be the crippling of medical education in this country, permanent retardation of vital research programs, and further deterioration in the Nation's already inadequate health programs.

The drastic reductions in the research funds administered through NIH are forcing our scientists and technicians to cut back or abandon vital research projects. As a result the Nation is thus losing incalculable investment in experience and expertise and much of the momentum which has brought us to the verge of major breakthroughs in the battle against such scourges as cancer and heart disease.

It is ironic that the three American scientists who recently won this year's Nobel Prize for medicine or their achievements in leukemia research will be rewarded by having their budgets cut by an average of 9 percent under the new program. This cannot help but retard efforts to find a cure for this cruel disease which will kill 19,000 Americans next year—most of them children and young adults.

If these cutbacks in Federal support for medical research and health services stand, it will take many years and many millions of extra investment to recover the losses to the Nation. Millions of Americans will suffer and die needlessly as a result.

This is not just a problem for the future. The results of this "economy" policy are already visible in almost every phase of medical effort.

As a result of inadequate funding most private and many public medical schools will be forced to curtail education programs and enrollment either this year or next. At least 10 schools are reportedly faced with the imminent prospect of having to close down operations entirely unless immediate relief is found. This, at a time when the Nation suffers not only from a shortage of doctors, but from a shortage of medical students to meet future needs for doctors.

Perhaps most frustrating of all, the cutbacks are now depriving the American people of medical benefits produced as a result of earlier, successful research projects. As a result of 3 years of effort and $800,000 expended by the Division of Biological Standards, we now have a reliable proven vaccine against rubella, a disease which is a major prenatal killer and crippler of babies. With our present state of knowledge, it would be possible to launch a vaccination program which could afford full and effective protection to the Nation's expectant mothers by 1971, when public health officials predict the next major rubella epidemic will strike. Such a program will cost $60 million, yet the cutback program allows only $30 million, half enough to do the job.

This is not only inhumane, it is the falsest type of economy. The last rubella epidemic in 1964 caused 20,000 American babies to be stillborn and left another 20,000 with brain damage or serious deformity. Dr. Louis Cooper of the New York University School of Medicine has estimated conservatively that the rehabilitation of the 20,000 damaged babies will in the end cost the Nation over $2 billion. How can we afford not to allocate the additional $30 million it would take to avert a repetition of this tragic cost in 1971?

We know that these vaccination programs can be effective. The Salk vaccine reduced the incidence of paralytic poliomyelitis from 13,850 in 1955 to 61 in 1965. The savings in money and suffering that this represented are incalculable.

The other reductions are equally pennywise and pound-foolish, and represent a grossly distorted sense of national priorities. For example:

The Nation spends $21,600 to kill each enemy soldier in Vietnam but only $6.67 per patient in the search for a cure for the leading killer of Americans—heart disease. With the present cutback this will be reduced to $6.27 per patient. Aside from the purely humanitarian concern, this is also bad economics for the care and treatment of heart patients costs the Nation $2.6 billion or $104 per patient.

In 1969 the Federal Government invested $50 in the promotion of tobacco and tobacoo products for every $1 that it invested in lung cancer research. In 1970 support for the tobacco industry will be increased and lung cancer research will be cut back so that the ratio will be $56 for tobacco for every $1 spent in the battle against lung cancer.

In 1970 we have called for an average

of $246.7 million to support each of 15 manned and unmanned space shots scheduled for this fiscal year but a total of only $101 million to improve and expand medical facilities.

Next year we will spend $5.578 billion to train our soldiers but only $16 million to train health professionals and only $12 million to train nurses.

Clearly, the health and welfare of the American people demand that we reorder our priorities and immediately restore full funding to those programs needed to meet the present serious health crisis that faces us.

I call upon Congress to propose and the administration to support the following program—

To provide all potential expectant mothers with full protection against rubella by 1971, we must immediately increase the funds allocated for the rubella vaccination program from $30 million to the full $60 million needed.

In order to permit our schools to continue to educate an adequate number of health professionals, we must increase institutional funding under the Health Manpower Act of 1968 from the present level of $128.9 million to the full $192 million authorized in the legislation.

Student aid for traineeships, direct loans and scholarships under the act must be raised from the present level of $73.3 million to $130.7 million. At present our efforts to close the manpower gap in health are limited because of the inability of prospective students of poor or modest means to meet the high cost of education.

To support the education and training of urgently needed health professionals other than physicians, the funding of institutional programs for nursing and the allied health professions should be increased from the House recommendation of $18 million to the full authorization of $59.5 million permitted under the Health Manpower Act of 1968. It is only by the effective use of health care teams—relying heavily upon skilled paraprofessionals—that we will be able to meet society's expectations for health care efficiently and within costs we can afford.

Funds for training grants in the NIH and NIMH to furnish faculty needed to meet health professional manpower needs should be increased by 10 percent over the 1969 level of funding to permit a maintenance of the previous level of effort. This would require an increase of $19.6 million over the House action for NIH training grants and $10.9 million for NIMH training grants.

Funding to support the research programs under the various institutes of health should be restored, at the very least, to the 1969 levels recommended by the President before the recent cutback, raising the present $919.9 million funding by $40.4 million. This will still fall $45.7 million short of the 1969 level of funding.

Finally, the most serious problems are being experienced by the new institutions of health training—those which have been created within the past 10 or 15 years in an effort to meet the Nation's desperate need for health professionals. Most of these schools do not have endowments or the large alumni associations that can provide seed money through voluntary contributions. As a result they depend heavily on the annual level of assistance that can be obtained from private foundations or various levels of government. This makes it impossible for them to engage in the long-range planning that is essential if they are to become strong, self-reliant participants in the medical education effort. I propose and will shortly introduce legislation creating a special fund to fill the needs of such schools.

This program provides the bare minimum needed to stave off a very real, very serious health crisis that faces the Nation. The total cost will be about $263 million in fiscal 1970—approximately what was spent on the most recent moon shot or about 4 days of the war in Vietnam. In my opinion, it is an investment we cannot afford not to make.

But money alone does not provide the whole answer. We must also reorder our priorities and programs within the health field itself. Because Federal support for medical education has been so grossly inadequate over the years, many of our medical schools have come to rely upon NIH grants to attract and maintain scientists to teaching staffs and to underwrite education.

In 1969 it was estimated that such grants made up between 25 and 75 percent of the annual operating budgets of our medical schools. At Harvard, for example, they contribute 65 percent. While there has been no increase in research funds for the NIH since fiscal year 1967, costs have been driven up by between 30 and 40 percent because of inflation and because of the more sophisticated equipment and highly trained personnel required for modern research. Even without the cuts, therefore, research budgets have been reduced by one-third in terms of real buying power.

The cuts in research when joined with the reduced funding of programs designed to aid institutions and students have had a disastrous effect on the schools.

While recommending that the research budgets be restored in order to avoid educational and research chaos, I urge that Congress demand that the Department of Health, Education, and Welfare officials undertake an immediate reorganization of their research programs in such a way as to concentrate on solving health problems rather than funding medical education.

One such proposal has been presented to the Department by a non-profit, technical management corporation recently formed in Washington known as Bio-Engineering. It proposed to coordinate the resources of university medical schools, industry and non-profit industrial laboratories on the systematic identification and development of materials suitable for use in organic transplants. Using such mission-oriented research projects patterned after the space effort it would be possible to institute sound fiscal planning in our research efforts and maintain continuing evaluation of program development so as to assure maximum public benefit from Federal research dollars.

Of all the grave domestic problems facing the American people today, none is more important than the growing public health crisis. With all of our technological progress we are still lagging in the battle against disease.

We have the capability and the resources to meet this challenge and we must act now to reorder our priorities to do so.

DRUG ABUSE EDUCATION ACT OF 1969

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

Mr. MEEDS. Mr. Speaker, sometimes I agree with what President Nixon says and sometimes I do not.

I must emphatically state that I agree wholeheartedly with what he is quoted as having said this morning in the Post. He said, "A national problem requiring a nationwide campaign of education to combat." He was referring to the drug abuse problem.

Mr. Speaker, I think it should be recorded that that is precisely what I had in mind when I drafted and introduced the Drug Abuse Education Act of 1969 in March of this year. I think that is precisely what the chairman of our subcommittee and the members of our subcommittee had in mind as we held extensive hearings across the United States on this problem. I think that is precisely what many of the people who came and testified before our committee had in mind when they gave us some very fine testimony on this problem. And I know that is precisely what this House had in mind when, on October 31, it passed the Drug Abuse Education Act, H.R. 14252, 294 to 0 on a rollcall vote.

What I would like to know is what the White House has in mind. Our intent is clear on this subject. We have read stories in the Post and in magazines about White House conferences with national Governors, with Art Linkletter, and other people. We have heard a lot of rhetoric coming from the White House about this problem. I would like to know if this is just talk.

For example, I took the unusual step before debate in this House, and sent to the White House the drug abuse education bill and informed the White House that the House of Representatives was considering this legislation and asked for their comments and suggestions. Not a word from the White House. We did see another conference with national Governnors, at which there was more talk about the drug abuse problem and calling for a nationwide education program.

I would like to know when the White House is going to stop wringing their hands and do something about the very real problem that they are talking about and that we have talked about and that we have done something about. For example, I think they have had some success in influencing legislation, both in this House and in the other body, and I might suggest they might try to influence the passage of this bill, which is now in the other body.

I would also suggest that if they have

some suggestions about this bill, how it could be made better, that they come forward with those suggestions. I would, for instance, be very willing to see more appropriations, more authorization than this bill contains. I think we could use more money in this area. I think that would be a good suggestion. But what I really want to know is this, Mr. Speaker: Is the President really interested in doing something about this very real problem, something constructive, or is this more righteous rhetoric to be followed by a pallid performance?

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE A REPORT ON H.R. 15091, UNTIL MIDNIGHT, DECEMBER 6

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the committee on Banking and Currency may have until midnight Saturday, December 6, to file a report on H.R. 15091, a bill to extend for 1 year the authority to limit the rates of interest or dividends payable on certain deposits and accounts, and for other purposes.

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

There was no objection.

DRUG ABUSE EDUCATION

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

Mr. SCHEUER. Mr. Speaker, I am honored to serve on the subcommittee under the chairmanship of the gentleman from Indiana (Mr. BRADEMAS) which reported this splendid drug abuse bill, and I was honored to cosponsor that bill.

The gentleman from Indiana (Mr. BRADEMAS) indicated the administration is now spending only 5 percent of the total Federal drug abuse funds for education. Five percent of 100 percent is very small; it is virtually a question of 5 percent of zero being zero.

We have in this country approximately 400,000 police professionals at the State, county, and municipal levels fighting crime. In our major urban areas, drug abuse accounts for more than 50 percent of the violent personal crime, of what we call the predatory crime, the crime in the streets, which is of such deep concern in American neighborhoods from coast to coast.

In New York City alone there are 100,000 drug addicts. Half of all the addiction in the United States takes place in New York. Half of all the drugs which come to the United States come through the Port of New York.

Yet what is the Federal Government doing to help the 400,000 police professionals in this country fight the horrifying business of drug addiction? The Federal Bureau of Narcotics has less than 800 special agents, less than one-fiftieth of 1 percent of the law enforcement manpower in this country, in Federal manpower helping to stop the interstate—indeed—international flow of narcotics into our cities.

How many of the less than 800 Narcotics Bureau agents are in New York City, where half the drug addiction takes place, the port of entry for half the drugs coming to our country? There are 110 agents.

We in this Chamber all know the President is sincerely concerned about drug abuse.

If the President really wants to close any credibility gap and silence the skeptical around the country who feel that rhetoric alone will not do the job, if he wants to prove that he is deadly earnest about drug addiction, let him—in the vernacular—put his money where his mouth is. On this subject, the American people are from Missouri; they want to be shown.

The President and the Attorney General must "soup up" the Federal Bureau of Narcotics so that it can give meaningful help to the States and community efforts to stop the virtually free and unimpeded flow of hard drugs into those communities, and into the hands of our schoolchildren.

HANUKKAH, THE FEAST OF LIGHTS

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

Mr. FEIGHAN. Mr. Speaker, tonight at sundown in most every Jewish home throughout the world there will be lit the first candle celebrating the Jewish holiday of Hanukkah, 5730 of the Jewish year, for the next 8 days.

On the 25th of the month of Kislev, in the Jewish calendar, in the year 165 B.C., Judah the Maccabee proclaimed the 8-day festival, in celebration of the purification and rededication of the temple. This was the climax of the Jewish rebellion against the Syrian-Greek emperor, Antiochus IV, who had defiled the temple with idols, and had killed many of the Jews, either for refusing to follow the pagan religious practices which he ordained, or for persisting in obeying the laws given by God through Moses. In the purification of the temple, we see today a symbol of the cleansing of the religion of mankind from all oppression, regulation, and direction by governmental authority.

Hanukkah is a feast filled with delight and joy for the Jewish people. There are 8 days for celebrating the holiday, on each of which is observed the simple and beautiful ceremony of lighting candles in the eight-branched lamp called the menorah: one candle the first day, two the second, and so on, until all the candles are lighted. During this period, too, there are held parties, at which latkes, a kind of potato pancake, are served.

But these amenities, delightful as they are, are only surface manifestations, in pleasure and beauty, of a commemoration of deep import both to government and to religion. For the deeper significance of Hanukkah is that it marks the anniversary of a great triumph of the freedom of religion.

In the year 1969, Americans of the Jewish tradition observe the Hanukkah of the Jewish year 5730 with special thanksgiving, rejoicing that the principle of freedom of religion stands firm and unshaken today as one of the pillars of our constitutional government. Let all Americans repeat the invocation of the psalmist—

O give thanks unto the Lord, for He is good: for His mercy endureth for ever—

As we express once again our gratitude for the blessings which life has bestowed upon us.

ACTION OF THE U.S. DEPARTMENT OF LABOR WITH RESPECT TO THE ELECTION CAMPAIGN OF THE UNITED MINE WORKERS OF AMERICA

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

Mr. HAYS. Mr. Speaker, the recent action of the U.S. Department of Labor with respect to the election campaign of the United Mine Workers of America demands the attention of the Congress.

As I understand Federal law on this subject, it is not intended to foster Federal interference in the internal affairs of a labor organization except in the case of clear-cut wrongdoing, or if the rights guaranteed members under law are being violated. From the accounts of the Labor Department report that I have read in news releases, neither of those conditions were present.

The campaign for the presidency of the United Mine Workers is much in the news. Heated controversy has marked it from the very beginning, and such controversy is certain to continue until the ballots have been counted and beyond. There is an obvious temptation for people to take sides as the Labor Department apparently has done.

However, the ultimate determination of the officers of the union must rest with the men in the mines and those on the pension rolls of the union's welfare funds. For Government agencies to inject themselves into this election, even for the noblest of motives, is wrong and must cause bad repercussions upon the agency in the years ahead.

I cannot say with any certainty what prompted the release of the report by the Department of Labor. Nor can I attest to the apparent one-sided treatment it accorded to the incumbent officers of the union. I only know that the veracity and impartiality of the Department has been called into question. That can only hinder the work of the Department in the years ahead and cause it to lose the support which it has always enjoyed among the labor movement of the United States.

I hope that the Department will come forth with a fuller explanation of their motives in the weeks and months ahead. For, if they do not, it may be necessary for the appropriate committees of the Congress to determine why this action was taken at this time.

We cannot allow governmental interference with matters of this kind to occur. It is not the intention of the Congress that it should occur. And, if it is

permitted to do so, the future of collective bargaining, as well as the viability of the Labor Department itself will be open to serious question.

LABOR DEPARTMENT INTRUSION INTO LABOR UNION AFFAIRS

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

Mr. SLACK. Mr. Speaker, last week's attack by the Labor Department on the United Mine Workers of America is an unprecedented intrusion into the affairs of a labor union.

Never in my years in Washington has a department of Government released an interoffice memorandum in this way. Never has an agency released the results of an investigation supposedly designed to pinpoint alleged wrongdoing for appropriate governmental action. Never has one agency so openly used the prestige of its name to add credence to allegations without the firm proof that should be necessary to prove such allegations.

The action of the Department of Labor came at a crucial period in the election battle for the presidency of the United Mine Workers of America. One must conclude that the release of the report was designed to aid one of the participants in that struggle. One must also conclude from the one-sided nature of the report and the vague nature of its charges that there was little attempt to remain evenhanded and impartial in the election contest.

I do not propose to take sides in the election contest in the UMWA. I believe that the selection of officers of that union should be left to the rank and file to determine in their own way according to the rules of that organization and applicable Federal law. If either party is in violation of the law, or if the rights of the members of the union are being violated, the Department of Labor has ample resources under law to step in and see that justice is done.

On the other hand, I do not believe that the Congress intended that the Department of Labor should take sides in a contest of this type. The law is clear. The Department of Labor is supposed to be an impartial governmental agency adhering strictly to the law and to the most elementary rules of fairplay. If they do not do this, they will do injury not only to the United Mine Workers of America, but also to their own effectiveness in dealing with future labor problems as they arise. It must be obvious that the position of the Labor Department will be negated to the extent that they become an adversary for one side or the other.

I believe, Mr. Speaker, that the actions of the Department of Labor in this instance require a detailed investigation by the appropriate committees of the Congress. I say this not because I seek publicity, or because I seek to inject myself into the election campaign of the UMWA. Rather, I believe that the action of the Department has raised the question of governmental interference in a purely internal union matter. Surely, no logical analysis of the role that the Department should play would countenance such an intrusion.

Apparently the Department had the information on hand for several months, but chose a select time at which to leak its preliminary conclusions. This timing is the key element, and supports the conviction that the Department chose to aline itself with the interests of one group in a union election campaign.

If this course of conduct is allowed to go unquestioned, then the same pattern of activity can be resumed in connection with the internal affairs of any labor union in the country whenever there is honest controversy within the union as to how it should be managed. For this reason I support the proposal for an investigation of the conduct and motives of the Department in connection with this affair.

ACTION OF CONFEREES RESULTS IN REALISTIC PUBLIC WORKS PROGRAM

(Mr. JOHNSON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOHNSON of California. Mr. Speaker, as many of my colleagues know, the Second Congressional District includes most of the mountain counties of California, from which stem the water resources upon which my "Golden State" is so dependent. Conservation of these resources is critical to our people and our economy.

Not only is the water needed for irrigation, domestic, municipal and industrial purposes, but in recent years it has become a vitally important factor in providing fish, wildlife and recreation opportunities, which I can say with pride are enjoyed by people from throughout our Nation.

At times, however, we can have too much water, as was shown so dramatically and tragically this year in the storms and floods of last January and February. We must prevent future flooding and conserve the water which otherwise would waste into the sea, leaving death and devastation in its wake.

Yesterday, the public works appropriations conferees placed before us a sound and sensible program for multiple-purpose development of the water resources of my State and of the Nation. This is a program modest in scope and thereby reflecting the fiscal problems which the Nation faces today. However, it is also a program which realistically meets the challenges of the decades ahead when the Nation's water needs will be tripled what they are today. This is a program which helps establish the importance of domestic priorities in such areas as water pollution control and correction. On behalf of the people of the Second Congressional District and of the entire State of California, I want to express our deep apppreciation.

We are also grateful to the members of the fine subcommittee on Public Works Appropriations which have been so wise in their consideration of these matters over the years. We miss the chairman of that great subcommittee, that dedicated legislator who has been a leader in this field for so many years and has been a good and faithful friend of the people of California. We wish him a speedy return to the House.

In its wisdom, the Appropriations Committee has presented us with an outstanding program, one which truly reflects the commitment which this Nation has to meet the water needs of this and future generations, not only by conserving those resources upon which we depend, but by taking major steps to prevent and control serious pollution problems which are robbing us of clean water.

This Nation will reap the benefits of this judicious action, not only in fiscal 1970, but in continuation of the programs which have previously been approved. These benefits will be returned for years to come.

SCREENING AND BRIEFING MATERIAL DEALING WITH THE MASSACRE AT HUE

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

Mr. ICHORD. Mr. Speaker, yesterday, I advised the Members of the House that I had requested a briefing and screening of photographic material taken of the massacre of some 3,000 citizens of South Vietnam's history university and intellectual center of Hue. This slaughter occurred during the 1968 observance of the Vietnamese Tet holidays when the late Ho Chi Minh made an all-out effort to effect a Communist-style liberation of South Vietnam's towns and villages. My reasons for making the request are set out in the RECORD of yesterday. I am deeply concerned that press treatment of the allegedly Songmy massacre is giving the world a distorted, one-sided picture of the relative value of human life held by the opposing forces in Vietnam.

Today, I wish to advise the House that I have arranged for the screening and briefing at 10 a.m., Monday, December 8, to be held in room 311, the hearing room of the Committee on Internal Security. I have requested that the screening be public and members of the press are especially invited.

WHY HIDE HANOI'S ATROCITIES

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

Mr. RARICK. Mr. Speaker, the Hanoi Communists, courtesy of their "dear American friends", have delivered to us what they call a partial list of our fighting men held prisoner of war in North Vietnam. Their list consists of 59 names, only five of which were not previously known to be captive.

Examination of the list of the prisoners is quite revealing. All are officers—and all are Navy or Air Force personnel. Notably lacking are any enlisted men and any Army personnel. Even Americans

not familiar with military operations understand that there are more enlisted men than officers—several times more—and that there are many, many more soldiers in Vietnam than there are sailors or airmen.

I direct this question to Hanoi through its operators and sympathizers within my voice; what have you done with the enlisted men of the Navy and Air Force who have been taken prisoner? Massacred them because they might not prove to be as valuable as officers for your propaganda purposes?

What have you done with all the Army personnel—officers as well as enlisted men—taken prisoner? Murdered them because your leaders felt it would be more difficult to circumvent the Geneva Convention provisions, by calling them war criminals?

The American people know that there have been many more than 59 prisoners of war taken by your Regular Army forces operating in South Vietnam. Our people also understand that by hiding the names of our prisoners, you are giving irrefutable evidence that you intend to dispose of those whose captivity is kept secret.

Having accepted the Geneva Convention, the refusal of the heads of the Hanoi government to report to the International Red Cross the names of prisoners of war is itself a war crime. To refuse the International Red Cross access to these captives is a second war crime. Only an intention to mistreat and murder prisoners can explain these barbaric refusals to conform to standards of international decency.

Today there is a lot of propaganda about war crimes and I, for one, feel that any war crimes trials must begin with trial of the leaders of the Hanoi government and its regular military leaders and guerrilla chiefs for their violation of all established norms of humanity and civilization in dealing with prisoners of war.

A newspaper article from the Washington Post of November 27, 1969, follows:

WAR CRITIC RELEASES HANOI LIST OF 59 U.S. OFFICERS IN CAPTIVITY

(By William Chapman)

CHICAGO, November 26.—A leader of the antiwar movement today released the names of 59 American military officers who he said North Vietnam reports to be prisoners of war. The Defense Department said five of the names were new.

David T. Dellinger said that North Vietnam has promised to make more prisoners' names public through him and that an emissary is now bound for Hanoi to work out the details.

The list included names of Air Force, Navy, and Marine officers and their military identification numbers. The home states of all were also listed except for two officers identified by city.

All of the men appear to be captured pilots, Dellinger said. He said he had received no information on their physical condition or on the kind of treatment they have received in prison camps.

Dellinger said the list was obtained from Xuan Oanh, a member of the North Vietnamese delegation to the Paris peace talks and a representative of an organization called the "Vietnamese-American Solidarity Committee."

A co-chairman of the New Mobilization Committee to End the War in Vietnam, Dellinger released the names to several reporters in the Federal Building here.

He and six other men are on trial on charges of conspiring to incite a riot at the Democratic National Convention last year.

North Vietnam has refused to disclose to the U.S. government the names of prisoners, contending that they are "war criminals" and not subject to international conventions of warfare.

In Washington, the Defense Department said its "preliminary review" of Dellinger's list showed that five of the names "are identified by the U.S. government on current lists as missing in action in North Vietnam. The remaining 54 names were listed previously as presumed to be prisoners in North Vietnam."

The Pentagon's list of presumed prisoners has 413 names, with 918 others carried as missing. Neither list has been made public, and Pentagon officials yesterday declined to identify which of Dellinger's five names are on the missing list. The officials said also that most of the 54 other names were from among the roughly 110 prisoners whose letters have been received by their families.

The Defense Department statement stressed that "this list of names is unauthenticated and unverified. The North Vietnamese have not confirmed that they have released such information. . . ."

Dellinger has dealt frequently with the North Vietnamese representative. He said today he had conferred with Xuan Oanh by telephone and through a personal emissary in recent days.

Dellinger declined to identify the person who he said is now headed for Hanoi to arrange the release of more names. That emissary, he said, also will work out details for bringing mail from the prisoners to their families in the United States.

The antiwar leader, a veteran pacifist, said he had held the list for a "short time" before releasing it today, hoping for awhile that their families could be notified privately. Because the list did not include home addresses, he said, it would have taken several weeks to locate the families.

"We decided that since it is good news anyway, we would release the names in this way," Dellinger reported.

"We have assurances that there will be more names released," he said, but he did not know how many would be forthcoming or when.

Dellinger and other associates in the peace movement intend to set up an office and a staff in New York City to handle details when more prisoners' names are released and to distribute mail from them.

Here is the list of names made public by Dellinger, with ranks as he gave them although some ranks given for Naval officers do not correspond to those in use by the United States and in the order he gave them, but with spelling of some names corrected by the Pentagon:

Sima, Thomas William, Air Force capt., [redacted], Pa.

Jensen, Jay Roger, Air Force capt., [redacted], Utah.

Runyan, Albert Edward, Air Force maj., [redacted], Calif.

Carey, David Jay, Navy lt., [redacted] Pa.

Nasmyth, John Hebert, Jr., Air Force lt., [redacted], Mont.

Collins, James Quincy, Jr., Air Force capt., [redacted], N.C.

Hoffson, Arthur Thomas, Air Force lt., [redacted], S.C.

Osborne, Dale Harrison, Navy maj., [redacted] Utah.

Brown, Paul Gordon, Marine lt., [redacted], Mass.

Horinck, Ramon Anton, Air Force capt., [redacted], Kans.

Webb, Ronald John, Air Force capt., [redacted], N.J.

Norrington, Gibs Roderick, Navy capt., [redacted] Ohio.

Cherry, Fred Vann, Air Force maj., [redacted], Va.

Bolstad, Richard Eugene, Air Force capt., [redacted], Minn.

Purcell, Robert Baldwin, Air Force capt., [redacted], Ky.

Abbott, Joseph S., Jr., Air Force capt., [redacted], N.J.

Ruhling, Mark John, Air Force capt., [redacted], Pa.

James, Gobel Dale, Air Morce maj., [redacted] Tex.

Shanaham, Joseph Francis, Air Force capt., [redacted], Ill.

Fant, Robert St. Clair, Jr., Navy col., [redacted] S.C.

Gartley, Mark Ham Ligon, Navy lt., [redacted] Ky.

Mayhew, William John, Navy capt., [redacted] Ohio.

Mobley, Joseph Scott, Air Force lt. [redacted] Ind.

Lebert, Ronald Merle, Air Force lt., [redacted] 6215, S.D.

Risner, Robinson, Air Force lt. col., [redacted], Ark.

Larson, Gordon Albert, Air Force lt. col., [redacted], Minn.

Stockdale, James Bond, Navy lt. col., [redacted] Ill.

Denton, Jeremiah Andrew, Navy lt. col. [redacted] Ala.

Mulligan, James Alfred, Navy lt. col. [redacted] Mass.

Doss, Dale Walter, Navy maj., [redacted], Ala.

Shuman, Edwin Arthur, III, Navy maj., [redacted] Mass.

Clower, Claude Douglas, Navy maj., [redacted] Mass.

Smith, Richard Eugene Jr. Air Force maj., [redacted], Miss.

Stirm, Robert L., Air Force maj., [redacted], Calif.

Dutton, Richard Allen, Air Force maj., [redacted], Chicago.

Tanner, Charles Nels, Navy maj., [redacted] Tenn.

Haines, Collins Henri Navy maj., [redacted] N.J.

McCain, John Sidney, Navy maj., [redacted] Paloma (sic).

Ingvalson, Roger Dean, Air Force maj., [redacted], Minn.

Galanti, Paul Edward, Navy capt., [redacted] N.J.

Coffee, Gerald Leonard, Navy capt., [redacted] Calif.

Hatcher, David Burnett, Air Forct capt., [redacted], N.C.

Temperly, Russell Edwin, Air Force capt., [redacted], Mass.

Key, Wilson Demer, Navy capt., [redacted] N.C.

Harris, Carlyle Smith, Air Force capt., [redacted] W. Va.

Boyd, Charles Graham, Air Force capt., [redacted], Iowa.

Seeber, Bruce Gibson, Air Force capt., [redacted], Kan.

Tangeman, Robert George, Navy capt., [redacted] N.Y.

Andrews, Anthony Charles, Air Force capt., [redacted], Calif.

Berger, James Robert, Air Force capt., [redacted], W. Va.

Parrott, Thomas Vance, Air Force capt., [redacted], Ga.

Miller, Edwin Frank, Navy lt., [redacted] N.Y.

Brudno, Edward Allan, Air Force lt., [redacted], Mass.

Tschudy, William Michael, Navy lt., [redacted] Ill.

Peel, Robert Delayney, Air Force lt., [redacted] Tenn.

Ray, James Edwin, Air Force lt., [redacted], Tex.

Torkelson, Loren Harvey, Air Force lt., [redacted], Ill.

Crecca, Joseph, Air Force lt., [redacted], N.J

Abbott, Robert Archie, Air Force lt., [redacted] Mich.

PRESIDENT NIXON BELATEDLY SUPPORTS DRUG ABUSE EDUCATION

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

Mr. BRADEMAS. Mr. Speaker, I noted with some interest on the front page of this morning's Washington Post the headline, "Nixon Stresses Education In Drug Fight," followed by a story about President Nixon's comments before a special meeting of the Nation's Governors held in Washington yesterday.

The President is reported to have said that drug addiction has become a "national problem" requiring a nationwide campaign to combat it.

The New York Times article on the President's statement quotes him as saying that he once thought that "the answer was more penalties" for drug offenses.

President Nixon stated:

> I thought that the answer was simply enforce the law and that will stop people from the use of drugs. But it is not that. When you are talking about 13-year-olds and 14-year-olds and 15-year-olds, the answer is not more penalties. The answer is information. The answer is understanding.

Mr. Speaker, I must ask, respectfully, where President Nixon has been all these months? For on October 31, by a vote of 294 to 0, the House of Representatives passed H.R. 14252, the Drug Abuse Education Act of 1969, which was introduced by my distinguished colleague, the gentleman from Washington, Congressman MEEDS, and cosponsored by over 80 Members of the House, both Democrats and Republicans.

Mr. Speaker, the Select Education Subcommittee, which I chair, held extensive hearings on this bill over a 3-month period, hearing over 80 witnesses. The bill which the House passed in October would provide some $29 million over the next 3 years, beginning in 1971—to schools, colleges, and public and private nonprofit organizations for: developing curriculums and teaching materials on the dangers of the abuse of drugs; supporting pilot programs to test the effectiveness of such materials; disseminating teaching materials to public and private elementary and secondary schools and for adult education programs; training in drug abuse education for teachers, counselors, law enforcement officials, and community leaders; and developing community "drug alert" seminars and similar education programs, especially for parents.

But, Mr. Speaker, did the Nixon administration support us when we were considering this landmark legislation?

On the contrary, Mr. Speaker, an administration witness, Dr. Morton Miller of the National Institute of Mental Health, recommended "against enactment" of the Drug Abuse Education Act. He claimed that there were already laws on the books that make possible Federal support for such education. When subcommittee members questioned him, however, he confessed that less than $900,000, that is, less than 5 percent of Federal funds spent on fighting drug abuse, were directed to education.

So, Mr. Speaker, let me welcome the Nixon administration to the cause of effective programs to provide education to the people of the United States, especially young people about the dangers of the abuse of dangerous drugs.

If the President is now truly committed to this important effort, I trust that he will use his influence to see that the Drug Abuse Education Act passed unanimously by the House moves through the Senate and becomes law as soon as possible.

PEARL HARBOR

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, Sunday, December 7, marks the 28th anniversary of the bombing of Pearl Harbor—to many of our people the start of World War II.

Other Americans think Pearl Harbor was not the real cause of World War II, but rather an effect provoked by several preceding events.

The author and historian, Ralph Townsend, has presented an enlightening aecount of the events preceding Pearl Harbor.

I insert Mr. Townsend's article, "The Context of Pearl Harbor," taken from the American Mercury, winter 1969 in the RECORD at this point:

THE CONTEXT OF PEARL HARBOR

(By Ralph Townsend)

(An accurate prophet of Bolshevist expansion as the main Allied aim in World War II, Ralph Townsend reviews here some of the portents conventionally ignored.)

One single sentence statement of fact throws more light on Pearl Harbor than any dozen of the published books on the subject put together. It is this:

So long as Japan was an obstacle to *Czarist* Russia in East Asia, the Washington Government showered favors on Japan and generally backed Japan in spirit, whatever Japan did or didn't do, but after the Soviets took over in Moscow in 1917 and Japan was an obstacle to *Soviet* aims in East Asia, the Washington Government began finding everything wrong with Japan, whatever Japan did or didn't do.

And so the record shows.

Read the main dailies and periodicals in America through the late 1890's, and through the period of Japan's war on Czarist Russia in 1904–05, and note the vigor of the Washington Government's support for Japan's acquisition of Korea and Japan's domination of Manchuria.

Read how America's Liberals then clamored to U.S. support of Japan's expansionist aims on the Asian mainland, how preachers all across America guided by Liberals prayed for Japan's success in the effort, how America's topmost Liberal of the time, Jacob H. Schiff, head of Kuhn, Loeb & Co., with the hearty cooperation of President Theodore Roosevelt arranged the large loans that would enable Japan to launch war on the Russians then encroaching into South Manchuria and drive them back into Siberia.

Read how by the summer of 1905 Japan had won the Schiff-financed war against Russia, how all America rejoiced that Japan had got the area and the rights in Manchuria which the Russians were obliged to relinquish.

Read the eulogies in the press of America to the Japanese naval hero who without any declaration of war had daringly attacked and with masterful execution substantially destroyed a Russian battle fleet. Read how in his honor youngsters all over America were naming their pet dogs and cats and calves Togo.

That was when Japan was useful against Czarist Russia and an implement of long range Liberal aims.

ANTI-CZARIST INDOCTRINATION

First among those Liberal aims was a revolution in Russia to overthrow the Czar and set up a regime that would assure better treatment for Liberals. Accordingly Jacob Schiff attached to his loans to Japan in 1904–05 the condition that his representatives be allowed to indoctrinate Russian prisoners of war with anti-Czarist revolutionary aims. Before being released to return home some 50,000 Russian soldiers were thus indoctrinated, according to Schiff's own report later, and kept saturated with tons of specially prepared anti-Czarist printed matter.

Overthrow of the Czar was not accomplished in the uprisings immediately following Russia's defeat by Japan in 1905. But the seed sown in the collaboration of the Washington Government with Jacob Schiff for that purpose yielded the desired results twelve years later in March of 1917.

At a big rally of Liberals in Madison Square Garden on March 23, 1917, to celebrate the overthrow of the Czar, a message from Jacob Schiff was read, telling about the indoctrination of the Russian prisoners.[1]

In some of the Liberal commentaries on Jacob Schiff's career it is suggested that Liberal pressures delayed America's entry into World War I until the success of the Russian Revolution was assured. Earlier entry might have heartened the war-weakened Slavs to firmer resistance against the revolutionaries.

All that has a bearing on the events of December 7, 1941, over Pearl Harbor, Hawaii.

During the autumn of 1941 German forces were speeding across Russia. Moscow was in peril. In moves obviously intended to provoke an incident that would enable Roosevelt to get from Congress a declaration of war, Roosevelt had ordered American naval units to fire on German craft in waters near Europe. But the Germans were under orders to endure such illegalities rather than create Washington's desired incident. Meanwhile German forces advanced across Russia, Washington's Liberal officialdom had been able to live through Hitler's capture of Paris and the debacle of the British at Dunkirk with some measure of composure. But a threat to Moscow—that could not be borne.

In Asia, Roosevelt had set up another of his illegalities useful to bolshevism. He had subsidized at excessively high pay the release from U.S. Air Force bases elsewhere a sizable detachment of U.S. combat flyers to engage in war against Japan. Fying American planes with American equipment in actual warfare, though undeclared, these were the Flying Tigers under Claire Chennault.

Now the threat to Moscow called for dropping such pretenses of "neutrality" and entering the war full scale. But how? Dependable polls indicated some 80 per cent of the American people still opposed involvement.

Since the Germans would not respond to provocations, the Washington Government looked toward Japan. Japan's plight was desperate. Poor in resources, the nation had been bled thin by continuance of the China war from which Dexter White's lavish handouts of U.S. Treasury funds to Chinese officials would not let the Japanese withdraw.

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[1] Featured on page 2, *New York Times*, March 24, 1917.

JAPANESE ASSETS SEIZED

In July of 1941 Roosevelt had ordered the seizure of Japanese assets in the United States. By forbidding Japan's access to American oil and making Japan's purchase of it elsewhere difficult or impossible, meanwhile subsidizing Red-allied China against Japan, Washington more and more forced Japan's back to the wall.

Japan's envoys invited Roosevelt to outline his own program for solutions within any workable frame of conditions.

But Washington chose to include among its war targets all anti-Red powers, just as today Washington militantly opposes any honestly anti-Red or even non-Red governments.

On November 26 of 1941 Cordell Hull dispatched to Tokyo his sure-fire recipe for immediate war. His note was in effect an imperative for Japan to evacuate Manchuria and areas occupied by Japanese armed forces in China. As given to the press by summary, and not in the exact text, the note said the United States would not recognize Japan's "conquests." By implication, and as later evidenced by what the Washington Government stripped from Japan in 1945, these "conquests" by Japan included much that the Washington Government had helped Japan to get, or at least heartily approved, when Japan was a useful opponent of Czarist Russia.

Japan had sought all along to get out of the China war, asking no new land whatever, but claiming the right to retain control in Manchuria as a bulwark against bolshevism and to protect investments there from the previous chaotic turbulence. American readers were led to suppose all along that the war in China had been launched by Japan to acquire new territory. It was launched mainly by Chinese Red pressures, notably those of Mao Tze-tung, demanding Manchuria. Since Mao loudly proclaimed just that, and it is abundantly a matter of his own record, this writer can not reasonably be charged with misrepresenting matters.

"Japs Must Now Fish or Cut Bait," one headline noted by this writer in a Texas city on November 27, 1941, proclaimed. It typified Liberal elation.

CANAL CLOSED TO JAPANESE

On or about the same time that Hull sent his imperative for war to Japan, imposing impossible conditions, the Washington Government illegally ordered the Panama Canal closed to Japanese shipping. So far as this writer can learn, that fact has never before appeared in public print.

Unable now to get oil in America, barred from trading by any direct route with most of South America, kept unwillingly in a mired-down exhausting war by Washington's subsidies to Chiang's Red-affiliated forces and Mao's all-Red forces, Japan's action in this long dreaded emergency could be somewhat predicted.

Months before, preparing for the worst, Japan had taken advantage of France's defeat by German in 1940 to occupy portions of French Indo-China. This area was within naval strike distance of the Singapore Straits and the Dutch oil fields in Sumatra. Japanese overtures for peace had indicated a willingness to abandon this seizure, though it was not specifically named, if Washington would agree to a settlement in China that would not be suicidal for Japan.

HOLDING ACTION ENVISIONED

By delivering a setback blow to the American Navy then imprudently bunched at Pearl Harbor, Japanese forces might have time to immobilize the Philippines, capture Singapore, seize Sumatra as a source of oil, fortify enough of the Mid-Pacific islands to stand off America for several years, and open the possibility of holding Asia against American attack until a peace could be worked out.

Few Japanese of good information believed that Japan had an even chance against the United States. But with Washington loaded with men whose records and attitudes denoted obsession with Red aims or political subservience to Red aims rather than American interests, Japan's leaders saw no escape from escalated conflict. Even rabbits fight when cornered and tormented.

There were no rabbits among Japan's anxious men of decision in December of 1941. Some of them this writer had known. Many had been educated in America and were fond of it. Their final pleas for a conference to exchange specifics for their safe withdrawal from historically Chinese soil and hoped-for adjustments of other issues had been sneeringly rejected by Washington.

To the last they yearned for a saving miracle. Orders to Japan's fleet and air force were to hold off the projected Pearl Harbor attack to the last minute. No miracle came. The memorable "Winds message" became operative.

Tokyo's schedule called for Japan's representatives in Washington to deliver to Cordell Hull on Sunday, December 7, 1941, a declaration by Japan of war on the United States. It listed a long account of grievances. The message was to be delivered apparently less than an hour before the arrival of Japan's bombers over Pearl Harbor. In a thin technical sense that would absolve Japan of attacking without a declaration of war. And it would leave no time for the American fleet to get out of the Pearl Harbor pocket.

Bungling clerks in the Japanese Embassy in Washington took so much time decoding and preparing the draft for delivery that the essence of it—war—was not known until bombs were already falling.

How on the American side the Japanese plan for attack was decoded and made available to top Washington officialdom many hours before the Pearl Harbor attack is familiar.

Facts developed at various hearings and reports from first hand sources establish this:

At a cabinet conference with President Roosevelt on November 25, 1941, it was agreed that some extreme provocation to Japan would be employed, and that some risk of losses on the part of US forces was to be accepted in advance, in order that Japan would be in the light of an aggressor and achieve a suitably dramatic effect. Roosevelt wanted something that would infuriate the American people and rally them for war.

Henry L. Stimson was at that meeting. He had been Secretary of State under Hoover. He wanted war on Japan in 1931. Hoover refused. War-itching Washington Liberals were elated when Roosevelt brought him back to Washington in 1940 as Secretary of War.

Here is an extract from Stimson's diary, November 25, 1941, referring to the White House Conference of that day:

The question was how we should maneuver them [the Japanese] into the position of firing the first shot without allowing too much danger to ourselves. It was a difficult proposition.[2]

Calculations by Roosevelt and Hull and Stimson that the American people could be roused by the proper sort of incident were confirmed. To the unknowing the "unprovoked" Japanese attack seemed to substantiate allegations of Japan's savage passion to conquer the world.

The war Japan had been fighting for four years at that time began in the summer of 1937, precipitated by a shooting skirmish near Peking on the night of July 7. This writer was in Mukden in South Manchuria during that month. Following the July 7 incident there was grave tension and this writer's train reservation into Peking was cancelled pending developments. Then came news that local Chinese and Japanese officials on the scene had settled the affair and that trains would resume. On July 12 a sizable handout of financial aid via Dexter White's "currency support" was made available from the U.S. Treasury to the Chiang regime. Tension resumed and full scale war was soon raging.

Back in America, this writer could find no mention in any publication of the local settlement which reportedly had been overruled by Chiang Kai-shek in concurrence with riotous agitators demanding war on Japan and recovery of Manchuria. Yet it had been discussed by American Consular officials and other responsible persons in the area as a . . . .

Japan's recognizable plan of action in the new war with China in 1937 was to smash hard and drive the Chinese forces inland a few hundred miles, dominate the coastal cities, then offer peace with no new territory, willingness to evacuate with no indemnity but retention of control in Manchuria.

On January 1, 1938, Japan's scheduled drive inland had substantially succeeded and Japan proposed peace. But aid from Washington was pouring into Chiang's larder and the grip of Reds on Chiang and the whole Chinese defense structure appeared to be increasing. Sentimental support for the Chinese Reds was being built by journalists in America at a furious rate.

America built bolshevism into control of Asia. The Washington Government dumped Chiang and pensioned him on Formosa and deliberately turned China over to Mao Tse-tung at the end of an eight years' war by the Chinese who for the most part thought they were fighting for freedom from molestation from any quarter. But the Washington Government would no more save China from Red rule than it would save Poland from Red rule.

SECRET PACTS FAVOR REDS

All Washington's secret pacts were in favor of Reds. There was the excuse when the pacts were revealed that Roosevelt may have suffered mental aberration. But Truman, his successor, went right ahead honoring the infamies. In Eastern Europe ten nations supposedly to be guaranteed their freedom by Washington learned that by secret deals Washington had committed them to Red servitude under Moscow. The ten were Albania, Estonia, Lithuania, Latvia, Bulgaria, Poland, Hungary, Yugoslavia, Czechoslovakia, Romania. Half of Korea was turned over to alien Red rule, after pledges of total Korean independence. In Korea today older Koreans, if nobody is listening, will tell you they wish the Japanese were back.

Counting China, America's pretended crusade for freedom plunged some seven hundred million people into police state servitude who were not that way before. Practically all the seven hundred million are disastrously worse off than ever. Nations Americans pretended to rescue, from China to Poland, were encouraged by Washington to reject from their enemies peace offers a hundredfold better than the miseries into which they have been dumped by their Washington "saviors." In none of the nations America fought in World War II, and in none of the nations since dumped into Red rule, was an ordinary person who wanted to leave the country prohibited from leaving that country. That is not possible for most of those populations since America "liberated" them.

For five years after the end of military conflict in 1945 America had sole custody of the world's only truly lethal weapon. No government anywhere could dare refuse America

[2] Various writers cite this. It appears in *The Final Secret of Pearl Harbor*, by Rear Admiral Robert A. Theobald, USN, Ret., Devin-Adair, New York, 1954, page 76.

anything if matters reached a showdown. America could rectify anything anywhere without firing a shot. Yet Harry Truman, Roosevelt's successor, refused correction of Roosevelt's infamies. And the U.S. Senate refused correction of Truman's though not one of the secret deals for Reds had ever been ratified. America did not advance its prestige as the Stronghold of Freedom in World War II.

In the 1930's America subsidized the Chinese Reds to fight on against Japan whatever appeals for peace Japan might make.

In the 1960's Red China subsidized the Viet Cong and Hanoi to fight on against America whatever appeals for peace America might make.

That situation was made in Washington.

In bookish theory, Pearl Harbor came about because Japan would not surrender Manchuria to China. Japan's title to it was not A-Prime. But it was better than supposed. China's title to Manchuria was far from clear.

After enduring years of sabotage and lawlessness there, Japan restored to the throne the ancient Manchu dynasty that had ruled Manchuria for centuries. Henry Pu-yi was the eligible descendant. That pleased the two million Manchus, and other millions of residents including Mongols, Koreans and Chinese. Japanese found it acceptable. Japanese arms supported the new regime. There was a surge of new prosperity.

SHORT RULE BY CHINESE

In the centuries of its recorded history Manchuria was under the rule of Chinese of the Central Chinese government only about 15 years, from 1911 to the middle 1920's. Prior to 1911 the Manchu royal family, which had moved to Peking after conquering China in the 1600's, had ruled Manchuria as a sort of special old home place preserve. When the Manchu dynasty was ousted from China in 1911 the new Chinese Republic did not allow the Manchus to resume control of Manchuria but incorporated it into China.

In the 1920's Manchuria was taken over by a dissolute Chinese dictator who declared it to be independent of China. In 1931 Japan ran him out and restored the Manchu royal family to the throne. Washington continued to regard Manchuria as a component of China during its asserted independence and after Japanese control also.

Would Americans have complied with a Japanese demand in 1941 to evacuate Puerto Rico, seized from Spain in 1898, and restore it to Spain?

Washington launched a war that cost millions of lives on the claim of having the right to be umpire in Asia and order Japan out of Manchuria. For failing to hand it back to China Japanese leaders were sentenced to death as wagers of aggressive war, etc. But note that Washington did not hand it back to the Chinese, either. Washington had a secret pact conceding to the Soviets the right to occupy Manchuria upon America's defeat of Japan. The Soviets did so, and fixed matters to assure Red Mao Tse-tung's takeover of all China. So Washington did not in good faith restore Manchuria to the Chinese regime to which Washington demanded that the Japanese restore it.

SOCIAL SECURITY INCREASE AND TAX AMENDMENTS

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

Mr. VANIK. Mr. Speaker, I am of course pleased that the Senate yesterday adopted the amendment of the distinguished Senator from Tennessee, the Honorable ALBERT GORE, to increase dependency exemptions from $600 in 1970 to $700, and to $800 in 1971.

Ever since we first began consideration of the tax reform bill before the Ways and Means Committee early this year, I have urged this approach to tax relief for the average taxpayer.

It is infinitely more equitable to increase dependency exemptions than it is to reduce tax rates, particularly for the super-rich who would benefit most by reducing the top brackets by 5 percent or more.

In our search for tax justice we must consider how a taxpayer must divide his income in the support of others. In this endeavor the taxpayer with dependents often shoulders obligations which might otherwise become those of the general public.

The overwhelming majority of the members of this body have indicated their support for increased exemptions. Only a closed rule prevented the consideration of this approach last summer.

I hope that the conferees will recognize the strong need for increased exemptions.

THE MANTLE OF RESPONSIBILITY

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

Mr. ALEXANDER. Mr. Speaker, since coming to Congress I have found you to be an immensely fair and impartial man. You have treated all of the Members of this great body equally. This I sincerely appreciate as do all of my colleagues.

Because of your fairness and because I am sure you would want to have any violations of this rule called to your attention, I would like to present what I consider to be a just complaint. It is my understanding, Mr. Speaker, that upon the mantlepiece in your office there is a set of longhorns that I have always considered to be something of an affront to the great State of Arkansas and, if I may say so, I can see no esthetic or artistic beauty in a set of horns that once belonged to the Texas mascot, Bevo I.

Now, as you know, the great State of Arkansas tries to be generous, kind, benevolent and understanding toward its neighbors. We appreciate Texas, and, as a matter of fact, we are planning to show them the finest hospitality when they come to visit us Saturday to deliver the national football championship to the University of Arkansas.

Because of your great spirit of fairness and impartiality, Mr. Speaker, I realize that you are not in a position to publicly recognize the football superiority of the University of Arkansas Razorbacks. I would implore you, however, Mr. Speaker, for the sake of the pride of the great State of Arkansas, to at least balance off those ugly horns that now rest on your mantlepiece with a symbol of the beautiful Arkansas Razorback. I, along with my colleagues from Arkansas, will certainly be pleased and proud to cooperate with you in finding a suitable addition to your mantlepiece that will not only reassert your impartiality but will add tremendously to the beauty and decor of your office.

Thank you, Mr. Speaker.

TEXAS LONGHORN VERSUS THE ARKANSAS RAZORBACK

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

Mr. CABELL. Mr. Speaker, we have heard a most heart rending dissertation by the gentleman from Arkansas (Mr. ALEXANDER). I am certainly sympathetic to his desire that you should have a pig snout on the mantle of the Speaker's Office rather than those gorgeous longhorns that are presently there. However, may I advise the gentleman from Arkansas that this question will be very adequately handled and dispensed with come Saturday. I have never known the time that a good old Texas longhorn could not stab the devil out of a razorback hog. That will happen this coming Saturday.

Mr. Speaker, we have no malice in our hearts. My wife is from Arkansas and my father was from Arkansas. In my heart there is nothing but good will for Arkansas. We will still have that same spirit of good will come next Saturday but not to the extent of permitting them to dehorn our Longhorns.

MISGUIDED EFFORT TO CONVERT THE POST OFFICE DEPARTMENT INTO A CORPORATION

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

Mr. OLSEN. Mr. Speaker, the misguided effort to convert the Post Office into a corporation will fail, if for no other reason than the fact that the existing institution was not originally, and is not now, designed to work within a profitmaking, corporate structure.

Indeed, the foundations of the Post Office are based on service to the American people. The Post Office, unlike a corporation, is not the property of private owners who can order their affairs at will. It is rather the common ground of many men's fields of action, it belongs to the public and it is the Government service that reaches and affects more people every day than any other Federal agency.

The incongruous juxtaposition of "service" and "profit," especially if profit is overemphasized, can and will be disruptive to the Department.

If we do not want to interrupt postal service of more than 180 years duration, I feel it is imperative we push ahead with postal reform under the leadership of House Post Office Committee Chairman DULSKI.

Members of the House committee today, Mr. Speaker, are better informed on postal problems than at any time during my 10 years of service on the committee. I feel confident the present markup of a postal bill will result in sound, workable postal progress.

My hope today is that carping critics

of the Post Office will be silent long enough to join with the Post Office Committee in effectuating a constructive postal reform bill—a bill in which this House will take great pride.

THE DUES OF COAL MINERS ARE BEING PLUNDERED BY PRESENT LEADERSHIP OF THEIR OWN UNION

(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, a suit was filed today in the U.S. District Court for the District of Columbia on behalf of the coal miners of this Nation, and against the plundering and squandering of their own funds by the present leadership of the United Mine Workers of America. It is appalling to read in all its sordid details the extent to which the present leadership of this union has misused both the funds and power of an organization which should be representing the coal miners. Instead, the workers in this most hazardous occupation in the world find themselves unprotected and unrepresented, with their leaders using the very dues which are collected for the benefit of a select few at the top.

The full text of the brief filed in the U.S. district court follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Joseph A. Yablonski, Clarksville, Pa.; Karl Kafton, Cameron, W. Va.; Richard Weaver, Maidsville, W. Va.; John Wnek, Moundsville, W. Va.; Harry Elmer Brown, Delbarton, W. Va.; P. G. Gillespie, Cassville, W. Va.; Harry Patrick, Fairview, W. Va.; Arthur Nelms, Powhatan Point, Ohio; George R. Thomas, Cassville, W. Va.; Mike Trbovich, Clarksville, Pa.; Joseph Daniels, Bentleyville, Pa., and Marion Pelligrini, individually and on behalf of United Mine Workers of America and its members, Canonsburg, Pa., Plaintiffs, *v.* United Mine Workers of America, W. A. ("Tony") Boyle, individually and as international president thereof, George J. Titler, individually and as international vice president thereof, and John Owens, individually and as secretary-treasurer thereof, Washington, D.C., Defendants.

COMPLAINT FOR ACCOUNTING, RESTITUTION AND DAMAGES FOR VIOLATION OF 29 U.S.C. § 501

1. This is an action for an accounting, restitution, and damages. Jurisdiction is founded on the District of Columbia Code, §§ 11–521 (1967 ed.) and on 29 U.S.C. Sections 185, and 501(a) and (b), and on 28 U.S.C. Section 1331. The matter in controversy exceeds the sum or value of $10,000, exclusive of interests and costs.

2. Plaintiffs, Joseph A. Yablonski, Karl Kafton, Richard Weaver, John Wnek, Harry Elmer Brown, P. G. Gillespie, Harry Patrick, Arthur Nelms, George R. Thomas, Mike Trbovich, Joseph Daniels, and Marion Pelligrini, are individuals and members in good standing of the United Mine Workers of America (hereinafter sometimes referred to as "UMWA"). They bring this action on their own behalf, on behalf of the UMWA and on behalf of all other members of UMWA, all of whom have a joint and common interest in the subject matter thereof.

3. Plaintiffs are suing individually, and also as representatives of all UMWA members in whose welfare and interest it is to obtain an accounting, restitution and all other relief required to devote UMWA funds and property exclusively to the welfare and interest of the general UMWA membership. The number in this class is about 200,000 and they reside and work throughout the United States and Canada so that it is impracticable to bring them all before this Court. Plaintiffs assure the adequate representation of all. This is, therefore, a proper class action under Rule 23 of the Federal Rules of Civil Procedure.

4. Defendant, United Mine Workers of America, whose principal office is located in Washington, D.C., is a labor organization within the meaning of Section 3(i) and (j) of the Labor-Management Reporting and Disclosure Act of 1959 (hereinafter sometimes referred to as "LMRDA") (29 U.S.C. 402(i) and (j)). Although UMWA is named as a defendant, this action is brought in its behalf and in behalf of all its members as a group.

5. Defendant, W. A. ("Tony") Boyle, is currently the International President of UMWA, a position he has held since January 1963. Before that time, from April 1960 to January 1963 he served as International Vice President. As International President and Vice President, Boyle was at all times referred to herein an officer within the meaning of the Act. He is complained about in his official capacities and individually. The duties and powers of the International President are set forth in Article IX of the UMWA Constitution.

6. Defendant George J. Titler, currently the International Vice President of UMWA, has held this post since January 1966. He is complained of as International Vice President and individually. The duties of the Vice President are set forth in Article IX of the UMWA Constitution.

7. Defendant John Owens, the International Secretary-Treasurer of UMWA was at all times referred to herein an officer within the meaning of the Act, having held this post for 21 years. The duties of the Secretary-Treasurer are set forth in Article IX of the UMWA Constitution.

8. The individual defendants (hereafter sometimes referred to as the "International officers") have occupied and now occupy positions of trust in relation to UMWA and its members individually and as a group. Said UMWA officers owed to plaintiffs and to UMWA fiduciary duties, including the duty to expend UMWA funds solely for the benefit of the organization and its members and in accordance with the UMWA Constitution. The funds and property of UMWA, including monies contributed by the members in the form of dues and other payments, were and are in the custody of defendants solely in their fiduciary capacity.

9. Section 501 of LMRDA (29 U.S.C. 501) reads:

"(a) The officers, agents, shop stewards and other representatives of a labor organization occupy positions of trust in relation to such organization and its members as a group. It is, therefore, the duty of each such person, taking into account the special problems and functions of a labor organization, to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws and any resolutions of the governing bodies adopted thereunder, to refrain from dealing with such organization as an adverse party in any matter connected with his duties and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization . . ."

Plaintiffs allege that the individual defendants have violated the fiduciary duties set forth in Section 501(a) of the Act. More particularly, they are charged herein with, in conflict with the interests of the UMWA and its members: (a) surrendering nine million dollars of UMWA assets, unjustified by any claim of union benefit; (b) misappropriating and misusing union funds for their own personal gain; (c) expending vast sums from the union treasury for their own self-aggrandizement; (d) diverting union funds, property, and resources to reduce the strength of their internal opposition and increase their own power within the union; (e) diverting union funds and resources to advance their 1969 reelection efforts; and (f) failure to account for and pay over to the union outside funds.

A. DEFENDANTS HAVE SURRENDERED 9 MILLION DOLLARS OF UMWA ASSETS, UNJUSTIFIED BY ANY CLAIM OF UNION BENEFITS, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

10. Defendants have surrendered millions of dollars of UMWA assets, unjustified by any claim of union benefit, in conflict with the interests of UMWA and its membership. At the end of 1962, the value of UMWA investments totaled $30,753,023. From January 1963 through December 1968 the International Officers added from union revenues $1,346,477 in new UMWA investments. But the total value of UMWA investments during this period of time, a financial boom period, declined to $24,574,519. This loss of over seven and a half million dollars in six years has not been justified by defendants by any claim of union benefit or interest, and constitutes either grossly reckless conduct by them or misappropriation of union assets for unauthorized purposes.

11. In the fiscal year ended December 31, 1968, the UMWA had an outstanding loan to Lewmurken, Inc., of $1,451,104. Lewmurken, Inc., incorporated in Delaware, has its principal place of business at 900 Fifteenth Street, N.W., Washington, D.C., the UMWA principal headquarters. Lewmurken's major asset is ownership of approximately 30% of the stock of Rocky Mountain Fuel Co., a New Jersey corporation located in Denver, Colorado, once owned by Miss Josephine Roche, a trustee of the UMWA Welfare and Retirement Fund. Rocky Mountain Fuel Company went into receivership in 1942, the year Lewmurken came into existence, and the 1968 value of this 30% ownership was only $146,906. Consequently, there is little chance that the loan will ever be repaid. The investment is unjustified by any union purpose. The loan to Lewmurken is purportedly for the purpose of "Business investment and to enhance employment opportunities of union members" and payment of this loan is to be "on demand" (BLMR File No. 000063). Lewmurken has an outstanding loan to Freeport Coal Company of Morgantown, West Virginia. Recently, the land owned by Freeport Coal Company has been leased to Kingwood Mining Co., a non-union coal mining operation. The UMWA, therefore, has an equitable interest in a non-union operation, in conflict with the interests of the UMWA and its membership.

B. DEFENDANTS HAVE MISAPPROPRIATED AND MISUSED UNION FUNDS FOR THEIR OWN PERSONAL GAIN, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERS

12. The International officers have made a number of unexplained grants, loans, and expenditures of union money. Thus for example in 1967, union attorney Harrison Combs received a grant for $5,000 and union attorney Willard P. Owens, son of defendant Owens, recevied one for $10,000. And in 1965, without explanation, the union loaned one "John E. Kusik" $39,862. The defendants, moreover, have since 1963 received over $21,000 in contingent fund advances and in 1963 expended $10,000 for "incidental expenses". They have

not accounted for these grants, loans, advances and expenses or given any justfication therefor.

13. The defendants have used, and continue to use, attorneys on the payroll of the UMWA to defend themselves against justified charges of misuse of union funds and violation of federal law, in clear breach of their fiduciary duty to the union and its members. They have also hired highly-paid outside lawyers to defend them on justified charges of breaches of trust and violations of law and have paid and are paying them substantial fees from UMWA funds.

14. Defendant officers have raided the UMWA treasury to provide themselves with lavish personal benefits unauthorized by the UMWA membership and in conflict with the interests of UMWA and its membership. Thus, for example, from January 1963 to December 1968, the UMWA has paid $68,894 to the Sheraton-Carlton Hotel in Washington, D.C., to provide Secretary-Treasurer Owens with an expensive two-room suite in which he resides. International officers are regularly furnished with Cadillac automobiles paid for by the union and with special accounts with which they charge the union for their personal expenses. And they have made gifts out of UMWA funds to institutions in their home states to enhance their personal prestige.

15. Defendant officers have, without authorization, diverted funds from the union's treasury to provide themselves with an eilte pension plan which guarantees their retirement at full pay, without any contribution whatsoever by the officers, and have thus unlawfully enriched themselves at the expense of the union. Prior to 1959, International officers' pensions were paid out of general revenues according to an established scale. In 1960, this pension plan was incorporated into an irrevocable trust to comply with the Welfare Pension Act. Paragraph 10 of this trust includes a provision that those who have served as International officers for more than 10 years are to receive their full salary on retirement. To fund this giveaway, $850,000 of UMWA funds was deposited in a special "Agency Account". In about 1963 or 1964 the Internal Revenue Service ruled this pension was discriminatory.

Subsequently paragraph 10 was amended, and the special provision relating to International officers was deleted. At this same time, a new elite pension plan was created for "Resident International Officers" for which President Boyle, Secretary-Treasurer Owens and ex-President Lewis alone qualified. To fund this, an additional $650,000 was transferred from the UMWA treasury to the Agency Account from the union's treasury without any authorization from the membership. The elite pension fund was created clandestinely and has been kept secret from not only the members, but from the International Executive Board, the union's highest ruling body, as well. By means of this plan, the International officers have diverted some $1,500,000 from the union's funds into a special "Agency Account" in substantial part for their own pecuniary benefit, in conflict with the interests of UMWA and its membership.

16. The international officers have added to the UMWA payroll with their own relatives who receive exorbitant salaries and expense allowances from UMWA and who perform services for UMWA, if any, that do not remotely measure up to their compensation. Thus, for example, President Boyle's daughter, Antoinette Boyle, has received from UMWA $190,867.03 in salary and expenses from January 1963 through December 1968. During this same period of time, President Boyle's brother, R. J. Boyle, received $186,156.27 from UMWA. Miss Boyle, listed as an attorney, presently receives a salary of $40,000 plus expenses, a salary equal to that of the Vice President of the union. Even the salary paid the General Counsel of the union does not exceed that paid Miss Boyle. Purportedly, Miss Boyle receives this salary for work done in the Billings, Montana, UMWA office. But there is little coal mining in this area—some 250 active coal miners and less than 700 pensioners—and there is no organizing going on. There is, therefore, only the rarest, if any, need for legal advice of work.

Secretary-Treasurer Owens has likewise added relatives to the UMWA payroll whose services do not remotely measure up to their compensation. Thus his son, Ronald Owens, the appointed Secretary-Treasurer of District 6, receives about $8,000 more in salary than his highest paid counterpart in any other district; and his son, Willard, a UMWA attorney, earns as much as the union's General Counsel. Furthermore, the International President has raised the salary of these and other employees and made grants of additional salaries to them without prior approval or subsequent ratification of the International Executive Board as required by Article X, Section 2 of the UMWA Constitution. In fact, the minutes of the International Executive Board reflect that no reports of these actions were ever made to the International Executive Board for approval. These practices of defendant International officers of UMWA drain the union's treasury for the personal and pecuniary benefit of these officers and their families, and is in conflict with the interests of UMWA and its members.

C. DEFENDANT OFFICERS HAVE EXPENDED VAST SUMS FROM THE UNION TREASURY FOR THEIR OWN SELF-AGGRANDIZEMENT, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

17. The International officers have used the funds of the UMWA for their own self-aggrandizement, contrary to the best interests of the union and its membership. From January 1963 to December 1968, $93,375.70 was expended from the union's treasury to pay for photographs of defendant officers. This does not include the photographs purchased for use in the UMW Journal. During this same period of time, $25,000 of UMWA funds were used to purchase portraits of these officers. This money was used to glorify the officers, not to benefit the organization or its members.

18. In connection with the 1964 and 1968 conventions of the UMWA, the International officers expended vast sums of money from the union's treasury for their own glorification. For example, they spent over one hundred thousand dollars for "Boyle" lighters, pens, gavels and clocks which were distributed to delegates to the 1968 convention. Nor was any reasonable check made on expenditures for the Conventions, and members' money was wastefully squandered in other ways which directly benefited the incumbent officers. For the 1964 convention, over $390,000 was paid to bands invited to the convention; in 1968 almost $200,000 was spent for this purpose. In addition to providing music, these bands led Boyle-boosting delegations through the aisles of the convention halls, carrying professionally prepared Boyle placards.

D. DEFENDANTS HAVE DIVERTED UNION FUNDS, PROPERTY, AND RESOURCES TO REDUCE THE STRENGTH OF THEIR INTERNAL OPPOSITION AND INCREASE THEIR POWER WITHIN THE UNION, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

19. Prior to defendant Boyle's presidency, UMWA conventions were held near the geographic center of the coal mining regions to minimize transportation costs of delegates and to permit maximum participation of UMWA locals. Upon his taking control of the union, and to prevent militant working locals opposed to him from sending delegates to conventions, Boyle held the conventions out of the coal mining areas, in Bal Harbour, Florida and Denver, Colorado, at a tremendous increase in cost to the union. Thus, in 1960 when the convention was held in Cincinnati, Ohio, the UMWA paid a total of $89,505.20 to the Districts for delegates' transportation costs.

In 1964, when the convention was held in Florida, UMWA disbursements to the districts for transportation totaled $140,338. Transportation costs for the 1968 Denver convention totaled a record breaking $338,583. Moreover, in 1964 and 1968 these disbursements for transportation were made in cash; no adequate records were kept of disbursements, and many Boyle supporters were paid as many as two or three times. Salaries and expenses of delegates on the various convention committees were, moreover, grossly excessive. In 1968, for example, the 39-member Appeals and Grievances Committee received $40,800.00 in salaries and expenses, despite the fact that there were *no* appeals and grievances. In 1960, before Boyle's presidency, only $139,765 was spent for convention committee salaries and expenses. In 1964 that figure rose to $639,782.00 and in 1968 $391,200.00 of union funds were expended for this purpose. Boyle handpicks men for these plush committee assignments to reward them at union expense for their support.

20. The International officers have "loaned" excessive sums from UMWA funds to Districts 19 and 28 to assure their own political control of these districts and of the union, in conflict with the interests of the union and its membership. From January 1963 to December 1968, defendants authorized $3,702,159 to District 19 and $1,828,498 to District 28. These loans are excessive in terms of the size and needs of these districts, but they have permitted the funneling of union money under the heading of "organization expenses" to political supporters of the defendants. Loans of a similar nature and for a similar purpose have been made to other Districts.

21. By manipulating loans and convention expense money to districts, moreover, the defendants "stacked" the 1964 and 1968 conventions in their favor. For District 17, the largest UMWA district and a self-sustaining entity, less than $29,000 was spent for the 1968 convention, $3,397 of which came from the District's own resources. By contrast, almost $90,000 was spent in 1968 for "convention expenses", for District 19, which has about one-tenth the working membership of District 17, is not self-sustaining, and has received loans of over $3,702,000 in the past six years. Over $11,000 of this came directly from the International, the remainder from money previously "loaned" to it by the International. Looking at it from another viewpoint, the union spent over $965.00 for each delegate from District 19, but only $156.00 for each District 17 delegate. This policy of manipulating loan and expense money has benefited the defendants. The 1964 convention, for example, was completely dominated by a large group of white-hatted delegates, all from District 19 who seized the floor of the convention and the microphones to assure Boyle's complete control. Furthermore, the cost of sending delegates to the convention in Denver, Colorado and Bal Harbour, Florida, was prohibitively high for many locals and districts. The International paid their expenses—but as the figures above show—it did so selectively, to insure control of the conventions by the defendant officers. Additionally, many locals which could not afford to send delegates to the conventions were threatened with fines unless they turned their credentials over to Boyle supporters not members of those locals.

22. To assure their continued domination and control of the union, the International

officers have allowed over 600 "bogey" local unions—locals with less than the 10 working members required by Article XIV of the UMWA Constitution for the maintenance of a local union—to remain in existence. The vast majority of these locals and their funds are directly controlled by the International officers and those working for them. At the 1964 and 1968 Conventions these bogey locals were used by the International officers to assure their control over the union. "Delegates" from these locals to the Convention were, in fact, men handpicked by the incumbents. Not only is the continued existence of these locals in violation of the union's Constitution, but it results in increased administrative costs to the union as well. Moreover, these locals receive over $100,000 every year in dues, and the money in their combined treasuries totals several million dollars. If these locals were, as they should be, disbanded, the members would transfer to active locals and the money in the defunct local treasuries would revert to the UMWA. Failure to disband these approximately 600 locals has given the International officers unlimited control over substantial sums of money which need not be—and, in fact, are not—reported under LMRDA. There is also no reliable internal union auditing of the money in these locals' treasuries since the International auditors work directly under and for defendant Boyle.

23. Defendants have caused and permitted the wholesale buying of political support with union funds. Principally this is done by adding men to the union payroll. Through sham designations, union money has been spent to hire Boyle campaigners and to present and promote Boyle campaign rallies. Thousands of dollars from the treasuries of the International, the Districts, the Local Unions, and the Welfare Fund have been used to pad the union payroll with "coal dust committeemen", "checkers", "organizers", and temporary staff members who are, in fact, campaigning for the incumbent President, Boyle, in his 1969 reelection bid. Since most of these men receive under $10,000 a year each, the union need not, and does not list them as employees in federal reports. Nor are they listed in the International Auditors' Reports. Moreover, union money is likewise used to buy off dissidents. In 1966, for example, Joe Ladesic announced he would run for Secretary-Treasurer of District 5 against John Seddon, an ardent Boyle supporter. After Ladesic received backing from an overwhelming number of locals, he declined the nomination and was immediately added to the District's payroll. Since that time he has been paid well over $60,000 from the union's coffers. His decision to decline the nomination was clearly motivated by the promise of well-paid employment by the union. In District 5 and in other districts as well potential dissidents and reformers are regularly bought off by full or part-time employment on the union payroll. This practice costs UMWA hundreds of thousands of dollars, buys political support for the International officers, and is not in the interests of UMWA or its members.

24. The International officers have maintained most of the UMWA Districts in trusteeship in violation of law at great cost to the UMWA and its membership in money and in democratic rights. They have squandered large sums of union funds in defending the Government's suit to end the trusteeships, all for their private benefit.

25. In past elections, International officers have condoned and permitted union money to be spent to deprive members of their right to an honest election under the UMWA Constitution and LMRDA. For example, in 1964 Robert Gordon, a paid International representative, was observed stuffing a ballot box for Boyle and local officers have been paid to vote members by proxy in violation of the UMWA Constitution and to alter tally sheets.

26. Defendants have used union funds in efforts to cover up and justify their misdeeds. Thus, they have expended union assets to blunt criticism of their misdeeds, by attacking safety-crusader Ralph Nader, Representative Ken Hechler and others for their criticisms of defendants' policies, including their failure to support adequate mine safety legislation. For example, in May, 1969, Mr. Boyle, using UMWA personnel, sought to persuade Miss Josephine Roche to forge John L. Lewis' signature to a document defending the Boyle policies and attacking Mr. Nader.

E. DEFENDANTS HAVE DIVERTED UNION FUNDS AND RESOURCES TO ADVANCE THEIR 1969 EFFORTS TOWARDS REELECTION, IN CONFLICT WITH THE INTERESTS OF UMWA AND ITS MEMBERSHIP

27. In the nomination stage of the election for International officers scheduled for December 9, 1969, representatives paid by the International blocked secret ballot voting, the use of observers, the mailing in of nominations, and broke up rallies for Yablonski all to the personal benefit of defendants. Illustrative of the practice of using representatives paid by the International to deprive members of their constitutional and statutory rights to a fair election is the following incident. On June 29, 1969, a rally of Mr. Yablonski's supporters at Shenandoah, Pennsylvania, was broken up by paid appointed employees of the UMWA—International representatives Bobby Overa and John Karlavage—who paraded up and down the aisles of the meeting hall heckling the speakers. Karlavage gestured at the crowd with a clenched fist, ordering them to leave the rally. Accompanying Karlavage and Overa were 50 "pickets" paid $20 each and organized by Karlavage. Karlavage is also the President of the Shenandoah Borough Council; he had tried to convince the school board secretary to lock out the meeting. Although unsuccessful he managed to deter the town police from giving the meeting requested police protection.

28. In connection with the December 9 election, defendant International officers further breached their fiduciary duty in violation of Section 501 of LMRDA by utilizing the UMW *Journal* as a campaign instrument for incumbent President Boyle (D.C.D.C. Civil Action No. 2413–69, affirmed Nov. 28, 1969, C.A.D.C. Nos. 23,536, 23,659).

29. UMW *Journal* staff and operating funds were, moreover, used by the International officers in 1969 to prepare a vehemently anti-Yablonski scandal sheet entitled "Election Bulletin". This "Election Bulletin" was then distributed through district offices by district personnel to UMWA members. Use of union-paid personnel and funds for such blatant partisan purposes is a clear breach of the International officers' fiduciary duty.

30. On October 27, 1969, on *Journal* stationery and at union expense, a barely disguished anti-Yablonski release, which distorted Yablonski's contentions about pensioner voting rights, was distributed to newspaper editors throughout the country. Use of union money and personnel to prepare and distribute this release and other campaign material and otherwise to promote the incumbents' reelection was in clear breach of the officers' fiduciary duty.

31. Defendant officers have utilized union funds and personnel in 1969 to publicize and promote mine safety meetings which are actually no more than campaign rallies to promote their reelection.

32. District organizations have been used in 1969 as ready-made, union-paid campaign committees for the incumbent officers. In District 30, for example, the Committee for the Re-Election of our International officers operates out of the district headquarters in Pikeville, Kentucky. The chairman of the Committee has a salary of $11,130 as a district representative, the secretary of the committee is the secretary to the district president. In other districts as well, officers, staff members and district facilities have been utilized in a full time effort to support the incumbents' reelection campaign. These districts have mailed at district expense the "Election Bulletin" (see paragraph 29) to all union members. District 29 and other districts' funds were used directly to sponsor rallies for the incumbents and to publish rally programs. Indeed, Boyle's campaign itinerary directs District officials to set up such rallies for Boyle and visits to local mines. All of this is done at union expense.

33. Sham loans have been made to districts to finance defendants' 1969 election campaign. In February 1969, President Boyle held a series of conversations with presidents of various districts during which he told each of them to request a loan from the Washington headquarters to their districts in order to finance Boyle's reelection campaign. Subsequently, UMWA International officers have written checks to these districts for more than a million and a half dollars in loans to complete these arrangements. The funds so loaned are converted to cash by various devices in the districts and used in Boyle's campaign.

34. Union funds and promises of jobs on the union payroll have been used at defendants' direction to recruit men to support and campaign for the defendant officers. For example, Carson Hibbitts, President and Secretary-Treasurer of Districts 28 and 30 and International Executive Board Member of District 28, who holds these positions by appointment of President Boyle, paid Albert Matney, Perry Fuller and Ray Hutchinson to attend meetings in Washington, D.C., and Pittsburgh, Pennsylvania, with money from the District 28 treasury. The delegation was told by Ray Thornbury, a paid International representative, to return to their local unions and campaign for Boyle. Additionally, Thornbury told Hutchinson that if he would support the union's "present policy" he would, in the near future, be rewarded with a job with the union. Use of union funds to recruit campaign workers is in clear violation of the incumbent officers' fiduciary duty. The same Carson Hibbitts with the knowledge and assent of defendant officers is using UMWA funds to prevent a local union at Vansant, Virginia, from having the right to elect local officers who do not favor him and Boyle.

35. In less direct ways, too, defendants have spent union funds to buy Boyle campaign workers. On October 23, 1969, for example, the International paid 500 miners $60 a piece to come to Washington to "lobby" for the safety legislation then pending in Congress. The thirty thousand dollars spent in this venture was to promote the candidacy of the incumbent officers, not to assist in the passage of the coal mine health and safety bill. At no time was the union's chief lobbyist, Joseph A. Yablonski, acting director of Labor's Non-Partisan League, told of the plan to bring the "lobbyists" to Washington, nor was he ever given an opportunity to coordinate their efforts. In fact, the bill, which passed the House on October 29 by 389–4 and the Senate by a 73–0 roll call vote on October 2, was assured of passage long before these "lobbyists" appeared in Washington. Indeed, these "lobbyists" acted contrary to the best interests of the union, deriding Congressmen who fought for this safety legislation but who had opposed Boyle's reelection. This was an obvious junket for Boyle supporters paid out of union funds in breach of the International officers' fiduciary duty to the UMWA membership. Junkets each as this have been used frequently

to enlist Boyle supporters at a cost to the union of more than $100,000 a year.

36. In an effort to prevent a fair and honest election on December 9, 1969, the defendant officers incurred additional costs in the printing of official ballots. Thus, they authorized the printing of an excessive number of ballots, including 51,000 which were not mailed to the locals but were delivered directly to defendants at the union's headquarters. Their explanation for these extra ballots—that some ballots might get lost in the mail—is not entitled to belief, in view of Secretary-Treasurer Owens' admission that he could not recall any complaints of lost ballots in the previous election for International officers. Furthermore, in an attempt to defeat the jurisdiction of the U.S. District Court (C.A. 3061–69), the defendant International officers authorized the printing of the ballots, tally and return sheets at a higher, overtime rate. The authorization of printing a grossly excessive number of ballots at a higher rate than normal was given to assist the incumbent International officers, at the expense of the union and its membership.

37. To prevent a fair election, the defendant International officers have failed to perform their statutory duties and have thus caused the union to incur substantial additional expense. Section 401(c) of LMRDA requires the union to maintain a current membership list at their principal headquarters for inspection by bona fide candidates for offices in the union. In a proceeding in the U.S. District Court (C.A. 3061–69), Secretary-Treasurer Owens admitted that he had failed to comply with the law in this respect. Because of this failure, the union was required to spend large sums to compile a membership list on an expedited basis. Lists exist in each District office, according to Owens; had the officers requested copies of these lists in advance of their fair election lawsuit—as required by law—the cost of compiling a membership list would have been substantially lower.

F. DEFENDANT BOYLE HAS FAILED TO ACCOUNT FOR AND PAY OVER TO THE UNION OUTSIDE FUNDS RECEIVED BY VIRTUE OF HIS UMWA POSITION, IN CONFLICT WITH THE INTERESTS OF THE UMWA AND ITS MEMBERS

38. Annually, defendant Boyle and the union's General Counsel, Edward Carey, receive substantial remuneration from the National Bank of Washington for sitting on its Board of Directors. The UMWA owns 75 percent of the National Bank, and Boyle sits on the Board of Directors solely by virtue of his position in the union. In conflict with his fiduciary duties, however, he has not accounted to the union for these funds nor paid over these sums to the union treasury. Furthermore, he has made no effort to collect such sums from Carey for the union.

G. GENERAL ALLEGATIONS AND RELIEF

39. By reason of the foregoing acts and omissions of the defandants, they have violated the several duties prescribed in 29 U.S.C. 501(a), and, specifically, they have failed to hold the UMWA's money and property solely for the benefit of the UMWA and its members; they have failed to manage, invest, and expend the UMWA's money in accordance with its Constitution and By-laws; they have dealt with the UMWA as adverse parties or in behalf of adverse parties; they have held pecuniary or personal interests in conflict with the interests of the UMWA; and they have failed to account to the UMWA for outside funds received in connection with activities conducted by them on behalf of the UMWA. By reason of these violations of 29 U.S.C. 501 by the defendants, they have misappropriated and diverted many millions of dollars of UMWA assets to the detriment and harm of the union and its members.

40. There is no adequate remedy for the offenses complained of at law. Only judicial relief in the equitable form can provide such a remedy. It would be futile or worse to delay relief against defendants pending further efforts to obtain relief within the context of the UMWA Constitution. Indeed, the International Executive Board, in which power to entertain charges against defendant International officers is vested, is under the complete control and domination of defendant Boyle as International President.

41. On November 18, 1969, plaintiff Yablonski forwarded a letter to the individual defendants and to the members of the UMWA International Executive Board, requesting them to bring action against the individual defendants with respect to the matters asserted in paragraphs 10 through 38 of this Complaint. By letter dated November 25, 1969, defendants refused to take prompt action, despite the gravity of the misconduct involved, to obtain redress for the union and its members and to prevent further irreparable injury.

42. On November 26, 1969, the Department of Labor, as a result of its independent investigation of the conduct of defendants herein, issued a "Summary Report of Financial Investigation" of the UMWA, detailing many violations of 29 U.S.C. 501 by defendants which are encompassed in this Complaint. The Department of Labor transmitted its report to the Department of Justice for prosecution or other appropriate action.

Wherefore, the plaintiffs, Joseph A. Yablonski, Karl Kafton, Richard Weaver, John Wnek, Harry Elmer Brown, P. G. Gillespie, Harry Patrick, Arthur Nelms, George R. Thomas, Mike Trbovich, Joseph Daniels, and Marion Pelligrini, respectfully pray that this Court

1. Require defendants Boyle, Titler and Owens to account for all their relevant expenditures and receipts.

2. Require defendants Boyle, Titler and Owens to return all sums they misappropriated from the UMWA treasury for their own benefit.

3. Award damages as follows:

(A) To the United Mine Workers of America as against defendants Boyle, Titler and Owens, such sums as shall compensate the UMWA for damages sustained as a result of the defendants' violations of law established in this action;

(B) To the individual plaintiffs as against all defendants, such attorneys' fees, and costs and expenses incurred by plaintiffs in the prosecution of this action, as the Court deems reasonable.

4. Grant such other and further relief as may be necessary and appropriate.

Joseph L. Rauh, Jr., John Silard, Elliott C. Lichtman, Clarice R. Feldman, Rauh and Silard, 1001 Connecticut Avenue, NW., Washington, D.C., Attorneys for Plaintiffs.

CONSERVATION OF NATURAL RESOURCES

(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, several weeks ago in the Capitol I had the pleasure of meeting a young man from Stoneham, Mass., who is in the seventh grade. John F. "Jack" Cullinan is not only an outstanding student but also is well informed on the activities of the Congress, international affairs, and domestic issues. Recently he received his Conservation of Natural Resources Merit Badge in scouting. His paper "Conservation of Natural Resources," which received recognition in his local newspaper, merits serious thought by everyone who is interested in the preservation of our environment.

The paper follows:

CONSERVATION OF NATURAL RESOURCES

(Paper of John F. "Jack" Cullinan)

Conservation of our valuable natural resources is everyone's problem. Without a public awakening to the problem of conservation and wise conservation practices, there could be a shortage of forest, clean air and water, and certain species of wildlife could become extinct.

Our large and growing urban centers will require more room for an exploding population. Our farms which raise the food for an urban society must learn to grow more on less land. We must learn to use our land wisely to the fullest extent.

Every day the giant factories of our industrial nation spew forth tons of toxic waste into the atmosphere. The smog settles over cities like a blanket, smothering the inhabitants. The average citizen of Chicago breathes into his lungs more pollution than someone who smokes two packs of cigarettes a day in the country. Something must be done to clear up this problem soon.

The water of our mighty rivers once pure are now the dumping spots of industrial waste. This filthy water kills fish and other marine life. It is a health menace and an eyesore. These dirty waterways cannot be used for recreation and are a disgrace to nearby communities.

Pesticides and poison such as DDT kill not only insects but upset the balance of nature by affecting birds, plants, fish, and other marine life. The "Silent Spring" predicted by Rachel Carson where all the birds are killed by DDT is not far off. Man must learn to control his environment, but not upset the balance of nature.

What can we, as concerned citizens, do? We can stop using pesticides that are harmful to animals. We can write to our congressman and ask for positive legislation. Strong legislation is needed on state, local, and federal levels. We can help promote better conservation practices where we work.

These are but a few of the conservation problems and their answers that face our nation and the rest of the world. If man does not face the imminent danger impending and stop wasting valuable natural resources soon, it may be too late to turn back the clock. Man has the ability to make this the best generation in the history of the world or make it the last. I believe that if interested citizens take up this challenge, it will be the best generation in the history of the world.

INTOLERABLE QUOTA SYSTEM STRAINS UNITED STATES-CANADA RELATIONS

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, the relationship between the United States and our neighbor to the north, Canada, is unique in the world community. Throughout the entire world there are no two countries more similar in character and national values.

No other countries are the product of such a common heritage and mutual interests which span the entire spectrum of international associations.

Canada and the United States have grown up together. They share the long-

est unguarded international boundry in the world which is dramatically demonstrated by the free flow of ideas in both directions.

Today, Mr. Speaker, that tradition of neighborliness is being threatened. For the first time in our history a barrier is being thrown up. This barrier—an intolerable immigration quota system—is placing a severe strain on the business and political relations between our countries.

This quota, which was established July 1, 1968, allows only 120,000 persons from Western Hemisphere countries to immigrate to the United States in any year. The effect on Canadian immigrants is dramatic. In the first year the number of Canadians coming into the United States has dropped from 30,000 to 16,000.

As a participant of the United States-Canada Interparliamentary meeting last summer, I have seen firsthand the great effectiveness of the formal and informal exchanges of information and views between our administrations, legislatures, and military. Similar exchanges take place continuously between American and Canadian business, labor, academic, and cultural leaders.

Mr. Speaker, today I am pleased to join with the distinguished chairman of the Subcommittee on Immigration and Nationality of the Judiciary Committee (Mr. FEIGHAN), in a bill to substantially revise and update the Immigration and Nationality Act.

In my estimation this measure would eliminate the serious problem affecting our neighbors to the north and end the unfairness in the present law.

The most significant provision of Mr. FEIGHAN's legislation is that it would create a unified worldwide preference system and numerical ceiling.

After a 3-year transition period, a worldwide ceiling of 300,000 would be imposed on both hemispheres. During the transition period, the Eastern and Western Hemispheres would have numerical limitation of 170,000 and 130,000. Each foreign country would have a limitation of 20,000 except Canada and Mexico which would have 35,000.

This measure would allow the traditional interchange between United States and Canadian firms. It would establish a nonimmigrant category to permit executive, managerial, and specialist personnel to enter the United States to assume employment with an international corporation for whom he had previously been employed abroad.

The United States and Canada have traditionally had extremely close social, cultural and economic relations. Canadian and American business firms and industries have operated freely in both countries. Many American firms have subsidiaries or affiliates in Canada and numerous Canadian concerns have established offices or have affiliates here.

Canadian and American corporations have grown accustomed to transferring executive, managerial and specialized technical personnel to and from offices in the other country without regard to the nationality of the individual.

In addition, a large number of workers in both countries are members of binational unions and have taken jobs in the other country while retaining their union membership and seniority rights.

This phenomenon exists as well in fields other than business and industry. For example, the American Medical Association and its Canadian counterpart have reciprocal agreements, which are officially honored, concerning the recognition in the one country of medical degrees conferred by medical schools in the other country.

Canada is the only country in the world with which the United States has such an agreement.

Until July 1, 1968, both Canadian and United States immigration policy were such that no restrictions were placed on this flow of people in either direction. Each country imposed certain qualitative restrictions on immigration but neither imposed a quantitative restriction on immigration from the other. Canadian immigration policy remains today as it has been.

There is no numerical restriction on immigration to Canada from the United States. On the other hand, the imposition by the United States of a numerical limitation on immigration by persons born in independent countries of the Western Hemisphere has had the unintended effect of seriously curtailing immigration to this country from Canada.

Section 21(e) of the act of October 3, 1965, provided that, unless legislation inconsistent therewith were enacted on or before June 30, 1968, a 120,000 per annum ceiling on immigration by persons born in independent countries of the Western Hemisphere would enter into force on July 1, 1968. This was the first time in the history of U.S. immigration policy that a quantitative limitation was imposed on intrahemisphere immigration.

As H.R. 2580, the bill which was to become the act of October 3, 1965, was reported to the House of Representatives, it did not contain a Western Hemisphere immigration limitation. However, the Senate amended the bill to include section 1 which, in addition to establishing the numerical limitation, provided for a Select Commission to study Western Hemisphere immigration. The conferees approved the Senate amendment and the bill was passed by both Houses in its amended form.

The Select Commission recommended that the imposition of the Western Hemisphere ceiling be postponed for 1 year to allow further study of the effect of the labor certification procedure on Western Hemisphere immigration.

The State Department representative on the Commission expressed his individual views in the report pointing out that the limitation as contained in the act of October 3, 1965, would not permit us to fully satisfy the immigration demand from the Western Hemisphere. In spite of the recommendations of the Select Commission, the Western Hemisphere limitation did enter into force on July 1, 1968, and without an exception for Cuban adjustees.

Unlike the selection system set up under the limitation applicable to immigrants in the Eastern Hemisphere, no preference system was established for Western Hemisphere applicants. Such applicants are processed in the chronological order of their priority date, namely the order in which they become entitled to immigrant status by obtaining a labor certification or establishing that the labor certification requirements do not apply to them. In other words, this is a first come, first served basis.

The demand for immigration from the Western Hemisphere is greater than can be satisfied within the 120,000 limitation. To date, during the current fiscal year visas have been issued only to applicants with a priority date prior to December 15, 1968. Thus as of November 1969, applicants who have been waiting 11 months will be receiving visas. Longer waiting periods may be expected in the future. Although the waiting period is uniform for all Western Hemisphere applicants, the strongest impact has been felt by Canadian immigrants.

During the 5 fiscal years preceding July 1, 1968, Canadian immigration averaged over 31,000 per year, whereas in fiscal year 1969 less than 16,000 immigrant visas were issued to persons born in Canada.

By contrast, about 40,000 visas were issued to persons born in Mexico in fiscal year 1969, which is in line with the average Mexican immigration of about 40,000 in fiscal years 1964 through 1968. The difference in the impact on immigration from these two countries is caused in part by the fact that more Mexican immigrants are able to establish exemption from the labor certification requirements because of relationship to a U.S. citizen or permanent resident.

Also, the pattern of immigration from many Western Hemisphere countries other than Canada has been for the head of the family to proceed to the United States first and bring his family after he has established himself here. Since the spouse and children can take as their priority date for immigration purposes the priority date of the principal applicant, the family members are often able to immigrate ahead of those who have been waiting their turn on the basis of approved labor certifications.

This has resulted in a dramatic change in the countries from which Western Hemisphere immigrants come, as illustrated by the following statistical table:

IMMIGRANT VISAS ISSUED, WESTERN HEMISPHERE

FISCAL YEAR 1964	
Canada	38,604
Mexico	31,324
Cuba	16,088
Colombia	10,090
Dominican Republic	7,206
FISCAL YEAR 1965	
Canada	40,013
Mexico	37,432
Cuba	20,086
Dominican Republic	10,851
Colombia	9,790
FISCAL YEAR 1966	
Mexico	43,630
Canada	25,563
Cuba	17,063
Dominican Republic	16,373
Colombia	8,053

IMMIGRANT VISAS ISSUED, WESTERN HEMISPHERE—Continued

FISCAL YEAR 1967	
Mexico	40,665
Canada	24,712
Dominican Republic	11,717
Jamaica	11,204
Cuba	[1] 8,687
FISCAL YEAR 1968	
Mexico	43,510
Canada	29,536
Jamaica	19,925
Cuba	[2] 15,308
Dominican Republic	9,199
FISCAL YEAR 1969 [3]	
Mexico	42,071
Canada	15,722
Jamaica	15,252
Dominican Republic	10,279
Trinidad	7,442

[1] Does not include 24,762 adjustments.
[2] Does not include 88,542 adjustments.
[3] Does not include Cuba which will total approximately 8,000 including 5,600 adjustments.

Even prior to the enactment of the act of October 3, 1965, the Canadian Government formally indicated its concern that a Western Hemisphere limitation on immigration to the United States would impair the traditionally open border between the United States and Canada.

Since that time the Canadian Government that expressed its serious concern on several occasions, both formally and informally, the difficulties brought about by the imposition of the ceiling on July 1, 1968. Representatives of that government have also indicated that strong pressures may be generated in Canada for reciprocal limitations on entry of U.S. citizens into Canada.

At the June 1969 meeting of the Joint Cabinet Committee on Trade and Economics the Canadian Minister of External Affairs made a strong representation concerning this matter as a result of which a joint working party on immigration was established. The Canadian Government continues to press, through its representatives on the working party, for a prompt solution to this problem.

Mr. Speaker, I have long sought to eliminate the hard and fast application of "foreign residency requirements" for exchange visitors from highly developed and industrial nations.

The personal hardships this creates for the alien, and the economic loss our Nation suffers is not justified in cases where the countries of origin have no more dire need for the alien's skills than we do.

Under this bill, the 2-year foreign residency requirement would be inapplicable to aliens who are from economically developed countries on privately funded programs.

It also allows, fiances and fiancees of U.S. citizens or permanent residents to be eligible for nonimmigrant visas if they intend to marry within 90 days.

In addition, this bill would establish a Board of Visa Appeals to review denials of immigrant visas to relatives of U.S. citizens or permanent resident aliens. Only the U.S. citizens or permanent resident alien could petition before the board.

Mr. Speaker, I urge my colleagues to consider the inequity in our present law and to support this measure, particularly because it would alleviate the general unfairness to Canadians.

I have heard from members of the Canadian Parliament as well as businessmen and workers affected by this quota. It is ironic and unfair that Canadian professionals and such restrictions affect American workers.

I am urging the President and the Secretary of State to do everything possible to end this intolerable situation. I strongly urge my colleagues in the House to join in this effort to lift the barrier blocking the peaceful boundary between the United States and our Canadian neighbors.

I would like to share with my colleagues my letter to the President, letters I have received from members of the Canadian Parliament, and an article from the Toronto, Ontario, Daily Star. They offer strong evidence for support of this measure.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 4, 1969.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During my trip to Canada for the U.S.-Canada Interparliamentary group meeting, a serious problem involving U.S. immigration policies was brought to my attention. The problem of quota restrictions is developing into the first real barrier between our two countries in more than 175 years.

I would like to share with you a letter I received from the Honorable Marcel Lambert, a member of the Canadian Parliament from Alberta Province. He spells out the problem clearly.

The quota system places all persons from the Western Hemisphere applying for landed immigrant status on a first come, first served basis. It completely overlooks the close cultural, business and trading ties which have grown up between our two nations.

Mr. Lambert points out that Canadian firms should have the same privilege to move personnel back and forth at will as do the American firms with operations in both countries.

I would also like to draw your attention to the case of a Canadian school teacher employed by a private school in my district. The problems facing this teacher vividly demonstrate the frustrations our neighbors to the north are facing.

Let me say that I share the feelings of the Honorable Robert N. Thompson, who represents the teacher's home district in the Canadian Parliament. I, too, believe the freest possible exchange, immigration and otherwise, should exist between our countries for the benefit of both.

The relationship between the United States and our neighbor to the north, Canada, is unique in the world community.

We have more formal and informal means of communicating with Canada than with any other country in the world. And these means have been used with great effectiveness to exchange views and information between our administrations, legislatures and the military.

Throughout the entire world there are probably no two countries more similar in character and national values. No other countries are the products of such a common heritage and mutual interests which span the entire spectrum of international association.

Canada and the United States have grown up together. They share the only unguarded international boundary in the world which is dramatically demonstrated by the free flow of ideas in both directions.

However, our rigid immigration quotas are placing a severe strain on this flow of business, people and ideas which has been so beneficial in the past.

As Mr. Lambert says in his letter: "Our business, cultural and trading relations are of such a nature that these new regulations do work some rather peculiar hardships upon Canadians."

As a Congressman from Rochester, New York, I am particularly sensitive to the relationship between our two countries.

I would strongly urge you review these regulations and make every effort to ease this increasingly intolerable situation in a manner beneficial to both countries.

With kindest personal regards, and best wishes for the Holiday Season, I am

Sincerely,

FRANK HORTON.

HOUSE OF COMMONS,
Ottawa, Canada, June 19, 1969.

Hon. FRANK HORTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: My wife and I were sorry to part company with you and your charming wife in Calgary but were so pleased that Jasper and Banff were so pleasant and the trip West had been such a success. We hope that your return to Washington was both pleasant and uneventful.

At various times during the conference in Ottawa and out West, I spoke to you about a problem that has arisen out of United States quota restrictions affecting Canadians who wish to enter the United States as landed immigrants. The detail of the quota regulations is immaterial, except that Canada for the first time is caught by these restrictions. However, our business, cultural and trading relations are of such a nature that these new regulations do work some rather peculiar hardships upon Canadians. It is about these that I am writing.

A large number of Canadian firms have subsidiaries or related companies in the United States. In the normal course of business operations, it is necessary to promote or transfer personnel. Now that the State Department has imposed a first-come first-serve method of dealing with applications for landed immigrant visas—and such a visa is required for any Canadian to work in the United States, even though it is for a Canadian company—the interpretation of the regulations and the volume of applications has caused excessive delays of many months. In fact, at the present time, I am told that applicants in the earlier part of this year were told that their applications might come up for consideration in mid 1970 or later. Many of our banks who operate in New York and other firms just cannot wait for this type of delay. American firms on the contrary are entitled to move their personnel back and forth at will within Canada and we feel that Canadian firms, who are in a similar position in the United States, should also have the same privilege.

There is another feature, particularly in the oil industry, and I think it also may effect a good deal of the secondary manufacturing in Ontario, although I am not so familiar with this aspect of it. In western Canada most of the oil industry is either owned or controlled by American interests. These firms, either of the subsidiary or branch type operation, have been very good in employing Canadians as a great majority of their middle range executive and management personnel. These persons are part of the whole operation and many of them ultimately are promoted or transferred horizontally to either the parent company or to some related operation into the United States. This allows for a free hiring policy and, of course, makes the entry of these firms most welcome in the various industries in which

they operate in Canada. However, now many of these firms cannot transfer Canadians back to the United States within the normal course of their operations unless they are prepared to put up with extensive delays. I have knowledge of a number of cases in which Canadian personnel were advised that they were being transferred to the U.S. and that they were being replaced by a U.S. resident in the normal course of affairs. The Canadian could not move and yet the American citizen was coming up to Canada. If these restrictions continue to apply with regard to Canadians, then I fear that American companies will abandon their very welcome and expected practice of hiring as many Canadians as they can for operations in Canada simply because they will not be able to move them without difficulty beyond Canada. Canadians will have a very limited future within these companies. I don't think that this can be considered as an acceptable state of affairs.

I have queried a number of State Department officers at the consular level and they tell me that their instructions are that these applications must be handled on a strict first-come first-serve basis, with certain minor exceptions. Whether their interpretation is correct or not, I do not know, but I am informed by them that their instructions are that any changes have to come through the legislative process. I am, therefore, drawing this matter to your attention so that it could be looked at. I would appreciate your comments.

Canada has always maintained a free immigration policy with the United States but I must say that I would regret any restrictions imposed upon Canadians to their prejudice and see a pressure build up here in Canada for reciprocal treatment or the institution of an exchange of one for one within the business community. It is my understanding that there has been some informal exchange of views between our respective governments on this subject but I have not been able to elicit any information as to the outcome of such discussions.

I have taken the liberty of writing in a similar vein to a number of your co-delegates both in the Senate and the House of Representatives.

With best personal regards, I remain,

Yours sincerely,

MARCEL LAMBERT.

P.S.—I do not know whether your regulations require landed immigrant status for Canadians who wish to join the American Armed Forces. I am informed at the present time there are some 20,000 Canadians in the U.S. Armed Forces with a great number of these serving in Vietnam or who have served there. It would be rather ironic that Canadians who wish to join the U.S. forces with a view to going to Vietnam or otherwise would have to wait on a first-come first-serve basis while their applications for landed immigrant status were caught up in the present red-tape.

HOUSE OF COMMONS, CANADA,
September 8, 1969.

HON. FRANK HORTON,
U.S. Congress,
Washington, D.C.

DEAR MR. HORTON: I am writing in regard to a constituent, who has a real problem with the U.S. immigration authorities. She has a position, her visa application is completed and in order, yet she cannot enter the United States because of the quota system instituted last year which restricts the number of Canadians entering the U.S.

I find myself really frustrated over this policy, which I think is discriminatory and defeats its own purpose as far as Canada is concerned. I enclose a copy of a letter written to the U.S. Consul-General in Calgary. Could you do anything to help in this case? I think a strong protest should be voiced to the State Department. I believe the freest possible exchange, immigration and otherwise, should exist between our countries for the benefit of both.

I look forward to seeing you sometime, in Ottawa and in Rochester.

Sincerely yours,

ROBERT N. THOMPSON, M.P.

HOUSE OF COMMONS, CANADA,
September 3, 1969.

MR. VALDEMAR N. L. JOHNSON,
Consul-General for United States,
Calgary, Alberta.

DEAR MR. JOHNSON: I bother you again about an immigration case. If she cannot go this fall, she will lose this teaching opportunity. Anything you can do to facilitate the speeding up of her application would be greatly appreciated.

She has a position as teacher, has local labour office clearance at Rochester, N.Y.; and her application has been approved but is awaiting a quota number. In view of school opening, there is urgency in this.

The quota requirement which is now applied to Canada bothers me very much, Mr. Johnson. It seems to me that, in spite of such shortcomings on the part of the Canadian Government involving the admittance of military deserters, it is tragic that the free flow of Canadians and Americans back and forth is interfered with in this way. I cannot understand why the U.S. Government would impose such restrictions on Canadians, although I realize there are employment priorities for its citizens as there are for us in Canada as Canadians. I sense a great resentment among Canadians, particularly in the west, concerning this regulation, which I think does more to harm the good relations between our two countries than it could possibly benefit the U.S. economy.

I would be grateful if you could express my protest to your officials, with the hope that consideration could be given to eliminating this quota system.

Sincerely yours,

ROBERT N. THOMPSON, M.P.

TIGHT U.S. IMMIGRATION QUOTA BRINGS OUTCRY FROM BUSINESS

(By Frank Jones)

OTTAWA.—U.S. consulate offices across Canada are being besieged with complaints from the bigegst names in U.S. and Canadian business because new U.S. immigration regulations have put an effective freeze on Canadian executives beng posted to the U.S.

Nearly every large corporaton has been affected by rules which went into effect July 1 last year and which are preventing U.S. subsidiaries sending Canadian executives into the U.S. for training or promotion and preventing Canadian companies from sending Canadian staff to run U.S. branch operations.

Canadian emigration to the U.S. was down from 29,000 in the year ended June 30, 1968, to 13,800 in the year ended June 30, 1969.

A U.S. embassy official admitted that consulates across Canada have received complaints from such companies as the Bank of Montreal, the Canadian Imperial Bank of Commerce, Massey-Ferguson, Canadian Pacific, Canadan National, Bowater, Alcan Aluminum, Bell Telephone, and The Royal Bank of Canada.

The U.S. companies complaining about the new policy include General Motors, Chrysler Corp., Holiday Inns, Standard Oil, Mobil Oil, Texaco, Gulf, Kraft Foods, Douglas Aircraft, and Union Carbide.

The official told The Star that virtually all airlines operating across the border, whether U.S. or Canadian, have been affected and have complained.

The new law imposes an annual limit of 120,000 immigrants from the whole of the western hemisphere.

The U.S. official here said that the law is being applied "on a first come first served basis, and a lot of applicants from the Caribbean and Mexico got their names in ahead of Canadians."

Executives being posted to the U.S. by U.S. or Canadan firms always needed a labor certificate showing they had a job waiting for them. Prior to the new law coming in they then applied for a visa and were usually granted it without difficulty.

Now they must get the labor certificate and then put their name on a waiting list.

U.S. consulates are warning executives that they will have to wait a year or more now to get permission to enter the U.S.

The matter was regarded as a top priority by a Canadian ministerial mission to Washington in June, and a joint U.S.-Canadian committee was set up to study the matter. It expects to hold its first meeting next month.

Meanwhile, U.S. firms have been active in seeking legislation to correct the matter in Washington. Ten days ago a bill was passed in the Senate which would exempt executives being posted back and forth across the border.

But the bill still has to win the approval of the House of Representatives, and the picture is confused because there are counter proposals originated in the House.

An External Affairs department official here said the policy "has serious implications for the Canadian economy."

Although some Canadians may feel that the severe curtailment of immigration to the U.S. has helped to stop the brain drain, the government is concerned that it will affect the chances for promotion and development of many young Canadians, he said.

In addition to the problem of executive postings, he pointed out that Canadian manufacturers selling equipment in the U.S. have been put at a disadvantage because they cannot send Canadian technicians down to service the machinery.

"This could hurt our export position," said the Canadian official.

Most of those affected by the new law are people who have no intention of giving up their Canadian citizenship, but who are going to the U.S. to work for a limited period, he pointed out.

U.S. and Canadian firms have found that the law is "completely inflexible" and that there is no way of pleading exceptional circumstances to have an executive moved up the list.

Canadian firms faced with long delays in posting people to their U.S. branches are having to extend the terms of the Canadians now working in those branches.

* * * * *

SUMMER INTERN OFFERS EXCELLENT PERSPECTIVE ON POPULATION CRISIS

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

Mr. HORTON. Mr. Speaker, at a time when a landmark White House Conference on Food and Nutrition has raised national discussion of nutritional, welfare, and population problems to the level of front page news; and when the committees of Congress are deliberating the farsighted proposals of the President for improving the Federal approach to these problems, I thought it would be appropriate to share with our colleagues, a paper authored earlier this year by a summer intern in my office.

As a member of the Republican congressional task force on earth resources and population and of the House Subcommittee on Foreign Operations and Government Information, concerned with our overseas efforts in population planning and control, I was fortunate to have as my staff assistant on population problems and programs, a very able young man who is now a senior at Princeton University majoring in biology, Charles J. Harris.

As a concerned and intelligent member of the younger generation, concerned with the future of America, as a member of a Rochester, N.Y., family which has long been associated with agribusiness and nutrition, and as one whose Princeton background in life sciences equipped him for legislative and research work in population problems, Chod Harris came to my office well prepared to work as a summer intern in this area.

At the end of his internship in mid-September, Mr. Harris authored a comprehensive review of the problems of the population explosion and of the solutions needed. Particularly where it discusses current legislative proposals before the Congress, I feel his paper is quite persuasive of the urgency of acting on these proposals.

With your permission, Mr. Speaker, I would like to insert at this point in the RECORD, the full text of "The Population Crisis," by Charles J. Harris:

THE POPULATION CRISIS

(Written by Charles J. Harris for Hon. FRANK HORTON, Member of Congress)

"Next to the pursuit of peace, the really great challenge to the human family is the race between food supply and population increase."

Thus former President Lyndon B. Johnson addressed the nation in his 1967 State of the Union Address. Calling the problem of the world's ever-increasing population our second greatest challenge is no exaggeration. It took mankind from the beginning of time to the year 1800 to reach one billion humans. The second billion took 100 years, and the third was added in only 30. At the current 2 percent increase, the fourth billion will take 15 years! Today's 3.5 billion is expected to double by the year 2000, unless something is done to ease the problem.

Besides the obvious difficulty of feeding that many people, the rapid increase in the world's population has other disadvantages. One very apparent today is the way a country's increase in population can wipe out any economic gains it achieves. If a developing country increases its GNP by 5 percent a year, but its population increases by 6 percent, the per capita income of that country is actually declining. True economic growth requires that GNP increase faster than population.

Another example of the far-reaching effects of overpopulation is the recent battle between Honduras and El Salvador. This dispute had its origins in the demographic problems of the two countries. Nations with high rates of population increase are more likely to suffer political disturbances, caused by the popular dissatisfaction with the poor progress of the country.

The problem is most acute and apparent in the less developed countries of the world. Here in America the triumphs of modern medicine and sanitation techniques have made great strides in reducing the death rate, particularly among children. The same reduction occurred in the more developed countries, but over an extended period of time, thereby allowing the slower changes in social factors such as the age of marriage, number of children wanted by a couple, and even changes in the overall percentage of marriages to reduce the birth rate significantly, in pace with the lowering death rate. In many parts of the world, however, this change is occurring in a very short period of time, instead of over many hundreds of years. The people of these countries do not have time to adjust their birth rate to the changing conditions. Whereas a family formerly had to have 6 or 7 babies so that 2 might survive, now 5 survive, and the population increases at a fantastic rate.

All this is not to say that the more developed countries such as the United States have no population problem. While our situation is perhaps not as immediate as India's, for example, it is by no means unimportant, nor can its solution be indefinitely postponed. At our current, relatively small growth rate of one percent annually, we will add another 100 million people by the year 2000. Even today, 450,000 unwanted babies are born in this country every year. More than 20 percent of our women indicated that their last child was unplanned or unwanted. The economic burden of these unwanted children on the families and the society is incredible.

While the worst effects of our population growth may not be evident for many years, the time to start doing something about it is now. Thousands of children every year die from malnutrition; countless thousands of others suffer brain damage from insufficient protein in the first four years of their lives. Many families in the United States are overburdened with the children they have, but they have no one to turn to for contraceptive supplies, assistance, or even advice. The right to limit one's family to a size one can afford to properly care for is a basic human right, and we must not restrict this right to the rich.

This problem has not gone unrecognized by the leaders of our nation and the world. Former President Truman and the late President Eisenhower (Co-Chairmen of the International Planned Parenthood Federation) and Presidents Kennedy and Johnson were all conscious of the magnitude and urgency of the Population Crisis, as the following quotations illustrate:

"The population explosion has already become one of the most critical world problems of our time and daily grows more serious." (Dwight D. Eisenhower.)

"The magnitude of the problem is staggering. In Latin America, for example, population growth is already threatening to outpace economic growth—and in some parts of the continent standards of living are actually declining." (John F. Kennedy.)

"I will seek new ways to use our knowledge to help deal with the explosion in world population and the growing scarcity in world resources."—Lyndon B. Johnson

On an international level, U Thant, Secretary General of the United Nations, and Robert S. McNamara, President of the World Bank have spoken out on this problem:

"The most urgent conflict confronting the world today is not between nations and ideologies, but between the pace of growth of the human race and the insufficient increase in resources needed to support mankind in peace, prosperity and dignity."—U Thant

"In terms of the gap between rich countries and poor, studies show that more than anything else it is the population explosion which, by holding back the advancement of the poor, is blowing apart the rich and the poor and widening the already dangerous gap between them." (Robert S. McNamara, in his first speech as President of the World Bank.)

President Nixon, on July 18 of this year, delivered the first major address by a United States President devoted exclusively to population control and family planning. The following is a quotation from that address:

"One of the most serious challenges to human destiny in the last third of this century will be the growth of the population."

It is clear that our national and world leaders see and understand the immediate nature and far-reaching effects of the population explosion. Let us now look at what is being done to solve this problem.

First, on the national level, there are two organizations in the Federal government handling family planning research and services, the Department of Health, Education and Welfare, and the Office for Economic Opportunity. In the Office of the Secretary of HEW, there is an Office of Population and Family Planning, which coordinates the Department's programs. The research aspect is handled by the Center for Population Research in the National Institute for Child Health and Human Development, supported by a FY 69 budget of $10 million. The Office of Education supplies sex education materials and training to school systems, with expenditures of about $3 million last year. Most of the $50 million HEW is spending on family planning in FY 69, however, goes directly to services offered by the Social and Rehabilitation Service to underprivileged women in clinics and centers throughout the country. About 850,000 of the over 5 million women wanting this service benefit from the program, which supplies information, expert advice, and contraceptive devices. In all, there are 52 full time employees in HEW concerned with population problems.

OEO helps develop new family planning centers and supports those already started, with its FY 69 budget of $13 million. Both HEW and OEO make extensive use of the Planned Parenthood Federation to supply the knowledge and volunteers to run the centers.

Federal assistance to population control on the international level is handled by the State Department, through the AID program, and more specifically the Population Service of the War on Hunger. In AID's FY 69 budget, $50 million (up from $35 million the previous year) was directly earmarked for population programs by Congress. In spite of a 1967 directive giving population control programs "highest priority" in AID, there are still only 79 persons working full time on this issue in the State Department.

AID helps individual countries develop population control programs, and supplies training and equipment for the projects. It also contributes to the United Nations Population Fund. Federally sponsored research is divided among three agencies: the Population Research Center in NICHD, the National Institutes of Health, and AID, with a total Federal commitment of about $35 million last year.

The United States has also supported the United Nations Population Fund, contributing about 80% of the $1.5 million that make up the fund. In 1966 the UN General Assembly unanimously passed a resolution describing population as one of the major problems facing the world, and pledging the services and organization of the United Nations toward the problem's solution. More recently, a National Policy Panel of the UN Association of the US, headed by John D. Rockefeller, III, recommended to the Secretary General that a Population Commission be established by the UN, and that the Population Fund be increased to $100 million over the next three years.

Two significant bills have been introduced in this Congress on the population problem. The first was in response to President Nixon's message to Congress of July 18, in which he recommended the establishment of a

Commission on Population and the American Future. The Senate Committee on Government Operations has held hearings on an identical Senate bill. The second bill is designed to provide better coordination within the Federal Government in population matters, and increase funding for research and services over a five year period.

The House Republican Task Force on Earth Resources and Population conducted hearings throughout the summer, receiving testimony from many expert witnesses. Also, the Foreign Operations Subcommittee of the Government Operations Committee held hearings on a bill to establish Assistant Secretaries of Population in the Department of State and HEW.

In considering plans for future actions, two aspects must be separated: the immediate remedies and the longer range proposals. In the first category, the Presidential Commission is of prime importance. Besides offering a unified plan for Federal action, it will bring the problem to the attention of the American people, who ultimately must provide the force behind the movement for positive action. Individual Congressmen should carry this message to their constituents, informing them of the urgency and magnitude of the population crisis.

Earmarking funds in Departmental budgets is a simple and direct means of both financial and political support for many population services. Congress has recently done this in the case of $50 million in the AID budget. This should be increased, and HEW programs should also benefit from earmarking of funds. These ideas and plans need the increased priority that President Nixon requested in his address.

In terms of longer range plans, further research should be placed high on the priority list. Current means of contraception are not adequate to supply the various needs of the world's population. Methods requiring counting or a daily task are impractical in many places where education has not reached sufficient levels. Semi-permanent methods, such as the IUD which require placement, periodic inspection, and removal by a qualified, highly trained doctor are also impractical because of the numbers of personnel involved.

A once-a-month pill would be a step toward the ultimate solution, which ideally is a biological "switch" for fertility, which has no side effects, is inexpensive and easy to produce, and requires only semi-trained personnel for its administration. Research on the once-a-month pill, sponsored by AID funds of $4.5 million, is going on today, but there is little hope for quick results. The "switch" concept is far beyond our current technology, but so was going to the moon a few short years ago. It is not too early to begin moving in this direction, funding basic research on reproductive biology, in the hopes that a previously unthought-of approach might yield our solution.

We cannot depend on private pharmaceutical companies to provide main thrust of the research, as they must necessarily search for a profit-making product, and neither the once-a-month pill nor the "switch" meets this qualification. Thus Federally supported research in this line is the only practical way. In order to conduct this research in an efficient way, and avoid duplication of work, a minimum of greater cooperation between the different Federal agencies is necessary, if not a centrally located office with direct control over all Federal research programs in this field. There is an informal inter-agency committee for this purpose, but it has only held one meeting all this year.

Research in the field of better contraceptives is not alone sufficient to solve the problem, however. The long range effects of these methods on unborn children and future generations must be carefully considered, as should distribution methods of these devices.

A most important area for research is the social factors that decide the birth rate. Why does a group in one part of the country want fewer children than those in another part? Questions of this type are of the utmost importance. The United States, in both our domestic programs and foreign assistance, has voluntary acceptance of the measures as a prime condition for support. In AID programs, the country must first request our assistance, and then its program must insure that every woman has a choice of accepting or rejecting the program, and has a choice of methods if she accepts. The same holds for domestic projects. Thus, the most effective contraceptive measure possible will be of little use if the people do not voluntarily decide the size of their families.

Coupled with the study of the social factors should be research on means of educating the public on the problem, and the solutions available to them. This is now being tried in post-natal clinics in the U.S., with considerable success. More and better sex education in our school systems is essential, but this is not a matter for Federal interference. Congress can request the States and localities to update the sex education programs in their areas, can supply the materials, and conduct a nation-wide publicity campaign, but it cannot legislate in this local domain.

President Nixon has suggested that Congress support international population control through the United Nations. A Resolution supporting the proposed Commission on Population of the UN, and a greatly increased contribution to the Population Fund could spur the General Assembly into action on this subject.

For our long range proposals, however, we must have a unified plan of action, such as the Presidential Commission can supply. Expenditures in the order of hundreds of millions of dollars cannot be distributed piecemeal to a number of different, unconnected, uncooperating agencies. Even without a central office for all our population programs, the Commission could serve to coordinate and increase the efficiencies of the existing organizations in the field.

Congress should set as a national goal the task of providing family planning services to every American woman who wants them. Today less than 20 percent of the five million wanting them have access to the established centers. We could reduce our national birth rate, giving us the breathing room we need to consider still longer range proposals, and eliminate the suffering, poverty, crime and social cost of hundreds of thousands of "unwanted" children in this country every year.

The cost for this goal has been estimated at $500 million over the next five years, a fraction of the cost of the Vietnam War. Unlike many domestic programs, however, the proposed family planning services have a direct financial benefit to society and the Federal Government. While the cost to prevent each "unwanted" child is about $300, the benefit of not having that child, in terms of reduced medical expenses, welfare costs, schooling, etc., added to the increased earning power of the woman who does not have to stop working to have and care for her child, amounts to $7,800 per child; a cost-benefit ratio of 26:1!

If a child is constantly setting a house on fire, one does not keep supplying better fire fighting equipment; he takes the matches away. The Federal Government can substantially reduce welfare payments and other direct costs to the Government with a comprehensive family planning and population control program.

Congress has ignored or paid lip service to the Population Crisis for too long. The Problem is obvious; its urgency unquestionable; its magnitude formidable, but not insurmountable. Congress must act, and must act now, before more drastic actions are required to keep the population growth in check. This Commission is only a first step on the long road toward our eventual goal, but it is a necessary step, and one that should not be delayed. The cost is minimal, and the direct economic benefits from its findings will more than compensate for the initial outlay. The population explosion, next to the pursuit of peace, is the second greatest problem facing mankind. It deserves far more consideration than it is now receiving. It may be that adequate population measures are a prerequisite to peace in many regions of the world. I hope my colleagues will join me in supporting the needed actions today.

Mr. Speaker, in light of the high quality of this effort, and the efforts of other summer interns in many Congressional offices, I would like to take this opportunity to cite the value of the intern program in general. I feel that these young people contribute terrific insight and freshness to our work in Congress, and I am hopeful that in the near future we can reinstitute the summer intern program on a regular basis, so it will be possible to involve more bright young people, from every economic level, in this program.

TRIBUTE TO THE JOHN W. FLANNAGAN, JR., FAMILY

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

Mr. WAMPLER. Mr. Speaker, one of my constituents, Mrs. Frances Pruner Flannagan, died Sunday evening in Bristol, Va., at the age of 79 after a long illness. She was the widow of the late John William Flannagan, Jr., who served in the Congress from 1931 to 1949 as a Representative of the Ninth District of Virginia, which I am now privileged to represent. Mr. Flannagan was also chairman of the House Agriculture Committee during the 79th Congress.

Mrs. Flannagan, a native of Mendota, Va., was a member of the Daughters of the American Revolution and the Central Presbyterian Church in Bristol, Va. Both she and her husband are buried in Mountain View Cemetery in Bristol.

I had the privilege of being a friend and neighbor of Mrs. Flannagan, and I want to extend my deepest sympathy to her surviving family.

Mrs. Flannagan was a strong woman who reared a fine family. She was a devout Christian who worked for many good causes in the church and community. Her Christian influence will continue to be felt by those who knew and loved her.

Her surviving family includes two sons, John W. Flannagan III, St. Paul, Va., and Francis W. Flannagan, Bristol, Va.; a daughter, Mrs. J. Rosser Murray, New York City, N.Y.; and a sister, Mrs. Clifton Sproles, Benhams, Va.

As a tribute to the Flannagan family, I would also like to mention some of the accomplishments of the late John W. Flannagan, Jr.

He was born on a farm in Trevilians, Louisa County, Va., February 20, 1885. He received his law degree from Washington and Lee University, Lexington, Va., in 1907, and was admitted to the bar that same year. He practiced law in Appalachia, Va., served as Common-

wealth's attorney in Buchanan County, 1916–17; and practiced law in Clintwood, Va., 1917–25. He then took his law practice to Bristol, Va., in 1925. He was also in the banking business 1917–30.

In 1930, Mr. Flannagan was elected to the 72d Congress, and he was reelected to the next eight terms, serving until January 3, 1949, when he retired. He had not been a candidate for reelection to the 81st Congress.

Mr. Flannagan was the congressional adviser to the first session of the Food and Agriculture Organization of the United Nations at Quebec in 1945. He was chairman of the House Agriculture Committee 1945–46 and the ranking minority member of that committee 1947–48.

After he retired from Congress, Mr. Flannagan resumed his law practice in Bristol until his death on April 27, 1955.

MAIL CARRIERS IN REPRESENTATIVE CARTER'S DISTRICT WILL RECEIVE AN UNUSUAL CHRISTMAS PRESENT FROM THE POSTMASTER GENERAL

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

Mr. CARTER. Mr. Speaker, on the 26th of December several mail carriers in my district are getting an unusual Christmas present from the Postmaster General.

Mr. Clinton Barnett, age 56, who for 25 years has carried the mail from Parkers Lake to Honey Bee to Sawyer, Ky., will have his route discontinued.

On that same day, Mr. Taft Thomas, age 61, of Dunnville, Ky., who has carried the mail for 25 years, will receive the same present from the Postmaster General, discontinuance of his route.

Mr. Henry Massingale, who for years was the mail carrier from Alpha Post Office to Narvel, Ky., will have his route discontinued the 26th of December.

Mr. Kenneth Frye, of Cains Store, Ky., a veteran who has carried star route No. 42560 for 10 years, will have his route discontinued.

Mr. Ernest Willis, of Columbia, Ky., who for approximately 30 years has had a route from Columbia, Ky., will have his route discontinued.

Although most serious postal problems are urban and not rural, the decision, I am told, is irrevocable. No provision is made for future employment or further compensation.

I personally resent the callous attitude toward these men who have braved the rain, the snow, and dark of night to carry our mail. Perhaps I must admit that I feel this personally because, as representatives of these people, they look to us for assistance. In other words, my ox is being gored.

I am reminded of a country lawyer and banker in my area who was approached about a legal matter by a prospective client.

He told the country lawyer: "A wealthy man stole my wife and has left me, a poor renter, with my three little children. He has broken up my home."

The lawyer said: "Who was this man? Does he have a farm? Does he have any money?"

The renter said: "Yes, he is a wealthy man. He has a farm, and he has money."

The country lawyer said: "We'll get it. We'll break him up. We will get his farm and get his money, because he has taken your wife and left your little children motherless. He has destroyed your home. Who is this man who has done this dastardly deed?"

The renter said, "Jack."

Whereat the banker said, "Jack, my Jack? My son, Jack? Don't worry my friend, he'll bring her back, he'll bring her back."

Like the country lawyer, I hope the Postmaster General, Mr. Blount, will bring these men back to work or that at least he will provide job opportunities.

INDIANS DENIED DAY IN COURT: A TRAVESTY OF JUSTICE

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

Mr. PETTIS. Mr. Speaker, I rise today on a matter which both perplexes and angers me. Why is it that a proud and mighty U.S. Government insists continuously on trampling on the rights of the American Indian? How can it be, I wonder, that such a compassionate and affluent Nation will annually pour out billions of dollars' worth of aid to a motley variety of countries and then turn around and treat the Indians—the earliest natives of these United States—with such brutal disregard?

To the shame of America, there are already too many such instances on file and now I find myself having to add still another citation to this inglorious record. I refer specifically to the attempted grant by the Bureau of Land Management of the Department of the Interior to the State of California of 1,500 acres of highly valuable land occupied by the Fort Mojave Indian Tribe since time immemorial and to which they claim title. This attempted "giveaway" of the Mojave lands, instituted 10 years ago, is a bleak and sordid story of an entrenched bureaucracy seeking to sustain an unconscionable series of bumbling acts which can best be described as amoral.

The Fort Mojaves have attempted several times, unsuccessfully, to use their proper legal rights to protest this acquisition. Their efforts have been aborted by a series of delays, postponements, and indecision. Never have they had their day in court. Then, in October, a hearing on the Indians' case was scheduled for November 18. Now allow me to quote from an October 14 opinion from Mitchell Melich, the Solicitor of the Department of the Interior:

> The Director of the Bureau of Land Management is instructed to schedule a hearing on November 18, 1969; he is to appoint the hearings examiner who, in turn, will inform the parties as to the time and place of the hearing. *No postponement or continuance will be granted.*

Yet, the Solicitor's office shortly proceeded in typical callous fashion to abrogate its own dictum by allowing the Attorney General of California to have another continuance, until December 15. That cynical decision was then followed by the ultimate in deception and discrimination. At the pretrial hearing called by the hearing examiner, the Mojaves were told that the proceeding was not a hearing de novo; moreover, the Mojaves were told that the record of the proceedings from which arose the giveaway decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had testified at the giveaway proceedings.

That is an outright contradiction of a promise made at a meeting on March 21 of this year in the Office of the Secretary of the Interior, with Senator Alan Cranston of California and members of his staff; Mr. Raymond Simpson, counsel for the Mojaves; four members of the Mojave tribe, and myself. But though the Secretary arranged for the meeting, he disdained joining the gathering himself and designated some lackey to represent him. This individual stated very plainly that he had the authority to speak for the Secretary and he proceeded to inform us that a hearing de novo would be granted the Mojaves.

Under that assumption, the following telegram was dispatched to Secretary Hickel confirming the understanding:

MARCH 21, 1969.

Hon. WALTER HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

MY DEAR MR. SECRETARY: On behalf of the Fort Mojave Indians, their counsel, Raymond Simpson and myself, I wish to express deep appreciation for the meeting you arranged today on our behalf. We are particularly grateful that, after a wait of two years, you have promised a decision by April fifteenth on this critical matter of the swampland application. We are aware of the tremendous responsibilities that any Secretary bears when first assuming office. Therefore, we are doubly grateful for this prompt promise of action. Best personal regards.

JERRY L. PETTIS,
Member of Congress.

Now that promise has been broken again. The Indians still have not had their day in court and I call now on the Secretary for an explanation of this contemptible conduct. What has happened, I wonder, to the man who used to visualize himself as the champion of the Indians and Eskimos when he was the Governor of Alaska? Has Potomac fever so dimmed his perspective?

Simply stated, the Mojaves are being denied the due process of law; they are not getting their long-awaited and justifiable day in court. The ground rules for the proposed hearing are so restrictive that it is virtually a kangaroo court. And what it amounts to is a shoddy attempt by the present incumbents in the Deparment of the Interior to legalize a bad and unjust decision made long ago by some incompetent bureaucrat.

Can we wonder then why the Indian has come to consider his white brother as fork-tongued? Considering everything, I think it is a charitable description.

It is my intention to secure a just solution of this matter and perhaps in so doing focus some badly needed attention,

by the Congress and the public, on those appointive officials who feel so free to disregard and abuse the rights of our Indians.

What follows is a precise and comprehensive document of the sad history of this case and Mr. Speaker, I would invite our colleagues to give it their careful attention:

From the standpoint of the Mojaves the calculated seizure of their lands commenced, unbeknownst to them, 10 years ago. By a letter dated April 24, 1959, California filed its application to have the lands which the Mojaves claim as part of their ancient homeland, declared subject to the so-called Swamp and Overflow Act of 1850, which would recognize title in California. Notice of California's 1959 application was neither given to the Mojaves nor to the Bureau of Indian Affairs. Some 5 years later the Bureau of Land Management on September 30, 1964, rejected California's April 1959 application for the lands. Notice of this action was not given to either the Mojaves or to the Bureau of Indian Affairs.

By its 1963 opinion the Supreme Court in the case of Arizona against California, refused to rule upon the disputed boundary of the Fort Mojave Indian Reservation which directly involved the lands to which the Mojaves at all times have laid claim. To have the disputed boundary resolved—evidencing the title of the Mojaves to the lands in question—the Bureau of Indian Affairs by a memorandum dated December 7, 1964, requested the appropriate officials of the Department of the Interior to undertake a resurvey of it. This latter date becomes increasingly important as the sequence of events will reveal.

Although the request for a resurvey of the lands in question was pending before the Department of the Interior, the following events and actions transpired:

On December 13, 1965—a full year after the request to resolve the boundary dispute—California renewed its application for the lands and requested a hearing provided for in the Swamp and Overflow Act; no notice of this application was given to either the Mojaves or the Bureau of Indian Affairs.

January 24, 1966, is the date that the Department of the Interior granted California's application to be heard in regard to its claim that the lands in question were subject to the Swamp and Overflow Act. No notice was given to the Indians or the Bureau of Indian Affairs of that Department order.

April 25, 1966—a notice of hearing was given to all interested parties—with the exception of the Indians and the Bureau of Indian Affairs.

September 19, 1966, is the date of the actual hearing in Sacramento, Calif. The Mojave Indians and the Bureau of Indian Affairs were denied notice of the hearing and denied an opportunity to be heard at it.

February 10, 1967, is the date of an opinion rendered by the Solicitor's Office responding to the December 7, 1964, request for a survey of the lands in question, in which it was declared: "In my opinion, there is no legal justification for a resurvey of the 1928 western boundary."

March 15, 1967—shortly after the Solicitor's opinion of February 10, 1967, denying the request for a resurvey of the lands involved—is the date when the Hearing Examiner for the Bureau of Land Management declared in effect that title to the 1,500 acres claimed by the Mojaves, resided in the State of California. No notice of this decision of March 15, 1967, was given either to the Mojaves or the Bureau of Indian Affairs.

Early in July of 1967—quite by accident—the Bureau of Indian Affairs learned of the giveaway of the 1,500 acres of land to California.

July 11, 1967—the Bureau of Indian Affairs filed a motion to intervene in the proceedings which resulted in giving California the 1,500 acres, the matter then being on appeal by the Bureau of Land Management.

August 9, 1967, the Mojaves, through their attorney, likewise petitioned to intervene in the proceedings.

There ensued a year-long struggle by the Mojaves and the Bureau of Indian Affairs to have their day in court—a trial de novo.

August 14, 1968, the Solicitor in an order: First, denied the Bureau of Indian Affairs' petition to intervene—alleging it had been represented at the hearing by the Solicitor's Office; second, gravely restricting the Mojaves their demanded right to a day in court, the Solicitor required that there first be considered and determined by the Secretary of the Interior a most complex question of law, namely: If the Mojaves held aboriginal title in 1850 to the 1,500 acres of land, would the Swamp and Overflow Act have application to the land, as claimed by California? Third, only after the Secretary of the Interior had determined that complex legal question would the Secretary decide whether the Mojaves would be heard relative to the Swamp and Overflow question and then, in effect, only if it was decided that the boundary dispute alluded to above was resolved in the Mojaves favor, which, as stated, had already been resolved against them by the Solicitor's opinion of February 10, 1967.

Of great importance in regard to the Solicitor's decision of August 14, 1968, is the fact that the decision purported to establish the Secretary of the Interior as a court of law to determine the far-reaching "threshold" question.

Another year of struggle was consumed by the Mojaves now fighting alone because the Bureau of Indian Affairs was not permitted to intervene.

Denial by the Solicitor in the August 14, 1968, decision of the right of the Bureau of Indian Affairs to intervene in the proceedings in question, in addition to grievously injuring the Mojaves, was this shocking result:

It constituted action by the Solicitor's office which defeated the will of Congress by precluding the Bureau created by the Congress to assist the Indians in the performance of its function as declared by the Congress.

As the Solicitor's tactics against the Mojaves unfolded, this incredible fact came to light: The member of the Solicitor's staff whose opinion of February 10, 1967—immediately antecedent to the "giveaway opinion" of March 15, 1967—was writing opinions antagonistic to the Mojaves and otherwise participating in the matter. When this grave conflict came to light, the attorney for the Mojaves immediately filed a motion to have that member of the Solicitor's office disqualified by reason of his earlier opinion so antipodal to the Mojave interests. January 23, 1969, is the date when the motion of the Mojaves to disqualify was denied by the Solicitor.

To fall into the procedural pit created by the Solicitor would have been fatal to the Mojaves. As a consequence they renewed their petition for a trial de novo denying that the Secretary had the power to render a legal decision regarding the "threshold question" and at all costs to avoid being caught by the cat-and-mouse tactics being used by the Solicitor against the Mojaves.

Noting the shameful practices indulged in against the Mojaves, I interposed objections to the Solicitor and demanded the Mojaves have their day in court—a trial de novo and I was promised a trial de novo by the Solicitor's office.

October 14, 1969—the Solicitor's office reversed itself—declaring that the August 14 decision, purporting to constitute the Secretary of the Interior a court of law with power to render a legal opinion respecting the "threshold" question, was in error. In that opinion, reversing the August 14 opinion, the Solicitor's office declared:

First, the "giveaway" decision of March 15, 1967, declaring title to the Mojave lands to be in California, was vacated. Second, it also stated, in effect: the Mojaves have petitioned for a trial de novo and a new proceeding would be held commencing November 18, 1969, affording to the Mojaves an opportunity to be heard, specifically ruling that: "When the hearing is reconvened, the Tribe—Mojave—and the Bureau—of Land Management—each will be afforded the opportunity to present such evidence as may now be available to them as to the right of the State to the subject lands under the Swamp Land Act, and it is so ordered." By an opinion dated October 27, 1969, the hearing date on California's request was changed to December 15, 1969.

Believing justice would be accorded to them under the October 14, 1969, Solicitor's opinion, the Mojaves were joyful at their victory. However, their joy was short-lived. At a pretrial hearing called by the Hearing Examiner, the Mojaves were told that the proceeding was not a trial de novo; moreover, the Mojaves were told the record of the proceedings, from which arose the giveaway decision, would remain a part of the reconvened proceedings, although the Mojaves could cross-examine the witnesses who had previously testified at the giveaway proceedings.

In addition, the Hearing Commissioner likewise sought to secure agreement from the Mojaves, without success, that the new truncated proceedings over which he would preside constitute "due process" of the law, thus curing the denial of the Mojaves of their rights to notice of the giveaway proceedings and

also curing the defect arising from the failure of the Mojaves to be represented at the hearing from which emanated the giveaway of Mojave lands.

Further, the Hearing Examiner denied that the Bureau of Indian Affairs could participate in the now most restrictive proceedings, thus continuing to frustrate the will of Congress which had created the Bureau of Indian Affairs to protect the Indian interests.

November 14, 1969—a final blow to the Mojaves in their struggle to recover their lands was delivered by the Solicitor's office. Responding to the Bureau of Indian Affairs memorandum seeking to have the boundary dispute referred above resolved in the hearing now set for December 15, 1969, the Solicitor's office wrote the following cryptic memorandum:

Your memorandum of October 24 concerning the above mentioned subject stated that on October 14, we ordered a hearing de novo in regard to the application for patent under the Swamp Land Act of 1850, 43 U.S.C. Sec. 982–984 (1964) by the State of California for certain lands in the state.

As a matter of fact a hearing de novo was not ordered in this case. The case has been reopened for the purpose of permitting the introduction of additional evidence. The evidence will, of course, be determined by is a part of the record. Admission of new evidence will, of course, be determined by the Hearing Examiner.

CBS INTERVIEWS A CONGRESSMAN

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

Mr. AYRES. Mr. Speaker, anyone who had occasion to view the CBS morning news interview with Nelson Benton and Congressman PERKINS this morning would realize how right Vice President AGNEW is. This program was billed:

Representative CARL PERKINS of Kentucky—helped head off temporarily, the effort to weaken OEO.

And Mr. Benton says:

Congressman, how did you head off the bill for now?

Congressman PERKINS:

Well, uh, the Members never seen the substitute until 12:15 yesterday. And I personally feel the substitute uh, is destructive. It just destroys everything it gains.

Then he goes on with another page of typewritten script.

Then a Mr. Benti interrupts from New York.

Mr. Benton says that Joe Benti in New York is trying to—

And he did.

And Benti asked:

I have just one question, I imagine it's one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

What a question to ask. I might add that no one who is supporting the substitute bill, to my knowledge, was invited by CBS to express their views.

The interview referred to is as follows:

CBS MORNING NEWS INTERVIEW WITH NELSON BENTON AND CONGRESSMAN PERKINS

Representative CARL PERKINS of Kentucky—helped head off temporarily, the effort to weaken OEO.

BENTON. Congressman, how did you head off the bill for now?

Congressman PERKINS. Well, uh, the members never seen the substitute until 12:15 yesterday. And I personally feel the substitute uh, is destructive. It just destroys everything it gains. We're at the cross-roads today and I uh, hope that we can kill off the substitute, we uh, cannot turn the clock back. Because if the substitute is adopted, we will lose everything we have gained in the past five years. It uh, is written in such a way, that uh, is cleverly written, very deceptive and uh, is just an absolute takeover by and for the governors of the country. The governors have had—the states have had 150 years to make progress in this area and the OEO as I view it, is an innovated uh, agency of the government; and if this substitute was to prevail we might as well abolish OEO transfer the various functions to the old-lined governmental agencies, and let the states administer them . . .

BENTON. Congressman, why, why do you think . . . If I may interrupt you . . . why do you think the procedure was followed that this bill uh, came to the house without hearings?

Congressman PERKINS. Well, uh, that is a mistake. The most comprehensive hearings that have ever been conducted on OEO, were conducted between February and last June the 9th.

BENTON. But were they hearings on this particular . . . substitute bill?

Congressman PERKINS. Uh, Well, the representatives of the governors came in to testify and uh, they did not ask for a takeover of this kind, fact a survey was displayed, and the survey disclosed that 75% of the governors were against a takeover of this type. This is a move that the governors have not asked for and it is a move to destroy OEO. If I may take just a moment to tell you something about it the uh, act—the substitute calls for the development of the state plan and uh, no uh, community it destroys local initiative, it destroys the freedom of the elected officials, the municipal and county officials of this country. Everything merges at the state level, and uh, the local communities will be at the mercy of the state office of OEO. Because the act—the substitute clearly provides that after the uh, office of the economic opportunities council is established at the state level at that point on the plan is submitted to the director in Washington and the director is limited in vetoing that plan and the uh, plan of course when it is approved, the state has authority to disperse the funds without any assurance that its going to the local communities that need it. And it does not make sense to permit the states if you want to head the head start over in Maryland and uh, they need one across the river in Virginia that Virginia may be denied that program if the state plan does not so provide. It destroys all the innovation we have developed and that is the reason we might as well abolish the office of economic opportunity and come out plain and do it.

BENTON. I would like to ask you something about the politics of the bill itself. The President proposes to continue OEO as it has been and yet this great Republican support apparently for this substitute bill which you are blocking, you a Democrat, are blocking. What is the politics of this?

Congressman PERKINS. Well, uh, I have negotiated—tried to negotiate in good faith with the Republicans since we have stopped the hearings last June the 9th I well realize that the community action programs are not popular in many sections of the country—specifically in the South. And I well realize that we needed some 55 or 60 Republican votes and since last June the 9th, I have exercised a high degree of [indistinct] in my efforts of trying to obtain those votes from the President on down. And we have never been able to obtain those 60 votes and I just don't want to see this program dismantled in the way they are undertaking to dismantle it and uh, fool the people in the country.

BENTON. Joe Benti in New York is trying to . . .

BENTI. I just have one question, I imagine its one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

Congressman PERKINS. Well I think that the people throughout the nation should understand just what is in this substitute. I know that the men in the members of the Congress don't understand the nature of this substitute they do not understand that it is as destructive as it will be. And uh, of course . . .

BENTON. Congressman I have to interrupt you very quickly for one quick question. What do you forecast the outcome of the bill in the House? Do you think it will continue as is?

Congressman PERKINS. I think that the bill will continue as it is.

BENTON. Thank you very much Congressman. We have to get out. . . . Congressman Carl Perkins of Kentucky.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Mr. Speaker, I think this is just one more instance why people are sympathetic to what Mr. AGNEW said.

I was interested in a bumper strip that was on a car in front of me as I was driving to the office this morning and I predict it will become the most popular bumper strip in America if this kind of reporting continues. The bumper strip said simply—and eloquently—"Sic 'em, SPIRO."

Mr. AYRES. Well, I have one that says "Sic 'em, SPIRO," too, and I am going to put it on my car.

CBS INTERVIEW ON OEO

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

Mr. QUIE. Mr. Speaker, I have a copy of the interview that my colleague, the gentleman from Ohio (Mr. AYRES) was referring to. A number of the statements that were made there just do not jibe with the facts. Therefore, I have asked for a special order to point out in the RECORD exactly what the situation is.

Statements like this: "that it destroys local initiative—that it destroys the freedom of elected officials and municipal and county officials in this country" just are not true, and in my special order I will set the record straight.

WAR ON POVERTY

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

Mr. MIZELL. Mr. Speaker, the Office of Economic Opportunity or the so-called

"war on poverty," has become a big joke to the American people. One of the wars that OEO has waged has been on the pocketbooks of the taxpayers of this country. I was very disappointed yesterday when the chairman and the majority of the House Education and Labor Committee refused to allow the Congress to take action on the OEO authorization bill. Personally, it is now like waiting to take a dose of bad medicine—the longer you wait, the more you gag thinking about it. The OEO program will undoubtedly go down in history as the greatest monstrosity to be born out of the "Great Society." Never has a program spent so much of the taxpayers' money and had so little good to show for it. Its failures are too numerous to mention. Time after time, we hear reports of administrative blunders and bad management at the local levels. We have heard reports of the misuse of huge sums of Federal money; and, even worse, investigations have revealed that on numerous occasions OEO money was used to support subversive and anti-American individuals and organizations. There are many more inequities, some of them probably unique to your districts.

In all fairness to the new administration and to those of this House who are offering a substitute OEO bill which no doubt would be better than what we have now, I believe that OEO has gone far beyond the point of no return. Its reputation is too tarnished, and it could never regain credibility with the American people. The OEO program has become a monster, and the time has come not to simply cut off its tail, but to chop off its head.

I believe that the poor and the needy deserve something better than OEO. I believe that the new Director deserves something better; and I believe that the American taxpayer, who is the one who suffers the most under the present program, deserves something better. I believe that the new administration, the new Director, and this House will have the will and the courage and the wisdom to produce something better.

If and when the time comes when those who gave birth to this many-headed monster have the intestinal fortitude to bring the OEO legislation to the floor, the House will be given the chance to restore the confidence of the American people in our legislative process by laying to rest once and for all, this unpopular monstrosity.

Let the RECORD show that OEO was laid to rest by an overwhelming majority of this House because it was a monster that waged a war on practically everything but the poverty it was designed to eliminate. I personally will vote to lay to rest the OEO program.

VIETNAM

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

Mr. WYLIE. Mr. Speaker, on Tuesday the House passed, by a vote of 333 to 55, a resolution supporting President Nixon's Vietnam efforts. A similar resolution is pending in the Senate Foreign Relations Committee with no hearings scheduled.

This resolution affirmed the support of the House for the President in his effort to negotiate a just and honorable peace in Vietnam, and also approved the administration's goal of free elections in South Vietnam.

Recently I sent out a questionnaire to the people of my district. Among the questions was one dealing with Vietnam. To date I have received over 28,000 replies. Final tabulations are not complete, but on a sampling of 4,000 questionnaires on the questions pertaining to Vietnam, the results and the percentages are as follows:

With regard to Vietnam, the United States should unilaterally withdraw all U.S. troops by a specified date: Yes, 17 percent; no, 55 percent; undecided, 28 percent.

On the question, continue withdrawal as quickly as South Vietnamese troops can take over military responsibility, the Nixon plan: Yes, 74 percent; no, 9 percent; undecided, 17 percent.

All of this prompts me to raise the inquiry as to why the Senate Foreign Relations Committee is not holding hearings on their resolution on the same subject.

MINNEAPOLIS URBAN COALITION MODEL

(Mr. MACGREGOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. MACGREGOR. Mr. Speaker, as a November 29 article by Charles Bartlett indicates, if the Minneapolis urban coalition program fails it will not be for lack of dedicated and inspired leadership. Writing in the Washington Star in a column entitled "Minneapolis Urban Coalition Model" Mr. Bartlett explains why the Minneapolis program is beginning to succeed while similar programs in other parts of the country continue to languish.

Members of the coalition, headed by Philip M. Harder, are having to overcome a longstanding credibility gap and the results have not come easy. Bartlett says:

> The quality which makes the Minneapolis coalition stand out nationally is the special zeal which causes its leaders to persist in the face of these attitudes and to spend staggering amounts of time to make their concerns more credible.

There is every indication that the Minneapolis business community is prepared to make the long-term commitment in effort, personnel and money necessary to maintain an effective program. As Bartlett indicates, persistence is beginning to pay dividends:

> Minneapolis is showing that the Urban Coalition is still a good idea if its sponsors have the patience and persistence to work at making it work.

The article by Charles Bartlett follows:

MINNEAPOLIS URBAN COALITION MODEL

(By Charles Bartlett)

MINNEAPOLIS, MINN.—The Urban Coalition is such a powerful idea that its failure to catch fire is difficult to understand without visiting a city where a serious effort to make it succeed is under way.

John Gardner's strategy for pulling the society together is languishing in many parts of the nation but it is working in Minneapolis for one reason: At least 10 key citizens have not hedged on their determination to make it work. They keep trying, against a host of obstacles, to persuade a skeptical minority that it has the ears of the power structure.

These coalition leaders do not claim, after almost three years, that they have gained the confidence of the black community. They have not induced the law-and-order mayor, Charles Stenvig, to sit with their executive committee. They find labor leaders shying from open alliance with the coalition because of the bigotry which lurks within their rank and file. They have not even established how far the business community will go in pressing for social progress on the legislative front.

They keep hearing from the blacks, "You're talking all the time—now do something." But as they try to show tangible evidence of their good will, they sense that if they move beyond a catalytic role, they will assume the functions of the public and private agencies which they originally intended to prod.

So black militants like James Bass maintain the coalition "was set up to maintain the conditions we are trying to alleviate." His beret-clad leader, Matthew Eubanks, who broke with the coalition, maintains, "For a whole year we got absolutely nowhere. There was never any action and my energies were being drained off in discussion. We need white people who bleed inside at the poverty we face. These businessmen bleed only when it touches home for them."

These and some less militant Negroes feel they are made to sit with their hands out by a group of powerful men who are not delivering. The blacks raise suspicions against the coalition's staff, argue that favorites are being played among the poor, and warn each other that they must not let themselves be gentled by the attentions of the business community.

The quality which makes the Minneapolis coalition stand out nationally is the special zeal which causes its leaders to persist in the face of these attitudes and to spend staggering amounts of time to make their concerns more credible. They behave like a group of men who feel sincerely challenged by their failure to date to find the key to a better community relationship.

Philip M. Harder, who has put aside the management of a $550 million loan fund to run the coalition for a year, is trying to find a way to move it out of its fire-fighting stage in the direction of longer-term objectives. He wants also to involve the middleclass whites who are asking, "What about us?"

One chief task is to keep alive the commitment of the business community. The record so far is good. The budget of $165,000 is met by 75 companies and top men have been willing to take task force jobs which eat up their evenings and weekends. But the Urban Coalition was born of anxieties which stemmed from the riots and the activist spirit is always threatening to fade.

Harder's second task is to find ways to be more responsive to the militants. He knows them well and they profess respect for him. A recent weekend of blunt talk between businessmen and black leaders in a secluded retreat has somewhat cleared the air but much still hinges on how far the businessmen will be willing to go in espousing the causes of the poor.

"Sometimes you have to be an advocate," Harder says. He injected the coalition in maneuvers (which proved futile) to head off a recent bus strike just as it had been previously involved in airing minority complaints against police brutality. A legislative task force is being formed and potentially decisive political issues will be raised.

The impact of all this upon the underprivileged is undoubtedly less significant

than its impact upon the privileged whites who are being weaned away from old attitudes by close exposure to the problems. The fruition of the process will come only after the new attitudes have crystallized.

But Minneapolis is showing that the Urban Coalition is still a good idea if its sponsors have the patience and persistence to work at making it work.

REORGANIZATION OF THE COURTS OF THE DISTRICT OF COLUMBIA

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

Mr. MACGREGOR. Mr. Speaker, I take this opportunity to urge passage of the administration's legislative package which would reorganize the courts of the District of Columbia to provide a more efficient and consequently more just judicial system. Of particular importance in the administration's package is the bill revising the juvenile court code. There is little dispute that the present juvenile code is outmoded. But for years nothing has been done. Now we have the opportunity to pass a bill which I think is most meritorious.

What I particularly like about the proposed code is that it would guarantee the procedural rights of a child which the Supreme Court has held are necessary to insure fair proceedings. But it goes even further in protecting rights than the Supreme Court decision. Thus, for example, the bill would prohibit placing children who are found delinquent in the same institutions with children who are neglected or dependent. No longer could the child who is placed by the court in an institution through no fault of his own—but only because he is neglected or dependent—be housed in the same place as a child who has been found to have violated a law. At last, perhaps, the rehabilitation facilities will have a chance to be more than schools for future criminals.

The bill also would clarify the procedures for handling children who are mentally ill or mentally retarded. Today the power of the court is unclear. A clear need exists to give the court power to order examinations and, in appropriate cases, order that commitment procedures be initiated under existing commitment laws. This would be the case under the new code.

Mr. Speaker, there is no doubt that the proposed juvenile code would improve juvenile justice in the District of Columbia from the point of view of both the child and the community.

For that reason, I strongly urge early consideration and passage of the administration's legislative package for the District of Columbia.

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, there are 109,124,000 telephones in use in the United States in 1969, more than five times the total in any other nation.

DANCING WITH A CORPSE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, the gentleman from Ohio provided me with a copy of this CBS interview only a few minutes ago, and it seems to me that if CBS wanted to present an accurate picture to the American people, in addition to their question, "Congressman, how did you head off the bill for now?" the question should have been asked, "Congressman, how has it happened that the bill has been delayed now for 6 months?"

Mr. Speaker, hearings on that bill were finished, as I recall, on June 9 or June 10—at least before the middle of the month, and that bill should have had major surgery at that time so that it would have had a chance to live. It did not have major surgery in June at the conclusion of the hearings and, Mr. Speaker, it died. That bill died on June 30.

Now I would simply ask the question, How long is it really decent to dance around with the corpse? So, I suggest that maybe the Congress of the United States ought seriously to consider a decent burial and then start all over and try to build a program that will really help the poor.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. FEIGHAN. 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. 303]

Abbitt	Duncan	Martin
Abernethy	Edmondson	May
Albert	Edwards, La.	Meskill
Anderson, Tenn.	Eilberg	Monagan
Ashbrook	Evins, Tenn.	Murphy, N.Y.
Ashley	Fascell	Nix
Baring	Foreman	O'Neal, Ga.
Barrett	Fulton, Pa.	Pelly
Bell, Calif.	Fulton, Tenn.	Pepper
Bow	Gaydos	Philbin
Bray	Gray	Podell
Brock	Green, Pa.	Pollock
Brown, Calif.	Griffiths	Powell
Burleson, Tex.	Grover	Price, Tex.
Burton, Utah	Hanna	Pryor, Ark.
Cahill	Harrington	Pucinski
Carey	Hawkins	Quillen
Casey	Hébert	Railsback
Celler	Heckler, Mass.	Reid, N.Y.
Chisholm	Holifield	Reifel
Clancy	Hosmer	Reuss
Clark	Hull	Rivers
Clay	Hutchinson	Rodino
Conyers	Jarman	St. Onge
Corbett	Karth	Sandman
Cramer	Keith	Smith, Iowa
Culver	King	Snyder
Cunningham	Kirwan	Staggers
Davis, Ga.	Landrum	Steed
Dawson	Lennon	Steiger, Ariz.
de la Garza	Lipscomb	Stephens
Denney	Lloyd	Teague, Tex.
Dent	Long, La.	Thompson, N.J.
Devine	Lowenstein	Vander Jagt
Diggs	McMillan	Waggonner
Donohue	Macdonald, Mass.	Waldie
		Watkins
Watson	Wilson, Bob	Wright
Whalley	Wilson, Charles H.	Wydler
Wiggins		

The SPEAKER. On this rollcall 317 Members have answered to their names, a quorum.

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

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1017. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 7491, TO CLARIFY THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7491) to clarify the liability of national banks for certain taxes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, BARRETT, Mrs. SULLIVAN, Messrs. REUSS, WIDNALL, BROCK, and DEL CLAWSON.

AGED BLIND AND DISABLED POOR LEFT OUT OF SOCIAL SECURITY ACT INCREASE

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

Mr. BURTON of California. Mr. Speaker, a number of us noted with interest that the Committee on Ways and Means acted yesterday to provide a 15-percent across-the-board increase for social security beneficiaries; but I would think of equal interest to a good many of the Members of this House is the fact that under this bill there is no increase provided whatsoever either for aid to families with dependent children, or for the 3 million poorest, aged, blind, and disabled people in the country.

Have we not been here before? The last social security bill somehow left out these very same people.

I have been told by some members of the Committee on Ways and Means that it was a very complicated matter to see to it that in the process of having an across-the-board increase, that we also give some increase to the disabled, the blind, and the aged—much less, the AFDC recipients—who are so poor that they have to look to the public assistance programs to supplement their meager resources. I do not pretend to be a mind-reader. I do not want to derogate the judgment of any individual on the Committee on Ways and Means.

However, in my opinion, there is not a person in this country who knows a single thing about the Social Security Act who will not believe that this 15-percent increase, with the omission once again of "real" increases for the poorest in our land—is an absolute outrage.

If the matter is brought up under a closed rule, I do not know how we can come to grips with this problem. I do know every single one of you should be aware of this incredible oversight for the second consecutive time that we have looked at the Social Security Act. Once again, those whose meager social security benefits are supplemented by public assistance will find one check—social security—increased and one check—public assistance—decreased. This is a very cruel hoax. Somebody ought to do something about informing some of the members of the Committee on Ways and Means what the plight of the poor in this country is really all about.

PROPOSED AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT

The SPEAKER pro tempore (Mr. STOKES). Under a previous order of the House the gentleman from Ohio (Mr. FEIGHAN) is recognized for 60 minutes.

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

Mr. FEIGHAN. Mr. Speaker, the act of October 3, 1965, marked the beginning of a new era in immigration policy. The national origins quota system, which discriminated against nationals of certain countries, was abolished. In its place, a policy was adopted granting preferred status to intending immigrants on the basis of reuniting families and supplying professional, skilled, and unskilled labor for occupations in which there was a shortage in the domestic labor force.

Testimony before the Subcommittee on Immigration and Nationality of the House Judiciary Committee has established the general overall workability of the 1965 amendments during the 3-year interim period and the 1-year of full effectiveness since its enactment.

However, problems which were not anticipated prior to the enactment of the 1965 act have occurred with regard to certain aspects of the Immigration and Nationality Act.

Together with 50 cosponsors, I have introduced legislation to correct the deficiencies in the present law.

Currently, a different system applies to the Western Hemisphere than applies to the Eastern Hemisphere. For the Eastern Hemisphere, there is a preference system which sets forth seven categories in which immigrants, who apply for admission to the United States, may fall. The preferences are arranged in order of the closeness of family ties between the intending immigrant and relatives in the United States, and also the type of professional or skilled services he could render in the United States. Under the present law, there is no preference system for the Western Hemisphere. Intending immigrants are admitted on a first-come-first-served basis. This system is highly inequitable since the spouse of an alien lawfully admitted for permanent residence or the brother of a U.S. citizen are required to wait on the same list with an unskilled worker who has met labor certification requirements, but who has no ties to anyone in this country. The number of applicants from the Western Hemisphere for permanent residence in the United States greatly exceeds the numerical limitation of 120,000 immigrant visas a year available to natives of the Western Hemisphere. Parents, spouses, and children of U.S. citizens are the only groups exempt from the numerical limitation. The present waiting list for a Western Hemisphere immigrant visa is backlogged approximately 11 months.

The bill would establish a preference system for the Western Hemisphere. This would result in allowing the persons with the greatest equities in immigrating to be admitted first. The tremendous hardships inflicted upon families seeking reunification will be eliminated. Moreover, companies and other business entities located in the United States which have branches, subsidiaries, or affiliates in the Western Hemisphere and are engaged in international business would be able to bring high-level international personnel into the United States as immigrants since third-preference numbers would be readily available. The preference systems for both the Eastern and Western Hemispheres would be identical.

To help alleviate the backlog in the Western Hemisphere caused by demand for visas exceeding the available supply, our bill would increase the numerical limitation for the Western Hemisphere from 120,000 to 130,000.

During the 3-year transition period, numerical allocations will apply to 170,000 for the Eastern Hemisphere and 130,000 for the Western Hemisphere.

After a 3-year transition period, our bill would create a unified worldwide preference system and numerical ceiling of 300,000. After the interim period of 3 years has expired, the preference percentage allocations would apply to the worldwide ceiling of 300,000 which will include the Western Hemisphere. The purpose of the 3-year transition period is to assure that applicants from both hemispheres are on an equivalent basis before the two systems are merged. Moreover, the 3-year period will provide ample time to study the effects of the preference system upon the Western Hemisphere. Possibly, slight modifications in the preference system may be necessary before the unified system becomes effective.

This new approach to U.S. immigration policy will hopefully provide a more orderly and equitable method of allocating visas to applicants of all countries on the same basis.

The first preference, now, allots 20 percent of the 170,000 numerical limitation to unmarried sons and daughters of U.S. citizens. This is a maximum of 34,000 numbers. In fiscal year 1969, 1,237 immigrants came in the first preference. This bill would reduce the percentage from 20 to 10. That is, 17,000 for the Eastern Hemisphere and 13,000 for the Western Hemisphere. The unused numbers would fall down into the second preference.

The second preference presently provides 20 percent of 170,000 numbers for spouses and unmarried sons and daughters of permanent resident aliens. The bill would expand the definition to include parents of permanent resident aliens when the petitioner is over 21 years of age. This change in the law would result in a relatively slight increase in the second preference. Presently, the parent of a permanent resident alien must either meet the labor certification provisions of the act to come to the United States to work, or the parent must show that he will not be entering the labor market and will be adequately provided for to gain nonpreference status. Many parents fall in this latter category. Since nonpreference demand is quite large, the wait for entry into the United States is frequently long. Since parents of permanent residents desiring to come to the United States usually immigrate eventually, the expansion of the second preference to include them will merely expedite their entry in the interest of family reunification.

The percentage of the third preference, which allows the entry of members of the professions and persons of exceptional ability in the sciences and arts, would be increased from 10 to 15 percent. The third preference is currently oversubscribed to such an extent that holders of approved third preference petitions must wait approximately 13 months to be granted a visa. Increasing the percentage, plus the used numbers from the preceding preference falling down into the third preference, will help to alleviate the long wait.

The fourth preference, which allots 10 percent for married sons and daughters of U.S. citizens, remains unchanged at 10 percent.

The fifth preference presently provides 24 percent of 170,000 or 40,800 numbers to brothers and sisters of U.S. citizens. This preference category is so oversubscribed in Italy that the backlog for that country is approximately 10 years. The backlog in the Philippines is approximately 1 year. Moreover, it is estimated that Poland and Portugal, and possibly other European nations, would be oversubscribed, especially if the governments would relax restrictive policies regarding the issuance of exit visas.

The bill would refine the definition of persons eligible for fifth preference visas by limiting the fifth preference to unmarried brothers and sisters of U.S. citizens. Both the first and second preferences are limited to unmarried persons. The fifth preference can only be kept current by limiting its applicability.

Moreover, a married brother or sister generally has his own family. Such an individual certainly does not have as strong a claim to immigration for the purpose of family reunity as does an unmarried brother or sister who usually plans to live with the U.S. citizen brother or sister.

The bill would grant special immigrant status to all fifth preference applicants whose petitions for admission were filed prior to January 1, 1969. Spe-

cial immigrants would not be charged to any numerical ceiling. The Department of State estimates that such a provision could result in approximately 50,000 to 70,000 aliens becoming special immigrants. The special immigrant provision would apply to all applicants regardless of whether they were married or unmarried. Fifth preference applicants with priority dates falling between January 1, 1969, and the effective date of the act, which changes the definition for the fifth preference, would be treated as falling under the current definition. Although married brothers or sisters with dates in this period would not be eligible for special immigrant status, they would be eligible for visas under the fifth preference.

Restriction of the fifth preference to unmarried brothers and sisters of U.S. citizens would result in a decreased demand for fifth preference numbers. This is particularly true since the spouse and children of a permanent resident, who is accorded permanent residence as a result of a fifth preference petition, are also attributed to the fifth preference if accompanying or following to join the principal alien. When the principal alien is married and has children, frequently his permanent residence may result in the use of four or more numbers.

Because fewer numbers would be necessary in the fifth preference, the bill would reduce the available percentage from 24 to 20 percent.

The bill would increase the percent for the sixth preference from 10 to 15 percent. The sixth preference is available to qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States.

In each preference category, any unused numbers from the preceding category would fall down. Thus, if the full 20 percent available to the fifth preference were not utilized in that category, the residue would fall into the sixth preference.

The percentage of the seventh preference would be increased from 6 to 10. This would result in 17,000 numbers for refugees from the Eastern Hemisphere and 13,000 for refugees from the Western Hemisphere as opposed to the 10,200 presently allocated for their use. There are only 3,600 refugee numbers remaining not used at this time, although 7 months still remain to the end of the fiscal year, June 30, 1970. Projections indicate that by the end of January, the supply of numbers for refugees may be exhausted. More numbers are necessary if the United States is to continue its traditional rule of providing asylum for Czechs, Poles, and other victims of Communist oppression.

The bill grants visas to refugees rather than conditional entries presently granted under the seventh preference. After 2 years, a conditional entrant can adjust his status to that of a permanent resident alien. It was thought that this 2-year period would function as a probation period. Thus, if the conditional entrant's conduct was unacceptable during this period, he would be deported. Also, if factors concerning his background came to light after his entry, he could be deported if facts disclosed were of an unfavorable nature.

However, Federal case law holds that persons paroled into the United States are entitled to the same type of hearing procedure to revoke their parole status as is accorded to permanent residents being deported. Since "conditional entry" is essentially "parole" with a different name, conditional entrants cannot be summarily deported from the United States.

The issuance of visas will also place the entire administration of the refugee provision within the purview of the Department of State. Under the present law, only designated refugee officials of the Immigration and Naturalization Service can process refugees. The Immigration and Naturalization Service must consult with the Department of State concerning the location of refugee officers. Frequently, the number of refugees in a geographic area is not large enough to justify the processing of refugees at that particular location. Administration of section 203(a)(7) could result in the processing of refugees through any U.S. Embassy or consulate.

The bill also broadens the definition of the term "refugee." Under this expanded definition, any persons who flee or shall flee due to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion would be eligible for refugee status. Any person who has been uprooted by natural calamity or military operations and is unable to return to his usual place of abode is also included within the definition.

Another provision of the bill would allow Cuban refugees to adjust status outside of numerical limitations for the Western Hemisphere. Under the present law, Cuban refugees who are present in the United States for the requisite 2-year period are allowed to adjust their status to permanent resident alien. When a Cuban adjusts status, he is charged to the 120,000 numerical ceiling applicable to the Western Hemisphere.

The elimination of Cuban adjustments from the numerical limitation for the Western Hemisphere would result in many more numbers being available to other Western Hemisphere applicants.

Under the preference system, each independent foreign country would have a numerical limitation of 20,000 numbers with the exception of Canada and Mexico, each of which would be allotted 35,000 numbers. A 20,000 limitation on Canada and Mexico would disturb the normal flow of immigration from these two contiguous countries. Because of their proximity to the United States and the interrelation of businesses and families located in the border areas, a greater number may be necessitated. The limitation of 200 visa numbers for applicants who are natives of colonies or other component or dependent areas of a foreign state would be raised to a limitation of 600. This increase in the subquota limitation should serve to alleviate the present backlogs in dependent areas lying in the Caribbean area. Obviously, this rather modest increase will not fill the tremendous demand for visas from natives of Hong Kong.

Under the proposed bill, Western Hemisphere immigrants, except those from Canada, Mexico, and adjacent islands, would be allowed to adjust status while in the United States. The present law prohibits any resident of the Western Hemisphere from adjusting status to a lawful permanent resident while in the United States. Aliens from the Eastern Hemisphere, however, are allowed to adjust status in the United States. Prohibition against adjustment of status for Western Hemisphere natives works great hardship on many persons who are obligated to return to their native country. For a native of Argentina, it is exceedingly expensive and inconvenient to return to that country to adjust status. There is no reasonable basis for treating natives of the Western Hemisphere differently than natives of the Eastern Hemisphere on the subject of adjustment of status. Retention of the prohibition as to natives of Canada, Mexico, and adjacent islands will serve to deter nonimmigrant entry into the United States with the secret purpose of adjusting status once physically present.

The bill would establish a board of visa appeals with jurisdiction to review denials of immigrant visas upon petition by any citizen of the United States claiming that an alien outside the United States is entitled to a preference status by relationship to the petitioner under section 203(a)(1), (4), or (5) or an immediate relative status under section 201(b). The board of visa appeals would also have jurisdiction to review the denial of a visa upon petition by an alien lawfully admitted for permanent residence claiming that an alien outside the United States is entitled to a preference status by relationship to the petitioner under section 203(a)(2).

It is important to emphasize that only the U.S. citizen or permanent resident alien could petition the board of visa appeals. The alien would have no right of petition himself nor would the alien have a right to appear before the board.

Fiances or fiancees of U.S. citizens or permanent resident aliens would be eligible for nonimmigrant visas if they entered the United States to marry within 90 days. If a bona fide marriage did not take place within the allotted 90-day period, the alien would be obligated to leave the United States. If the alien did marry, the alien would be eligible to apply for adjustment of status as the spouse of a citizen or permanent resident.

The exchange visitor provisions of the act would be modified. The 2-year foreign residency requirement would be made inapplicable to aliens who are from economically developed countries provided that the program on which they were participating was not funded by the government of either the United States or a foreign country. Moreover, the 2-year foreign residency requirement could be waived if the foreign country of the alien's nationality or last residence furnished the Attorney General a written statement that it has no objection to such waiver. The present grounds of waiver in instances where the alien's

U.S. citizen spouse or children would experience extreme hardship or where the Department of State, pursuant to the request of another agency, has requested a waiver as being strongly in the national interest, would be retained.

Under the bill nonimmigrant visas would be available to persons employed by a corporation or other legal entity and who are coming to the United States temporarily in order to continue to render his services to the same employer at a branch office, affiliate, or subsidiary in a capacity that is executive, managerial, or involves specialized knowledge.

International corporations and other entities have experienced great difficulty in expeditiously transferring high level personnel into the United States. Their inability readily to make such transfers has inhibited the usefulness of foreign nationals important to the expansion of foreign markets. In most cases, these individuals plan to come to the United States for a period of practical work and training and eventually to return to a foreign country. Such individuals should receive nonimmigrant visas rather than immigrant visas when the alien clearly does not desire to become an immigrant. The issuance of an immigrant visa would deprive another applicant of a visa.

Limited statutes of limitation on deportation would be imposed for the following three classes of aliens:

First, permanent resident aliens who became permanent residents before the age of 14;

Second, permanent resident aliens who have resided continuously in the United States for 20 years, except the statute of limitations is inapplicable for aliens guilty of fraudulent entry; and

Third, permanent resident aliens who engaged in deportable conduct more than 10 years prior to the institution of deportation proceedings, except for fraudulent entry.

There are two basic reasons for establishing statutes of limitation for deportation. In the case of aliens who would fall under the provisions just mentioned, in many cases, there is no country to which the alien has ties substantial enough to deport him to that country. Moreover, when an alien became a permanent resident at an early age or when an alien has spent the major portion of his life in the United States, he should receive the same punishment for illegal conduct as a citizen would receive. If the alien has engaged in antisocial behavior he should be punished under the appropriate State or Federal law.

The limited nature of the statutes of limitation proposed in my bill should not result in any curtailment of efforts to combat organized crime. Few deportation actions have been instituted against aliens engaged in organized crime.

Special immigrant status would be accorded to aliens who seek to enter the United States to perform religious duties for a bona fide religious denomination where the immigrant has worked 2 years prior to application for that denomination. Under the present law special immigrant status is accorded to ministers. This provision would expand the use of special immigrant visas to any persons who perform religious duties. Under the present law, such persons must usually await nonpreference numbers, which are not readily available, and, in fact, are totally unavailable for some countries. As a result of the current status of the nonpreference category, many bona fide religious organizations are experiencing extreme difficulty in bringing to the United States persons needed to perform religious duties.

This provision has three intrinsic safeguards to prevent entry of undesirable aliens. The intending immigrant must have worked for the denomination for 2 years prior to entry, the organization must be a bona fide religious organization, and the person must be engaged in religious duties.

The bill incorporates the provisions of H.R. 13999 which I introduced on September 25, 1969. This provision would amend section 212(a)(14) so that the availability of sufficient workers who are able, willing, qualified, and available to fill a certain position is determined at the place to which the alien is destined to perform such skilled or unskilled labor. Regulations promulgated by the Department of Labor under the present law set forth a list of occupations for which the Department of Labor has found that there are sufficient workers available nationwide. However, many occupations on this list are unfilled chronically in certain labor market areas. These are jobs traditionally filled by aliens who are natives of Western and Northern European countries. Immigration from these countries decreased sharply upon the enactment of the 1965 act. A determination of labor needs on the basis of local labor market areas and provision for additional numbers in the sixth preference should help to increase immigration from countries which previously enjoyed high annual quotas.

The bill would create a select commission on nationality and naturalization to make a full and complete study of naturalization. In light of Federal Court decisions in recent years, it is apparent that extensive revision of the naturalization provisions is necessary.

Under the current immigration law, when a petition is filed to accord third or sixth preference status to an alien, the Attorney General is authorized to consult with the Department of Labor. The bill contains a provision which would authorize the Attorney General to consult with other appropriate agencies of the Government, in addition to the Department of Labor. This proposed change is necessary particularly in the case of third preference petitions. The Department of Labor is not best qualified to evaluate all petitions. For instance, in the case of a doctor, the Department of Health, Education, and Welfare should be consulted concerning his qualifications. It is understood that the Department of Labor would be the appropriate agency for consultation for all sixth preference petitions.

CBS INTERVIEW WITH CHAIRMAN PERKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 30 minutes.

Mr. QUIE. Mr. Speaker, I have taken this time to bring a matter to the attention of the House—and to the extent that this is a forum in which every voice is heard—to the attention of the country.

I am amazed at the CBS morning news interview today between Nelson Benton and the distinguished chairman of the Committee on Education and Labor (Mr. PERKINS). I have the transcript of that interview. Mr. Benton led off with this introductory statement:

> Representative Carl Perkins of Kentucky—helped head off temporarily, the effort to weaken OEO.

Now, Mr. Speaker, note the adjective "weaken." Talk about editorial comment. Where is the nicety of, let us say, camouflage—where the interviewer would say "the effort allegedly to weaken OEO"?

Later in the interview, commentator Joe Benti felt the urge to make a helpful contribution, as follows:

> I have just one question, I imagine it's one people have whenever they see a situation like this developing in the Congress. Who do you put the blame on? Is there anybody that could be written to if people feel that the OEO should be maintained as it is?

Mr. Speaker, the blatant editorializing and one-sided presentation of CBS news on this issue is not really my concern. My concern, rather, is with the substance of Chairman PERKINS' remarks in the course of that interview, which I must say are fairly typical of the kinds of things that are being said by those who oppose the substitute bill, but do not know why. Let me run through those remarks and answer them—or rather, correct them, because what is involved here is not the presentation of an opposing viewpoint as the near-complete misstatement of the provisions of the substitute bill.

Mr. Speaker, the substitute bill is not susceptible to that interpretation. It can be criticized on some grounds just as any measure can be criticized. But it ought at least be attacked for what it would do, rather than for what it patently would not do.

Let me summarize briefly the actual affect of the substitute bill before dealing with some of the chairman's allegations in greater detail. Far from "turning the program over to the States," the substitute bill provides an orderly procedure whereby a State which wished to do so, and which could meet the requirements of the Director and of the existing law, could coordinate and supervise local community action and VISTA volunteer programs, and could approve applications of such agencies in accordance with the law and with the guidelines of the Director. In addition, the State economic opportunity office would provide administrative review to assure sound financial accounting and program evaluation. This is called a "State developmental and coordination program."

In short, the State economic opportunity offices—already set up under the act in 49 States—would take over many of the functions of the regional offices of OEO, and would do so in a manner responsive to the people of the State who elect their Governor.

The substitute also would require that any State which chose to establish this developmental and coordination program must first set up a State economic opportunity council, broadly representative of the economic, social welfare, religious, educational, and governmental resources of the State, which would oversee and advise on the conduct of the program and would devise a long-range plan for attacking the causes and affects of poverty in the State. The State antipoverty program would then be related to accomplishing the objectives of that plan devised by the people of the State who best know the problems of the State.

This is not a State "takeover" of the Federal antipoverty program, and it absolutely is not a State "takeover" of local community action programs. One only needs to understand the existing law to understand that these charges are false. Look at the act.

Under the existing act—as amended in 1967 with the support of most of the members of our Committee on Education and Labor—a State in fact can completely take over the community action program; but it can do so only by declaring the State itself as the community action agency in that State. The escape valve, however, leaves local communities and cities the alternative of "opting out." We have not changed that portion of the present act. That is the existing law. Beyond that choice there exists only the completely negative and after-the-fact power of the Governor's veto—which the Director can then override without giving a substantive reason—and the useful but powerless instrument of the present State economic opportunity offices.

Mr. Speaker, I am absolutely confident that if the existing Economic Opportunity Act were as we propose to amend it, and if we were proposing to change it to read as the act does now in fact read, that we would be accused of proposing a lunatic device to wreck a responsible program. I believe that is a fair statement.

Some of our sympathizers go perhaps a little far and state that we are proposing a responsible device to straighten out a lunatic program. I will say that the device I have outlined is a responsible attempt to focus all of the private and governmental resources of a State upon the problems of poverty, and to do so in a coordinated effort. Many of us, in both parties, who have worked for years and as constructively and as intelligently as we can on these problems, feel that only in this way can we begin to make genuine progress in eliminating the blight—the inexcusable blight—of poverty in America. I submit that this cannot fairly be criticized as an effort "to turn back the clock."

Chairman PERKINS after a bitter criticism of State Governors—went on to act as a spokesman for the Governors with the assertion:

> Representatives of the Governors came to testify and they did not ask for a takeover of this kind . . . a survey disclosed that 75 percent of the Governors were against a takeover of this type.

This is a complete misstatement of the position of the Nation's Governors as best we can ascertain that position. This morning we contacted the National Governors' Conference and were informed that the substitute bill conforms precisely with the recommendations of the conference made to our committee. It should because it was drafted with those recommendations as a guide.

At the conclusion of this statement, I am again placing in the RECORD a paper of general comments developed by the National Governors' Conference, November 20, 1969, which describes the attitude of the States regarding administration and the redirecting for strengthening of OEO programs. This statement was prepared by them prior to the completion of the substitute amendment and without prior review of the amendment.

Mr. Speaker, let me deal next with the equally unfounded assertion that the substitute bill "destroys local initiative, destroys the freedom of the elected officials, the municipal and county officials of the country." Strangely, the exact opposite is true of the substitute bill and all of us who worked on it supposed that it would be attacked vigorously upon those precise grounds.

It would in fact amend the present law to give genuine effect to the intent of the 1967 amendments that local elected public officials have a strong and responsible voice in community action agencies.

The substitute further specifies that local elected public officials shall appoint the persons on the board who represent the broad range of community resources and agencies—other than the poor, who would continue to themselves elect not less than one-third of the members of these boards. Moreover, the State economic opportunity council would be required to have in its membership elected municipal and elected county officials.

Then there are the twin assertions of the chairman that the authority of the Director of OEO would be limited to vetoing the program submitted by a State, and that the State would have "authority to disburse the funds without any assurance that it's going to the local communities that need it."

Both these assertions are demonstrably wrong on the very face of the substitute bill. There are at least six separate determinations and controls which the Director would have over a State program which, if the State failed to satisfy him, would empower him either to disapprove a State program in the first instance or to discontinue its operation and to resume direct OEO administration.

The very first one of these requires that a State program contain policies and procedures which "assure that due consideration will be given to the relative needs of urban and rural areas within the State, and to the needs of various categories of persons living in poverty, in accordance with criteria supplied by the Director."

The broadest of all these checks by the Director is that the State program must provide "assurances satisfactory to the Director that all relevant requirements of this act shall be complied with." Again let me say, as emphatically as I know how to say, that this substitute bill was in no sense designed to "turn the antipoverty program over to the States." It was instead designed—and carefully designed—to enlist the resources of the States in the service of eliminating poverty through this agency as we do in other agencies.

Now, Mr. Speaker, let me return briefly, and only briefly, to the problem of fair presentation of views by the media.

This morning I read a front page story in the Washington Post by a reporter whom, however much we may disagree on issues from time to time, I greatly respect. His story characterized—not as a quote, but as a statement of straight news reporting—our substitute as a "proposal that would dismantle the Office of Economic Opportunity." I read this—as did staff people who worked on the proposal—with disbelief and anger.

One of my staff associates called the reporter personally to ask whether he considered this a fair statement. He responded that he emphatically did not; he had not even written that line in his signed story. It was added by a rewrite man at the Washington Post, I suppose to inject the editorial position of that newspaper into a supposedly straight news story.

Is this respect for honest reporting and for the profession of journalism, Mr. Speaker? I think not. I think it is a disgraceful interference with an honest man's pursuit of an honorable profession.

Or take the matter of the CBS interview which features the chairman of our committee. To my knowledge, in the past 2 days, there has not been a single CBS interview of anyone favorable to our substitute. So one of Congressman AYRES' staff—who happens to be a former newsman of many years' experience—called the producer of that show, Mr. William Crawford, to ask for a transcript and to request that Congressman AYRES, Congresswoman GREEN, or myself be given equal time. He was turned down flatly with the scornful reply that a Governor had appeared on the show some time ago and that this was all the equal time the law requires.

While I am deeply troubled by this sort of treatment of news media—I am even more troubled by the atmosphere of gross exaggeration, obvious misrepresentation, and ill will surrounding the debate over great public issues.

We need to dispel this atmosphere and generate, instead, with all the vigor we can bring to the fair statement opposing views, and atmosphere of honest debate. The American people need to be informed, not propagandized. Beyond the issues of today, however pressing they may seem to us in the heat of controversy, lies the growing need of a public truly and accurately informed.

The ever-present public interest in effective government, and in the functioning of all the vital processes of our democracy, is badly served by those who deal in glib generalities covering half-truths or untruths, and by those who generate or seek to generate mass "pressure" on the basis of such m'sinformation.

Even a good cause cannot—or perhaps ought not—survive such a defense.

Mr. Speaker, the general comments of the National Governors' Conference follow:

WASHINGTON OFFICES OF THE COUNCIL OF STATE GOVERNMENTS—NATIONAL GOVERNORS' CONFERENCES,
Washington, D.C., November 20, 1969.

GENERAL COMMENTS

There is perhaps no area where greater mutuality of interest characterizes the efforts of the several states and the federal government than the planning and administration of programs to eliminate poverty. The concerns of the present Administration for redirecting and strengthening the operation of the Office of Economic Opportunity are most encouraging. But those efforts to uplift our disadvantaged citizens cannot succeed if they remain unilateral federal actions or programs which in process tend to mitigate or ignore involvement of state and local governments.

In the past, the mere proliferation of federal programs could not and did not produce the most desired results. In many instances, coordination between regional OEO's and state offices was minimal at best. Procedural practices tended to counteract, frustrate, and even reduce the effectiveness of state attempts to fulfill their own responsibilities for ameliorating the conditions of life to which their most deprived citizens fell heir by aiding them to become self-reliant members of American society.

The states do not seek to control or distribute OEO program funds, but only to be involved in a meaningful and forthright manner with all agencies striving for the eradication of poverty, and to have their recommendations or objections considered in the light of facts to which they alone, by virtue of their special position, are privy. The states do desire some measure of control over programs operating within their borders in order to ensure the greatest benefit and most efficient use of available funds. This can occur only when state offices are involved in the planning and programming of all projects to eliminate poverty.

As Governor Hathaway of Wyoming wrote:

"I have long felt that the several states and their Governors in the past, have been by-passed and used only as "rubber stamps". Neither Mr. Newton (SEOO Director) nor I have concurred in such practices, in fact, strongly object to such procedure. It is, therefore, refreshing to us in Wyoming to note the new trend which is indicated OEO will take. If such trend becomes a reality, it should be only the first step and not the last in the greater involvement of the states."

But there will be no more than this first step unless capable and responsible SEOO's are accepted as full, good faith partners under the Act. OEO must recognize State government as the advocate and representative of its people and as a necessary link in the governmental structure. OEO must also recognize that decentralization goes beyond its delegation of grant approval to regional offices. OEO has not, and cannot implement successfully its primary charge of advocacy, inter-agency coordination and mobilization of resources below the Regional level. The functionally superior State capability must be called upon, if the intent of the Act is to be met, and poverty lastingly eliminated. Enduring change, statewide and locally, requires this essential ingredient of success available only at the State level. OEO must work to support the growth of these essential resources at the State level. Integrated State human resource planning and coordination must be given a greater priority.

Some of the roles that can be fulfilled by the states were enumerated by California:

"We believe that there are a number of equally important roles for the State Economic Opportunity Offices which must be given equivalent emphasis. These key roles are: to serve as advisor to the Governor of the state; to provide intensive and comprehensive technical assistance and training; to prepare, plan, and develop innovative research and capabilities. We do not necessarily agree that any one of these roles has a primacy in relation to the responsibility of the State Economic Opportunity Office to be a representative state organization with special mandates for the disadvantaged citizens of the state."

SPECIFIC COMMENTS ON OEO INSTRUCTION DRAFT

Introduction Section: The introduction establishes appropriate background for the development of guidelines on the role of SEOO's. There is some question, however, with regard to the last sentence of the introduction which indicates that OEO and its regional offices will jointly develop specific roles and work programs for each SEOO. This should be changed to indicate that regional offices, working jointly with SEOO's, will develop roles and work programs for each SEOO. Certainly the states themselves are in better positions to determine their own needs, and therefore state roles and work programs should be developed primarily by the states with regional office concurrence.

I and II: These sections are found acceptable as drafted, and no specific recommendations are offered to refine them.

III Coordination and Advocacy at the State Level: Basically, the remarks made are good but they are more constrictive than constructive. The states' role should be broad and not channeled into specific areas as is done under 1, 2, 3 and 4. No where else in the complete draft instructions is there another place where such points are made except in this area involving the states. The states are not only interested in developing career opportunities for the poor within the SEOO and other state agencies but in the broader role of developing career opportunities for the poor in all areas including state and private enterprise. Under this section the state role should be expressed in broad terms and if specifics are mentioned they should be preceded by the words "Suggestions for SEOOs to consider."

IV Technical Assistance to CAA's and other OEO Grantees: In this section, the statement, "Provides general technical assistance where requested . . ." is not an adequate concept of SEOO technical assistance since it responds only to requests made by Community Action Agencies. Dynamic programming calls for the provision of technical assistance not only on request, but also as initiated in relation to perceived and demonstrated needs. As one state expressed the matter:

"It appears state offices remain as messenger boys in so far as providing technical assistance. It is indicated the state offices will provide technical assistance 'where requested'. This is a subtle way of once again bypassing the states with local programs."

To enhance the value of their technical assistance to CAA's, SEOO's should have continuing input into the planning of CAA programs. The Checkpoint Procedure systems could be most helpful in this regard, but the instruction draft offers only generalities instead of explicitly describing when, where, and how the state offices will be involved in prior consultation or development of CAA programs along with other OEO grantees. State offices should be involved in the planning stages, not after everything has been completed. They should be given an opportunity for pre-review while constructive participations is still possible.

The checkpoint procedures spelled out in the Instruction must apply to OEO Headquarters as well as Regional Offices. Many programs are now funded from Washington with no SEOO input at all. The instruction should clearly require submission of all funding requests or proposed funding decisions to the SEOO for comment. This should *specifically* apply to the awarding by OEO of any form of consulting contracts.

"The suggestion that SEOO's "give priority emphasis to the hiring and training of highly specialized personnel" is not appropriate to a small office such as Hawaii where the hiring of a few specialized staff would limit the range of available technical assistance. A generalist with broad experience and competence can be effective by making maximum use of specialists in the State government where necessary and required."

V Operation of Special Programs: Comments relevant to this section are included under section VI below.

VI Advisor to OEO: Items A and B of this section should be so expressed as to insure that the "advisory" role of SEOO's has real significant with regard to the formulation of OEO programs as they affect the states. This may, in some instances, require OEO support to facilitate state participation within the context of the guidelines. The state of Wisconsin offers the following example:

"Concerning the SEOO role, we question whether it will be possible for the state offices to prepare an annual written analysis of poverty. We presently rely upon 1960 data with some updated material. The analysis on an annual basis could only be highly subjective and limited in focus or geographic area. Without sufficient research grants to SEOOs, we would be opposed to this requirement. If, however, the national OEO were to fund the states with a research grant for computerizing the Management Information System, then the annual analysis would be possible. The Wisconsin Bureau of Economic Opportunity will be submitting a grant request to this effect."

On the other hand, the Governor of California maintains that such reports may even be gratuitous and unnecessary:

"The requirement for the State Economic Opportunity Offices to prepare an 'annual written analysis of poverty in the state' appears to be a superfluous and potentially wasteful exercise. Every city, every county has been demographically surveyed and studied numerous times for every possible measure of poverty and this information is generally available for the federal administration of the EOA."

Item C suggesting that "comments and recommendations by the appropriate SEOO's shall be sought on all proposals for OEO funding training and technical assistance projects . . ." would be considerably strengthened if SEOO's were included in the procedure to sign off all proposals for such OEO-funded projects.

If a state indicates a desire to apply for Section 230 funds, the regional office should provide whatever assistance is needed by the SEOO to develop the best possible proposal which may include taking advantage of all other related state resources. This would enhance state delivery systems and remove the state from the potentially disadvantageous position of competing with certain outside professional agencies.

Item D calls for assistance in implementing BOB Circular A–95 which requires improved state level coordination of planning and multi-jurisdictional areas. A–95 also calls for project notification review procedures which should apply to the funding of all CAA or other OEO grantees within the state, in this case, with the SEOO acting as a form of State Clearinghouse.

Item E refers to SEOO input into evaluations. The SEOO should be continuously evaluating all programs in the state, not just for reporting purposes but to detect any needed areas of assistance. A representative from the State Office staff should be an integral part of any evaluatory team and should have effective input into the final report. As the state of Arizona recommended:

"If the SEOO at the beginning of VI–E is charged with ("jointly participates with the Regional office in the monitoring and evaluation of OEO-funded programs and . . . in the development of standards for evaluation . . ."), this instruction should also pro-

vide that *both* the SEOO and the Regional office should jointly participate in the follow-through action.

"This would eliminate the arbitrary decisions which the Regional Director might make and it would enhance the partnership which the whole Instruction attempts to develop. More specifically, it would relieve the Regional Director of having to rule in a very sensitive or delicate area."

Item F concerns another area of great importance to improved state-OEO relations. Much closer ties between the SEOO and VISTA operations within the States is badly needed. Initially, at least, OEO needs to advise the SEOO of all VISTA activities in the State so the SEOO may play a coordinating role. In addition, the instruction should at least permit a State VISTA Director or Coordinator to be housed in the SEOO, either in the person of an OEO staff member, or paid for by OEO funds.

VII Regional Office Responsibilities With the SEOO's: Many states object strongly to insensitive approaches to evaluating a "governor's office" or an office responsible to a governor. Where such evaluation is carried out, the suggestion of Wyoming should be carefully noted:

"If we are to have true Federal-State relations, state offices must be given some responsibility in connection with application review, grant approval, and program monitoring under Section 231. The monitoring and evaluation of programs should definitely be a dual function of both the regional and state offices. The draft should clearly make it mandatory that state offices be involved in program monitoring and evaluation and given a meaningful role in such. To say that the State office must be "invited" is not enough and is just another way of bypassing state responsibility insofar as their own state programs are concerned."

VIII OEO Headquarters Relationships with the SEOO's: The first sentence of item D under this section should read: "In coordination with the SEOO's and the regional offices, this division will . . ."

Item E, which calls for notifying SEOO's of all grant applications has long been one of the major problem areas in the administration of OEO programs. In this regard, the language included under section VII–G of these instructions should be applicable to the national OEO office as well as the regional.

IX SEOO Responsibilities as OEO Grantees: While primary responsibility for developing an acceptable work program must remain with SEOO's, regional OEO offices should provide consultative assistance if requested.

CONCLUSION

The proposed expansion of SEOO activities is a logical and necessary move if real emphasis is to be placed on state leadership in program development and implementation by the federal government.

Clearly, many of the new responsibilities defined for the States will only be possible with greater staff and financial capacity. This would require a significant increase in technical assistance grants to the SEOO's. A clear statement of commitment for increased financial assistance to the SEOO's (and for a decrease in funding to consultant firms to perform duplicate work) would greatly strengthen the Instruction and the credibility of OEO.

The joint development of a federal-state funding plan will need to be based on a joint federal-state analysis of need. Certainly States should identify such a need from their viewpoint to help guide OEO in funding decisions. More important however, is the actual development of a joint funding plan. Not only must funding decisions be made so as to provide the most effective blending of federal and State financial resources, but also should encourage more State participation. The most effective way to do this is to increase federal funds in proportion to increases in the level of State funds provided. This should be clearly spelled out in the Instruction.

In addition to restructured funding plans, however, most governors feel that they must retain constructive approval powers to insure that projects are executed in the best interest of all the citizens of their respective states. This position is perhaps best exemplified in the words of the Governor of California:

"We recommend, as indicated by our statement before the Senate Subcommittee on Employment, Manpower, and Poverty on June 5, 1969 that all technical assistance, training, and related funds should be channeled to the State Economic Opportunity Office and that all programs under the EOA, not assigned to direct state administration, should be subject to Governor's approval. We urge the inclusion of all special training, technical assistance and similar grants per Section 230 under the Governor's veto power and object to the procedure of contractual arrangement for such purposes, which circumvent the Governor's role and responsibility in the administration of the EOA. We do not believe that the provisions for notification and consultation procedures or the permission for State Economic Opportunity Offices to "compete" for special training and technical assistance is a satisfactory approach.

"We believe that proper and intent-seeking interpretation of Section 242 of the EOA would indicate selective, line-item approval rights of the Governor. This selective approval would permit the release of funds for portions of grants which in some sections have objectionable components contraindicating positive action by the Governor. The recent Senate action on the amendment to the Economic Opportunity Act of 1969 as proposed by Senator Murphy appears to be an affirmative step in this direction."

The alternative to this is expressed by the Governor of Wyoming:

"If the Washington and regional offices will truly consider the recommendations of state offices regarding application review and grant approval, more than they have done in the past, such procedure would then be a giant step forward. In such case, states would not have to resort to the threat of a Governor's veto in order to have their recommendations considered."

In the final analysis, two crucial elements will determine the success of any proposed guidelines, flexibility and simplicity. Unfortunately, these can become contradictory and self-defeating if they are not wisely conceived and implemented. Maximum flexibility would seem to demand as many different programs as there are states, the very antithesis of simplicity. Nonetheless, the entire program will be effective in the degree that it can focus all available resources upon the resolution of the problems of the poor. To that end, OEO must strive to nurture a policy of flexibility in meeting individual state situations with a strong commitment thereto made apparent within the internal directives of that agency. It is recognized that not every governor may be expected to have equal concern for the problem of poverty. It should be pointed out, however, that for those governors who choose to take strong and positive action and demonstrate capability in this field, the Office of Economic Opportunity should be quite willing to give increasing responsibility to deal with the specific issues outlined in an attack on poverty. Only in this way will the mutuality of interest in exercising poverty from American life become a mutuality of success.

CHARLES A. BYRLEY.

HIGHWAY USER ACT OF 1969

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

Mr. SCHWENGEL. Mr. Speaker, Americans today enjoy the finest highway system in the world. They enjoy this wonderful system largely due to two companion acts passed by Congress in 1956. The acts to which I refer are the Highway Revenue Act of 1956 and the Federal-Aid Highway Act of 1956. Together, these acts have provided the mechanics and the finances necessary to build this great system. This system of highways has greatly facilitated our "fifth great freedom," the freedom of movement of men and goods. All sectors of our economy have benefited a good deal from this highway system. One sector of the economy has made especially productive use of this highway system. I refer, of course, to our great transportation industry, and in particular, the trucking industry.

Mr. Speaker, I am a great admirer of the wonderful success story which is the story of our trucking industry. Our truckers move more ton-miles of goods in the United States than all of the rest of the world put together. Their growth and success has been phenomenal. This immense success story was made possible largely due to the action and leadership of the House Roads Subcommittee and Congress.

At the time the Highway Revenue Act was passed, it was felt Congress lacked sufficient information on the question of the relative shares of the highway costs which should be borne by various classes of highway users. The Congress directed that a study be undertaken to provide this information.

Section 210 of the Highway Revenue Act of 1956, contained a provision which directed a study as to the basis for "an equitable distribution of the tax burden among the various classes of persons using the Federal-Aid highways or otherwise deriving benefits from such highways." The study was known as the Highway Cost Allocation Study. The final report on the study was due on March 1, 1959, but an extension to January 3, 1961, was granted. The report is contained in House Document No. 54, 87th Congress, first session. The provisions of section 210 required that the study be coordinated with the results of the AASHO road test at Ottawa, Ill. The AASHO tests were not completed at the time the original cost allocation report was submitted. As a result, a supplementary report of the Highway Cost Allocation Study was submitted—House Document No. 124, 89th Congress, first session, dated March 24, 1965.

Mr. Speaker, these reports showed rather dramatically, that certain categories of highway users have not in fact been paying "their fair share" of the cost of our highway programs. I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

In particular, the larger truck combinations, especially those over 55,000 ap-

peared to be paying considerably less than their "fair share" of the cost of the highway program.

The State of Iowa recently had occasion to utilize the results of the cost allocation study in analyzing their highway user tax structure. A couple of points made in a letter from Mr. Joseph Coupal, Director of Highways, Iowa State Highway Commission, are of particular interest on this point:

In our analysis, we have found that generally, truck-tractor semitrailers are not paying their full share of cost responsibility, based upon an incremental cost study conducted by the Bureau of Public Roads in 1965. The results of this study have been adjusted to reflect the proportionate changes in vehicle miles traveled in Iowa by the several vehicle types, and preliminary figures indicate that truck-tractor semitrailer combinations have an incremental cost responsibility of 32.5 per cent. Our preliminary figures indicate that this type of vehicle produces 14.3 per cent of the State road use tax fund. We are presently reanalyzing this data, and these percentages are subject to correction. . . .

We have found through the results of the AASHO road test and the Bureau of Public Roads incremental cost study that the road user responsibility for commercial vehicles increases at an accelerating rate as the gross weight increases. The formula that we are suggesting provides for such an accelerated rate per ton of gross weight. . . .

We further believe that there should be a greater than one cent differential between gasoline taxes and diesel fuel taxes. Various studies have indicated that a diesel-powered vehicle obtains twenty-five to thirty-five per cent more miles per gallon than a gasoline-powered vehicle of the same gross weight.

Careful analysis by the Department of Transportation shows a similar pattern of underpayment on a national basis. It shows that there has been in effect, overpayment by lighter trucks. For this reason, I am today introducing a bill which will make certain adjustments in our highway user tax structure to correct these inequities.

The proposed bill is intended to distribute highway program costs more justly among the different classes of highway users. It would do this by changing the present flat annual tax rate of $3 per thousand pounds of gross weight on trucks and buses in excess of 26,000 pounds gross weight, to a graduated tax applicable only to vehicle combinations—consisting of a truck-tractor and semitrailer either with or without a full trailer, or a truck with one or more full trailers—and intercity buses. The new rates proposed would range from $3.50 per thousand pounds for a vehicle combination with gross weight between 26,000 pounds and 40,000 pounds, to $9.50 per thousand pounds for vehicles with a gross weight of 70,000 pounds or more. In table form the tax as proposed is as follows:

If the taxable gross weight of such highway motor vehicle is equal to or more than—	But less than—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1972, and ending on Sept. 30, 1972, the tax for each 1,000 pounds of taxable gross weight or fraction thereof is—
26,001 pounds	40,000 pounds	$3.50	$0.88
40,000 pounds	50,000 pounds	5.00	1.25
50,000 pounds	60,000 pounds	6.50	1.63
60,000 pounds	70,000 pounds	8.00	2.00
70,000 pounds		9.50	2.38

In recognition of the much higher mileage obtained by those vehicles using diesel fuel, my bill proposes an increase in the tax on diesel fuel used in highway vehicles to 6 cents per gallon, a raise from the present 4 cents per gallon. The additional mileage obtained through the use of diesel fuel naturally means increased wear and tear on the highways.

The text of my bill is that submitted to the Congress earlier this year by the Secretary of Transportation, John Volpe. Secretary Volpe is to be commended for his courage in proposing the much needed changes. Federal Highway Administrator Frank Turner made reference to the Department's bill and their position on it during his testimony before our Roads Subcommittee relative to the big truck bill. He stated:

This Department has transmitted legislation to the Congress to increase heavy truck user charges so that this class of highway user bears what our previous reports to Congress have indicated to be a more equitable share of the cost of Federally aided highway construction. This legislation would carry out congressional policy as set forth in Section 209(b) of the Highway Revenue Act of 1956. It relates to existing disparities in sharing of costs and should be enacted before and regardless of whether any increase in size and weights is authorized. If this is not done, then an increase in truck weights would simply compound the current inequitable distribution. (Emphasis added.)

Mr. Speaker, one point raised by the trucking industry on the question of cost allocation should be clarified here. Representatives of the truckers have referred to a recent revision of the truck use tax tables as a "tax increase without legislation." They have inferred that because of this so-called tax increase without legislation, no further tax increase can be justified. This charge clearly indicates the utter irresponsibility of some of the truck owners.

The question arose as a result of stories early this year by Mr. William Steif of the Scripps-Howard newspapers. Mr. Steif revealed that the Treasury Department was losing $40 to $50 million per year because the truck use tax tables only covered trucks weighing 60,000 pounds or less. The Internal Revenue Code requires that the Secretary of the Treasury promulgate regulations for determining the taxable gross weight of various types of vehicles. Under the regulations which had been promulgated, a maximum gross weight of 60,000 pounds was the heaviest taxable category. The tables ignored any truck having a total gross weight in excess of 60,000 pounds.

So what we really had was a gigantic tax loophole through which the truckers were happily rolling their big rigs. The loophole was created by the negligence of Internal Revenue officials in failing to change the tax table. Secretary Kennedy has quickly moved to bring the tax table up to date and thus close the loophole.

The point I would make is this, not only was there no "administrative tax increase," but that there is a real question of whether or not the truckers owe "back taxes" for the heavier rigs operated during this period. Certainly the updating of the truck use tax tables is not a valid reason for delaying the enactment of the Highway User Act of 1969.

The text of my bill follows:

H.R. 15106

A bill to provide for a more equitable distribution of the costs of highway programs, and to provide additional revenues for the Highway Trust Fund and for other purposes

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

SHORT TITLE

SEC. 101. (a) Short Title.—This act may be cited as the "Highway User Act of 1969".

(b) Amendment of 1954 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TAX ON SPECIAL FUELS

SEC. 102. Subchapter E of chapter 31 (relating to tax on special fuels) is amended to read as follows:

"SUBCHAPTER E.—SPECIAL FUELS

"Sec. 4041. Imposition of tax on special fuels.
"Sec. 4042. Exemptions.

"IMPOSITION OF TAX ON SPECIAL FUELS

"SEC. 4041. (a) MOTOR VEHICLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), there is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a motor vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a motor vehicle unless there was a taxable sale of such liquid under this section.

"(2) DIESEL-POWERED HIGHWAY VEHICLES.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 6 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under this section.

"(3) OTHER HIGHWAY VEHICLES.—In lieu of the tax imposed by paragraph (1), there is hereby imposed a tax of 4 cents a gallon upon any liquid (other than any product taxable under section 4081)—

"(A) sold by any person to an owner, lessee, or other operator of a highway vehicle (other than a diesel-powered highway vehicle) for use as a fuel in such vehicle; or

"(B) used by any person as a fuel in a

highway vehicle (other than a diesel-powered powered highway vehicle) unless there was a taxable sale of such liquid under this section.

"(4) DEFINITION OF HIGHWAY VEHICLE.—For purposes of this chapter, the term 'highway vehicle' means a motor vehicle—

"(A) which is registered, or required to be registered, for highway use under the laws of any State or foreign country, or

"(B) which, if owned by the United States, is used on the highway.

"(b) SPECIAL MOTOR FUELS.—There is hereby imposed a tax of 2 cents a gallon on benzol, benzene, naphtha, liquefield petroleum gas, casinghead and natural gasoline, or any other liquid (other than kerosene, gas oil, or fuel oil, or any product taxable under section 4081 or subsection (a) of this section)—

"(1) sold by any person to an owner, lessee, or other operator of a motorboat or airplane for use as a fuel in such motorboat or airplane; or

"(2) used by any person as a fuel in a motorboat or airplane unless there was a taxable sale of such liquid under paragraph (1).

"(c) ADDITIONAL TAX.—If a liquid on which tax was imposed on the sale thereof is taxable at a higher rate on the use thereof under this section, there is hereby imposed a tax equal to the difference between the tax so imposed and the tax payable at such higher rate.

"(d) RATE REDUCTION.—On and after October 1, 1972—

"(1) the taxes imposed by subsections (a) (1) and (b) shall be 1½ cents a gallon; and

"(2) subsections (a)(2), (a)(3), and (c) shall not apply.

"SEC. 4042. EXEMPTIONS.

"(a) EXEMPTION FOR FARM USE.—

"(1) EXEMPTION.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4041 on any liquid sold for use or used on a farm for farming purposes.

"(2) USE ON A FARM FOR FARMING PURPOSES.—For purposes of paragraph (1) of this subsection, use on a farm for farming purposes shall be determined in accordance with paragraphs (1), (2), and (3) of section 6420(c).

"(b) EXEMPTION FOR USE AS SUPPLIES FOR VESSELS.—Under regulations prescribed by the Secretary or his delegate, no tax shall be imposed under section 4041 on any liquid sold for use or used as supplies for vessels or aircraft (within the meaning of section 4221)."

TAX ON USE OF CERTAIN VEHICLES

SEC. 103. Section 4481(a) (relating to tax on use of certain highway motor vehicles) is amended to read as follows:

"(a) IMPOSITION OF TAX.—A tax is hereby imposed on the use of any highway motor vehicle, other than a single unit truck, as follows:

"If the taxable gross weight of such highway motor vehicle is equal to or more than—	But less than—	The tax for each 1,000 pounds of taxable gross weight or fraction thereof for each taxable period is—	Except that for the taxable period beginning on July 1, 1972, and ending on Sept. 30, 1972, the tax for each 1,000 pounds of taxable gross weight or fraction thereof is—
26,001 pounds	40,000 pounds	$3.50	$0.88
40,000 pounds	50,000 pounds	5.00	1.25
50,000 pounds	60,000 pounds	6.50	1.63
60,000 pounds	70,000 pounds	8.00	2.00
70,000 pounds		9.50	2.38"

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 104. (a) Section 4082(c) (relating to certain uses defined as sales) is amended by striking out "or of special motor fuels referred to in section 4041(b)" and inserting in lieu thereof "or of special fuels referred to in 4041".

(b) Section 6416(a)(2)(A) (relating to exceptions) is amended by striking out "section 4041(a)(2) or (b)(2) (use of diesel and special motor fuels)" and inserting in lieu thereof "section 4041 (relating to tax on special fuels), on the use of any liquid".

(c) Section 6416(b)(2) (relating to special cases in which tax payments considered overpayments) is amended—

(1) by striking out "(or under section (4041(a)(1) or (b)(1))" and inserting in lieu thereof "(or under section 4041 on the sale of any liquid)";

(2) by amending subparagraph (G) to read as follows:

"(G) in the case of a liquid taxable under section 4041 in respect of which tax was paid on the sale thereof (whether such sale occurred on, before, or after the effective date of the Highway User Act of 1969), if (i) the vendee used such liquid other than for the use for which sold, or resold such liquid, or (ii) such liquid was (within the meaning of paragraphs (1), (2), and (3) of section 6420(c)) used on a farm for farming purposes; except that the amount of any overpayment by reason of this subparagraph shall be reduced by an amount equal to the amount of tax applicable on the use thereof under section 4041 on the date used.";

(3) by amending subparagraph (H) as follows:

(A) by striking out "at the rate of 3 cents or 4 cents a gallon" and inserting in lieu thereof "at the rate of 3 cents, 4 cents, or 6 cents a gallon";

(B) by striking out "1 cent (where tax was paid at the 3 cent rate) or 2 cents (where tax was paid at the 4 cent rate) for each gallon" and inserting in lieu thereof "1 cent (where tax was paid at the 3 cent rate), 2 cents (where tax was paid at the 4 cent rate), or 4 cents (where tax was paid at the 6 cent rate) for each gallon";

(4) by striking out subparagraphs (I) and (J); and

(5) by amending subparagraph (M) to read as follows:

"(M) in the case of gasoline, used or sold for use in the production of special fuels referred to in section 4041."

(d) Section 6420(1)(1) (relating to cross references) is amended—

(1) by striking out "diesel fuel and special motor fuels" and inserting in lieu thereof "special fuels"; and

(2) by striking out "section 4041(d)" and inserting in lieu thereof "section 4042(a)".

(e) Section 6421(j) (relating to cross references) is amended to read as follows:

"(j) CROSS REFERENCES.—

"(1) For rate of tax in case of special fuels used for certain nonhighway purposes, see section 4041.

"(2) For refund or partial refund of tax in case of special fuels used for certain purposes or resold, see section 6416(b)(2).

"(3) For civil penalty for excessive claims under this section, see section 6675.

"(4) For fraud penalties, etc., see chapter 75 (section 7201 and following, relating to crimes, other offenses, and forfeitures)."

HIGHWAY TRUST FUND

SEC. 105. Section 209 of the Highway Revenue Act of 1956 (relating to the highway trust fund) is amended as follows:

(a) Subsection (c)(1)(A) (relating generally to transfer to trust fund of amounts equivalent to certain taxes) and subsection (c)(3)(A) (relating to liabilities incurred before October 1, 1972, for new or increased taxes) are amended by striking out "under sections 4041 (taxes on diesel fuel and special motor fuels)" and inserting in lieu thereof "under sections 4041 (tax on special fuels)".

(b) Subsection (e)(1) (relating to management of trust fund in general) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(c) Subsection (a) (relating to expenditures from trust fund) is amended as follows:

(1) Paragraph (1) (relating to Federal-aid highway program) is amended to read as follows:

"Amounts in the Trust Fund shall be available as provided by appropriation acts, for making expenditures to meet obligations of the United States which are attributable to Federal-aid highways and to general administrative expenses of the Federal Highway Administration in carrying out the programs to be financed from the Trust Fund."

(2) Paragraph (5) (relating to transfers from the trust fund for special motor fuels and gasoline used in motorboats) is amended by striking out "Commerce" and inserting in lieu thereof "Transportation".

(d) Subsection (g) (relating to adjustments of apportionments) is amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

EFFECTIVE DATE

SEC. 106. The amendments and repeals made by this Act shall apply to sales or uses occurring sixty days after enactment or on such prior date following enactment as the Secretary of the Treasury shall prescribe and publish in the Federal Register.

THE MASSACRE AT MYLAI

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. HALPERN) is recognized for 60 minutes.

Mr. HALPERN. Mr. Speaker, what happened at Mylai, or Songmy as the Vietnamese village is also known, boggles the human conscience in disbelief. Words cannot describe the grief, disgust, and anguish of this tragedy.

I think most Americans share the shame and shock expressed in the President's statement, which declared "the alleged 1968 massacre" is "abhorrent to the conscience of all the American people."

But the fact remains the horror did occur, and as reports of the massacre increase in detail, charges of other allegations are ominous.

The immediate unanswered questions are: How could this carnage happen? Why did it happen? And why did it remain secret for so long?

"They might have been wild for a while," one observer noted, "but I do not think they were crazy." Perhaps, but the pathetic, universal quandry confronting the American soldiers who executed the innocent Vietnamese women and children, was best summarized by one GI who said:

If you're under orders, you're going to be punished for not doing it and punished if you do.

The question of soldiers following military orders to peform inhuman acts was the central focus of the International Military Tribunal in the historic postwar Nuremberg decision.

When orders or laws are tied to violence and indecencies, the law of mankind universally has taught civilized people to disobey them. Socrates said:

Men of Athens, I love you, but I shall obey God rather than you.

Indeed, it was Thomas Aquinas who said that "an unjust law is no law and does not bind a man in conscience."

The soul searching that is beginning in America today should be viewed as a cleansing process; but let us be abundantly clear to the world, what happened to Mylai cannot and will not be dismissed as a temporary lapse in human judgment. The rights of the accused will not be abused; but if found guilty, it is my fervent hope they will be dealt with accordingly.

The current issue of Life magazine graphically presents to the American public for the first time the essence of the tragedy of Songmy. The accompanying text offers little solace or explanation, but stands as a testament to the brutalizing effect of war on men.

As we look at the photographs we cringe with morass and guilt, but we are awestruck by the devastating bestiality of war and how it can so transform a segment of American youth into executioners.

At this point, Mr. Speaker, I would urge my colleagues to read the following text of the article from Life as a meaningful step in a national process that will rid this Nation and its inhabitants of the cancerous growth of violence.

The Bible tells us the Lord told our ancestors:

Cease to do evil—learn to do good.

The article follows:

THE MASSACRE AT MYLAI

The action at Mylai received only a passing mention at the weekly Saigon briefing in March of 1968. Elements of the Americal Division had made contact with the enemy near Quangngai city and had killed 128 Vietcong. There were a few rumors of civilian deaths, but when the Army looked into them—a month after the incident—it found nothing to warrant disciplinary measures. The matter might have ended there except for a former GI, Ron Ridenhour, now a California college student. After hearing about Mylai from former comrades, he wrote letters to congressmen warning that "something rather dark and bloody" had taken place. Now an officer has been charged with murder of "an unknown number of Oriental human beings" at Mylai, and 24 other men of Company C, First Battalion, 20th Infantry are under investigation. Congressmen are demanding to know what happened at Mylai, who ordered it, and whether or not U.S. troops have committed similar acts in Vietnam.

Because of impending courts-martial, the Army will say little. The South Vietnamese government, which has conducted its own investigation, states that Mylai was "an act of war" and that any talk of atrocities is just Vietcong propaganda. This is not true. The picture shown hereby Ronald Haeberle, an Army photographer who covered the massacre, and the interviews on the following pages confirm a story of indisputable horror—the deliberate slaughter of old men, women, children and babies. These eyewitness accounts, by the men of Company C and surviving villagers, indicate that the American troops encountered little if any hostile fire, found virtually no enemy soldiers in the village and suffered only one casualty, apparently a self-inflicted wound. The people of Mylai were simply gunned down.

On the day before their mission the men of Company C met for a briefing after supper. The company commander, Captain Ernest Medina, read the official prepared orders for the assault against Mylai and spoke for about 45 minutes, mostly about the procedures of movement. At least two other companies would also participate. They, like Company C, were elements of Task Force Barker, named for its commander, Lt. Colonel Frank Barker, who was to die in action three months later. But only Company C would actually enter the cluster of huts known as Mylai 4.

"Captain Medina told us that this village was heavily fortified," recalls one of his squad leaders, Sgt. Charles West. "He said it was considered extremely dangerous and he wanted us to be on our toes at all times. He told us there was supposed to be a part of the 98th NVA Regiment and the 48th VC Battalion there. From the intelligence that higher levels had received, he said, this village consisted only of North Vietnamese army, Vietcong, and VC families. He said the order was to destroy Mylai and everything in it."

Captain Medina was a stocky, crew-cut, hard-nosed disciplinarian whom his men called "Mad Dog Medina." Men respected him: to Charles West he was one of "the best officers I've known." Most of them had served under Medina since the company had formed the previous year in Hawaii as C Company, First Battalion, 20th Infantry, 11th Light Infantry Brigade.

"As far as I'm concerned, Charlie Company was the best company to ever serve in Vietnam," says West. "Charlie Company was a company, not just a hundred and some men they call a company. We operated together or not at all. We cared about each and every individual and each and every individual's problems. This is the way that we were taught by Captain Medina to feel towards each other. We were like brothers."

Mylai 4 was one of nine hamlets, each designated by a number, which were clustered near the village of Songmy, a name sometimes used also for the hamlets. The men of Company C called the area "Pinkville" because it was colored rose on their maps and because these fertile coastal plains long had been known as Vietcong territory. Pinkville was only seven miles northeast of the provincial capital of Quangngai, where, during the Tet offensive only a month before, Vietcong and North Vietnamese troops had boldly occupied portions of the city. Soon Company C would use the name Pinkville not only for the entire area but for the single hamlet Mylai 4.

Company C had seen its first real combat in the previous weeks, all of it around Pinkville. A couple of weeks before, sniper fire from across the river had killed one man. His buddies believed the fire had come from Mylai 4. Two weeks before, enemy land mines had killed five men and wounded 22. Several days before in a hamlet near Mylai 4, a booby trap made from an unexploded artillery shell had killed one of the GI's favorite squad leaders, Sgt. George Cox.

"I was his assistant squad leader," recalls Charles West. "On the way back to camp I was crying. Everybody was deeply hurt, right up to Captain Medina. Guys were going around kicking sandbags and saying, 'Those dirty dogs, those dirty bastards.'"

At the briefing, says West, "Captain Medina told us we might get a chance to revenge the deaths of our fellow GIs." Afterward the men held a memorial service for George Cox, but the ritual of mourning was more like a pep rally for the forthcoming action.

"Captain Medina didn't give an order to go in and kill women or children," says West. "Nobody told us about handling civilians, because at the time I don't think any of us were aware of the fact that we'd run into civilians. I think what we heard put fear into a lot of our hearts. We thought we'd run into heavy resistance. He was telling us that here was the enemy, the enemy that had been killing our partners. This was going to be our first real live battle, and we had made up our minds we were going to go in and with whatever means possible wipe them out."

Shortly after sunrise on March 16, 1968, a bright, clear, warm day, the helicopters began lifting approximately 80 men of Company C from the base camp at Landing Zone Dottie and delivering them 11 kilometers away in the paddies west of Mylai 4.

Army Photographer Sgt. Ron Haeberle and SP5 Jay Roberts, both of the 31st Public Information Detachment, came in on the second helicopter lift. Haeberle, who had been drafted out of college, had only a week left on his tour in Vietnam. Neither man had seen much action. They had volunteered for this operation because the word was out that it would be "a hot one." The squad the two were assigned to was getting its orders by walkie-talkie from Captain Medina. Haeberle was carrying three cameras—one for the Army, two of his own. (He turned in his black-and-white film to the Army. The Army took no action at that time but apparently intends to use the film as evidence in the court-martial proceedings). Roberts, a college student who had volunteered for the draft, took pad and pencil. Their mission was to prepare news releases and a report for the brigade newspaper.

"We landed about 9 or 9:30 in a field of elephant grass," says Varnado Simpson, then a 19-year-old assistant platoon leader from Jackson, Miss. Gunships had prepped the area with Miniguns and grenade launchers. It was clear and very warm and it got warmer. "Our landing zone was the outskirts of town, on the left flank. There were about 25 of us and we went directly into the village. There wasn't any enemy fire. We'd come up on a hootch, we'd search it to see if there was someone in it. If there was no one it, we'd burn it down. We found people in some, and we took some back to the intelligence people for questioning. Some ran, we tried to tell them not to run. There were about 15. Some stopped. About five or six were killed."

Haeberle and Roberts moved through the rice fields toward a hill in back of the village area. Haeberle was with 10 or 15 GIs when he saw a cow and heard shots at the same time. The shooting was straight ahead. A GI shot a cow and then others kept pumping bullets into the cow until the cow finally fell.

"Off to the right," says Haeberle, "a woman's form, a head appeared from some brush. All the other GIs started firing at her, aiming at her, firing at her over and over again. She had slumped over into one of those things that stick out of the rice paddies so that her head was a propped-up target. There was no attempt to question her or anything. They just kept shooting at her. You could see the bones flying in the air chip by chip. Jay and I, we just shook our heads."

"There were a whole lot of Vietnamese people that I especially liked," recalls Sgt. Charles West of his year in Vietnam. "Most of them were at this orphange I used to visit frequenty after I came off field duty. I'd go down there and the people would try

to teach me more of the Vietnamese language and they would explain a lot of customs that I wanted to know something about."

Charles West led his squad of 13 men through the rice paddies and heard the sound of gunfire. They were coming down a sharply winding trail and were keeping a close watch for booby traps. They turned a curve in the trail and there, 25 feet ahead of them, were six Vietnamese, some with baskets, coming toward them. "These people were running into us," he says, "away from us, running every which way. It's hard to distinguish a mama-san from a papa-san when everybody has on black pajamas." He and his squad opened fire with their M16s. Then he and his men kept going down the road toward the sound of the gunfire in the village.

"I had said in my heart already," says West, "and I said in my mind that I would not let Vietnam beat me. I had two accomplishments to make. The first was to serve my government and to accomplish my mission while I was in Vietnam. My second accomplishment was to get back home."

"There was a little boy walking toward us in a daze," says Haeberle. "He'd been shot in the arm and leg. He wasn't crying or making any noise." Haeberle knelt down to photograph the boy. A GI knelt down next to him. "The GI fired three shots into the child. The first shot knocked him back, the second shot lifted him into the air. The third shot put him down and the body fluids came out. The GI just simply got up and walked away. It was a stroboscopic effect. We were so close to him it was blurred."

"The people who ordered it probably didn't think it would look so bad," says Sgt. Michael A. Bernhardt, who asserts he refused to take part in the killings.

As he entered the village, Bernhardt recalls, a plane was circling above, warning the people in Vietnamese to leave. Leaflets were dropped ahead of time, but that doesn't work with the Vietnamese people. They have very few possessions. The village we went into was a permanent-type village. It had hard walls, tile roofs, hard floors and furniture. The people really had no place to go. The village is about all they have. So they stay and take whatever comes.

"It was point-blank murder. Only a few of us refused. I just told them the hell with this, I'm not doing it. I didn't think this was a lawful order."

"To us they were no civilians," says Varnado Simpson. "They were VC sympathizers. You don't call them civilians. To us they were VC. They showed no ways or means that they wasn't. You don't have any alternatives. You got to do something. If they were VC and got away, then they could turn around and kill you. You're risking your life doing that work. And if someone kills you, those people aren't going to feel sorry for you."

Lt. William Calley Jr.'s platoon was the first to arrive in the center of Mylai. "There was about 40, 45 people that we gathered in the center of the village," ex-Pvt. Paul Meadlo told CBS News. "And we placed them in there, and it was like a little island, right there in the center of the village," I'd say.

"Men, women, children. Babies. And we all huddled them up. We made them squat down, and Lieutenant Calley came over and said, you know what to do with them, don't you? And I said yes. So I took it for granted that he just wanted us to watch them. And he left, and came back about 10 or 15 minutes later, and said how come you ain't killed them yet? And I told him that I didn't think you wanted us to kill them, that you just wanted us to guard them. He said, no, I want them dead. He stepped back about 10, 15 feet, and he started shooting them. And he told me to start shooting. So I started shooting, I poured about four clips into the group.

"I fired them on automatic—you just spray the area and so you can't know how many you killed 'cause they were going fast.

"We're rounding up more, and we had about seven or eight people. And we was going to throw them in the hootch and well, we put them in the hootch and then we dropped a hand grenade down there with them. And somebody holed up in the ravine, and told us to bring them over to the ravine, so we took them back out, and led them over too—and by that time, we already had them over there, and they had about 70, 75 people, all gathered up. So we threw ours in with them and Lieutenant Calley told me, he said, Meadlo, we got another job to do. And so we walked over to the people, and he started pushing them off and started shooting . . . off into the ravine. It was a ditch. And so we started pushing them off and we started shooting them, so altogether we just pushed them all off, and just started using automatics on them. Men, women, and children.

"And babies. And so we started shooting them, and somebody told us to switch off to single shot so that we could save ammo. So we switched off to single shot, and shot a few more rounds."

"There was no expression on the American faces," says Haeberle. "I couldn't believe it. They were destroying everything. They were doing it all very businesslike. The Vietnamese saw the Americans but didn't run. They kept on walking until the GIs saw them and started shooting. Some of the people started pulling their animals off the road and hiding behind trees. The GIs were opening up with M16s, machine guns and grenade launchers. The grenade launcher made a KAPLOW sound."

Pfc. Charles Gruver of Tulsa, Okla., was the first eyewitness to report what he had seen to his old friend Ron Ridenhour, the man who set off the new Army investigation by writing to congressmen. Gruver says he had been in other operations around Mylai, "but we had never killed civilians before. We had never been under orders to wipe things out before."

Gruver told Ridenhour of seeing a small boy, about three or four years old: "The boy was clutching his wounded arm with his other hand while blood trickled between his fingers. He just stood there with big eyes staring around like he didn't understand. Then the captain's RTO [radio operator] put a burst of 16 [M16] fire into him."

"On other missions," says Sgt. West, "the GIs would take their fruit and maybe a can of pork and beans and give the rest to the Vietnamese people. I always thought it would be a treat if I could give them my pears or my peaches or something like that. The people seemed like they appreciated it.

"Just about anywhere we went on an operation we always had kids following us, and most of the kids we would know by name. In a lot of cases I could actually say the people were actually looking out for us. Kids would meet us two or three miles outside a village. We didn't have to use our mine-detecting machine to check out the trail because they would run their animals down the trail and walk behind them just to show us, GIs, we don't want to hurt you and we know that you don't want to hurt us.

"We would tell the kids to eat the food and bring the cans back and dump them in a large pile. There was a saying that every time we ran into a booby trap, it turned out to be made of a can that we had given to the kids."

"Just outside the village," says Reporter Jay Roberts, "there was this big pile of bodies. This really tiny little kid—he only had a shirt on, nothing else—he came over to the pile and held the hand of one of the dead. One of the GIs behind me dropped into a kneeling position, 30 meters from this kid and killed him with a single shot."

"I saw three heaps of bodies about the same size," says Sgt. Bernhardt, "all with about 20 people. Thieu says the people were killed by artillery, which is ridiculous. The shell would have had to land dead zero to kill this many people in one spot, and it would have blasted them into the paddies."

Haeberle and Roberts watched while troops accosted a group of women, including a teenage girl. The girl was about 13 and wearing black pajamas. A GI grabbed the girl and with the help of others started stripping her.

"Let's see what she's made out of," a soldier said.

"VC boom-boom," another said, telling the 13-year-old girl that she was a whore for the Vietcong.

"I'm horny," said a third.

As they were stripping the girl, with bodies and burning huts all around them, the girl's mother tried to help her, scratching and clawing at the soldiers. Another Vietnamese woman, afraid for her own safety, tried to stop the woman from objecting. One soldier kicked the mother in the rear and another slapped her up a bit.

Haeberle jumped in to take a picture of the group of women. The picture shows the 13-year-old girl, hiding behind her mother, trying to button the top of her pajamas.

"When they noticed Ron," says Roberts, "they left off and turned away as if everything was normal."

Then a soldier asked, "Well, what'll we do with 'em?"

"Kill 'm," another answered.

"I heard an M60 go off," says Roberts, "a light machine gun, and when we turned back around, all of them and the kids with them were dead."

"The yanigans were doing most of the shooting," says Charles West. "I call them yanigans because they were running around doing unnecessary shooting. In a lot of cases they weren't even shooting at anything. Some were shooting at the hootches that were already burning, even though there couldn't possibly be anything alive in there.

"The guys were hollering about 'slants.' It wasn't just the young guys, older guys were shooting too. They might have been wild for a while, but I don't think they went crazy. If an individual goes crazy, you can't reason with him. Once everything was secured, everything did cease. If these men had been crazy, they would have gone on killing people.

"Most of the men in our squad were not reacting in a violent way. We were with the command element and Captain Medina was with us. He never would have stood to see us run around like rookies. He would have probably ordered a court-martial right on the spot."

A black GI told Haeberle he couldn't stomach it, he had to get out of there. Later Haeberle and Roberts were sitting near a ditch, a clump of bodies off to the left, when they heard a shot. They hit the ground, thinking it was a sniper. The soldier who had wanted to get out of there had shot himself in the foot with a .45. Accidentally, he said. Captain Medina was calling in a "dust-off," a helicopter, to take him out. "He shot himself purposely to get out of there," says Roberts, "He looked happy even though he'd shot up his own foot."

SP5 John Kinch, who is still on active duty in Vietnam, was the point man for the heavy weapons squad. "We moved into Pinkville and found another stack of bodies in a ditch. It must have been six or seven feet deep and they were level with the top of it. One body, an old man, had a 'C' carved on his chest.

"Captain Medina was right in front of us. Colonel Barker, the task force commander, was overhead in his helicopter. He came through over the radio saying he had got word from the medevac chopper there were bodies lying everywhere and what was going on. I heard Captain Medina tell him, "I don't know what they are doing. The first platoon's in the lead. I am trying to stop it.'

"Just after that he called the first platoon and said, 'That's enough shooting for today.'

"Colonel Barker called down for a body count and Medina got back on the horn and said, 'I have a body count of 310.' "

At 9 a.m. Haeberle and Roberts got into the village itself. On the outskirts they met Captain Medina. Roberts said Medina told him there had been 85 killed in action so far. He also said Company C had taken 20 suspects. One of them, an old man, said many Vietcong had been in the village the night before but had left at dawn.

Huts were being torched with cigarette lighters. One soldier with a 90-pound pack was cutting down corn-stalks one by one. Some GIs were going through the civilians' belongings, looking for weapons. One soldier was keeping the civilians' piasters. There were two dead water buffalo and two calves on the ground.

"I know that you've got to destroy the enemy's resources," says Roberts. "It's an old tactic and a good one. Sherman's march to the sea. You've just got to. We saw soldiers drag a body from a hut and throw it in a well to destroy the water supply. They shot and stabbed all the animals, which were, in effect, VC support units."

One soldier was stabbing a calf over and over again. Blood was coming from the calf's nose. The calf tried to move toward the mother cow. The GI was enjoying it and stabbed again with a bayonet which he'd taken off his rifle. Soldiers stood around and watched. Others were killing the baby pigs and all the other cows.

"God," says Roberts, "those cows died hard. They had them in small pens. They'd shoot them—paff, paff, and the cow'd just go moo. Then paff, paff, paff, moo."

A GI was running down a trail, chasing a duck with a knife.

"I saw two military-age males running across the field about 500 meters away," says Charles West. "I yelled, *'Dong lai, dong lai,'* but neither of them stopped. At this distance we could have killed both of them, but we just fired in the air and then chased them about half a mile. Only one of them lived. The other one was killed by the interrogation unit. Some of the people told the interrogation unit they didn't understand what was being talked about. The men that didn't talk were killed by the Vietnamese that were doing the questioning, not by the Americans. There were, I guess, nine or 10 killed before one of them started talking. I was told that the guys were saying that there had been Vietcong and North Vietnamese troops there and that they had gone toward the ocean by underground tunnels.

Haeberle remembers a hideously small act of compassion. "A GI went up to a little boy who was badly mangled up, and put a blanket over him."

SP4 Larry Colburn was the gunner on a helicopter, flying reconnaissance over the Mylai area. "Outside the village," he recalls, "we saw a VC with carbine and pack, but he got away. We came back near Mylai and noticed people dead and wounded along the road and all through the village. There was an irrigation ditch full of bodies. We noticed some people were still alive. We didn't know what had happened.

"Our pilot wanted to evacuate some of the wounded, but there was no room in our helicopter, so he called for gunships to help out. We spotted a child. We went down and our crew chief brought out a little boy about 2 years old. He seemed to be in shock.

"About 50 meters away there was a bunker with 10 or 15 people. We called for gunships to help evacuate them while we took the child to a hospital. There must have been 75 or 80 people in a ditch—some dead, some wounded. I had never seen so many people dead in one place before."

Later the helicopter returned and landed in a paddy near Lieutenant Calley's platoon. The pilot got out and motioned for Lieutenant Calley to come over. "The pilot seemed angry," remembers Charles Sledge, Calley's radio operator, "but we couldn't hear what he was saying. Then Lieutenant Calley came back and told us, 'This guy isn't very happy with the way we're running the operation, but I don't care. He's not in charge.' "

Charles West's squad saw a little boy about 10 feet away. The boy was crying. He had been shot in the arm and leg—probably the same child Charles Gruver had described.

"Gee," a GI said, "what are we going to do with that kid up there?"

Without reply, says West, a radioman turned, aimed and fired his M16 shooting the little boy through the head. Neither West nor anyone else said anything. They kept going, pushing on, "cleaning up," as West calls it.

"That day I was thinking military," says West. "I was thinking about the security of my own men. I said to myself this is a bad thing that all these people had to be killed. But if I was to say that at that time I actually felt a whole lot of sorrow for the people, then I would be lying."

An old papa-san was found hiding. His pants kept coming off. Two GIs dragged him out to be questioned. He was trying to keep his pants on. Captain Medina was doing the questioning. The old man didn't know anything. He rattled something off. Somebody asked Captain Medina what to do with the man, and Jay Roberts heard the captain say, "I don't care."

Captain Medina walked away. Roberts heard a shot and the old man was dead.

In the entire day at Mylai 4, says West, "I can't rightfully say that I got fired upon. I heard shots all the time, but I couldn't tell whether it was our men or an enemy firing upon us. I did hear some guys call on a radio and say they had received sniper fire. They told Captain Medina they were going to try to get in position to zap the sniper. But I heard all that on the radio."

"I remember this man and his two small children, one boy and one girl, kept walking toward us on this trail," says Haeberle. "They just kept walking toward us, you know, very nervously, very afraid, and you could hear the little girl saying, 'No, no,' in the Vietnamese tongue. The girl was on the right and the boy was on the left. All of a sudden, the GIs just opened up and cut them down."

Before noon Haeberle and Roberts left by chopper to cover another company and have lunch. Later that day, at another company, Haeberle heard a captain listening to a radio report. The report said 125 Vietcong had been killed. The captain didn't know anything about the incident, but he laughed and said, "Yeah, probably all women and children!"

Later, back at base camp, West talked to Haeberle. "He said he thought there was a whole lot of wrong-doing," recalls West. "He had taken a whole lot of pictures of this. I stressed that I thought it was wrong that people should be walking around taking pictures of this. There were a whole lot of GIs going about taking pictures of dead bodies.

"Most of us felt that we were U.S. government property, which we were and still are. I tried to explain to the men at the time that you can't sit there and blame yourself—you were on orders, you were on a search-and-destroy mission. If anyone was to be blamed or court-martialed, it has to be someone higher than our echelon. Calley and the sergeant shouldn't be tried unless they try every man that was on that operation."

"They captured three weapons [rifles]," says Roberts, "40 rounds of mortar ammo, grenades, web gear.

"We thought about Mylai a lot after we got back to Duchpho. But neither one of us was very much of a banner carrier." When he wrote it up for the brigade newspaper, Roberts says, "I played it up like it was a big success."

"The village was heavily fortified with rice," says West. "They did find documents that there had been NVA and VC troops there. Also they found evidence that these people had been there not too long ago. I understand that they found ammunition and as far as tunnels, I wouldn't know because I checked into some tunnels and I ran into dead ends."

"Eventually we reached the beach," says John Kinch. "We captured four suspects, one kid, one 15 to 27, one 40 to 55 and a girl in her twenties. They were being beaten kind of hard and the kid named the older man as an NVA platoon leader. Medina drew his .38, took out five rounds and played Russian roulette with him. Then he grabbed him by the hair and threw him up against a tree. He fired two shots with a rifle, closer and closer to the guy's head, then aimed straight at him. The guy must have been very scared because he started rapping like hell. He turned out to be an NVA area commander. Then Medina had a picture of himself taken while he drank from a coconut with one hand and held a big sharp knife under the throat of the kid who was gagged and tied to a bamboo.

"When we got back to LZ Dottie, Captain Medina gave the company a briefing. He said, 'They are running an investigation. As far as anyone knows, we ran into sniper fire and cut loose. As far as I am concerned there was no sniper fire."

Charles West and his squad stayed in Mylai until about 5 that afternoon. They camped in the same area that night before moving on to find Vietcong nearer the coast the next day. Some of the men talked about writing their congressmen to protest the action but they never did. Some were quiet and grim but not many. "A lot of people knew," Charles West says "that a lot of people had been killed who didn't have to be killed but the average GI felt that it was part of our mission. We all wondered where the enemy went. We were all concentrating on finding where they went."

At suppertime they set up bivouac in a little graveyard near Mylai. Children and old papa-sans were hovering nearby. When the GIs opened their C-rations they shared their supper with these Vietnamese who had survived the massacre.

Crouched in the doorway as a heavy rain puddles in front of her thatch hut, the old woman looks suspiciously at those who pass by. She is wary of people she doesn't know well, and that includes even many of the Vietnamese living near her in the Songmy resettlement village of Quangngai province. Songmy is not the woman's home. It is a government corral where civilians can be protected while troops pursue the Vietcong through every other village in the area.

The old woman is Nguyen Thi Doc, like many in the refugee center a survivor of the massacre at Mylai.

The old woman recalls she was just beginning a morning meal with 13 of her family, including nine grandchildren, when she heard the Americans "come down from the sky."

"They had been in the village before," she says, "and always brought us medicine or candy for the children. If we had known what they came for this time, we could have fled."

The entire family was taken out of the hut and ordered into a field, she says, and then "the soldiers started shooting at everyone."

She was hit through the shoulder and left for dead. She saw her 8-year-old granddaughter, Tran Thi Oanh, shot through the foot and watched her fall over the bodies of her dead brothers and sisters. Nguyen Thi Doc says the Americans must have thought everyone was dead when they left the village about noon.

"I thought Oanh was dead, too," she says.

"And I lay in the field until the next morning, when people came from nearby villages to help us."

They were taken to a Vietnamese hospital where they stayed four months. With the exception of Ooah's 6-year-old brother, who miraculously was not hit, everyone else in the family was killed. When she was sent to the resettlement village, other survivors from Mylai told Nguygen Thi Doc they had counted 370 dead. Her voice gets excited when she recalls the number and then trails off—there is nothing more to say.

Down the path in the settlement live two other women, both of them widows of Truong Van Vinh, a 71-year-old farmer. The younger wife had gone to the market at another village the day of the attack. But the older woman and Vinh were sitting inside his hut, cringing from the artillery barrage that had been pounding near the village for hours. When it stopped, the old woman looked out and saw many Americans walking through the village. Vinh left the hut to see what was happening.

"When he got outside the door," the old woman says, "there was a shot, and I heard him fall to the ground. The soldiers came in and saw me, and motioned for me to come outside. One of them lifted his rifle to shoot me, but another group of Americans sitting around the well shouted to him and he walked away." The woman ran back into the hut where she hid for hours.

All of the Mylai villagers who talked of the incident said they could hear the Americans shouting when they arrived, but the only words they could understand were "VC," "VC." The villagers deny there were any Vietcong in the village, though American battle reports for the day indicated sniper fire and resistance had been directed against the American units for some time before they entered the village. The entire coastal strip of Quangngai province has been a battleground for most of the war. Even today the area around Mylai is frequently visited by the Vietcong.

One of the few male survivors from Mylai is Truong Quang An, a wizened peasant who looks much older than his 59 years. "When we saw the helicopters landing," he says, "I ran with my two nephews to the family shelter outside the hut." The shelter is no more than a four- or five-foot hole covered with thatch and a wooden pallet. An dropped in first and the nephews took their place on the outer edge, closest to the entrance.

"We heard the soldiers walking through the village and when they saw the shelter, they stopped. One of them could see inside, and he pointed his rifle at close range and shot both my nephews." Then the soldiers moved on to the next hut, and An could hear Mylai burning as he curled up in the darkness, sheltered beneath the bodies of the two young men.

THE LABOR DEPARTMENT INJECTS ITSELF INTO THE UMWA ELECTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. CLARK) is recognized for 10 minutes.

Mr. CLARK. Mr. Speaker, the Labor Department has injected itself into the UMWA election. It has done so by the issuance of the preliminary report on alleged misconduct on the part of certain union officials, and misreporting of certain financial transactions of the union. What has come forth from the Department reads more like a campaign document than serious inquiry by an impartial governmental agency.

This is an unfortunate circumstance, unfortunate for the Nation's coal miners, unfortunate for the labor movement, and unfortunate for the Labor Department itself.

Coal miners should expect the right to elect their own officers without harassment and without undue interference by the Labor Department. They should expect that the Department will remain out of their affairs unless there is clear evidence of wrongdoing, and then that such evidence is collected and used according to the applicable statutes.

American labor looks to the Labor Department as a friend, as a governmental voice. But, they must resent meddling in their internal affairs, even if such meddling is done for the highest motives. We of the Congress must raise our voices against such meddling because it interferes with the right of American workers, and indeed threatens the entire fabric of the free society. Union officers and policies are the province of union members, not Federal officials.

Finally, the role of the Labor Department has been compromised. It has become a spokesman for one side of the controversy, and thus incapable of rendering the objective treatment to both sides that the law demands. If this action is a forerunner of similar activity, the effectiveness of the Department of Labor will be destroyed.

We of the Congress should ask for an explanation of this action by the Labor Department. If a satisfactory explanation is forthcoming, it may be necessary to hold hearings and bring the Department's top officials before the appropriate congressional committees for questioning on the matter.

CITIZENS SHOULD BE ADVISED OF THE PROBLEMS AND PROGRESS IN THE FIGHT AGAINST FILTH

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, no other incident brings about a quicker or more outraged letter to a Congressman than a constituent's receipt of unsolicited pornography in the mail.

The man or woman whose family has become the target of lurid advertisements for pornography is puzzled—and rightfully so—that the Post Office Department, an arm of the Federal Government, would be the deliverer of such material.

It is difficult to explain to a constituent who wants immediate action that the Congress is searching for ways to stop the flow of obscenity and still protect the right of free speech.

The fact is, however, that the Congress, the Post Office Department and the Department of Justice have been trying several approaches to stem this flow of filth from an increasingly aggressive pornography industry—and we have been having some success.

It is obvious that we are a long way from reaching a satisfactory balance between the requirements of free speech and freedom from pornography. The increasing number of complaints to my office indicates to me that it is Congress' responsibility to move through the avalanche of proposed legislation before us and fashion a meaningful law which will stand the scrutiny of the courts.

In an effort to keep the residents of the Ninth Congressional District of Indiana advised of the problems and the progress, I have sent two reports on the subject to a large number of constituents, as follows:

WASHINGTON REPORT

(By Congressman LEE HAMILTON, April 14, 1969)

There is a growing voice of concern across the country over the increasing amount of obscene material that seems to be creeping into films, publications and the mails.

The public's rising indignation is reflected in the fact that an increasing number of complaints are being received by the Post Office Department. Last year 165,000 complaints were received by postal authorities. In 1967 there were 140,000 complaints about objectionable material. Congressmen, too, have been receiving an increasing number of complaints about this situation.

The response in Congress has been the introduction of a number of bills aimed at curbing the distribution of objectionable materials through the mail. Few have passed, however, because of the probability that the setting of arbitrary standards of acceptable or non-acceptable materials encounters the Constitution's guarantee of free speech. Personal feelings must be set aside. The determination of whether material is obscene depends upon the law.

The fact is, proving publications, films, pictures or books to be obscene in the courts is very difficult to do. The Supreme Court, in a series of decisions on the release of materials, has ruled that obscenity must be proved on these three factors:

1. The material must be patently offensive to community standards, not merely a particular segment of the community.

2. The material must be *utterly* without redeeming social value.

3. The material must appeal predominately to a prurient interest in sex.

The Supreme Court has said further that each of these three criteria is applied independently; the social value of questioned material can neither be weighed against—or cancelled—by its prurient appeal or patent offensiveness. For example, even if a publication possesses a modicum of social value it is protected by the law. Publication cannot be prohibited merely because it offends the general public. It must be completely devoid of redeeming social value.

This, then, demonstrates the lengths to which the federal government is required to go, under present law, before excluding offensive sex materials from the mails.

The Congress and the Post Office Department is left, then, with four means of approaching the question of dealing with obscene or pornographic materials:

1. Investigation. None of the firms involved in the distribution of objectionable materials is anxious to be investigated by a Federal agency. Investigations, then, become a deterrent to the distribution of pornography.

2. Administrative Action. The Post Office Department has moved in recent years to stop firms from peddling blatantly obscene materials, ordering that the materials be returned to the sender and that no postal note or money order may be paid to the sender.

3. Pandering. A bill passed in the 90th Congress gives the individual addressee authority to ask that he and members of his family receive no mail of any kind from questionable senders. Violation of this request may result in a fine or imprisonment of the sender.

4. Judicial Action. Several cases have recently been successfully prosecuted for vio-

lation of the criminal postal obscenity statutes.

Congressional committees are waiting for the completion of a study by the Commission on Pornography and Obscenity, which is looking into existing laws; the methods by which objectionable materials are being sent, and the effects of pornography upon society generally. The study was ordered to determine how to deal with the growing traffic in these undesirable materials and determine what legislation is needed.

The Congress, then, continues to wrestle with the perplexing problems of stopping obscene materials. No clear and complete answers are in sight, but we must continue to study and pursue a constitutional means to limit the traffic in obscenity and pornography.

WASHINGTON REPORT

(By Congressman LEE H. HAMILTON, December 1, 1969)

What prompts the quickest expression of outrage to a Congressman?

If the mail to my office is any gauge, it is the receipt through the mail of an unsolicited advertisement for pornography. I have been receiving an increasing number of complaints from Ninth District residents who have been the targets for advertisements for objectionable reading matter, films, pictures and such.

This problem is not unique to Southeastern Indiana, by any means. The Post Office Department reports that more than 240,000 complaints were received in the 12-month period, July 1968, to July 1969. It is estimated that about 50 million pieces of pornographic materials are mailed each year.

Authorities say 95 percent of the complaints have been against 18 major traffickers in pornography. Of the 18, one has been convicted of sending obscene material through the mail, 11 have been indicted, and evidence relating to the mailing activities of the remaining six is in the hands of U.S. attorneys.

In addition to increased efforts under the criminal postal obscenity law, Postal authorities also are acting under civil-administrative postal laws which permit the holding and the return of mail addressed to known traffickers in pornography. During the last nine months, 170 unlawful orders were obtained against foreign obscenity dealers under civil-administrative statutes.

The Attorney General's Office reports that large scale pornography dealers are being indicted at the rate of about one a month. Aside from the foregoing, the Postmaster General recently took steps to close the post office boxes of dealers in pornographic materials. Some of these dealers have challenged the Department's right to do so in the courts, and this litigation is in progress.

The public's growing outrage, meanwhile, has brought new pressure on the Congress to legislate pornography out of the mails. More than 200 anti-obscenity bills have been introduced in this session of Congress, and hearings on these measures have had to be prolonged to permit a large number of Congressmen to testify personally before the committees studying this problem.

From this avalanche of proposed legislation there is not likely to be a bill passed until next year, however. The shaping of final legislation will be difficult because it will have to meet the Constitution's guarantee of free speech. Under Supreme Court guidelines, material cannot be considered obscene unless it is totally without redeeming social importance; unless it appeals solely to a prurient interest in sex, and unless it affronts all contemporary community standards.

Meanwhile, the Post Office Department is utilizing legislation passed in 1967 which permits families to remove themselves from the mailing lists of pornographers. Families receiving advertisements which they believe too provocative or objectionable now may request a prohibitory order in which the postmaster directs the mailer to remove the family's name from any list the mailer owns, controls or rents. If, after 30 days, there are further mailings, the family must bring this violation to the attention of the postmaster, who then initiates legal proceedings.

The Post Office Department reports that nearly 200,000 prohibitory orders were issued against pornography dealers in the last nine months, and more than 2,000 cases of violations have been referred to the Attorney General for action.

So serious is the problem that President Nixon has sent to Congress a message calling for adoption of three new legislative approaches to curb the flow of obscenity in the mails. The first would prohibit outright the sending of offensive sex materials to any child under 18. The second would prohibit the sending of advertising designed to appeal to a prurient interest in sex. The third would give the citizen the right to file notice with the Post Office Department that no sexually-oriented advertisements should be delivered to his home.

What is needed immediately, I believe, is legislation such as I have introduced which would prohibit the mailing of objectionable materials unless the adult occupant requests such materials. The legislation would require the mailer to first ask permission before sending sexually-oriented advertisements. The mailer would risk heavy fines and/or imprisonment by sending unsolicited advertisements.

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. FEIGHAN, for 1 hour, today; and to revise and extend his remarks and include extraneous matter.

Mr. QUIE, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mrs. GREEN of Oregon, for 30 minutes, today, following the special order of Mr. QUIE; to revise and extend her remarks and include extraneous matter.

(The following Members (at the request of Mr. MYERS); to revise and extend their remarks and include extraneous matter:)

Mr. SCHWENGEL, for 15 minutes, today.

Mr. HALPERN, for 60 minutes, today.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. HAMILTON, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. CLARK, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE following the remarks of Mr. COLMER.

Mr. OLSEN and to include extraneous matter.

Mr. GROSS to revise and extend his remarks on his reservation of objection earlier today.

(The following Members (at the request of Mr. MYERS) and to include extraneous matter:)

Mr. GUDE.

Mr. FINDLEY.

Mr. ROUDEBUSH.

Mr. SCHWENGEL in two instances.

Mr. BROYHILL of Virginia in three instances.

Mr. DUNCAN.

Mr. ZWACH.

Mr. WYMAN in three instances.

Mr. COUGHLIN.

Mr. GOODLING.

Mr. AYRES in two instances.

Mr. CARTER.

Mr. HORTON in two instances.

Mr. BURKE of Florida in two instances.

Mr. ESCH.

Mr. TAFT.

Mr. WIGGINS.

(The following Members (at the request of Mr. PREYER of North Carolina) and to include extraneous matter:)

Mr. SMITH of Iowa in two instances.

Mr. FRASER in two instances.

Mr. HANNA.

Mr. MINISH in two instances.

Mr. GAYDOS.

Mr. HÉBERT.

Mr. GONZALEZ in two instances.

Mr. CLAY in six instances.

Mr. GIBBONS.

Mr. DULSKI in three instances.

Mr. MOORHEAD in two instances.

Mr. OBEY.

Mr. ZABLOCKI in two instances.

Mr. OLSEN in two instances.

Mr. PATTEN.

Mr. PICKLE in two instances.

Mr. TAYLOR in two instances.

Mr. BINGHAM in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14159. An act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes.

ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, December 8, 1969, at 12 o'clock noon.

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. DAWSON: Committee on Government Operations. S. 740. An act to establish the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes; with amendments (Rept. No. 91-699). Referred to the Committee of the Whole House on the state of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1385. A letter from the Secretary of the Air Force, transmitting a report on the number of Air Force officers above the grade of major receiving flight pay as of October 31, 1969, by grade and age, pursuant to the provisions of 37 U.S.C. 301(g); to the Committee on Armed Services.

1386. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administration of the community action program under title II of the Economic Opportunity Act of 1964, Chicago, Ill., Office of Economic Opportunity; to the Committee on Education and Labor.

1387. A letter from the Comptroller General of the United States, transmitting a report on the need to strengthen procedures for managing certain delinquent borrower accounts, Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

1388. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1389. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN (for himself, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. MOORHEAD, Mr. STEPHENS, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. HANNA, Mr. GETTYS, Mr. ANNUNZIO, Mr. REES, Mr. GALIFIANAKIS, Mr. BEVILL, Mr. GRIFFIN, Mr. HANLEY, Mr. BRASCO, Mr. CHAPPELL, and Mr. HARRINGTON):

H.R. 15091. A bill to lower interest rates and fight inflation, to help housing, small business, and employment, and for other purposes; to the Committee on Banking and Currency.

By Mr. FEIGHAN (for himself, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. ASHLEY, Mr. BARRETT, Mr. BOLAND, Mr. BURTON of California, Mr. BUTTON, Mr. BYRNE of Pennsylvania, Mrs. CHISHOLM, Mr. DANIELS of New Jersey, Mr. DELANEY, Mr. DENT, Mr. DERWINSKI, Mr. DULSKI, Mr. FARBSTEIN, Mr. FRASER, Mr. FRIEDEL, Mr. FULTON of Tennessee, Mr. GILBERT, Mrs. GREEN of Oregon, Mr. HALPERN, Mr. HANNA, and Mr. HARRINGTON):

H.R. 15092. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself, Mr. HATHAWAY, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HORTON, Mr. KOCH, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MADDEN, Mr. MATSUNAGA, Mr. MILLER of California, Mr. MOLLOHAN, Mr. MOSS, Mr. MORSE, Mr. NIX, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. POWELL, Mr. REES, Mr. ROSENTHAL, Mr. RUPPE, Mr. STOKES, Mr. THOMPSON of New Jersey, Mr. TIERNAN, and Mr. UDALL):

H.R. 15093. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. FEIGHAN (for himself, Mr. VANIK and Mr. WALDIE):

H.R. 15094. A bill to revise the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 15095. A bill to amend the Social Security Act to provide a 15-percent across-the-board increase in benefits under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 15096. A bill to amend the Social Security Act to provide increases in benefits under the old-age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIFFIN:

H.R. 15097. A bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge, confers on parents the right to choose the public schools their children attend, secures to children the right to attend the public schools chosen by their parents, and makes effective the right of public school administrators and teachers to serve in the schools in which they contract to serve; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 15098. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENNON (for himself and Mr. MOSHER):

H.R. 15099. A bill to assist the States in establishing coastal zone management programs; to the Committee on Merchant Marine and Fisheries.

By Mr. MARSH:

H.R. 15100. A bill to prohibit certain uses of the names of members of the Armed Forces who have died as a result of combat action, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 15101. A bill to amend title 44, United States Code, to provide for consumer, labor, and small business representation on advisory committees under the coordination of Federal Recording Services, and for other purposes; to the Committee on Government Operations.

By Mr. OBEY (for himself, Mr. BROWN of California, Mr. BURTON of California, Mr. MINISH, Mr. MOSS, Mr. HECHLER of West Virginia, Mr. DENT, Mr. HARRINGTON, Mrs. MINK, Mr. FULTON of Pennsylvania, Mr. EDWARDS of California, Mr. FRASER, and Mr. CONYERS):

H.R. 15102. A bill to amend the Federal Food, Drug and Cosmetic Act to provide for the establishment of a National Drug Testing and Evaluation Center, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 15103. A bill to amend title 39, United States Code, to restrict the mailing of credit cards; to the Committee on Post Office and Civil Service.

H.R. 15104. A bill to modify the project for Libby Dam, Kootenai River, Mont.; to the Committee on Public Works.

By Mr. ST. ONGE:

H.R. 15105. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 15106. A bill to provide for a more equitable distribution of the costs of highway programs, and to provide additional revenues for the Highway Trust Fund and for other purposes; to the Committee on Ways and Means.

By Mr. VANIK (for himself, Mr. BRADEMAS, Mr. CONYERS, Mr. DADDARIO, Mr. DIGGS, Mr. HORTON, Mr. MATSUNAGA, Mrs. MINK, Mr. MIKVA, Mr. MOSS, Mr. NEDZI, Mr. O'NEILL of Massachusetts, Mr. PHILBIN, Mr. SISK, Mr. STANTON, Mr. NIX, and Mr. BARRETT):

H.R. 15107. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Ways and Means.

By Mr. BIESTER (for himself, Mr. BIAGGI, Mr. BLACKBURN, Mr. BURTON of California, Mr. CUNNINGHAM, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. DENT, Mr. DONOHUE, Mr. EDWARDS of California, Mr. HATHAWAY, Mrs. HECKLER of Massachusetts, Mr. LLOYD, Mr. MAYNE, Mr. MCKNEALLY, Mr. MORSE, Mr. POWELL, Mr. REES, Mr. ROBISON, Mr. ROE, Mr. RYAN, Mr. SHRIVER, and Mr. WILLIAMS):

H.R. 15108. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself and Mr. BEVILL):

H.R. 15109. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARVEY:

H. Res. 738. Resolution to express the sense of the House of Representatives with respect to troop deployment in Europe; to the Committee on Foreign Affairs.

By Mr. PEPPER (for himself, Mrs. GRIFFITHS, Mr. NIX, Mr. WALDIE, Mr. WIGGINS, and Mr. DENNEY):

H. Res. 739. Resolution expressing the sense of the House of Representatives that the President be requested to direct that a study relating to the use of marihuana be undertaken within the executive branch; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RYAN:

H.R. 15110. A bill for the relief of Concetta Fruscella; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15111. A bill for the relief of Roxton, Inc.; to the Committee on the Judiciary.