years, with a more comprehensive summary at regular intervals, perhaps with cumulative totals and percentages.

The crime-credibility gap could thus be closed by a responsible mass news media thinking in terms of the psychological impact of its reporting on those who would try for easy money and on those who would be reassured that convictions are in fact being handed down by the courts.

Sincerely yours,

Mrs. BARBARA B. CUMMINGS.

HOUSE OF REPRESENTATIVES—*Tuesday, March 18, 1969*

The House met at 12 o'clock noon.

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

They that wait upon the Lord shall renew their strength; they shall walk and not faint.—Isaiah 40: 31.

Eternal God and Father of us all, as we live through the hours of this day may we be humble in spirit, helpful in attitude, faithful in service, and fruitful in all good works.

Deliver us from worries that wear us out, from resentments that tear us down, and from frustrations that weaken our morale. Help us to realize that though life may have for us many difficulties and some disagreements, we must not allow difficulties to become too discouraging, nor permit disagreements to make us too disagreeable, and certainly never allow them to weaken our faith or lower our ideals.

Grant wisdom and courage to our President, our Speaker, all Members of Congress, and those who work diligently with them as they set themselves to solve the problems that confront our Nation in these trying times.

Together may all of us walk in Thy way and not faint.

In the Master's name we pray. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 408. An act to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required; and

S. 1130. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. McGEE and Mr. FONG members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 69–4.

LOGJAM ON FLOOD CONTROL PROJECTS SHOULD BE BROKEN

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

Mr. EDMONDSON. Mr. Speaker, this morning Members of the Oklahoma delegation, through arrangements by our distinguished majority leader, met with some of the soil conservation leaders of our State who are seriously concerned about the continued logjam that exists on small projects.

Thousands of Oklahomans have been deeply distressed by this longstanding logjam that arises through a disagreement between several committees of the Congress and the Congress itself on the one hand and the previous administration on the other. Continuation of this disagreement delays some of the most vitally needed flood control work in the United States. Some of our most serious flood damage is suffered upstream and on these watersheds.

I hope we can have speedy attention to this problem in the new administration and a breaking of this logjam that is affecting adversely so many communities and areas of the country.

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

Mr. EDMONDSON. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I think it is regrettable that we have had this dispute. I do not challenge the good faith of either the previous administration or the respective committees in the House and Senate. It was a legitimate, honest difference of opinion. However, I hope for the benefit of the country the new administration and the respective committees can find an answer so that we can proceed with this highly important watershed program.

Mr. EDMONDSON. I thank the gentleman very much.

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

Mr. EDMONDSON. I am glad to yield to the distinguishd majority leader.

Mr. ALBERT. Mr. Speaker, I associate myself with the remarks of my colleague. He has performed a service to the country in bringing this matter to the attention of the House.

Mr. EDMONDSON. I thank the gentleman from Oklahoma.

H.R. 8699, FOR BENEFIT OF AIR FORCE OFFICERS WHO FOR TECHNICAL REASONS WERE UNJUSTLY DENIED PROMOTIONS WHEN RECALLED TO ACTIVE DUTY

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

Mr. FISHER. Mr. Speaker, on March 11, I introduced H.R. 8699, a private bill, on behalf of 25 Air Force Reserve officers, to correct an obvious injustice to them for having been denied promotions because of being recalled to active duty in January of last year.

Solely because of an archaic quirk in the statutes governing the promotion of Reserve officers, these men—fully qualified and duly recommended for promotion—were denied their promotions because they belonged to units mobilized for the *Pueblo* crisis. On the other hand, their contemporaries who were not recalled, did receive the same promotions the recalled men would have received had they not been recalled.

This bill, if enacted, will empower and enjoin the Secretary of the Air Force to grant these men the promotions they justly deserve.

The measure will benefit a number of my constituents. Other deserving officers have, at the request of their respective Representatives in the House, been included. Except for the House rule which does not permit cosponsorship of private bills, these Members would be listed as coauthors.

These Members who in behalf of their officer constituents have joined me in sponsoring this legislation are as follows: Representatives ADAMS, DON H. CLAUSEN, COHELAN, DAVIS of Georgia, GUBSER, HANSEN of Washington, MAILLIARD, MCCLOSKEY, MCKNEALLY, MOSS, and WALDIE.

Incidentally, I have also introduced a bill (H.R. 8650) which would amend the present law and prevent a recurrence of these unfortunate injustices in the future.

INCREASED FEDERAL INCOME TAX EXEMPTION

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

Mr. STEED. Mr. Speaker, I am today introducing a bill that would increase the personal Federal income tax exemption from $600 to $1,200.

This figure has remained unchanged since 1948, for 21 years. During that period inflation and rising costs have reduced it to only token relief for the taxpayer. Even before World War II, with the cost of living many times less than now, the figure was $750.

The bill would apply to exemptions for the taxpayer, spouse, and dependents, as well as the additional exemptions for old age and blindness.

Chairman MILLS and the Ways and Means Committee are conducting an intensive review of the entire tax structure, and I hope that this will result in substantial improvements. I believe that a realistic increase in the personal exemption should be included in any tax reform measure eventually enacted.

Loss of revenue to the Government would be relatively small and can be recouped by economy and by revisions to correct other inequities in the tax structure.

The average small- and middle-income taxpayer is bearing more than his share of the burden. This is one of a number of changes needed to remedy this situation.

BILLS TO NAME THE MISSISSIPPI RIVER BRIDGE AT DYERSBURG IN HONOR OF THE LATE REPRESENTATIVE EVERETT OF TENNESSEE

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

Mr. KUYKENDALL. Mr. Speaker, immediately upon the death of Congressman Robert A. Everett, Senator HOWARD BAKER introduced a bill in the Senate and I introduced a bill in the House to name the Mississippi River bridge at Dyersburg for Congressman Everett.

The bill introduced by Senator BAKER was passed almost immediately by a unanimous voice vote. But for reasons unknown to me the bill is having some difficulty passing the House of Representatives even though both the majority and the minority leaders of the Public Works Committee are openly dedicated to its passage.

Many people for many years took an active part in promoting and working for this bridge, but it all came to naught until the effective work of Congressman Everett—almost singlehandedly—persuaded enough people to support the effort to make it a reality.

Mr. Speaker, I sincerely hope the Public Works Committee will soon report out Senate bill 769 to name the Mississippi River bridge after our beloved friend, Fats Everett. The reason for passing the Senate bill is that in the interest of having this much deserved honor given to Fats Everett's memory as soon as possible, I shall ask that my bill be vacated and that the bill that has already passed the Senate be reported out.

SMALL BUSINESS ADMINISTRATION LOAN TO PROMINENT NEW YORK AREA LOAN SHARK AND MEMBER OF MAFIA'S COSA NOSTRA

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

Mr. GROSS. Mr. Speaker, the Small Business Administration has not exactly been noted in the past few years for caution when it comes to handing out the public's money, but a case has now come to light which boggles the mind.

I am referring to the loan of nearly a half million dollars to companies controlled by a man who is identified as a prominent New York area loan shark and a member of the Mafia's Cosa Nostra.

I am told that this man—John Masieello—is so well known as a member of the underworld that he has been under the closest scrutiny of the Justice Department. He has been, I am informed, convicted of smuggling.

What have we come to when an agency of the Federal Government is spewing out the taxpayers' hard-earned money to a smuggler and a loan shark?

What possible excuse can there be for this type of behavior by the high public officials who approved the loan of this money?

I am today asking Attorney General Mitchell to conduct a full and complete investigation of this unbelievable case.

I have watched for far too long the Small Business Administration throwing money down the drain without the slightest concern from whence it came or to whom it belonged. It has got to stop and right now, and I intend to do everything in my power to see that it does stop.

DISPENSING WITH PRIVATE CALENDAR TODAY

The SPEAKER. This is the call of the Private Calendar.

The Chair now recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, since today is the first day that bills on the Private Calendar have been eligible for consideration, I take this time to advise Members of the policy agreed upon by both the majority and the minority official objectors for the Private Calendar with respect to the consideration of bills on the Private Calendar. The official objectors have agreed that during the 91st Congress they will consider only those bills which have been on the Private Calendar for a period of 7 calendar days, excluding the day the bills are reported and the day the calendar is called. This reaffirms a policy initially adopted by the official objectors on June 3, 1958. The policy will be strictly observed except during the closing days of each session when House rules are suspended.

Mr. Speaker, in light of this agreement I ask unanimous consent that the call of the Private Calendar in order today be dispensed with.

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

There was no objection.

EXTENSION OF EXECUTIVE REORGANIZATION AUTHORITY

Mr. BLATNIK. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1058) to extend the period within which the President may transmit to the Congress plans for reorganization of agencies of the executive branch of the Government.

The Clerk read as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 905(b), title 5, United States Code, is amended by striking out "December 31, 1968", and inserting in lieu thereof "April 1, 1971".

The SPEAKER. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. The gentleman from Missouri makes the point of order that a quorum is not present, and evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 22]

Annunzio	Hansen, Idaho	Patman
Arends	Harsha	Powell
Bates	Hays	Riegle
Belcher	Hébert	Rivers
Bell, Calif.	Hungate	Ronan
Blackburn	Jacobs	Rooney, N.Y.
Brock	Kyl	Ruppe
Brown, Mich.	Leggett	St. Onge
Carey	Lloyd	Sandman
Clark	Long, La.	Scheuer
Colmer	Long, Md.	Scott
Davis, Ga.	Lowenstein	Slack
Eckhardt	Lukens	Smith, Iowa
Edwards, La.	McEwen	Stephens
Fallon	McFall	Stuckey
Flynt	McKneally	Teague, Calif.
Ford, William D.	Mathias	Teague, Tex.
Gallagher	Morse	Tunney
Giaimo	Murphy, N.Y.	Vander Jagt
Gray	O'Konski	Widnall
Griffiths	O'Neal, Ga.	Williams
Hanna	O'Neill, Mass.	
	Ottinger	

The SPEAKER pro tempore. (Mr. ALBERT). On this rollcall 364 Members have answered to their names, a quorum.

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

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

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

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

There was no objection.

THE LATE HONORABLE HENRY O. TALLE

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

Mr. CULVER. Mr. Speaker, I rise to join my colleagues in the House in paying tribute to the gentleman who, for 20 years, represented the Second Congressional District of Iowa, Congressman Henry O. Talle.

In addition to his service to the country as ranking minority member of the House Banking and Currency Committee, the House District Committee, the Joint Economic Committee, and the Joint Committee on Defense Production, the people of northeast Iowa will remember him for his work for the district, and particularly his leadership in establishing Effigy Mounds National Monument and rerouting the Upper Iowa River to lessen flood dangers.

During the time he served on the faculty of Luther College in Decorah, and later as a Member of Congress, Henry O. Talle had an important impact on maintaining and strengthening higher education in northeast Iowa.

Mr. Talle has set a high standard of service and commitment for those who

have succeeded him, and all of us in northeast Iowa are indebted to him for his contributions as our representative.

Mrs. Culver and I extend our deepest sympathy to Mrs. Talle and the members of the family.

COMMENDATION ON THE ABM PROGRAM

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

Mr. WAGGONNER. Mr. Speaker, I would like to commend the President for taking steps in providing for the defense of the United States with an anti-ballistic-missile program. My only reservation is that I wish he had asked for a larger or "thicker" system, but I do not, of course, have access to the facts and the figures which are available to him which guided his decision.

I do not doubt the sincerity of the President's statement that he regards the security of the Nation to be the gravest responsibility which he bears. Nothing could surpass that duty in my mind. And to those in this or the other body who, for one reason or another, oppose this thin ABM system or advocate that we have no defense at all, I can only say they are taking upon themselves a burden I would not want on my shoulders. If they are right and we never have a need for this defense system, perhaps time will hold them guiltless. But if the dread day ever comes when millions of lives could have been saved but for their opposition to this system, the judgment upon them will be more than anyone could bear.

If any error is to be committed, pray God we err on the side of more protection for the Nation than we might need, rather than too little.

TRANSFER OF SPECIAL ORDER

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the special order granted to the gentleman from New York (Mr. LOWENSTEIN) for 1 hour on March 26 be transferred to March 25.

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

There was no objection.

EXTENSION OF EXECUTIVE REORGANIZATION AUTHORITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, S. 1058 will extend the authority granted the President under the Reorganization Act of 1949 to submit reorganization plans to the Congress. Such plans go into effect within 60 days unless either the House or the Senate passes a resolution of disapproval. This authority, in one form or another, has been given to Presidents since 1932. The 1949 act, which expired on December 31, 1968, was recommended to Congress by the first Hoover Commission on Organization of the Executive Branch. The premise underlying this act seems to be based on the historical fact that Congress has had great difficulty in reaching agreement on forms of organization for the executive branch and its many departments and agencies under the normal legislative procedures. The President, therefore, was given the right to develop reorganization plans designed to produce greater efficiency and more effective administration and submit those plans to Congress. The Congress had the affirmative responsibility of accepting or rejecting these proposals.

Under the rules of the House, reorganization plans are referred to the Committee on Government Operations for study and recommendation to the House. If a disapproval resolution is filed, that committee is given 10 days in which to act upon the resolution and return it to the House or be subject to a motion to discharge. As a longtime member of that committee and now chairman of the subcommittee which considers reorganization plans, I think I can fairly say that under the leadership of the chairman and ranking majority member, Mr. HOLIFIELD, the committee has fully met its responsibilities in handling these plans. We not only make a careful scrutiny of each plan, including hearings in which all sides may present their opinions, but we have made a special point of soliciting the views of the chairmen and members of the great standing committees of this House when departments and agencies under their jurisdiction may be affected. Since 1949, 85 reorganization plans have been transmitted to the Congress; 65 of these became effective. Congress exercised its prerogative on the other 20 to disapprove them.

In 1968, on the express recommendation of President Johnson, we approved an extension of the act for 2 years but the Senate did not act. On January 30 of this year, President Nixon, in a special message to Congress, asked that the law be extended. The Senate acted first and our committee now recommends that the House concur and provide to President Nixon the same authority which his predecessors, Presidents Truman, Eisenhower, Kennedy, and Johnson have had.

The measure before you extends the law for only 2 years, until April 1, 1971. During that period we can evaluate the proposals made by the President and determine if the act should be further extended.

It is often said that somehow Congress is giving up legislative power to the Executive under the Reorganization Act. I disagree. Congress is merely placing upon the Executive the responsibility for taking the initiative in proposing to Congress improvements in organizational arrangements that will help our Government to work better for all of the people. If Congress favors the proposal, it will permit it to go into effect. If Congress does not approve the proposal, it may defeat it by voting on a disapproval resolution.

The safeguards involved are powerful. A reorganization plan can be defeated by a simple majority vote of either House. A disapproval resolution cannot be bottled up in committee because the rules of the House provide for a vote to discharge the committee after 10 days as a highly privileged matter. I have no fear that the Members of this body will fail to be alert when reorganizations of a controversial nature come before us.

I am sure that the Members of this House will overwhelmingly pass this bill so that effective organization and reorganization of the executive branch can be obtained.

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

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I am curious to know why a reorganization recommendation from the executive branch of the Government should carry a 60-day effective clause when the unconscionable Pay Act, which was also a delegation of congressional authority—and illegal in my opinion—contained a provision for only 30 days. Why 60 days in this instance and 30 days in the other instance, if I may ask the gentleman?

Mr. BLATNIK. I am not in a position to answer that question as to why 30 days was sufficient or insufficient in the other instance. But in this instance, 60 days has been the time provided from the very beginning of this procedure, certainly since 1949—in the past 20 years—and it has proven to be an ample length of time. There has been no request either to shorten or extend that time. So for that reason we are continuing the same period of time—60 days.

Mr. GROSS. If the gentleman will yield further, I should like to ask the gentleman if in 1949 there was a 90-day provision?

Mr. BLATNIK. I should like to call upon the gentleman from California to explain that. I do not recall under what circumstances it was reduced to 60 days. Would the gentleman from California be able to shed some light on that point?

Mr. HOLIFIELD. I am sorry. I did not hear the statement of the gentleman from Iowa.

Mr. GROSS. I was inquiring as to why there is a 60-day effective provision in the bill we are considering when the unconscionable pay bill contained a 30-day provision?

Mr. HOLIFIELD. The gentleman brings in a different piece of legislation, which, of course, this committee has no control over. The time traditionally has been 60 days, and I believe that is ample time to give the committee and the Congress opportunity to study these bills. On a number of occasions a group of reorganization plans has been sent to the Congress by the executive branch within the period of just a few days. I have tried to discourage that practice so that we could have more time to consider the plans. I have been partly successful in that endeavor. However, I do think that 60 days is a reasonable time for a plan to arrive before the Congress and give all the committees that are involved and the individual Members of Congress a chance to study it. I see no reason to change the time to 30 days or to 90 days.

Mr. GROSS. Of course, the original promoters of this delegation of power idea specified 90 days.

Mr. HOLIFIELD. The gentleman from

Iowa must be going back a long way to find 90 days.

Mr. GROSS. It was 1949, I am told.

Mr. HOLIFIELD. My memory does not serve me in just that way in that respect. My memory is it was, in 1949, 60 days.

Mr. GROSS. I am told it was 90 days at that time.

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

Mr. BLATNIK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the statement of the gentleman in the well, and the chairman of the Subcommittee on Government Operations that handles the reorganization plans.

I view this additional request with mixed emotions as a Member who, for the past 3 years, has served with five other Members of this body on the Joint Committee on the Reorganization of the Congress and the related agencies, and that would certainly include the executive branch. I can well realize that a new administration would need this authority to correct some errors or deviations from its way of thinking as to the administration of the executive branch, and certainly I would want my President to have that.

I am concerned, however, particularly about the delegation of congressional and legislative authority to the executive branch. I think the argument that we are having more and more agencies formed in the administration, is proof positive that we of the legislative branch need to exercise more and more control.

But, be that as it may, I want again to compliment the gentleman in the well for the committee and subcommittee report, particularly for including the action of the House committee in the past 8 years in chart form on pages 3 and 4.

It is hereby that my question for information derives. I notice that in the early years the House's actions are accounted for, action was taken on almost every reorganization plan that was submitted to the Congress, either positively or by indirect action. I appreciated the statement that the gentleman made about the function of his subcommittee and the days allotted by the parent committee for action on the reorganization plan; but, going into 1965, according to the chart of the gentleman's own committee, through 1968, as I interpret it, no action was taken in the great majority of reorganization plans. Indeed, the last three reorganization plans out of four, in 1968 had no action taken, thereby allowing the reorganization plan to go into effect without a report, without a study, and without debate, either under the suspension of the rules or any other way.

Would the gentleman in his experience and wisdom say that having relegated our authority to the executive branch to reorganize itself—and I know the backing of the Hoover Commission, and so forth—there is more of a threat to let this reorganization of the executive branch occur as a matter of comity to the coequal branch, without us taking necessary action or debating it either pro or con on the floor of the House?

Mr. BLATNIK. There is nothing that prevents any Member from introducing, and any Member has the right to introduce a resolution of disapproval which automatically requires action within 10 days.

Any person will have full opportunity to be heard before the committee, and there can be full debate in the House.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I agree with the gentleman, and I know the rules of procedure of this body well enough to understand—in fact, I have introduced such resolutions. But the fact remains that if the committee in its wisdom, as a subdelegated part of this body as a whole, deems not to bring it back on this floor, or if, indeed, the leadership, with a positive report of the committee, deems it advisable not to schedule the matter then the Congress as a collection of 435 individually elected legislators has delegated to the committee or subcommittee this prerogative, which, in turn, can delegate the power of the Congress to the executive branch. Is that not true?

Mr. BLATNIK. No, that is not true.

We do not regard this as delegating any powers of this body of the Government to the executive branch.

So a failure to act is a decision by this body and it thereby permits the reorganization plan to go into effect automatically at the end of 60 days. We do not either willfully, or through inadvertence, transfer any of our authority or responsibilities at all. The power either to act or not to act is within our rights, prerogatives, and privileges.

Mr. HALL. I appreciate the gentleman's statement. I believe the committee actually functions in this manner, particularly the gentleman's subcommittee. However, I would like to ask the mirror-image question or corollary question: Could any one elected representative bring such action in defiance of an executive reorganization against the will of the subcommittee or the leadership?

Mr. BLATNIK. Yes. My understanding is that any Member can call the matter to the floor, so it is a matter of the highest privilege. There are no parliamentary rules or rules of order against it or any impediments or obstacles whatsoever. One individual, be he the sole objector, still has the right to call the matter up before the full body of the House.

Mr. HALL. I thank the gentleman for the legislative record and his explanation.

Mr. BLATNIK. Mr. Speaker, I urge the adoption of this measure.

Mr. ERLENBORN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of S. 1058, the bill to extend the executive reorganization authority. I think the gentleman from Minnesota (Mr. BLATNIK), the chairman of my subcommittee, has ably explained this bill and some of its history.

As he mentioned, in the last Congress the House did act to pass a bill to extend the reorganization authority before it expired. Due to inaction, that legislation died in the other body. Contrary to the inaction of the last session of Congress, the other body has acted promptly this year and has passed the bill now before us.

In the bill that was passed last year by this House there were two amendments incorporated which were offered by me in the subcommittee. Again, in legislation I introduced this year, I offered the same amendments. I have been convinced from our hearings and representations made to me by the Bureau of the Budget that the substance of the amendments I had offered will be incorporated in messages from the President transmitting reorganization plans in the future. There will be some arguments made here today, I know, as they were made in our full committee, that there should be additional limitations placed on the President's power to reorganize and to exempt independent regulatory agencies from this reorganization power. In anticipation of these arguments, I would like to point out that since 1949 when the basic legislation we are now extending was adopted, there has been no such limitation on the President's authority. As a matter of fact, in the 1949 legislation, when it was being debated and before it was adopted, this question was very thoroughly debated. The Hoover Commission and Mr. Hoover himself, both of them, made it very clear that they did not think it would be advisable to exclude regulatory agencies from the President's reorganization powers. So we have a clear legislative history opposed to the type of amendment that the opponents of this bill would like to offer to this bill.

I would also suggest that since 1949, as far as I can find from my research, no one has offered such amendments. This authority has been extended every 2 years and sometimes for a period of 3 years since 1949 without this sort of limitation being suggested.

Mr. Speaker, at the present time the President does not have authority to transmit plans. The basic legislation is still on the books. The President still has the obligation under this legislation to make studies and to make with recommendations. But his authority to transmit plans has expired. This legislation would accomplish the extension once again of the President's authority to transmit plans.

The gentleman from Missouri (Mr. HALL) raised some questions about whether individuals could bring objections to these plans out onto the floor.

I would point out to the distinguished gentleman from Missouri (Mr. HALL), as the gentleman may know, but I would point out to the gentleman the fact that whether or not a resolution of disapproval is filed, it has been and will continue to be the policy of our subcommittee and the policy of our full Committee on Government Operations to hold thorough hearings on the President's reorganization plans. We have done this in the past, even though a resolution of disapproval had not been offered, and these plans do get attention even though a resolution of disapproval has not been offered to the plan. Likewise, a resolution of disapproval can be brought out onto the floor and as was appropriately answered by the gentleman from Minnesota (Mr. BLATNIK), if any individual wants to file a resolution of

disapproval, and appear before our subcommittee then we shall always see to it that the resolution of disapproval is brought out onto the floor.

But, even if we did not act, the individual who has filed a resolution of disapproval has the absolute right to have his resolution brought out as a matter of the highest priority here onto the floor of the House even though he could not get a hearing before our subcommittee or before the full committee, although I am confident such hearing would be granted upon request.

Mr. Speaker, several basic changes have been made in our Reorganization Act since 1949, some to liberalize the procedures whereby a plan of reorganization may be disapproved.

The SPEAKER pro tempore (Mr. MILLS). The time of the gentleman from Illinois has expired.

Mr. ERLENBORN. Mr. Speaker, I yield myself 1 additional minute.

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

Mr. ERLENBORN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Illinois for yielding.

The gentleman gives us the assurance that these reorganization plans and recommendations will come to the floor of the House for consideration. We had that assurance in 1967 when the delegation of power went to the President of the United States to recommend salaries for Members of Congress, and the House finally brought that procedure. We were assured then that the House would have an opportunity to work its will. It did not have such opportunity.

I hope the gentleman's assurance in this instance means more than it did in that instance.

Mr. ERLENBORN. I thank the gentleman from Iowa for his remarks. I take no credit or blame for what the gentleman talks about, but I will say that since I have been a Member of this body and so long as I continue to be a member of the Committee on Government Operations, we have fulfilled and I am confident will continue to fulfill our full obligation to hold hearings on every plan which is offered whether a resolution of disapproval has been introduced or not. Every Member has a right to introduce such a resolution. This is a matter of substantive law and it is a matter of record that our committee has fulfilled its obligations in all instances in this regard.

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

Mr. BLATNIK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Moss).

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, I step into this well today exactly even for the first time in 16 years because in 16 years the strongest argument I have heard advanced for the granting of reorganization authority was that the previous administration had it. So, I have now voted 8 years to give it to Republican Presidents and 8 years to give it to Democratic Presidents. So, while I am even, I want to urge the House to recapture its role as a positive force in legislating.

I believe this is what we are sent here to do, and I believe honestly that we have the capacity to do that job if we but have the will to try.

Reorganization plans in the early days of the Hoover Commission were well conceived following very careful study, and the overwhelming majority of them had my enthusiastic support, but far too many of them in recent years have not been well conceived, and have not had that same degree of impartial study.

I believe the Congress needs to learn how to do the job of studying impartially the function of the executive branches of the Government, and to be able to modify the proposals which are sent down in Presidential messages, but a reorganization plan once submitted cannot be changed; it must be voted up or down. Remember that all we retain for ourselves as Members of Congress is a veto power. That is not the role envisioned for the legislative body of this Nation. That is not the responsibility we seek from our voters when we come here to Washington, and it is not the responsibility we represent ourselves as having when we sit on committees to hear testimony. There is a flexibility in bona fide legislating. There is a point of proper consensus where the possible can be done, and usually that consensus represents the degree of compromise which has been the characteristic strain of strength in this democracy of ours.

I have voted in the past for this procedure, and I have not done so in a partisan sense, but I emphasize again that I did it for the best argument that I ever heard, that someone else had had the authority and only now, 16 years later, can I step into this well and say to all of you that I have been totally impartial, I have given 8 years to the Republicans, and I have given 8 years to the Democrats, and I have regretted in each instance doing so.

Now, I do not want to have this legislative authority left in the hands of the Executive, and I do not want a dilution of our responsibilities. I would like to see us embark on the road of recapturing the dignity and the stature which we as Members of the principal legislative body of this Nation are supposed to possess.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ERLENBORN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from California (Mr. Moss) just made an impassioned plea outlining how he feels about this legislation. For the benefit of the gentleman from California, and other Members in the Chamber, I would like to read an excerpt from the CONGRESSIONAL RECORD of 1963 of statements made by the same gentleman from California. He said:

> Mr. Chairman, I voted for the extension of this authority in 1953, 1955, 1957, and 1961. I did not support its extension in 1959.

Then after some other intervening comments, he continued:

> I watched rather carefully the way the Congress handled the controversial reorganization plans sent it in 1961. I saw no evidence there of abandonment of our responsibility in the field of legislation. I saw no power given the President which restricted our right or our opportunity to act and act decisively. We rejected plans, we permitted some to become operative and in at least one notable instance we substituted amendment of statute for the adoption of the plan itself. I think it demonstrated that the dangers, the fears many of us envisioned as flowing from this authority were mere bogeymen, that we did not have to be frightened of any usurpation on the part of the Executive of the prerogatives of the Congress.

The SPEAKER. The time of the gentleman from Illinois (Mr. ERLENBORN) has expired.

Mr. MOSS. Mr. Speaker, in view of the fact the gentleman from Illinois has mentioned the gentleman from California, will he yield me one-half minute?

Mr. ERLENBORN. Mr. Speaker, I yield myself 1 additional minute and now yield to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, let me say that consistency is certainly the pride of very small minds. I am not at all embarrassed in saying that studying the reorganization plans of the last few years has reinforced the position I took in 1959. I do not think we have accepted the affirmative role of the legislative body and I think a recitation of the number that became effective without any action at all is perhaps the strongest argument in support of that contention.

Mr. ERLENBORN. Mr. Speaker, in the time remaining of my 1 minute, let me point out here that what the gentleman from California has said about there not being any action at all is incorrect because we have always held hearings on these plans.

Now, Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I would like to thank my good friend for his gracious courtesy in yielding to me at this time.

Mr. Speaker, I rise with some regret. I have before me here a document, "The Elephant's Roar." Its editor or publisher is Mr. John F. Saterlee. The address of this publication is 836 National Press Building, Washington, D.C.

It is entitled "A Gazette for Republican Leaders." In that a very prominent Republican lady, Mrs. Phyllis Schlafly writes on pages 2 and 3 a very lengthy statement and the title is "Patronage Is the Name of the Game."

While my colleagues have traditionally supported the idea that the President should be allowed to reorganize the Government agencies within certain limitation and within controls imposed by the Congress. But I think this is a most interesting document and I believe it sets out the understanding of some knowledgeable and authoritative and influential members of the Republican Party as to the purposes behind this reorganization.

The opening portion of this is a very lengthy complaint about the very great shortage of patronage jobs that exist.

Prominent among those complaints is the statement:

President Nixon can fill only 1,500 to 3,000 Federal jobs—the rest of the Federal employees are locked in by the Civil Service.

I do not want my colleagues at the end of the 2 years, when the expiration of this program is at an end, to say that they were not fully warned. This is, according to Mrs. Schlafly's understanding, the basis for a great Republican patronage grab.

I believe there is abundant warning here for all who will heed. I believe those who are interested in the civil service and interested in the integrity of the civil service should feel great concern from this publication.

I will now quote directly from the article—and I say that at the appropriate time, I will ask unanimous consent to insert the whole of this remarkable document into the RECORD so that the Federal service and the people of this Nation can understand some of the warnings that have been placed before us by Mrs. Schlafly.

Use the technique called "reorganization" in order to bring Republicans into the Federal Government at every echelon. This is perfectly legal and ethical administrative device for outmaneuvering Civil Service in order to fire Democrats and hire Republicans. The President can abolish agencies, bureaus, divisions and job—and then create new ones. He can make up different titles for the same old jobs so they are available for new personnel.

After all, isn't that what the American people voted for last November 5? Civil Service should *not*—

And the word "not" is italicized to make it clear that this is one of the major points with which Mrs. Schlafly is concerned—and the article continues:

should not be permitted to stand in a way of the policy changes for which we voted so decisively.

The technique of "reorganization"—

And the word "reorganization" is in quotes—

requires a few smart and skillful lower-echelon employees to do the necessary detail work. If the Kennedy and Johnson administrations could find such employees, there is no reason why the Nixon administration cannot do it, too. It is simply a matter of having the will to do it.

The Democrats used this political tool with consummate skill in order to pack the government with liberal Democrats. If the Republicans fail to use this tool, no one will thank them for their gentlemanliness.

A word to the wise should be sufficient. The article referred to follows:

PATRONAGE IS THE NAME OF THE GAME

(By Phyllis Schlafly)

Ever since Richard Nixon won the Presidency in November 1968, the press has been filled with variations on this principal theme: *President Nixon can fill only 1,500 to 3,000 Federal jobs—the rest of the Federal employees are locked in by Civil Service.*

This claim is preposterous, and Republicans at every level should call the bluff of the Democrats and the liberals who are trying to put it over. The American people voted for a change in November 1968. There is no way that the wishes of the majority of Americans can be fulfilled if President Nixon can replace only 3,000 employees out of 3,000,000—leaving 2,997,000 holdovers from previous administration.

On Inauguration Day, *The New York Times* stated on the front page: "Mr. Nixon will be leading barely 100 associates into top jobs in a Government of more than three million employees. They will be guided for months by Democratic holdovers, even in policy posts, and they will have to master a bureaucracy that has been trained and nourished by Democrats in all but eight of the last 36 years."

Republicans should not permit the Nixon Administration to be straitjacketed by the retention of 99.9% holdovers from the LBJ Administration.

It is wishful thinking to hope that the election of a new President and his appointment of an outstanding Cabinet will in itself bring about the change in policies which the voters want. Policies are made by the thousands of middle-echelon bureaucrats who give the advice, determine what information is sent to their superiors, draft the "working" papers, prepare the "options," "interpret" the regulations, and summarize the "intelligence."

Immediately after the Nixon victory, the Federal payrollers began building bureaucratic barricades to perpetuate themselves in power. They moved into high gear to hire Democrats for every available position. Jobs which had been vacant for months or even years were hurriedly filled in the weeks between the election and the Inauguration in order to blanket additional Democrats into Civil Service. Many others were transferred from political jobs to permanent jobs just prior to January 20.

Meanwhile, the Federal bureaucrats are adopting the attitude that four years of Nixon are merely an interlude to be endured. The word is being spread in Washington that nothing should be done to reinstate Otto Otepka to his post in the State Department because this would be "bad public relations" for the Nixon Administration. This is untrue. Everyone who knows anything about the case knows that Otepka was framed. Unless justice is given to Otepka, morale among the many good Federal employees will disintegrate.

THE DEMOCRAT RECORD

The Democrats have never permitted Civil Service to impede their political objectives. Presidents Roosevelt, Truman, Kennedy and Johnson ruthlessly got rid of Republican holdovers—Civil Service to the contrary notwithstanding—and used every possible tactic to put Democrats on the payroll and keep them there. No holds were barred in their purge of Republicans and payroll padding with Democrats.

Franklin Roosevelt set the precedent in the Commerce Department in the early days of the New Deal. Under "emergency" powers, he fired several hundred holdovers from the Hoover Administration and put a freeze on all new hirings. Then he established the NRA in the same buidling—with all new personnel. Where did the new employees come from? They were hired through the employment office of the Democratic National Committee—*not* transferred from the Commerce Department or other Federal bureaus. Two years later when the NRA was declared unconstitutional, all the NRA employees were hired directly into the Commerce Department and blanketed into Civil Service.

When President Truman wanted to load his friends in the Pendergast machine onto the Federal payroll, he peremptorily closed some agency offices and then reopened them in Kansas City. This shook many employees off the Federal payroll, and opened up plenty of Government jobs to take care of the politicians who elected him.

After Kennedy became President, he abolished the entire Federal agency dispensing foreign aid, thus eliminating all the Eisenhower appointees. Kennedy then immediately created a new foreign aid agency under a new name—and hired a new staff of all Kennedy supporters.

These are just samples of the way Roosevelt, Truman, Kennedy and Johnson used the tool of Federal patronage skillfully and ruthlessly in order (1) to carry out the liberal policies of the New Deal, Fair Deal, New Frontier, and Great Society, (2) to build a political machine in order to reelect themselves, and (3) to enjoy the power of spending Federal billions down to the letting of the last small contract.

THE EISENHOWER MISTAKE

Now let us contrast the patronage policy of the Eisenhower Administration. If the election of Dwight Eisenhower in 1952 meant anything at all, it meant a mandate to clean out the State Department. The State Department was the focal point of the entire campaign: all Republican orators inveighed against the stalemate war in Korea, Communists in Government, and the State Department sellout of China. The 1952 Republican Party Platform promised:

"We shall eliminate from the State Department and from every Federal office, all, wherever they may be found, who share responsibility for the needless predicaments and perils in which we find ourselves. We shall also sever from the public payroll the hoards of loafers, incompetents and unnecessary employees who clutter the administration of our foreign affairs."

It is a blot on the Republican record that this promise was never kept. Only a handful of top jobs were changed. The State Department which lost China, and announced that South Korea was outside the U.S. "defense perimeter," remained virtually intact.

The few Republicans who did receive high appointments were told they could not even hire a secretary of their own choosing, but had to continue with the holdover from the Truman Administration. As the Republican Party faithful became impatient with the lack of available patronage and with the lack of meaningful policy changes, they were forever frustrated by this stock reply from Republican Senators, Congressmen, and other high officials:

"Nearly all Federal jobs are under Civil Service and President Eisenhower can appoint only a few thousand jobs at the top. There is nothing we can legally do to dismiss Democrats and hire Republicans." Apparently Eisenhower and most top Republican officials believed this because it was the policy of the Eisenhower Administration.

This policy was wrong because it meant that the Eisenhower Administration could not give the American people the policy changes they voted for in 1952. With the same crew manning the Eisenhower ship, as the French say, "the more things change, the more they remain the same." The American people were entitled to receive the change for which they voted. Civil Service has some merit, but it should not be allowed to frustrate the constitutional wishes of the American people.

The bitter harvest of this failure to clean out the State Department was Castro. Our Ambassador appointed by Eisenhower, Earl E. T. Smith, was never deceived by Castro. Ambassador Smith sent back accurate reports that Castro was a Communist and should not be aided by the United States. But these reports came into the hands of a Truman holdover named William Wieland who pigeonholed them. Wieland knew that Castro was a Communist but never passed this information to his superiors.

The assistance that the State Department gave to Castro is the worst blot on the hundred-year record of the Republican Party—and it could have been so easily avoided if the Eisenhower Administration had used Federal patronage with the same skill displayed by Roosevelt, Truman, Kennedy and Johnson.

This failure to use Federal patronage is also probably the principal reason why, in every subsequent year of the Eisenhower

Administration, the Republican Party steadily lost ground and more of its candidates were defeated.

DOING THE "IMPOSSIBLE"

Unfortunately, there is now a defeatist attitude among many Republican Congressmen and Party officials about large-scale patronage to be dispensed by the Nixon Administration. Whereas Democratic Congressmen are consistently vocal and aggressive in putting their constituents on the Federal payroll, Republican Congressmen are often reticent and resigned to refusal.

This is wrong. There should be thousands of Republicans flooding into Federal office from every State in the Union—especially from the states which contributed substantially to Nixon's victory. This is the only way we can secure the change for which the American people voted.

Don't let your Senator or Congressman tell you that it can't be done—tell him to find a way to do it. The great Seabee slogan of World War II was: "The difficult we do immediately, the impossible takes a little longer." Roosevelt, Truman, Kennedy and Johnson did it. Patronage is the name of the game and, if Republicans do not use it skillfully as the Democrats do, Republicans are not going to win future elections.

Here are three principal ways that the new Republican Administration can proceed in order to bring about the change the people voted for.

1. Abolish the unnecessary jobs and cull out the employees who are not doing anything. Under Kennedy and Johnson, 619,397 civilian employees were added to the Federal payroll—most of them unnecessary.

The Federal Government is loaded with thousands of extra employees who walk up and down corridors with little to do. They fill the cafeterias for coffee breaks at 10, 11, 3 and 4 o'clock. There are so many of these political hangers-on in nearly every agency that they are known in Washington as the "corridor corps." They write memos to one another and do "busy" work in order to camouflage the fact that they are really just holding political jobs—playing a cat and mouse game to see if the new Republican Administration has the nerve to fire them.

The elimination of this payroll padding would be a fulfillment of Republican campaign promises and a service to the overburdened American taxpayers. The financial saving would be the least important benefit. Far more significant would be the substantive changes from the disastrous LBJ policies and the improved morale of the many dedicated employees who work hard and really earn their salaries.

2. Use the technique called "reorganization" in order to bring Republicans into the Federal Government at every echelon. This is a perfectly legal and ethical administrative device for outmaneuvering Civil Service in order to fire Democrats and hire Republicans. The President can abolish agencies, bureaus, divisions and job—and then create new ones. He can make up different titles for the same old jobs so they are available for new personnel.

After all, isn't that what the American people voted for *last November 5?* Civil Service should *not* be permitted to stand in the way of the policy changes for which we voted so decisively.

The technique of "reorganization" requires a few smart and skillful lower-echelon employees to do the necessary detail work. If the Kennedy and Johnson Administrations could find such employees, there is no reason why the Nixon Administration cannot do it, *too.* It is simply a matter of having the will to do it.

The Democrats used this political tool with consummate skill in order to pack the Government with liberal Democrats. If Republicans fail to use this tool, no one will thank them for their gentlemanliness. The verdict at the polls will be that Republicans just don't know how to run with the ball after it is handed to them.

3. Eliminate all the "consultants" on the Government payrolls. There are thousands of so-called "consultants" who work varying amounts of time for various Federal agencies at a *per diem* of $75 to $100. One of Kennedy's first acts after becoming President was to send all the consultants then on the payroll a cordial soft-soap letter thanking them profusely for all their past services, and informing them that the new Administration was eliminating all consultants and therefore would have no further need of their services. A couple of months later, Kennedy hired all new consultants of his own choosing.

The new Republican Administration not only *can*—but *should*—do likewise if we are to have real policy changes in Government.

YOUR PART IN THE TASK

Every Republican Governor, Senator, Congressman, National Committeeman, National Committeewoman, State Chairman should already be pushing hard to get his or her Republican constituents on the Federal payroll. They should reject the nonsense that there are only some 3,000 Federal jobs to be filled. There are hundreds of thousands of jobs which must be turned over to Republicans if we are to accomplish policy changes.

The new Republican Administration is already feeling the pressure from the holdovers who want to remain. We must see to it that the new Republican Administration feels a greater pressure from Republicans for patronage so that it will be compelled to find the skillful experts in "reorganization" who can do the "impossible."

Some 30,000 Republicans jammed into Washington to celebrate President Nixon's Inauguration. If every one of these people were hired to replace Democrats, this would be only one percent of the three million Federal employees. This would only be a healthy start on the turning over of Federal jobs.

Every State should keep a scorecard on Federal appointments. Make sure that conservatives get their fair share of appointments. Make sure that women get their fair share of appointments. Above all, make sure that Republicans are appointed. Until every State has received appointments in the thousands, it is not possible to have any significant change in policies. Just as precinct workers often rate their county chairman by the number of jobs he can get for his county. State Party officials can also be rated on how many Federal jobs they secure for their constituents.

Among the most active of Republican workers are the volunteers who labor—not for a job or political favor—but simply because they want their children to grow up in a free and independent America. These volunteers must realize the importance of patronage to the achievement of their idealistic objectives. It is the lifeblood of politics because it means money, power, influence, and votes. If patronage is not properly used for the objectives of good government, it will surely be used very powerfully against us. President Nixon must have the help of employees who believe in good government—*not* be handcuffed by the architects of the mess we are in.

Mr. ERLENBORN. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. DWYER).

Mrs. DWYER. Mr. Speaker, I rise in support of the pending legislation. The legislation, S. 1058, which we are considering today is identical to my bill H.R. 6963 which was introduced on the same day and would extend the reorganization provisions of title 5, United States Code, until April 1, 1971.

I support this legislation because it is directed at what I consider the most demanding of the multitude of domestic problems facing the President and the Congress—the need for efficient and effective organization and administration of the Federal Government.

Government is close to becoming unmanageable and unless we take action, is in serious danger of bogging down, just from the sheer number, weight, and complexity of its activities, and this at the very time when there are numerous needs to be met.

The provisions of the Reorganization Act of 1949, now codified in title 5, United States Code, sections 901–913, have been used to good effect by Presidents Truman, Eisenhower, Kennedy, and Johnson. But no President has needed it more than President Nixon—both to give direction to the biggest, most sprawling bureaucracy in history and to implement plans to which he has already given closer study than any incoming President. The fact that his first legislative request to Congress was for extension of the authority to submit reorganization plans indicates the importance he attaches to the structure and organization of Federal departments and agencies as a factor in getting first-class performance from Government.

This reorganization authority is a procedural tool that must be accompanied by a comprehensive review of the executive branch—a review of the type accomplished by the first and second Hoover Commissions. There is a need for a complete—not just piecemeal—overhaul of the Government's organization to cope with the vast changes in problems and programs. Many of us have introduced legislation to accomplish this—in this Congress, in the 90th, and the 89th. Now, at long last, we may soon begin hearings on this matter. But, comprehensive review and reorganization of the executive branch is only one point in the legislative program that I have frequently urged upon this body.

The program which I have sometimes called my "More for Your Money" program, also includes use of up-to-date systems management techniques, a continuing system of Federal program evaluation, legislation to permit Congress to shift funds from low-priority to high-priority programs, and legislation to enable the President to coordinate the far-flung bureaucracies handling urban programs and to establish consistent and effective policy direction.

Immediate attention must be given to the unwieldy and inefficient structure and procedures of Government. There must be a hard concerted effort—and not only to gain economy and efficiency but to give Government the ability to meet priority needs and thus restore the quality of urban life.

At this point, Mr. Speaker, I would like to include, as a part of my remarks, an excerpt from a front-page editorial by Donald Canty, editor of that excellent bimonthly, City, published by Urban America.

[Excerpt from front-page editorial, City, February 1969, vol. 3, No. 1]

The twisted pipeline that carries federal money from Washington to the cities is, by

all indications, receiving major early attention from the new Administration. The catch-phrase is the "delivery system"; the goal, as Secretary Finch puts it elsewhere in this issue, to deliver "more bang for the buck" through systemic reform. It is a praiseworthy goal, just so it is defined in terms of results as well as efficiency. The delivery system has been clogged by waste and red tape, but its major failing has been unresponsiveness to program objectives, particularly as they involve the urban poor and minorities. There has developed "a steadily widening gap between accepted public purposes or goals and the operational capabilities of public agencies," that unusual California businessman Victor Palmieri wrote after summer of 1967. "It is one thing to certify a few city blocks for demolition and rebuilding. It is quite another to merge physical and human renewal—through specialized education, job training, health services, counseling, and recreation—and to attempt to regenerate not simply a place, but a community. . . . Our new aspirations carry with them a demand for competence—for institutional copesmanship, if you will—that is greater in orders of magnitude than we now command."

Mr. ERLENBORN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, as the original introducer of H.R. 407 on the first day of the 91st Congress, the legislation we are discussing today, I rise in support of this bill. After 8 years of the administration of the executive branch of the Government by one party, it seems to me only appropriate and desirable that a new President representing a different party have the opportunity and the power to initiate the organization plans for the executive branch of the Government. The 2-year extension of this power, which I think it should be limited to whenever it is granted to the president, is appropriate because this is the length of time for which the American people elect a Congress. While this legislation does represent some change of the traditional balances between the legislative and the executive branches of the Government with reference to the organization of legislation, in the executive reorganization authority the prerogatives of the Congress are protected because the Congress maintains a veto power over the Presidential authority thus granted. And the built-in limitation of a 2-year authority for this reverse legislative procedure enables the Congress to review its judgment in this matter in a relatively short time—a time during which the people can also review the Congress for taking this action.

Mr. ERLENBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from California.

The SPEAKER. The gentleman from Illinois has 4 minutes remaining.

Mr. HOLIFIELD. Mr. Speaker, the question before this House today, I think, is a question of equity and fairness. I am not going to take up the time of the House by answering the arguments that have been put forth in the well of the House against this plan. I am just going to say this, that under five Presidents—and I hope under six—I have supported the reorganization plans. During the regime of President Roosevelt they were sent up under the War Powers Act, and I believe from President Truman on until the end of President Johnson's term they were sent up under the Reorganization Act. We have given all of these Presidents the right to reorganize the departments of the Government within certain bounds.

They are sharply circumscribed, as we may see if we look at the printing of the bill itself in the back of the report. It can only come up under certain conditions and can only do certain things.

The housekeeping function of the executive branch is a very complicated matter. The people in charge of those departments really know whether they need to change things around or not.

But there is one thing I want to make very clear. In voting for the various extensions of the Reorganization Act, I have maintained my independence to vote for or against the plans that come up to the Congress. I have voted against plans and I have voted for plans. I intend to keep that same objectivity as far as I am concerned in regard to the plans that will come up. I intend to look at them on their own merits. If I decide that they are not meritorious, then I intend to oppose them. If I decide they are meritorious and along the lines of increasing economy and efficiency of the Government, I will support them in the future as I have in the past, regardless of the person occuping the Presidency.

This is a matter of judgment. Other Members will have their own evaluation and they can do likewise.

But this much I also want to say, that as a matter of policy this committee has held hearings on every plan and made the reports available to the Members of Congress. We have rigorously followed the rules of the Reorganization Act.

At any time that we do not voluntarily hold these hearings, any individual Member can introduce a resolution of disapproval, and it is mandatory that we hold hearings within 10 days and either report the disapproving resolution favorably or unfavorably to the House.

If the committee does not do that, any Member of this House can rightly, under a point of high privilege, demand immediate consideration of the disapproving resolution.

So the function of the Congress is adequately protected in every way by the Reorganization Act. It will be so in this instance. We will look at the plans sent up, but we will exercise in our committee the collective judgment as to whether they are good or bad. We will bring them to the floor of the House at the proper time, and every Member of the House can either verify the recommendation of the committee or reject the recommendation of the committee.

I say that is retaining in the Congress the right to legislate. The only thing we give to the President under this Reorganization Act is the right to send up a plan and the right to be assured that it will be heard by the committee and will be reported to the Congress and will be acted upon by the House in the manner the House desires. That is the difference between a plan and the ordinary legislative process. We retain the power to disapprove or to approve Presidential reorganization plans.

The SPEAKER. All the time of the gentleman from Illinois has expired.

The gentleman from Minnesota has 3 minutes remaining.

Mr. BLATNIK. Mr. Speaker, I yield 3 additional minutes to the gentleman from California.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

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

Mr. HOLIFIELD. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from California yielding. I just want to make a point of legislative record.

In the report it says:

> The Congress, of course, has made and will make selected changes in the organization of the executive branch; . . .

Is there anything in section 905(b), title 5, United States Code, or in this amendment we have before us, that would preclude this body or the Congress from making additional changes in the organization of the executive branch?

Mr. HOLIFIELD. There is no impingement upon the jurisdictional prerogatives of any committee in the House. Any plan that is accepted in this House can be nullified by the congressional committee of jurisdiction which has legislative oversight over the particular matter in that plan. So the right of the committees of jurisdictional legislation is retained. They can come forward and nullify if they do not like that and if the Congress so wills. So we are not impinging upon the right of regular form of legislation of any committee in the House.

Mr. HALL. Mr. Speaker, I think the gentleman has answered my question, but could he say affirmatively or negatively that the Congress still can work its will in regard to executive changes, over and above that which is now in the statute or the bill which we are acting on today?

Mr. HOLIFIELD. My answer is in the affirmative. I think I understand the gentleman.

Mr. Speaker, I ask that the House support this Reorganization Act and give to our present President the same prerogatives, privileges, and powers that we have given to previous Presidents.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in opposition to S. 1058. I do so not because I oppose any reorganizational proposals this administration may be contemplating. On the contrary, I am anxious to see the executive branch of our Government streamlined and the many overlapping functions of the various departments and agencies consolidated for more efficient and economical operation.

However, the question before us today is not whether or not the executive branch should be organized. It is whether or not the Congress should continue to abdicate the authority vested in it by article I of the Constitution of the United States because we are too busy to do the job entrusted to us.

Mr. Speaker, a reorganization plan when presented under this act must be voted either up or down. We have no opportunity to amend or alter it. We must,

in order to approve it, merely do nothing; in order to disapprove it, vote a disapproval resolution thus defeating the entire plan. We must act or not act, without open hearings at which proponents and opponents of various parts of the plan can be heard; we must act, or not act, without benefit of open debate and without benefit of the advice of our colleagues who, by their assignment to the committee which would normally handle the affairs of a given department or agency, have become something of authorities on those agencies. We must act, in effect, in a vacuum, or we must abdicate our right to act to a group of planners within the executive branch far removed from the American people. This is not the way to legislate, Mr. Speaker. This is not what the American people elected us to do. We fail to fulfill our obligation to them if we do not, after due deliberation, hearings, and consideration, act to effect any necessary changes in the functions and responsibilities of their Government.

Mr. Speaker, the most recent striking example of the irreparable damage which can be done to a branch of the Government under this act was the reorganization plan 2 years ago which replaced a three-man commissioner system of government, which unquestionably did need some streamlining, with a single Commissioner, called "the Mayor" just as soon as the disapproval resolution failed in the House, and a nine-member City Council.

The result has been chaos. For more than a year now the so-called Mayor and Council have fought over jurisdictional authority and have failed miserably to either effectively reorganize the District or, for that matter, to maintain law and order in the city. The government created under that reorganization plan has proven utterly incapable of administering an effective police force; permits itself to be constantly harassed and obviously intimidated by a rising chorus of voices from the city's lunatic fringe; and is unable to guarantee protection for life or property of decent, law-abiding citizens and visitors to the Nation's Capital.

Mr. Speaker, the large majority of District of Columbia Committee members, who by virtue of serving on the committee had become familiar with the District Code and the organizational structure and problems in the District, tried to point out the flaws in the plan which we knew then would lead inevitably to the chaos which has resulted. We had a plan under consideration in the District Committee, formulated after a lengthy study of the District government by an expert on governmental organization. But our protests against the administration's package plan were shouted down by those who charged us with obstructionism and delay. The plan went into effect in 1967, and as we are debating here today we are being threatened with a repetition of the April 1968 riots unless businesses in the District of Columbia close to commemorate the death of Dr. Martin Luther King.

Again I say, Mr. Speaker, I do not oppose any efforts to streamline the functions of the executive branch. I believe consolidation and reorganization are essential to economy in government and must be a major consideration of this Congress. But I am convinced that Congress, not the executive branch, should do the job. We should receive and actively solicit suggestions from the executive branch. We should receive and actively solicit suggestions and advice from the American people who are served by the executive branch. Then we, the Congress, elected by the people, should consider the suggestions and advice we have received, should consider and deliberate the suggestions and advice we receive from those of our colleagues who are most familiar with the agency being reorganized, then act to effect the reorganization which in our considered opinion is best for the American people.

Mr. Speaker, we, not the executive branch, have been charged with this responsibility. We should act now to reassume it on behalf of the American people who elected us.

Mr. BINGHAM. Mr. Speaker, I shall vote "no" on the motion to suspend the rules and pass the bill, S. 1058. I shall do so in spite of the fact that I support the bill in general terms. Moreover, I have not taken a position for or against the amendment to the bill proposed by the gentleman from California (Mr. Moss) and supported by the gentleman from Massachusetts (Mr. MACDONALD) which would have excluded from the reorganization powers of the President the so-called independent regulatory agencies.

My negative vote reflects my view that, on a matter of this importance, it is a mistake not to give the House the opportunity to debate and vote up or down a major amendment suggested by two distinguished members of the committee. I believe this bill should have been brought to the floor under a rule which would have permitted adequate consideration of the amendment. Accordingly, my negative vote should be construed not as a vote against the bill as such, but as a vote against the motion to suspend the rules.

Mr. FASCELL. Mr. Speaker, I rise today as cosponsor of the bill now being considered, S. 1058, a proposal to extend for 2 years the authority of the President to reorganize the departments and agencies of the Federal Government.

President Nixon has asked Congress for power to manage his own executive household. This power was first granted by the Congress in 1932 to President Hoover, and has been granted to each succeeding President since that time. I believe our new President should not be denied full authority and responsibility for executive management and to further streamline the Government.

As the House Members know, the Reorganization Act of 1949 gives the President authority to submit plans to Congress to modernize our Government. The act and this proposal, were recommended by the Hoover Commission, appointed to study means of improving Government efficiency.

Under this act, the President is required periodically to examine the functions of all executive agencies to determine what changes are necessary. The plans for the changes are then submitted to Congress.

Reorganization plans submitted to the Congress automatically become effective in 60 days unless vetoed by either the House or the Senate. Since 1949 Congress has vetoed 22 of the 83 reorganization plans submitted.

This system has given the President the latitude to put his own house in order while at the same time retaining for the Congress an effective means to exercise its will on proposed reorganization.

The authority expired on December 31, 1968. The Senate has already acted to renew the Reorganization Act, and it is up to us to concur in this much-needed objective by approving legislation to extend the authority.

Mr. BLATNIK. Mr. Speaker, we have no further requests for time on this side.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House suspend the rules and pass the bill S. 1058.

The question was taken; and the Speaker announced that two-thirds had voted in favor thereof.

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

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 335, nays 44, not voting 51, as follows:

[Roll No. 23]

YEAS—335

Abbitt	Byrnes, Wis.	Edwards, La.
Adair	Cabell	Eilberg
Adams	Caffery	Erlenborn
Addabbo	Cahill	Esch
Albert	Camp	Eshleman
Alexander	Carter	Evans, Colo.
Anderson, Calif.	Casey	Fallon
	Cederberg	Farbstein
Anderson, Ill.	Celler	Fascell
Anderson, Tenn.	Chamberlain	Feighan
	Clancy	Findley
Andrews, N. Dak.	Clark	Fish
	Clausen, Don H.	Fisher
Ashley		Flood
Aspinall	Clawson, Del	Foley
Ayres	Cleveland	Ford, Gerald R.
Barrett	Cohelan	Foreman
Beall, Md.	Collier	Fountain
Belcher	Collins	Fraser
Bennett	Colmer	Frelinghuysen
Berry	Conable	Frey
Biaggi	Conte	Friedel
Biester	Corbett	Fulton, Pa.
Blanton	Coughlin	Galifianakis
Blatnik	Cowger	Gallagher
Boggs	Cramer	Garmatz
Boland	Culver	Gaydos
Bolling	Cunningham	Gibbons
Bow	Daniels, N.J.	Gilbert
Brademas	Davis, Wis.	Gonzalez
Brasco	Dawson	Goodling
Bray	de la Garza	Green, Oreg.
Brock	Delaney	Green, Pa.
Brooks	Dellenback	Grover
Broomfield	Denney	Gubser
Brotzman	Dennis	Gude
Brown, Calif.	Dent	Halpern
Brown, Ohio	Derwinski	Hamilton
Broyhill, N.C.	Devine	Hammer-schmidt
Buchanan	Dickinson	
Burke, Fla.	Diggs	Hanley
Burke, Mass.	Donohue	Hansen, Wash.
Burleson, Tex.	Dorn	Harvey
Burlison, Mo.	Downing	Hastings
Burton, Calif.	Dulski	Hathaway
Burton, Utah	Duncan	Hawkins
Bush	Dwyer	Hechler, W. Va.
Button	Edmondson	Heckler, Mass.
Byrne, Pa.	Edwards, Ala.	Helstoski

Henderson	Mills	Scherle
Hicks	Minish	Schneebeli
Hogan	Mink	Schwengel
Holifield	Minshall	Scott
Horton	Mize	Sebelius
Hosmer	Mizell	Shipley
Howard	Mollohan	Shriver
Hull	Monagan	Sikes
Hungate	Moorhead	Sisk
Hunt	Morgan	Skubitz
Hutchinson	Morton	Smith, Calif.
Ichord	Mosher	Smith, N.Y.
Jarman	Murphy, Ill.	Snyder
Joelson	Myers	Springer
Johnson, Calif.	Natcher	Stafford
Johnson, Pa.	Nedzi	Staggers
Jonas	Nelsen	Stanton
Jones, Ala.	O'Hara	Steed
Jones, N.C.	Patten	Steiger, Ariz.
Karth	Pelly	Steiger, Wis.
Kastenmeier	Pepper	Stratton
Kazen	Perkins	Stubblefield
Kee	Pettis	Sullivan
Keith	Philbin	Symington
King	Pickle	Taft
Kleppe	Pike	Talcott
Kluczynski	Pirnie	Taylor
Koch	Podell	Teague, Calif.
Kuykendall	Poff	Thompson, Ga.
Kyros	Pollock	Thompson, N.J.
Landgrebe	Preyer, N.C.	Thomson, Wis.
Landrum	Price, Ill.	Tiernan
Langen	Price, Tex.	Udall
Latta	Pryor, Ark.	Ullman
Leggett	Pucinski	Utt
Lennon	Purcell	Van Deerlin
Lipscomb	Quie	Vanik
Long, Md.	Quillen	Vigorito
Lujan	Railsback	Waggonner
McCarthy	Randall	Wampler
McClory	Rees	Watkins
McCloskey	Reid, Ill.	Watson
McClure	Reid, N.Y.	Watts
McCulloch	Reifel	Weicker
McDade	Reuss	Whalen
McDonald, Mich.	Rhodes	Whalley
McFall	Roberts	White
McMillan	Robison	Whitehurst
MacGregor	Rodino	Widnall
Madden	Rogers, Colo.	Wiggins
Mahon	Rogers, Fla.	Wilson, Bob
Mailliard	Rooney, N.Y.	Winn
Mann	Rooney, Pa.	Wold
Marsh	Rosenthal	Wright
Martin	Rostenkowski	Wyatt
Matsunaga	Roth	Wydler
May	Roudebush	Wylie
Mayne	Roybal	Wyman
Meeds	Rumsfeld	Yates
Meskill	Ruppe	Yatron
Michel	Ruth	Young
Mikva	St Germain	Zablocki
Miller, Calif.	Sandman	Zion
Miller, Ohio	Saylor	Zwach
	Schadeberg	

NAYS—44

Abernethy	Edwards, Calif.	Nichols
Andrews, Ala.	Flowers	Nix
Ashbrook	Ford,	Olsen
Baring	William D.	Ottinger
Bevill	Fuqua	Passman
Bingham	Gettys	Poage
Brinkley	Griffin	Rarick
Broyhill, Va.	Gross	Ryan
Chappell	Hagan	Satterfield
Chisholm	Haley	Stokes
Clay	Hall	Waldie
Conyers	Hays	Whitten
Daniel, Va.	Macdonald,	Wilson,
Davis, Ga.	Mass.	Charles H.
Dingell	Montgomery	Wolff
Dowdy	Moss	

NOT VOTING—51

Annunzio	Hanna	O'Neal, Ga.
Arends	Hansen, Idaho	O'Neill, Mass.
Bates	Harsha	Patman
Bell, Calif.	Hébert	Powell
Betts	Jacobs	Riegle
Blackburn	Kirwan	Rivers
Brown, Mich.	Kyl	Ronan
Carey	Lloyd	St. Onge
Corman	Long, La.	Scheuer
Daddario	Lowenstein	Slack
Eckhardt	Lukens	Smith, Iowa
Evins, Tenn.	McEwen	Stephens
Flynt	McKneally	Stuckey
Fulton, Tenn.	Mathias	Teague, Tex.
Giaimo	Morse	Tunney
Gray	Murphy, N.Y.	Vander Jagt
Griffiths	O'Konski	Williams

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Bell of California.
Mr. Hébert with Mr. Arends.
Mr. O'Neill of Massachusetts with Mr. Bates.
Mr. Carey with Mr. Betts.
Mr. Scheuer with Mr. Riegle.
Mr. Gray with Mr. Williams.
Mr. Giaimo with Mr. McEwen.
Mr. Evins of Tennessee with Mr. Harsha.
Mr. Daddario with Mr. Brown of Michigan.
Mr. Kirwan with Mr. McKneally.
Mr. Teague of Texas with Mr. Kyl.
Mr. Lowenstein with Mr. O'Konski.
Mr. Murphy of New York with Mr. Mathias.
Mr. O'Neal of Georgia with Mr. Vander Jagt.
Mr. Ronan with Mr. Hansen of Idaho.
Mr. St. Onge with Mr. Lloyd.
Mr. Rivers with Mr. Lukens.
Mr. Stephens with Mr. Blackburn.
Mrs. Griffiths with Mr. Morse.
Mr. Fulton of Tennessee with Mr. Hanna.
Mr. Slack with Mr. Stuckey.
Mr. Eckhardt with Mr. Jacobs.
Mr. Long of Louisiana with Mr. Flynt.
Mr. Tunney with Mr. Powell.

Mr. MATSUNAGA changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

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

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from Florida?

There was no objection.

SALARY ADJUSTMENT FOR VICE PRESIDENT AND CERTAIN OFFICERS OF CONGRESS

Mr. DULSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7206) to adjust the salaries of the Vice President of the United States and certain officers of the Congress.

The Clerk read as follows:

H.R. 7206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 104 of title 3, United States Code, relating to the per annum rate of salary of the Vice President of the United States, is amended to read as follows:

"§ 104. Salary of the Vice President

"The per annum rate of salary of the Vice President of the United States shall be $62,500, to be paid monthly.".

SEC. 2. (a) The second sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the Speaker of the House of Representatives, is amended by striking out "$43,000" and inserting in lieu thereof "$62,500".

(b) The third sentence of section 601(a) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 31), relating to the compensation of the majority leader and the minority leader of the Senate and the majority leader and the minority leader of the House of Representatives, is amended—

(1) by striking out "$35,000" and inserting in lieu thereof "$55,000";

(2) by inserting "the President pro tempore of the Senate," immediately following "compensation of"; and

(3) by inserting a comma immediately following "minority leader of the Senate".

SEC. 3. The amendments made by this Act shall become effective on March 1, 1969.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. DULSKI) will be recognized.

Mr. DULSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 7206 is to reestablish proper relationships between the salary rates of the Vice President and the leadership of the two Houses of Congress, on both sides of the aisle, and the salary rates of Federal judges and executives.

The salary rates for the Vice President and the Speaker of the House were fixed at $43,000 per annum by Public Law 88–426. That act set the salary of the Chief Justice of the Supreme Court at $40,000, compared to $43,000 which had been approved by the House but was reduced by the other body.

The salary rates for the majority and minority leaders of the House and the Senate were equated, at $35,000 per annum, to the salary rates for Cabinet officers by Public Law 89–301.

Section 225 of Public Law 90–206 created the Commission on Executive, Legislative, and Judicial Salaries, to review salary rates for top officials in all three branches of the Government once every fourth year and propose needed adjustments in such salaries to the President.

However, there is no provision, in Public Law 90–206 or any other statute, for similar adjustments in the salary rates of the Vice President and members of the leadership of the Senate and the House of Representatives.

Thus, the seven officials whose rates are adjusted by H.R. 7206 were not included in the Presidential recommendations for adjustments in the salaries of all other top officials in all three branches of the Government.

Accordingly, positive legislative action by the Congress is necessary to adjust the salary rates of these officials in proper relationship to the salaries of the judicial and executive branch officials whose salary rates were adjusted March 1, 1969, pursuant to section 225 of Public Law 90–206.

The salary rate for the Chief Justice of the Supreme Court was increased to $62,500 under Public Law 206. Comparable adjustments—to $62,500 per annum—are necessary in the salary rates of the Vice President and the Speaker of the House of Representatives, and will be made by H.R. 7206.

The salary rates for Cabinet officers were increased March 1, 1969, from $35,000 to $60,000. Upward adjustments to $55,000 are made by H.R. 7206 in the

salary rates of the majority and minority leaders of both the Senate and the House, in a modification of the congressional policy embodied in Public Law 89–301.

This bill also places the salary rate of the President pro tempore of the Senate at $55,000 per annum, consistent with the rates provided for the majority and minority leaders of both Houses.

It is to be noted that the salary rates provided by H.R. 7206 were specifically recommended to the Congress in a special message, submitted by the Chairman of the Civil Service Commission on January 17, 1969, at the direction of former President Johnson.

These salary rates also are strongly endorsed by the present administration as "consistent with its objectives," in a letter to the Committee on Post Office and Civil Service from the Bureau of the Budget dated February 24, 1969.

Suitable budgetary provisions have been made for the cost of the proposed salary adjustments.

Mr. Speaker, prompt enactment of this bill is essential to the maintenance of a proper relationship between the salaries of congressional officials and the salaries of executives and judges for whom adjustments have already become effective.

I strongly recommend approval of H.R. 7206.

Mr. GROSS. Mr. Speaker, in order to give the proponents of this legislation their day in the sun, I yield now 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I appreciate the distinguished gentleman from Iowa (Mr. GROSS) giving me the time to speak for a position that he opposes. Understand further that the gentleman from Arizona (Mr. UDALL) will also speak in favor of this bill. He is the logical spokesman for the measure, being the author of the section in the 1967 legislation through which President Johnson made his recommendations for the congressional salary increase.

Let me underscore the fact that this is a bipartisan measure having been advocated by the Johnson administration and endorsed by the Nixon administration.

Mr. Speaker, the legislation under consideration, H.R. 7206, is necessary to maintain the traditional relationship between the salaries for the officers covered in this bill and those for whom adjustments were made in the President's budget. The procedures of the Federal Salary Act of 1967 authorizing adjustments for the rates of pay for Members of Congress and the top officers of the executive and judicial branches of the Government do not apply to the seven officers covered in this bill. Therefore, it is necessary for Congress to take positive action to adjust these salaries.

The officers to which this legislation applies are the Vice President, the Speaker of the House, the majority and minority leaders of the House and Senate and the President pro tempore of the Senate. Since the beginning of our Government the Speaker of the House has traditionally and deservedly received a compensation above that set for Members of Congress. The salary proposed in H.R. 7206 of $62,500 per annum maintains the relationship which has existed in recognition of the duties of this office.

The pay of the Vice President traditionally has been equal to that of the Speaker of the House and the legislation which we have under consideration would carry forth that tradition.

The pay of the majority and minority leaders of the two Houses was increased by a separate statute in 1965 and this legislation maintains the relationship between the salaries of these officers and other Members of the Congress which has existed since that time.

The Bureau of the Budget under the present administration recommends favorable consideration of this legislation which in its words "would be consistent with the administration's objectives."

Mr. Speaker, I urge the prompt approval of this legislation which will place in balance the rates of compensation of these seven officers commensurate with the increases for Members of Congress and top executive and judicial branch officers which became effective March 1, 1969.

Mr. Speaker, we recall that the gentleman from Arizona (Mr. UDALL) just several weeks ago aspired to the position of Speaker but ran into difficulty and was somewhat frustrated politically. However, the gentleman very properly appears on the floor of the House today to ask that the Speaker be properly compensated.

It is my belief that party leaders in both the House and the Senate deserve the same consideration.

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

Mr. DERWINSKI. I yield to the gentleman from Arizona.

Mr. UDALL. Will the gentleman halt these personal references to me until I have an opportunity to be heard? It does please me that the noble and learned gentleman from Illinois has seen fit to come down in support of this badly needed and responsible legislation. I am proud that the gentleman has done this. I just hope he will not reopen any of these old wounds because it hurts me.

Mr. DERWINSKI. I believe, though, in the interest of our understanding the background of this bill, that this point was necessary. We are aware of the fact that unless this bill is passed the Justices of the Supreme Court will receive more compensation than the seven legislative leaders covered by this bill. Certainly that would be inconsistent with the importance of the legislative branch of the Government.

But also having studied this bill carefully in committee, and it did pass by a vote of 21 to 3, if I recall correctly, I believe it shows an awareness on the part of all of the Members of the necessary practicality of this bill.

I do believe that the report by our chairman and the other arguments that will be made in favor of the bill clearly point out the validity of this measure. I hope the House will in calm, sober, objective judgment give this measure the two-thirds vote of approval.

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

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, my young friend, the gentleman from Illinois (Mr. DERWINSKI), said he had a chance to study this bill carefully in committee. If he did, he is the only one in the committee who did have such an opportunity, on the minority side, at least.

Does the gentleman from Illinois wish me to yield?

Mr. DERWINSKI. Yes, I do wish the gentleman would yield at that point.

Mr. GROSS. Very well. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, in reply to the inquiry of the gentleman from Iowa, I would say that I thought we had a full session. The gentleman from Iowa knows that some bills were even zoomed through faster than this one, so I thought this was fair enough time.

Mr. GROSS. I do not remember any bills that have rolled through faster than this did, or had any less discussion on the part of the committee.

As a matter of fact, the membership should know that there was never a hearing by the Committee on Post Office and Civil Service on the Presidential recommendation for the outrageous salary increases for Members of Congress, the judiciary, and executive officials, that was slipped through the back door as a Valentine's Day greeting for those who were on vacation. There never were any hearings to establish justification, if any, for that outlay of $25,000,000 for increased salaries for those in the top brackets and no justification has been established for the pay increases provided in this bill. It went in and out of the committee in nothing flat.

Careful consideration? What kind of careful consideration?

This, I say to you, will be the only opportunity you will have to vote on the record on the unconscionable pay increase that was bestowed upon you by the President, the pay increase that was greased and slipped through the back door. I emphasize that this will be your only opportunity to vote on this whole ball of wax and I trust you will go on the record.

What is proposed in this bill? It increases the Vice President's and the Speaker's pay from $43,000 a year to $62,500 a year; the majority and minority leaders of the other body by $20,000 each per year, the minority and majority leaders of the House by $20,000.

Not bad. Not bad at all. Incidentally, $20,000 will buy a lot of beans for the leader who said he needed an increase to buy them.

In addition, the majority and minority leaders of the House and Senate already have annual expense allowances of $3,000 each—unless it has been increased, when I was looking the other way. The Speaker of the House, as I understand it, has a $10,000-a-year expense allowance—and all of them have Government-supplied Cadillacs and drivers to go with them.

I do not have anything against the leaders, but the Kappel Commission recommended that the historical differential between the Members and the leadership should be $5,000. For some reason the

lately departed-to-Texas President of the United States, Lyndon Johnson, recommended $20,000 for them—or a $12,500 differential.

Have the Members on both sides of the aisle—the common garden variety, everyday Members—become so recalcitrant that the leaders need or feel they deserve a $12,500 differential to lead them?

We were never permitted in the committee to go into any of these questions. We could hold no hearings or summon any witnesses from the Kappel Commission or from the executive branch of Government to tell us just how they arrived at their conclusions as our presidentially anointed benefactors.

I voted against the preceding reorganization bill. I am sick and tired of turning over to the executive branch of Government the responsibilities that Members ought to assume and that you were elected to discharge in the House of Representatives.

It is another and unholy delegation of power to the executive branch of the Government to fix congressional salaries, and I can tell you that the taxpayers of this country are vitally interested in what goes on here today.

Let me warn you here and now that a continuation of this sort of operation, coupled with a continuation of borrowing, spending, and inflation, will promote a taxpayers' revolt one of these days. For it was said in the scriptures:

> And the tax collectors of Pharaoh overrun the land like lice.

Yes, it was a sad precedent that was set in the first instance when it was delegated to the executive branch of the Government to fix congressional and other salaries, and then when it was slipped through the House of Representatives while the Members were on vacation.

Mr. Speaker, it is time for an accounting to the people.

We ought to have something better to offer them and ourselves than a bill that was passed out of the committee without any hearings and without any justification on the part of anyone.

I ask you today to vote against the approval of this bill.

Mr. DULSKI. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. UDALL).

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

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

Mr. HAYS. Mr. Speaker, I listened with a great deal of interest to the speech of the gentleman from Iowa. I got a few letters about the pay increase generated by some publicity that the gentleman got and some letters quoting him. I called up my good friend, the gentleman from Iowa (Mr. GROSS) and asked him if he was going to, in view of the uproar he made about the pay increase—if he was going to take it and he assured me that he was. I told him then and I will repeat it here that he reminds me a little of what Frederick the Great said about Maria Teresa of Austria, during the partition of Poland—"She weeps, but she takes her share."

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

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Was that one of the queens the gentleman met on one of his numerous foreign junkets?

Mr. HAYS. Mr. Speaker, will the gentleman from Arizona yield further?

Mr. UDALL. I yield further to the gentleman from Ohio for a friendly response.

Mr. HAYS. The gentleman from Iowa told me the other day, much to my surprise, that he was in Europe some years ago, and I think she died about the time he was over there.

Mr. UDALL. Mr. Speaker, I have enjoyed this friendly colloquy and I hope the Members will forgive me while I would like to make a few remarks about this legislation before us. The total cost of the package of legislation before us today is $144,000. That is the total cost of the increases that are involved. I would suspect that with typical tax brackets, 40 percent of that amount will be turned back in additional income taxes, so we are talking about a real expenditure here today, and a great drain on the taxpayers of some perhaps $90,000 a year.

Let me get clear a couple of things that this legislation does not do, a couple of things that have nothing to do with it. This legislation has nothing whatever to do with the Doorkeeper, the Sergeant at Arms, or the Clerk of the House. It involves only seven officials: the Vice President, the Speaker, the majority leaders of the House and Senate, the minority leaders of the House and the Senate, and the President pro tempore of the Senate. These are the only officials that are involved. It would raise the salary of the Vice President from $43,000 to $62,500, and the same for the Speaker. The majority and minority leaders would be raised from $35,000 in each instance to $55,000. The President pro tempore would be raised to the same figure of $55,000.

If you vote against this bill, you do not cast any protest against the fixing of salaries by Commission, to which the gentleman from Iowa referred. You do not cast any protest or vote against the new salary of Congressmen. These are established and are now in effect. You do not protest the salaries of the Chief Justice or the members of the Cabinet. You are voting specifically on seven salaries. The fact is that the report of the Commission has taken effect. The new salaries are in effect, and the one question posed by this legislation is whether you want to penalize, to single out of the whole top echelon of the Federal Establishment a few people in the House and the Senate leaderships and say they will not get the comparable increases that other people have received. You are going to single out and demean our own branch of the Government. By voting "no" you vote that it is proper for the Chief Justice, a man that the gentleman from Iowa praises so frequently, to have $62,500, but we are not going to let the Speaker of the House of Representatives in our own branch of the Government have any increase. That is what you say when you vote "No." You are saying, when you vote "No," it is fine for the Speaker of the House to get $17,000 less than some of these Justices that the gentleman refers to that climb mountains and have 5 months off a year. You will say, "It is fine for the Vice President of the United States or the Speaker of the House to get $17,000 less than the Justices of the Supreme Court." And that is what would happen if you should defeat this bill.

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

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Would it not be a wise course to pursue, in view of the fact that some legislation can be whipped through committee and through the House in a matter of hours—would it not be well to start in right now by voting this bill down, rescind the Pay Act, and start all over again by providing the Members of the Congress and the executive branch of the Government something approaching a cost-of-living increase? Would not that be the decent thing to do in behalf of the taxpayers of this country?

Mr. UDALL. I will tell you in all frankness that I recommended to our former President before he departed for Johnson City, Tex., a couple of months ago, a sum less than $42,500, the increase that finally came out. It was just a little higher than I would like to have seen it. But the fact is that these new raises are in effect, and I do not think the gentleman can really tell me that there is any real hope that they are going to be rescinded. If a majority of the House and Senate want to rescind them, want to pass legislation to do so, let us pass it, and in the same legislation we can undo the increases given in this legislation to the Speaker of the House, the President pro tempore of the Senate, and the top officers of the legislative branch of the Government.

The SPEAKER pro tempore (Mr. MILLS). The time of the gentleman from Arizona has expired.

Mr. DULSKI. Mr. Speaker, I yield the the gentleman from Arizona 3 additional minutes.

The SPEAKER pro tempore. The gentleman from Arizona is recognized.

Mr. UDALL. Mr. Speaker, until such time as we do rescind these other raises for judges and Cabinet members and others members of the upper echelon of the Government, I believe it would be demeaning to the legislative branch to say our top officials, who have such heavy responsibility, should not share in the general overall increase.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield for a question, maybe I should say for clarification on one point of the bill before the committee:

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

Mr. PASSMAN. Mr. Speaker, the bill under consideration includes an increase for the majority and minority leaders of the House. The pay increase for Members that became effective March 1, only 18 days ago, increased the salaries of the majority and minority leaders of the House by $12,500 annually. Now, under this bill, we are increasing the salaries of the majority and minority leaders of the

House by an additional $7,500 annually even before they receive their first check on the $12,500 increase of 18 days ago. Is that no correct?

Mr. UDALL. They now receive $35,000 based on a 1965 act of Congress.

Mr. PASSMAN. Then, of course, this is another salary increase before they started receiving checks for their last salary increase 18 days ago. Is that not correct?

Mr. UDALL. If the gentleman wants to look at it in that way.

Mr. PASSMAN. It is a fact they received an increase then, and now they will be receiving this increase.

Mr. UDALL. The majority and minority leaders of this House as such have had no increase at all.

Mr. PASSMAN. I believe I have stated the facts as they are.

Mr. UDALL. As Members of Congress.

Mr. PASSMAN. They would have to be Members of Congress to get the increase, so it is really two increases in 1 month, which amounts to a $20,000 annual increase. I am very fond of both of these distinguished Members, but there is such a thing as carrying salary increases too far, and we may have already passed that point. We will not know for sure until next year. At least, I have made my position known.

Mr. UDALL. I do not look at it in that way. I can understand how the gentleman can, if he wishes to.

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

Mr. UDALL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, would the gentleman say that the proper way would be to rescind this raise for Members of Congress?

Mr. UDALL. Yes.

Mr. HALL. Mr. Speaker, does the gentleman think there is any possibility of such action in view of the will of the House at this time?

Mr. UDALL. Mr. Speaker, I just told the gentleman from Iowa I do not think it is likely. If you see the sun coming up in the west tomorrow morning, you might rush down here and try to undo these raises. But I think it is not likely, and in view of that, it would be unfair to the leaders of the legislative branch and would downgrade our own House not to pass this.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I am especially glad the gentleman from Arizona used the parable of the sun rising in the west. Does the gentleman not think it likely as a follow-on or fall-out of our pay raise, that there will be pay increases for House employees who were not included in this bill, such as the Doorkeeper and the Postmaster, for example? Does the gentleman not think that also is just about as inevitable as the sun rising in the east in the morning, as a follow-on?

Mr. UDALL. No, indeed. I happen to feel as an individual—and I had nothing to do with this—that the raises for some of the officers of the House were a little higher than they should have been. They used to be $2,000 behind the Congressmen when we were at $22,500, and because of the compression at that point, somebody got the idea they should be still $2,000 behind when we got a more adequate salary for Members of Congress. I would like to see them at a lower figure than the $40,000 that was fixed. But the act has already been done.

Mr. HALL. Mr. Speaker, as a guardian and architect of the pay raises, the gentleman's statement is appreciated.

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

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I voted against delegating power to the executive branch of the Government to fix salaries of Members of Congress. With the gentleman's not inconsiderable talents, would the gentleman not agree a bill could be brought out to take care of that situation immediately?

Mr. UDALL. I can tell the gentleman I detect very little enthusiasm among my beloved colleagues for legislation to undo these recently enacted pay raises. If I felt it were the will of the majority of our colleagues—and I always follow the wishes of my colleagues—I would move to do it forthwith. However, I have to tell the gentleman I detect very little enthusiasm for action to undo what has been done.

The SPEAKER pro tempore. Does the gentleman from Iowa desire to use additional time?

Mr. GROSS. Not at this time, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from New York desire to use additional time?

Mr. DULSKI. Not at this particular time, Mr. Speaker.

Mr. ZWACH. Mr. Speaker, there can be no doubt in anyone's mind of the increased responsibilities and workload on our leadership on both sides of the aisle. There is no doubt that we benefit as well as the Nation from the manner and ability that these gentlemen exercise in the leadership roles that they occupy in our legislative functions. However, I cannot support any salary increase proposal that is tied to the first horrendous mistake that this body made in raising congressional salaries by 41 percent earlier this year.

Never have I seen such a disservice to the very base or function of the task to which we were elected, that of representing the interests and needs of those citizens who elected us to this position. For every one person who will agree to increasing the daily cost of being represented in the greatest spending organization in the world by an additional 3 cents per year, I have over a hundred who resent it, or who are now demanding equal adjustments in their benefits. I would have much preferred that this salary situation had been referred back to committee and that a much more sane, reasonable recommendation could then be presented to us. As that alternative seems to be impossible, I am therefore compelled to oppose H.R. 7206.

While there is no question in my mind that Members are worth their salaries, I do question any salary increases until we get our house in order. We should set a good example, not a bad one.

Mr. DELLENBACK. Mr. Speaker, I am deeply disturbed that the leadership of this House has to date refused to permit a record vote on the question of the propriety and timeliness of a substantial salary increase for Members of the Congress. I have felt and continue to feel that the recent very substantial increase in our salaries was neither proper nor timely. At the very least, we should have been permitted to face the issue directly in open recorded vote. Had we been, I would have voted "No."

I supported the recent salary increase for the President of the United States. If the issue of the proposed salary increase for the Vice President of the United States were before us today by itself, I would support it. But it is not before us as a separate issue. It is unfortunately intertwined with proposed increases in the salaries of our legislative leaders.

Until we have had the opportunity to settle in open recorded vote the issue of any salary increase at this time for the full membership of the Congress, we should not approve this proposed increase in salaries for our legislative leaders. High as in my personal regard and respect for the abilities and merit of each of the legislative leaders who would be affected by this proposed increase, the issue is not really one of their ability or merit. The issue is one of principle as to the propriety and timeliness of any further increase whatsoever in legislative salaries.

On that issue, in full consistency with my expressed prior stand in this field, I shall vote "No."

Mr. BENNETT. Mr. Speaker, Congress should use the bill before us today to reject congressional salary raises and other raises for the higher paid positions in Government this year. In my opinion amendment of the bill before us would be a logical method of accomplishing that objective. In view of the heavy taxes that the people of this country are being required to pay and the urgent needs of the Government at this time I feel that all such raises underway for this year should be rejected.

Mr. CONABLE. Mr. Speaker, in voting against this bill for leadership pay increases, I want to make it clear that I do not do so out of lack of respect—even admiration—for the persons who will be benefited by the bill. My opposition to the earlier bill for other high Government officials, including Congressmen, led me to urge in every way possible that we should have the opportunity to vote on that pattern-setting measure. If that opportunity had not been frustrated by the leadership, the consistency of my action today would be apparent and this statement would not be necessary. Our respect for the leaders of Congress of both parties should not be permitted to negate our responsibiilty to set a national salary pattern that will be in the national interest. We are not committed by our earlier mistakes or the general excellence of our leadership to compound the weakness of Congress's hand in dealing with the runaway inflation that is now one of our gravest national problems.

Mr. FISHER. Mr. Speaker, it is a bit embarrassing to oppose a raise in the salaries of the Speaker of the House, the Vice President, along with the majority

leader and the minority leader of this body. My opposition is certainly unrelated to the quality and capacity of these distinguished officials.

As I see it, the Congress should set an example of restraint and moderation in the expenditure of Federal funds at a time when we are faced with another of a long series of annual deficits in the operation of the Government. While the total cost of these increases is hardly discernible in terms of the total budget, I fear the psychological effect throughout the Government and in the private sector cannot be discounted.

Already there has been a substantial increase in salaries for Members of the Congress, the Supreme Court, and others—which I opposed—and these examples have already stimulated demands for wage increases in and out of the Government, according to press reports.

It is true, of course, that much of these increases will be returned to the Government in increased taxes caused by the increases. But that fact does not diminish the psychological effect.

It would seem to me that pay increases, if any, should take into account the budget deficit problem with which the Congress is confronted.

CALL OF THE HOUSE

Mr. WAGGONNER. 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. UDALL. 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. 24]

Anderson, Tenn.	Hanna	Pike
Annunzio	Hansen, Idaho	Powell
Arends	Harsha	Purcell
Baring	Hawkins	Riegle
Bates	Hébert	Rivers
Bell, Calif.	Kyl	Ronan
Blackburn	Lloyd	Rooney, Pa.
Brown, Mich.	Long, La.	Rosenthal
Chisholm	Lowenstein	St. Onge
Clay	Lukens	Scheuer
Conyers	McClory	Slack
Culver	McEwen	Smith, Iowa
Daddario	McKneally	Springer
Diggs	Mathias	Steed
Eckhardt	Miller, Calif.	Stephens
Evins, Tenn.	Morse	Stokes
Flynt	Murphy, N.Y.	Stuckey
Foley	Nix	Teague, Tex.
Giaimo	O'Konski	Tunney
Gray	O'Neal, Ga.	Vander Jagt
Griffiths	Ottinger	Whitten
	Patman	Williams

The SPEAKER pro tempore. On this rollcall 365 Members have answered to their names, a quorum.

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

SALARY ADJUSTMENT FOR VICE PRESIDENT AND CERTAIN OTHER OFFICERS OF CONGRESS

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York (Mr. DULSKI) that the House suspend the rules and pass the bill H.R. 7206.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 181, noes 64.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

AMENDING SECTION 213(a) OF THE WAR CLAIMS ACT OF 1948 WITH RESPECT TO CLAIMS OF NONPROFIT ORGANIZATIONS AND OF INDIVIDUALS

Mr. STAGGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2669) to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations, as amended.

The Clerk read as follows:

H.R. 2669

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 213(a) of the War Claims Act of 1948 (50 App. U.S.C. 20171(a)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) Payment in full of awards made pursuant to section 202(d)(1) and (2), and thereafter of any award made pursuant to section 202(a) to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended, or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.".

(2) Redesignate paragraph (3) as paragraph (4) and, immediately after paragraph (2), insert the following new paragraph:

"(3) Thereafter, payments from time to time on account of the other awards made to individuals pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less.".

(b) The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107), but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendment is made by this Act to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

Mr. Speaker, this bill provides for readjustment of the priorities governing payments of war claims arising out of World War II, so as to provide first priority in payment out of funds hereafter available to nonprofit organizations operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes; with second priority in payment of claims of individuals.

No appropriations are involved in this legislation, since all payments on account of war claims are made from the proceeds to the United States of German and Japanese properties in the United States which were vested by the Federal Government during World War II.

Approximately $62 million is presently being held by the Department of Justice as a reserve in case of adverse judgments against the United States in litigation involving properties vested during World War II. Upon the conclusion of that litigation, whatever sums are not necessary to satisfy judgments will be turned over to the war claims fund for distribution to claimants who have already received awards which have not as yet been paid in full. Although no one is certain how much will be transferred to the war claims fund out of this $62 million, it has been estimated that as much as $26 million may be transferred in the future, and possibly more, although conceivably it could be less. The claims involved in this bill total approximately $19 million. There are $9 million in unsatisfied awards of the nonprofit organizations which are given first priority under this legislation, and approximately $10 million is involved in claims of individuals.

Mr. Speaker, in the original War Claims Act of 1948, the Congress provided for payment in full of claims of religious organizations which suffered property damage in the Philippine Islands during World War II. When amendments were considered to this act in 1962, a number of additional categories of claims were authorized, in conformity generally with recommendations made by the administration. As passed by the House, the bill provided that in payment of these claims first priority would be given to claims for disability and death; second priority to claims allowed in the amount of $10,000 and below, and finally, all claims in amounts exceeding $10,000. The bill was amended by the other body to provide that claims of small business concerns would be granted the same priority in payment as was the case with respect to claims for disability or death.

This amendment was agreed to in conference, and at present all claims for disability or death, all claims of small businesses, and all claims allowed for

$10,000 or less have been paid in full. All other claims have been paid in the amount of $10,000 plus 61.3 percent of the amount awarded in excess of $10,000.

This bill provides for the nonprofit charitable and religious organizations the same priority in payments to be made out of funds hereafter available as was provided for small business concerns by the 1962 amendments. Second priority is provided for payment to individuals, with whatever remaining balances are turned over to the war claims fund being available for payment to corporations which have not heretofore received payment as small business concerns.

At the time the 1962 legislation was considered, it was anticipated that there would be sufficient funds available for the payment of all awards made under the legislation; therefore, the question of priorities was not considered as important as might otherwise have been the case. Subsequently it developed that there was not as large an amount realized from proceeds of the sale of vested assets as had been anticipated so that it has not proved possible for all claims allowed to be paid in full. It is now apparent that there will remain some portion of claims unpaid. Therefore, the question of priorities now assumes an importance which was not the case in 1962, so that the committee has agreed to move the nonprofit religious and educational organizations and individual claimants ahead of the large corporations. This approach is felt to be justified at this time, because in every instance the large corporations received tax benefits, either under domestic laws, or under foreign laws for the losses involved in this legislation.

Hearings were held before the Subcommittee on Commerce and Finance, and no witnesses appeared at the hearings in opposition to the legislation. The bill was considered by the full committee in executive sessions last week, and was reported to the House unanimously. We recommend its adoption by the House.

With this preliminary explanation, Mr. Speaker, I would call upon the subcommittee chairman, the gentleman from California (Mr. Moss), who held the hearings, to give further explanation of the bill and what it does at this time.

I will therefore yield the gentleman from California such time as he may consume.

Mr. MOSS. Mr. Speaker, I thank the gentleman for yielding.

The objective here is to treat with the greatest degree of equality the religious and nonprofit charity groups who sustained substantial losses as a result of World War II.

There has been accumulated in the Department of Justice approximately $62 million-odd as a contingency against any court awards on this fund. It is felt that there will be at least $20 million available for further distribution and the distribution envisioned here for the claims of religious and charitable groups would roughly approximate $9 million plus maybe $300,000 or $400,000. The balance would be available, then, to take care of further individual claims.

I might point out that during the course of the years intervening since the war that we have paid small business claims completely, and we have paid significantly on the large corporate claims, but the one group that has been denied what I regard as elementary justice is the group composed of the religious and the nonprofit organizations who suffered losses during the war.

These funds are not appropriated funds. They are funds accumulated as a result of the sale of assets seized by the United States, and retained as a result of the treaty agreements terminating hostilities at the end of World War II.

Mr. Speaker, I would strongly urge that the House adopt this legislation.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. Gross) is now recognized.

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

Mr. GROSS. I yield to the gentleman from Massachusetts (Mr. Keith).

Mr. KEITH. Mr. Speaker, I appreciate the gentleman from Iowa yielding.

The committee, both minority and majority in the hearings, felt that it was proven to us satisfactorily that the greatest equity could be done to all potential recipients of international war claims settlements by adopting the amendments contained in this act. The International War Claims Settlement Commission did object to the bill on the grounds that it would deny equal treatment to all recipients, or all potential recipients.

We felt that the corporations that were the ones which appeared to be treated less favorably than the others had been pretty well taken care of by reason of the tax writeoff they had for losers incurred and we thought, as was made clear by the majority subcommittee chairman, that in equity the religious organizations which stood to benefit here were entitled to the across-the-board equal treatment that the bill provides.

For this reason the minority joined with the majority in reporting this bill out unanimously.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Iowa yielding to me.

Mr. Speaker, I very well recall the 1962 amendments to the War Claims Commission.

I have some questions that I would like to ask of the authors or proponents of this bill.

First of all, is there any proposed list of the recipients of this largess that we propose to vote by amendment, and which will make an exception to do that which the War Claims Commission itself mitigates against and deposes against in the committee report?

I would like to hear some of the names of the nontaxpaying institutions or others that might be the recipients of this legislatively enforced special handling by the War Claims Commission.

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

Mr. HALL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I would like to reply to the gentleman from Missouri that in fact there is a list on page 35 of the hearings. There are 33 of them listed. Four of them have already been paid in full and it leaves 29 of these organizations to be paid.

Mr. HALL. Can the gentleman just give me a sample reading of his list there, for the benefit of the Members of the House, to determine the type of individuals or organizations that are involved?

Mr. STAGGERS. Yes, I will give them. But I might just say this first as to the history of the legislation—all of the religious organizations—the Jewish, the Catholic and Protestant groups came together in favor of the bill and asked for a hearing on this.

I will just name some—the Seventh-day Adventists, the Young Men's Christian Association, the Oriental Missionary Society, the United Board for Christian Higher Education in Asia, the Presbyterian Church in the United States, the Assembly of God, and others that are known throughout the United States.

Mr. HALL. Are they practically all religious organizations?

Mr. STAGGERS. Yes, they are.

Mr. HALL. Are there any Buddhists? Inasmuch as this is to be paid by the vested funds—of the orientals that were retained at the time of World War II—are there any claims by Buddhists or any other oriental or religious organizations?

Mr. STAGGERS. No—they are all Christian or Jewish.

Mr. HALL. I thank the gentleman. I think that makes that clear.

I would like to ask another question.

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

Mr. HALL. I am very glad to yield to my colleague, the gentleman from Massachusetts.

Mr. KEITH. Mr. Speaker, the chairman inadvertently overlooked the fact that even in the ecumenical society of today, the B'nai B'rith is not yet classified as Christian and they stand to gain here.

Mr. HALL. He said "Jewish."

Mr. KEITH. Oh, he did? I beg your pardon. I was involved in a discussion with counsel and I did not hear that.

Then there is also the Oriental Missionary Society.

Mr. HALL. What is the gentleman's concept of the Oriental Missionary Society? Were they missionaries from the Orient to us at the time these funds were vested? Or is it an organization within the United States that is going to evangelize the orientals?

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

Mr. HALL. I am glad to yield to the gentleman.

Mr. MOSS. I believe the Oriental Missionary Society was a group committed to the exploration of our religious ideals.

Mr. HALL. That is the Judaeo-Christian ideals—to other lands around the world?

Mr. MOSS. That is correct.

Mr. HALL. Maybe we have just learned that these nontaxpaying entities are out of date, as we have tried around the world to force our ideas of religion on other free and sovereign nations.

But I want to get on with my questioning, and I appreciate the gentleman

trying to help me. On page 3, paragraph 3, in parenthesis it says that—

(3) Thereafter, payments from time to time on account of the dollar awards made to individuals pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is—

What individuals might receive the benefit of this special handling of the War Claims Commission, and are they taxpaying individuals?

Mr. STAGGERS. There are 886 listed. To my knowledge, all of them would be taxpayers, and they are those whose property was destroyed who would come under this provision. I might add that a little over $10 million is involved in unpaid balances on these claims.

Mr. HALL. $10 million for individuals?

Mr. STAGGERS. That is correct.

Mr. HALL. In addition to the theological groups?

Mr. STAGGERS. There is $9 million in that category, making a total of $19 million.

Mr. HALL. This would still leave an adequate amount in trust with the Department of Justice to meet any future claims, including those of the U.S. Government, which has just been two-thirds paid, if I understand the committee report correctly?

Mr. STAGGERS. $62 million is being held out by the Department of Justice, and they anticipate that as much as $26 million could be paid into this fund to help pay the claims. That is more or less. It could be more than that in time to come.

Mr. HALL. I thank the gentleman. Now, just why should organizations or individuals who do not pay taxes, have preferential treatment under the War Claims Act, in the opinion of the distinguished gentleman from West Virginia, or anyone who would like to answer the question?

Mr. STAGGERS. We would be doing only what has been done in the United States through the years and is a matter of record. We have just followed past precedents in this case. All of these have to be nationals of the United States in order to receive the payment.

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

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

Mr. MOSS. I believe a review of the act will show that we provided for a 100-percent payment to religious institutions in the Philippines that suffered comparable losses, and in extending this to other areas and utilizing the funds for the very diverse group of organizations listed on page 35 of the report, we are but extending the equity we gave in the instance of the Philippine claims.

My purpose is merely to point out that the precedent is very strong and very much in point that we have by prior action of the Congress favored a total reimbursement for damages in a specific part of the world. This bill applies to the general claims occurring throughout the entire area of hostilities during World War II.

Mr. HALL. I am conscious of that and, of course, I want it thoroughly understood that I am not against religion or its organizations, but chary with our funds, tax or vested; the gentleman means claims that were approved by the War Claims Commission and that were bona fide in their concept.

Mr. MOSS. That is correct, and the same test will be applied in relation to the claims that are listed on page 35 of the hearings.

Mr. HALL. I believe the gentleman did mean hearings instead of the report?

Mr. MOSS. That is correct.

Mr. HALL. Is it true or is it not true that this legislation, if passed here today, has by some prior arrangements, been well lubricated so it will pass through the other body and become in fact legislation forthwith?

Mr. STAGGERS. Speaking as chairman of the full committee, I have no knowledge of any contact having been made with the other body in any way. We have taken it up as a matter of course.

One of the reasons it was taken up this early was that last year I had assured these religious groups that if in the course of business we could get to this legislation, we would do it, but towards the end of the session there were so many other pieces of legislation that came up which took the attention of the committee, that we could not do it. So this year they asked us if we could take the bill up, and I said we would do it at the earliest possible time. That is the status of the matter. There has been no contact with the Senate in any way. We hope, if it passes here, it will merit the attention of the other body.

Mr. HALL. Mr. Speaker, I thank the gentleman from West Virginia for that very forthright statement.

May I ask, is there anything in this legislation or in the history that precedes it or in tradition, that would require the taxpayers to make up the funds now held in trust as a vested deposit with the Department of Justice at the time of the war?

Mr. STAGGERS. I can assure the gentleman from Missouri this is not so. There is no precedent for it whatever.

Mr. HALL. Mr. Speaker, I thank the gentleman from West Virginia.

The SPEAKER pro tempore. Does the gentleman from West Virginia desire to use additional time?

Mr. STAGGERS. No, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Iowa wish to use additional time?

Mr. GROSS. No, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS) that the House suspend the rules and pass the bill H.R. 2669, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend section 213(a) of the War Claims Act of 1948 with respect to claims of certain nonprofit organizations and certain claims of individuals."

A motion to reconsider was laid on the table.

COMMISSION ON NATIONAL OBSERVANCES AND HOLIDAYS

Mr. ROGERS of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2171) relating to national observances and holidays, and for other purposes.

The Clerk read as follows:

H.R. 2171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission on National Observances and Holidays (hereinafter in this Act referred to as the "Commission") which shall be composed of the Archivist of the United States, the Librarian of Congress, and the Secretary of the Smithsonian Institution.

(b) The Archivist of the United States shall serve as the first Chairman of the Commission for a period of one year beginning on the date of the enactment of this Act, and at the completion of his term the chairmanship shall rotate annually in the following order: the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. When the chairmanship becomes vacant the chairmanship shall rotate to the person next in line of succession, except that the successor shall serve his regular term after serving the remainder of the term of his predecessor. The members of the Commission shall receive no compensation for their services as such.

(c) Two members shall constitute a quorum. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

SEC. 2. Subject to the civil service laws and the Classification Act of 1949, the Commission is authorized to appoint and fix the compensation of not more than two employees of the Commission.

SEC. 3. (a) Any proposal calling for a national observance shall be submitted to the Commission, in such form and containing such information, as the Commission may prescribe. The Commission shall report to the President with respect to any proposal for a national observance which, in the opinion of the Commission, is of national significance. Such report shall include such recommendations as the Commission may deem appropriate and administrative actions as in its judgment are necessary to carry out its recommendations. The Commission shall not recommend any proposal for a national observance honoring a fraternal, political, or religious organization, or a commercial enterprise or product.

(b) In carrying out the purposes of this Act the Commission, or any member thereof, may hold such hearing and sit and act at such times and places, and take such testimony as the Commission or such member may deem advisable.

(c) The Commission is authorized to secure from any executive department, agency, or other instrumentality of the United States information and advice with respect to any proposal submitted to the Commission under subsection (a); and such department, agency, or instrumentality is authorized and directed to furnish such advice and information directly to the Commission, upon request made by the Chairman.

SEC. 4. The Commission is authorized to prescribe such rules and regulations as it shall deem necessary to carry out the provisions of this Act.

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

Mr. HALL. Mr. Speaker, a parliamentary inquiry. Is the gentleman opposed to the bill?

Mr. WIGGINS. Mr. Speaker, I withdraw my demand for a second.

Mr. HALL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. ROGERS) will be recognized for 20 minutes, and the gentleman from Missouri (Mr. HALL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. ROGERS).

Mr. ROGERS of Colorado. Mr. Speaker, H.R. 2171 establishes a Commission on National Observances and Holidays. The primary duty of this Commission shall be to report and recommend to the President those observances which it finds to be of national significance and which, in its opinion, warrant Federal recognition.

The Commission would be composed of the Archivist of the United States, the Librarian of Congress, and the Secretary of the Smithsonian Institution. The members of the Commission would receive no compensation for their services, as such, and the Commission would be authorized to appoint no more than two employees. The Commission is expected to respond to requests by committees of Congress for its views on legislative proposals in this area.

Enactment of H.R. 2171, of course, will not preclude the Congress from subsequent enactment of legislation to commemorate national observances and holidays.

H.R. 2171 does not deal with the matter of legal public holidays which are established in title 5, United States Code, section 6103. Legal public holidays have a particular significance: Federal employees are paid for these holidays, and they are observed by banks, State governments, and also they are incorporated in various labor agreements. H.R. 2171 is concerned only with national observances that are proclaimed in honor of particular groups or events that are of national significance, such as Flag Day, Mother's Day, Law Day, Gold Star Mother's Day, et cetera.

H.R. 2171 specifically prohibits the Commission from recommending any proposal for a national observance which honors a fraternal, political, or religious organization, or commercial enterprise or product. These guidelines reflect the standards generally observed by the Committee on the Judiciary.

Legislative consideration of bills that authorize and request Presidential proclamations is not only a burden upon the Congress acting as a whole, but also a burden upon individual Congressmen. In the 88th Congress some 260 holiday and celebration bills were introduced in the House of Representatives. In the 89th Congress the number was approximately 445. In the 90th Congress, 502 such bills were introduced, 17 of which were enacted into law.

The printing of these bills upon introduction, the printing of the public law, if enacted, the time spent in their consideration in committee and on the floor of the House all lead to considerable cost to the Government. In addition to direct financial cost to the taxpayer, however, this legislation imposes additional pressures on Members of Congress since it is often difficult to justify enacting one bill calling for a Presidential proclamation and not taking favorable action on another.

The Bureau of the Budget has expressed its deep concern with the proliferation of statutory requests calling for the issuance of Presidential proclamations, recognizing particular events or holidays. A portion of a letter from the Bureau of the Budget to the chairman of the House Committee on the Judiciary, dated April 21, 1966, reads as follows:

> We are concerned about the proliferation of statutes which request the issuance of Presidential proclamations calling for the recognition of particular events or groups. At the present time, between 30 and 40 proclamations, some based on statutory authorizations and others on longstanding precedent, are issued annually to provide for special observances. In addition, about 10 events are observed annually by virtue of proclamations issued at some time in the past.
>
> We believe that the increasing number of such observances could detract from the desired effect of a Presidential proclamation, and we question whether the practice should be extended further. We believe it would be preferable to limit issuance of Presidential proclamations to observances which are clearly of major national importance.

The committee is persuaded that the establishment of a Commission on National Observances and Holidays composed of three officials whose area of expertise singularly qualifies them to assess the national significance and cultural importance of proposed Presidential proclamations represents an effective and appropriate response to a growing legislative burden. A measure identical to H.R. 2171 passed the House in the 89th Congress on October 3, 1966, and in the 90th Congress on March 20, 1967, by a vote of 313 ayes, 35 nays.

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

Mr. ROGERS of Colorado. Yes, I yield to the gentleman from Louisiana.

Mr. WAGGONNER. As I understand the gentleman's explanation of the bill it provides for the establishment of a Commission which will have the authority to recommend to the President of the United States what it believes to be in the national interest in the way of national holidays or national observances; is that correct?

Mr. ROGERS of Colorado. That is correct; it does not cover the question of national legal public holidays. I believe we have, heretofore, enacted such legislation in the Congress of the United States.

There are two objectives of this bill. If as an individual one of your constituents should come to you and say that they want you to introduce a certain bill relating to an observance which may be peculiar to one part of the country and not applicable to the entire country, you would have the privilege of requiring this Commission to determine the merits of the resolution and whether or not they should recommend it to the President.

Further, I wish to point out the fact that the President has that authority at the present time. There are a number of permanent proclamations which he issues.

Mr. WAGGONNER. Let me ask the gentleman this question: Under the authority of this legislation could the President, on the recommendation of the Commission, by proclamation or by Executive order permanently designate a special observance which has to do with the remembrance of an individual's birthday?

Mr. ROGERS of Colorado. Well, the President can do that now.

Mr. WAGGONNER. The answer is either "Yes" or "No."

Mr. ROGERS of Colorado. Well, I direct the gentleman's attention to that provision in the bill.

Mr. WAGGONNER. In other words, the gentleman does not know?

Mr. ROGERS of Colorado. Wait a minute. Just wait until I answer the gentleman's question.

Mr. WAGGONNER. The answer is a simple "Yes" or "No."

Mr. ROGERS of Colorado. I direct your attention to page 3 of the report.

Mr. WAGGONNER. I have it in my hand.

Mr. ROGERS of Colorado. All right. There are the number of proclamations which are permanent special observances which the President has issued.

Mr. WAGGONNER. There appears Thomas Jefferson's birthday on the bottom of the list on April 13, the date of the observance of his birthday.

Mr. ROGERS of Colorado. Yes. That was by a joint resolution of the Congress. If he wants to do so, the President has a right to issue proclamations. Ordinarily, however, he restrains himself until he has an expression from the Congress in connection with them.

Mr. WAGGONNER. I thought that was the purpose of this legislation, to remove Congress itself from the picture and to give this responsibility to a commission.

Mr. ROGERS of Colorado. No. I think I did not make it clear to the gentleman.

Mr. WAGGONNER. The gentleman seldom does.

Mr. ROGERS of Colorado. This legislation does not take from Congress any authority it may have. It recognizes the possibility of cutting down expenses. If you have a special event or special proclamation that you feel should be enacted, as I pointed out a moment ago, this could be sent to the Commission without the necessity of your introducing a bill. But if you have introduced a bill, in the wisdom and judgment of the Committee on the Judiciary, we could then send it to the Commissioner to make a study and make a recommendation as to whether or not it should be sent to the President. Congress would still have the right to proceed with the introduction of a special resolution and to handle it independently.

Mr. WAGGONNER. If the gentleman will yield further——

Mr. ROGERS of Colorado. Yes, I yield further to the gentleman from Louisiana.

Mr. WAGGONNER. Whether Congress acts and makes a recomendation or not, is it not the prerogative of the President under the provisions of this proposal, if recommended by the Commission, to issue a national, a permanent proclamation in observance of let us say the remembrance of the birthday of a controversial person?

Mr. ROGERS of Colorado. The bill does not do that. The President has that power now.

Mr. WAGGONNER. Could it do that if enacted? Could it be done under the bill?

Mr. ROGERS of Colorado. It is not the objective and purpose of this legislation to do that.

Mr. WAGGONNER. The gentleman is saying it cannot be done?

Mr. ROGERS of Colorado. That is right. This bill does not do that.

Mr. WAGGONNER. I think the gentleman had better read his bill.

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

Mr. ROGERS of Colorado. I yield to the distinguished chairman of the full Committee on the Judiciary, the gentleman from New York (Mr. CELLER).

Mr. CELLER. I think the President could do that with or without this legislation. The President could do that even now. He could issue a proclamation without this legislation proclaiming a birthday whether it be the birthday of Thomas Jefferson, Booker T. Washington, or Martin Luther King.

Mr. WAGGONNER. If the gentleman will yield further, this will make it a little bit easier, will it not?

Mr. ROGERS of Colorado. I do not know that it would.

Mr. WAGGONNER. Well, the gentleman said that was the purpose of the bill.

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

Mr. ROGERS of Colorado. I yield further to the gentleman from New York.

Mr. CELLER. This legislation is like what is now done with stamps. At the present time there is a Commission that determines what stamps shall be issued, whether a stamp shall be issued, to commemorate a certain event or whether a stamp shall be issued to memorialize a certain individual.

So what we have done with stamps we seek now to do with holidays and proclamations.

For example, we have so many of these bills coming before us. I, as chairman, have the job every single day to pass upon a multitude of these bills. I am in the way of being bewitched, bothered, and bewildered. I do not know what to do with them all: whether I should consider them, whether I should sit on them, whether I should refer them. I do not know how important they are. Sometimes I may be doing justice to the author of the bill and sometimes I may not be doing justice.

To give you an example of the range of these bills, here are some of the bills that have been offered before our committee:

Welling Water Week.
Traveler Day.
Tax Freedom Day.
Spring Garden Planting Week.
Ski Week.
Powder Puff Derby Day.
National Clown Week.
National Better Recordkeeping Week.
Municipal Clerk Week.
Gladiolus Month.
Firemen's Day.
Electric Car Day.
Coin Week.
Credit Week.
Coal Week.
Circle K. Week.
Choir recognition.
Bible Translation Day.
Armenian Martyrs Day.
Arthritis Week.
Arteriosclerosis Week.
Asthma Day.
American Indian Day.
The Airmail Golden Anniversary.
Adult Education Week.

Now, frankly, if you were in my position what would you do with all those bills? I do not know.

Mr. GROSS. If the gentleman will yield, Mr. Speaker, I would not waste 5 minutes on most of them.

Mr. CELLER. Yes, but I am afraid in that way you would incur the ill will and the enmity of a great many of the Members. You just cannot do this in this House of Representatives because there is an esprit de corps that you must recognize. You cannot trod roughshod on the sensibilities of other Members, and I will not do that.

Mr. GROSS. Is the gentleman going to report all of them out?

Mr. CELLER. I cannot report them all out. All I want to do, I want to separate the wheat from the chaff. I want to separate the curd from the cheese.

Mr. GROSS. In other words, pass the buck to somebody else?

Mr. CELLER. I want the Commission, the Archivist, the Librarian of Congress, and the Secretary of the Smithsonian on the Commission to tell us what we should do on these matters.

Mr. GROSS. In other words, pass the buck to somebody else, as they just did with the pay bill increase?

Mr. CELLER. It is not passing the buck at all, it is to get advice and counsel. It is what we do and have been doing for years and years with reference to stamps. We want that to be done with reference to these holidays. We do not abdicate anything. A Member can still offer a bill commemorating this man's birth by proclamation by the President. We do not give away any power. We do not abdicate anything. We simply set up this Commission so that it can be a great help to us. That is all we do in this bill.

Mr. WAGGONNER. Mr. Speaker, would the gentleman yield for one more question?

Mr. ROGERS of Colorado. Yes; I will yield to the gentleman from Louisiana.

Mr. WAGGONNER. Am I correct in assuming from the answers the gentleman from Colorado has given me, ambiguous as they are, that the President at the recommendation of the Commission can issue a proclamation to order the observance of almost anything they so desire?

Mr. ROGERS of Colorado. He can do that now.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HALL) is recognized.

Mr. HALL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I unintentionally assumed the second on this particular bill because I am opposed to the bill, and because I studied it on the Consent Calendar yesterday, where it was listed but not eligible. I am allergic to another commission which regulates the power of Congress, to a commission or to a study group, which delegates to the executive branch, as I would be allergic to celebrating asthma week, emphysema, or halitosis week.

I realize that in the past year we have celebrated some of "those weeks," although the bills themselves, acting under the full voice and cover of the Congress, turned out better than we had hoped.

I take the floor at this time to point out that there is a difference between the establishment of a memorial stamp and this commission that would or would not recommend certain days directly to the President and not make such recommendations back to the Congress—if I can read the language of the bill at all.

First of all, the establishment of stamps to commemorate any occasion, person, individual event or day work, within the executive branch of the Post Office Department and is duly set up and it has been long established. There is precedent, tradition, and historical concept for this.

The ulterior aim may be exactly the same; namely, to take the responsibility off the back of a collection of individuals. But I do believe that we are delegating our authority.

I would like to ask one particular question. We passed last year a uniform holiday law. What relation is there to that action and to the action that is proposed here on Union Calendar No. 19, H.R. 2171 today?

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

Mr. HALL. I am glad to yield to the gentleman, the proponent and floor manager of the bill.

Mr. ROGERS of Colorado. We passed the holiday bill last year, but what we are dealing with here is these memorials, and that is the distinction.

Mr. HALL. What does the gentleman say we are doing here?

Mr. ROGERS of Colorado. This is giving us an opportunity—at least we have a list here of 88 memorials of these things introduced in this Congress.

This would give us an opportunity to refer to this committee for them to make a study to determine whether or not any of them have any merit and to make their recommendation to the President and if we want to consider them in the future and pass them, we can do so.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's answer and, in fact, I appreciate the way the bill is drawn and I compliment the gentleman and his subcommittee and the committee, on those whom they have chosen to serve on the committee, without additional

pay. But this is an open-ended bill and there is no estimate of the cost for the per diem, and so forth, allowed under the the civil service rule for the limited number of employees.

It does not take long to act on the gentleman's oft-proposed and separate resolutions. In fact, they are almost 100 percent accepted by unanimous consent. Others should never be considered. I think the gentleman would agree with me that most pass with a minimum of floor work, when he brings them out of his committee.

Obviously, the committee has hearings on these many and sometimes far-fetched requests. Is that not the duty of the gentleman's subcommittee and the elected legislators of the people under our representative system of government?

Mr. ROGERS of Colorado. Yes, it is, under the rules of the House and under the setup—we are authorized, when it is referred to the Committee on the Judiciary. The chairman may, in his wisdom, never assign it to my subcommittee—but again he may. But if he does—and as I outline here—I have 88 now in my hand and we figure if we got somebody who would kindly take a look at it, it would relieve our burden and we would not have to hire staff members.

Mr. HALL. Part of the authority of the Congress would be further diluted and passed on to the executive branch directly by the separate Commission?

Mr. ROGERS of Colorado. No, I disagree with the gentleman that it dilutes any authority of the Congress in any manner whatsoever.

Mr. HALL. The recommendations of this Commission, the gentleman will surely admit, would not come back to the Congress or be referred to the Speaker's desk and to the committee or a subcommittee thereof. The recommendations would go directly to the President and the President could then as now, introduce either a proclamation for a permanently designated special day of observation, or a proclamation to be issued annually by the President—if I interpret the gentleman's bill correctly. I thought the gentleman admitted in prior colloquy that it was a direct act or recommendation of the Commission; is that not so?

Mr. ROGERS of Colorado. The gentleman is correct, it would not come back to the Congress of the United States.

Mr. HALL. Then I certainly believe we are subdelegating our authority and, indeed, our responsibility.

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

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

Mr. PUCINSKI. Much has been said about a private Commission on Stamps. The lack of aesthetic or artistic values in many of our stamps is a good example, and I think that is the best argument in the world for killing this bill.

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

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

Mr. PICKLE. I appreciate the gentleman yielding. I wish to ask a question of a Member on either side of the aisle. When the bill was being considered in committee, was any distinction made in the discussion between that which is observance and that which is holiday?

Mr. ROGERS of Colorado. Of course, legal holidays are one thing. The others depend upon various things, such as the 88 analyzed or at least mentioned here. We were trying to limit it to proclamations and designations and not increase the number that are now authorized.

Mr. PICKLE. I notice in the report many observances are now listed, and also listed are the number and kind of requests that have already been made this year. I can understand that it might be the intent to set up a commission that would be able to give some consideration to the evaluation of the various types of observances. But when it gets to the establishment of a holiday, it seems to me that it would be well for the Congress to leave the clear intent that when it is a matter of establishing a national holiday, that would be something that would be presented to the Congress. It would be my feeling that if we would eliminate the words "and Holidays" in the present measure, this would come near expressing the intent of the Congress. We cannot amend the bill at the present time, but it might be well to consider not approving this bill at this time in order to provide an opportunity for the Members of the House, when the bill is not under suspension, at least to consider the elimination of the words "and Holidays." It seems to me that that would be the clear intent of what we are trying to establish.

Mr. ROGERS of Colorado. It takes an act of Congress, as I view it here, or a proclamation of the President to determine a holiday, and I do not think the Judiciary Committee is going to refer to the commission the question of the establishment of a holiday. We may say to them that they may make a study of it. But the question of the enactment comes back to the Congress.

Mr. HALL. Mr. Speaker, I urge that this bill, which cannot be amended under suspension of our Rules, be defeated out of hand today and thereby remanded to the Committee on the Judiciary.

Mr. Speaker, I yield 5 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, this proposed Commission is another chapter in the seemingly endless effort to pass the buck, create useless entities with high sounding names and worthless purposes and, in general, establish somebody else in a position where he or she can feed at the public trough.

One of the things wrong with this country today is the fantastic proliferation of boards, commissions, and committees whose chief purpose seems to be to provide a forum where members can gather, look at each other and discuss the weather.

I have here, Mr. Speaker, from the Library of Congress, a partial compilation of the boards, committees, commissions, councils and task forces created just since 1965 to advise the President, Congress, and executive agencies.

This volume is 218 pages long and was obsolete before it came off the press. And it is only a partial listing of existing advisory groups.

Let me cite some examples of what it contains.

Have you, for instance, ever heard of the vital services performed by the Advisory Commission on Parcel Distribution Services? It had five distinguished members—of course, all members of these outfits are always "distinguished"—but it never did a thing.

How about the Advisory Committee on Federal Buildings in the National Capital Region, established in 1966? This report says "no reports have been issued, nor are any anticipated." That is about par for the course.

Then there is the Advisory Committee on Library Research and Training Projects. It was formed in 1965 and has not issued a report. But, of course, it was not required to.

The Advisory Council on Quality Teacher Preparation was authorized in 1965, but failed to file a report.

The National Advisory Commission on Libraries was established in 1966 and was required to submit a report no later than 1 year after its first meeting. Two years later nobody had been able to find one.

The National Advisory Committee on International Studies was created in 1966 but 2 years later no members had been named.

The National Commission on Product Safety was authorized in 1967 but had neither staff or office as of last June.

The National Medical Review Committee was established in 1965, but never had any members.

The President's Advisory Council on Cost Reduction was established in 1967, but quite obviously never did anything.

Here is another library committee—the President's Committee on Libraries—which should not be confused with the Advisory Committee on Library Research and Training Projects, or the National Advisory Commission on Libraries. The President's Committee reportedly was holding up its report until it got a look at the National Commission's report. This is known as the Alphonse-Gaston syndrome.

There was something called the Task Force on Educational Television in the Less-Developed Countries, created by the President in 1966. The compiler of this report discovered that Leonard Marks, then director of the U.S. Information Agency, was to have been chairman and states that "repeated but unsuccessful attempts to obtain more information concerning the task force" were made.

There are many, many other boards, commissions, committees and task forces lying around, Mr. Speaker, that were not covered by this report.

For instance, it did not go into the vital work of the International Committee on International Athletics, or the Advisory Committee on the Arts, or the Tortugas Shrimp Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the International Boundary Commission, United States and Canada; or the California Debris Commission.

Now we have this proposed Commission on National Observances and Holidays.

The people of this country need an-

other advisory commission about as much as Members of Congress need another pay increase. And it might be well to remember that the pay increase was recommended by none other than the Commission on Executive, Legislative, and Judicial Salaries.

Incidentally, right here and now would be a good place to remind the gentleman from New York (Mr. CELLER) and the gentleman from Colorado (Mr. ROGERS) and others that they just got a nice fat pay increase, and yet they want to shift to somebody else their responsibilities and burdens. I say to them that under the circumstances it is time to accept the responsibilities.

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

Mr. GROSS. Mr. Speaker, I am pleased to yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, I wonder if the distinguished gentleman from Iowa could tell us approximately what these so-called commissions and advisory groups, and so forth, have cost the American taxpayers?

Mr. GROSS. Mr. Speaker, I regret this volume from the Library of Congress does not show all the costs.

Mr. HALEY. It would run into thousands of dollars, would it not?

Mr. GROSS. Of course. Into the hundreds of thousands of dollars.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. HALL. Mr. Speaker, how much time have we remaining?

The SPEAKER pro tempore. The gentleman has 7 minutes.

Mr. HALL. Mr. Speaker, I yield 2 additional minutes to the gentleman from Iowa.

Mr. WATSON. Mr. Speaker, will the genteman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I certainly appreciate the information which was given to us by the gentleman from Iowa. This is typical of the manner in which the gentleman does his homework.

I wonder if the gentleman would not agree that it might be advisable to establish one further advisory committee, and that is the advisory committee to advise the Congress as to which advisory committees are not advising.

Mr. GROSS. The gentleman from South Carolina makes an excellent suggestion.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I would like to advise Members particularly on this side of the aisle about the history of this bill. This has been before the Congress in prior years, in the 89th Congress and in the 90th Congress, and now we have it again. Last year the bill passed this body by a vote of 313 to 35. I wish to emphasize also that in committee this bill received, save one vote, the unanimous support of all Members on both sides of the aisle.

This has not been a controversial bill up to now.

Mr. Speaker, I would like to emphasize what this bill does do and what is does not do. First of all, it does not confer upon a commission any power at all other than to recommend. It does not detract one iota from the power of Congress. Nor does it detract one iota from the power of the President. The President has now, without any further legislation whatsoever, the power to issue proclamations, and he does so frequently. Then, of course, Congress has the power to pass resolutions proclaming commemorative days. This merely provides to the Congress and the President a source of information, much as the Bureau of the Budget, for example, submits a report on proposals for the purpose of advising the Congress. So this commission, too, is created for the purpose of advising the President on the propriety of the many proposals submitted to him.

I ask you all to distinguish this case from that of, let us say, the case of a reorganization plan submitted to Congress or the case of the salary commission. In each case, the recommendations of the commission have the force of law unless vetoed by the Congress. A proper argument of delegation of authority can be made in those cases, but no such argument can properly be made in this case, for the recommendations of the Commission have no authority whatsoever. They are merely recommendations. The President may adopt or reject the recommendations; or the Congress may choose to adopt the recommendation and pass a resolution.

Mr. HALL. Mr. Speaker, will the gentleman yield on that point?

Mr. WIGGINS. Yes. I will be pleased to yield.

Mr. HALL. Does the distinguished gentleman handling this for the subcommittee on the minority side intend to state forthrightly or even by inference to negate and gainsay the admission on the part of those handling the bill for the majority, that this Commission would make recommendations directly to the President and that they would not come back to the Congress or the subcommittee?

Mr. WIGGINS. I do not deny the accuracy of that statement. However, I am quite confident the report of the Commission would be available to the Congress upon request.

Mr. HALL. If the gentleman will yield further—and I will certainly see that he has all of the time he needs—I just want this clarified, because I do not see how we can stand up here and say we are not yielding the power and prerogatives and indeed the responsibility of the Congress on the one hand, and then turn around and say that the function of this advisory committee we are establishing will not even come back to the Congress but rather go directly to the Chief of the executive branch for implementation.

Mr. WIGGINS. I am sure the gentleman recognizes that Congress may, if it wishes, pass a resolution even though a report may be pending before this Commission and even though no report is ever submitted to it. We are not delegating one iota of our authority to the Commission. The authority remains with us. But what we are seeking is additional information to put the 500-odd requests in their proper perspective.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. WIGGINS. Mr. Speaker, I would like to continue briefly on the subject of money.

It has been alleged that this Commission would add to the great burden of paying for other commissions in being. By the precise terms of this legislation, members of the Commission are not authorized to receive one penny of additional compensation. However, they are permitted to employ a staff of no more than two members, which provision is written into the legislation. They can employ two secretaries. I think that the observation in the report that the cost of this bill is minimal is very clear and should not be a matter for consideration here.

Finally, Mr. Speaker, some confusion has become apparent on the subject of holidays versus commemorative days. A holiday in the parlance of our committee is a day on which Federal employees are not required to work and a holiday is created by Federal statute. That will continue to be the law. The Monday holiday bill has nothing at all to do with this legislation. This bill deals only with commemorative days, not legal holidays on which employees of the Federal Government are permitted a day off.

Mr. Speaker, the cost of the legislation is minimal but the anticipated savings should be substantial and the proposed legislation is much needed.

The Commission would consider all proposals calling for national observances and holidays including those referred to it by committees of Congress and would recommend to the President those observances which it finds to be of national significance and which warrant Federal recognition. The Commission would be composed of the Archivist of the United States, the Librarian of Congress, and the Secretary of the Smithsonian Institution. The members of the Commission would receive no compensation for their services to the Commission, and the Commission would be authorized to appoint no more than two employees.

Consideration of bills that request Presidential proclamations regarding holidays is not only a burden upon the Congress but on individual Congressmen as well. In the 90th Congress, 502 holiday bills were introduced in the House, of which only 17 were enacted into law. The printing of these bills and the time spent in their consideration in committee and on the floor of the House resulted in considerable cost and tied down a considerable portion of the time of Congressmen which could have been better utilized in consideration of more substantive legislation. In addition, this legislation imposes pressures on Members of Congress since it is often difficult to justify enacting one bill calling for a Presidential proclamation and not taking favorable action on another.

There is the further problem that there have simply been too many proclamations in the past. I believe that it would be preferable to limit issuance of Pres-

idential proclamations to observances which are clearly of major national importance. The three members of the proposed Commission possess an expertise which makes them singularly qualified to assess the national significance and cultural importance of proposed Presidential proclamations.

Mr. Speaker, H.R. 2171 is an effective response to a growing legislative burden, and I therefore urge that it be enacted into law.

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

Mr. ROGERS of Colorado. I yield to the gentleman from Florida for a question.

Mr. PEPPER. Mr. Speaker, I wish to thank the able gentleman from Colorado for yielding to me at this point. I want to ask one question for the purpose of clarifying the intent of the resolution. In a case where the Congress itself through legislative enactment has already provided for the observance nationally of a day or a week, would this proposed legislation, if enacted, carry the provision to change the date of a previously established holiday or day of observance under a previous act of Congress or would that same kind of proposal have to be referred to the Commission?

Mr. ROGERS of Colorado. No, it would not.

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

Mr. ROGERS of Colorado. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I regret that I did not hear the earlier discussion with reference to this and this matter may have already been discussed that I want to raise. But is it suggested or did the committee have in mind that this Commission would be hereby created to have anything to do with, for example, the planning for and recommendation for the planning for the 200th birthday of this Nation in 1976? Was this in anywise considered as part of the duties of this Commission?

Mr. ROGERS of Colorado. No, it was not. Of course, we could have them to make some investigation for us, but I understand we already have that event provided for.

Mr. SISK. Mr. Speaker, if the gentleman will yield further, the Commission has already been created to plan the 1976 observance?

Mr. ROGERS of Colorado. That is right.

Mr. SISK. I thank the gentleman.

The SPEAKER pro tempore (Mr. MILLS). The question is on the motion of the gentleman from Colorado (Mr. ROGERS) that the House suspend the rules and pass the bill H.R. 2171.

The question was taken and the Speaker pro tempore announced that the "noes" appeared to have it.

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

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 164, nays 213, not voting 53, as follows:

[Roll No. 25]

YEAS—164

Addabbo	Friedel	Morgan
Albert	Gallagher	Morton
Anderson, Calif.	Garmatz	Murphy, Ill.
Ashley	Gaydos	Nedzi
Aspinall	Gilbert	Nix
Barrett	Gonzalez	O'Hara
Biester	Green, Pa.	Olsen
Bingham	Gude	O'Neill, Mass.
Boland	Halpern	Ottinger
Brademas	Hamilton	Patten
Brasco	Hanley	Pepper
Brock	Hansen, Wash.	Philbin
Brooks	Harvey	Pike
Broomfield	Hathaway	Podell
Burke, Mass.	Hawkins	Preyer, N.C.
Burton, Calif.	Heckler, Mass.	Price, Ill.
Bush	Hicks	Pryor, Ark.
Button	Holifield	Rees
Byrne, Pa.	Horton	Reid, N.Y.
Carey	Hosmer	Reifel
Celler	Howard	Reuss
Chamberlain	Hungate	Robison
Clark	Jacobs	Rodino
Clay	Jarman	Rogers, Colo.
Cohelan	Johnson, Calif.	Rooney, Pa.
Conte	Karth	Rosenthal
Conyers	Kastenmeier	Rostenkowski
Corbett	Kee	Rumsfeld
Corman	Kluczynski	Ruppe
Coughlin	Koch	Ryan
Culver	Kyros	St Germain
Daniels, N.J.	Leggett	Schwengel
Dawson	Lowenstein	Shipley
Delaney	Lujan	Sisk
Dennis	McCarthy	Smith, N.Y.
Dent	McClory	Stafford
Diggs	McCloskey	Stokes
Donohue	McCulloch	Stratton
Dowdy	McDade	Sullivan
Downing	McDonald, Mich.	Symington
Dulski	McFall	Talcott
Edwards, Calif.	Macdonald, Mass.	Thompson, N.J.
Eilberg	MacGregor	Tiernan
Evans, Colo.	Madden	Udall
Evins, Tenn.	Mailliard	Ullman
Fallon	Mann	Van Deerlin
Farbstein	Matsunaga	Vanik
Fascell	Meeds	Waldie
Feighan	Meskill	Whalen
Fish	Michel	Wiggins
Flood	Mills	Wilson, Charles H.
Ford, Gerald R.	Minish	Wold
Ford, William D.	Mink	Wolff
Fraser	Monagan	Yatron
Frelinghuysen	Moorhead	

NAYS—213

Abbitt	Caffery	Flowers
Abernethy	Cahill	Foreman
Adair	Camp	Fountain
Adams	Carter	Frey
Alexander	Casey	Fulton, Pa.
Anderson, Ill.	Cederberg	Fulton, Tenn.
Anderson, Tenn.	Chappell	Fuqua
Andrews, Ala.	Clancy	Galifianakis
Andrews, N. Dak.	Clausen, Don H.	Gettys
Ashbrook	Clawson, Del	Gibbons
Ayres	Cleveland	Goodling
Baring	Collier	Green, Oreg.
Beall, Md.	Collins	Griffin
Belcher	Colmer	Gross
Bennett	Cowger	Grover
Berry	Cramer	Gubser
Betts	Cunningham	Hagan
Bevill	Daniel, Va.	Haley
Biaggi	Davis, Wis.	Hall
Blanton	de la Garza	Hammer-schmidt
Blatnik	Dellenback	Hastings
Bolling	Denney	Hays
Bow	Derwinski	Hechler, W. Va.
Bray	Devine	Helstoski
Brinkley	Dickinson	Henderson
Brotzman	Dingell	Hogan
Brown, Ohio	Dorn	Hull
Broyhill, N.C.	Duncan	Hunt
Broyhill, Va.	Dwyer	Hutchinson
Buchanan	Edmondson	Ichord
Burke, Fla.	Edwards, Ala.	Joelson
Burleson, Tex.	Edwards, La.	Johnson, Pa.
Burlison, Mo.	Erlenborn	Jonas
Burton, Utah	Esch	Jones, Ala.
Byrnes, Wis.	Eshleman	Jones, N.C.
Cabell	Findley	Kazen
	Fisher	Keith
King	Pirnie	Stanton
Kleppe	Poage	Steed
Kuykendall	Poff	Steiger, Wis.
Landgrebe	Pollock	Stubblefield
Landrum	Price, Tex.	Taft
Langen	Pucinski	Taylor
Latta	Purcell	Teague, Calif.
Lennon	Quie	Thompson, Ga.
Lipscomb	Quillen	Thomson, Wis.
Long, Md.	Railsback	Utt
Lukens	Randall	Vigorito
McClure	Rarick	Waggonner
McMillan	Reid, Ill.	Wampler
Mahon	Roberts	Watkins
Marsh	Rogers, Fla.	Watson
Martin	Rooney, N.Y.	Watts
May	Roth	Weicker
Mayne	Roudebush	Whalley
Miller, Ohio	Roybal	White
Minshall	Ruth	Whitehurst
Mize	Sandman	Whitten
Mizell	Satterfield	Widnall
Mollohan	Saylor	Wilson, Bob
Montgomery	Schadeberg	Winn
Mosher	Scherle	Wright
Moss	Schneebeli	Wyatt
Myers	Scott	Wydler
Natcher	Sebelius	Wylie
Nelsen	Shriver	Wyman
Nichols	Sikes	Yates
Passman	Skubitz	Young
Pelly	Smith, Calif.	Zablocki
Perkins	Snyder	Zion
Pettis	Springer	
Pickle	Staggers	

NOT VOTING—53

Annunzio	Hanna	Powell
Arends	Hansen, Idaho	Rhodes
Bates	Harsha	Riegle
Bell, Calif.	Hébert	Rivers
Blackburn	Kirwan	Ronan
Boggs	Kyl	St. Onge
Brown, Calif.	Lloyd	Scheuer
Brown, Mich.	Long, La.	Slack
Chisholm	McEwen	Smith, Iowa
Conable	McKneally	Steiger, Ariz.
Daddario	Mathias	Stephens
Davis, Ga.	Mikva	Stuckey
Eckhardt	Miller, Calif.	Teague, Tex.
Flynt	Morse	Tunney
Foley	Murphy, N.Y.	Vander Jagt
Giaimo	O'Konski	Williams
Gray	O'Neal, Ga.	Zwach
Griffiths	Patman	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Williams.
Mr. Annunzio with Mr. Harsha.
Mr. Scheuer with Mr. Bell of California.
Mr. Gray with Mr. Kyl.
Mr. Murphy of New York with Mr. Conable.
Mr. Ronan with Mr. Lloyd.
Mr. Hanna with Mr. Morse.
Mr. Kirwan with Mr. Bates.
Mr. Daddario with Mr. Brown of Michigan.
Mr. Giaimo with Mr. Riegle.
Mr. St. Onge with Mr. Rhodes.
Mr. Rivers with Mr. McKneally.
Mr. O'Neal of Georgia with Mr. Blackburn.
Mr. Miller of California with Mr. Mathias.
Mr. Teague of Texas with Mr. McEwen.
Mr. Boggs with Mr. Arends.
Mr. Smith of Iowa with Mr. Hansen of Idaho.
Mr. Brown of California with Mr. O'Konski.
Mr. Flynt with Mr. Steiger of Arizona.
Mr. Foley with Mr. Vander Jagt.
Mr. Davis of Georgia with Mr. Zwach.
Mr. Stephens with Mr. Tunney.
Mrs. Griffiths with Mr. Stuckey.
Mr. Pittman with Mr. Eckhardt.
Mr. Mikva with Mr. Long of Louisiana.
Mr. Powell with Mrs. Chisholm.

Messrs. JOELSON, BENNETT, FULTON of Pennsylvania, BERRY, KEITH, and ANDREWS of North Dakota changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill (H.R. 2171) to establish the Commission on National Observances and Holidays.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENDING TIME FOR FILING FINAL REPORTS UNDER THE CORRECTIONAL REHABILITATION STUDY ACT OF 1965 UNTIL JULY 31, 1969

Mrs. GREEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8434) to extend the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until July 31, 1969.

The Clerk read as follows:

H.R. 8438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the date by which the research and study initiated and the final report required by section 16(c) of the Vocational Rehabilitation Act (as in effect prior to July 7, 1968) must be completed shall be July 31, 1969.

The SPEAKER pro tempore (Mr. MILLS). Is a second demanded?

Mr. REID of New York. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, it is the purpose of H.R. 8438 to extend for 4 months the time within which research and study initiated and the final report required by the Correctional Rehabilitation Study Act of 1965 must be completed. Under the 1965 act, the research and study was to be completed and the final report filed not later than 3 years after the date the study was inaugurated. The date for completion and filing of the report so set was March 31, 1969. H.R. 8438, reported from the Committee on Education and Labor, unanimously, proposes that the completion date be July 31, 1969.

The study called for by the Correctional Rehabilitation Study Act is being conducted by the Joint Commission on Correctional Manpower and Training, consisting of nearly a hundred national, international, and regional organizations and public agencies which have joined together to attack one of the serious social problems of our day: how to secure enough trained men and women to bring about the rehabilitation of offenders through our correctional systems and thus prevent further delinquency and crime.

During the past 3 years the Joint Commission has conducted extensive national surveys, sponsored a number of study seminars on problems deemed to be particularly pressing for correctional agencies and for the colleges and universities who prepare people for work in this field. It has also issued survey reports, consultants' papers, and seminar reports as they were completed. Over 60,000 copies of its publications were distributed in the period ending with December 31, 1968. Hundreds of requests for those publications are answered each week.

Information brought to the attention of the committee justifies in a number of ways the extension being proposed by H.R. 8438. A fire that destroyed Commission office files and working materials, and the death of a key employee of the Joint Commission are among a number of reasons why the additional 4-month period is needed to complete the study.

No additional funds are required by virtue of the proposed extension. Funds already appropriated and made available to the Joint Commission will be utilized to complete the final report during the additional 4-month period.

I hope the House will approve this request.

Mr. PERKINS. Mr. Speaker, H.R. 8438 comes before the House today with the unanimous approval of the Committee on Education and Labor. The gentlewoman from Oregon (Mrs. GREEN), original sponsor of the Correctional Rehabilitation Study Act of 1965, and principal sponsor of H.R. 8438, has commented in detail on the reasons and justifications for this noncontroversial piece of legislation. Therefore, I shall take only a few moments to indicate my support for the 4-month extension being proposed and my interest in the research and study supported by the 1965 act.

The testimony presented to the committee in 1965 showed that there was a consensus among the many organizations and persons active in the field of corrections that the first and most necessary step in a meaningful attack on crime and delinquency was a thorough and systematic survey and analysis of correctional manpower and training resources and needs. Recognizing the importance of such a step, Congress approved on a bipartisan basis the Correctional Rehabilitation Study Act which authorized the Vocational Rehabilitation Administration to make grants for a broad study of correctional manpower and training. The Joint Commission on Correctional Manpower and Training, incorporated in the District of Columbia, and composed of nearly a hundred national, international, and regional organizations and public agencies, is the sole grantee to carry out the research and study called for by the 1965 act. In addition to receiving Federal funds the Commission's work has also been supported through grants from private foundations, organizations, and individuals.

Since enactment of the 1965 act and funding of the Joint Commission, extensive national surveys and numerous study seminars have been sponsored, in addition to the ongoing research and study. A number of Joint Commission publications have already been made available, such as—

"Differences that Make the Difference," papers of a seminar on implications of cultural differences for corrections.

"Targets for Inservice Training," papers of a seminar on inservice training.

"Research in Correctional Rehabilitation," a report of a seminar on research in correctional rehabilitation.

"The Public Looks at Crime and Corrections," a report of a public opinion survey.

"The Future of the Juvenile Court: implications for Correctional Manpower and Training."

"Offenders as a Correctional Manpower Resource," papers of a seminar on the use of offenders in corrections.

"Criminology and Corrections Programs: A Study of the Issues."

Mr. Speaker, the 1965 act called for a final report 3 years after the research and study was undertaken—that is March 31, 1969. As the gentlewoman from Oregon (Mrs. GREEN) stated, the Joint Commission has been delayed in completing its work for very justifiable reasons. H.R. 8438 proposes that the Commission be allowed an additional 4 months to finish its work and make the final report. I wish to emphasize that no additional Federal funds are involved in this request. This proposal is without controversy, and I know of no objection to its enactment. I therefore recommend that the House take favorable action on H.R. 8438 today.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Speaker, the gentlewoman from Oregon has very correctly articulated the purpose of this bill. H.R. 8438 would extend the time for filing final reports under the Correctional Rehabilitation Study Act of 1965 until July 31 of this year.

It is very clear that this request for time is occasioned by the loss of key personnel and by fire destroying Commission files. The report itself certainly is a necessary study. I know of no objection on this side to the bill.

The SPEAKER pro tempore. The question is on the motion of the gentlewoman from Oregon (Mrs. GREEN) that the House suspend the rules and pass the bill H.R. 8438.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

REPUBLICAN CONFERENCE

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

Mr. GERALD R. FORD. Mr. Speaker,

I wish to advise Members on our side of the aisle that the conference which was scheduled for this afternoon following adjournment, or 30 minutes following adjournment, has been called off and will be held tomorrow morning at 10 a.m. in the Cannon Building caucus room.

I hope each and every Republican Member will be present.

MEET THE MEMBER—HON. ARNOLD OLSEN

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

Mr. NIX. Mr. Speaker, one evening about a week ago I was listening to station WMAL here in the Nation's Capital and I heard a statement reviewing the fine work of our distinguished colleague from Montana, ARNOLD OLSEN. Representative OLSEN was being featured that evening on "Meet the Member," a WMAL program with commentator Joseph McCaffrey.

Mr. McCaffrey did an exemplary job of telling his listeners of the efforts ARNOLD OLSEN has put forward for the people of his First District of Montana and for people across the Nation. I asked Mr. McCaffrey for a copy of his script, and I include it at this time in the RECORD:

MEET THE MEMBER

(By Joseph McCaffrey, as broadcast over WMAL, Washington, March 6, 1969)

Because the Federal Government is the world's largest employer, the role of the House Post Office-Civil Service Committee is a highly important one. There are increasing problems involving government employees, not only those who work for the Post Office Department, but those who work for other departments and agencies. The Post Office Department itself is, and has been for a long time, a major problem.

The 91st Congress has before it a recommendation to turn the duties of the department over to a semi-autonomous body, much like the Tennessee Valley Authority. As a counter to this recommendation which was made by a presidential commission, the House committee has before it many other ideas for restructing the department.

As a member of the committee, and one of its most active members, Montana's Arnold Olsen will play a role in what decision is finally made in the effort to streamline the postal service.

Now serving his fifth term in the House, Olsen, an attorney, is regarded as an authority on federal employee affairs.

He has also made a study of what he has called "the paper jungle" of the Federal Government. The Olsen hearings into this man made jungle resulted in federal reorganization which saved the taxpayers millions of dollars.

As a member of the committee, Olsen has gone to bat frequently for both the Post Office and the federal employees. He has championed efforts to make the pay level of federal employees comparable with private industry. He favors legislation to establish a thirty-five hour work week, saying that the Federal Government should set an example as a progressive employer.

The son of pioneer immigrant Norwegian parents, Olsen began working at an early age in Butte as a newsboy and a grocery clerk. He worked his way through the Montana School of Mines in the machine shops and the compressor plants of the Butte copper mines.

After receiving his law degree from Montana State University in 1940, he set up his practice only to put aside the law books in 1942 for Navy duty. He served four years in the Navy, much of it in the Pacific, and when he left the service at the end of World War II, he held the rank of lieutenant.

Following the war he resumed his law practice and in 1948 he was elected Montana's youngest Attorney General at the age of 32. During the eight years he was in office he fought hard for new mine safety laws, improvements in the state custodial institutions and upgrading of standards and facilities in the state's educational system.

He won wide acclaim for his efforts to enforce Montana's gambling laws which resulted in the complete shut down of illicit gambling in the state. In 1956, after winning the Democratic nomination for governor, Olsen found himself up against the Eisenhower tide, although he lost the general election to the incumbent Republican governor, the margin was narrow.

In 1960 he was elected to the House of Representatives from Montana's First District. During the time he has been in Washington his watch word has been "progress", and his slogan has been, "Keep the First District First." In at least eight categories ranging from highway construction to Model Cities and airport construction, Olsen's district leads all other districts in the Continental United States.

Arnold Olsen produces as a Member of Congress.

CONGRESSMAN EVINS DESERVEDLY HONORED

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

Mr. FULTON of Tennessee. Mr. Speaker, last Thursday evening, March 13, the members of the Tennessee congressional delegation gave a reception in honor of our dean, one of the most outstanding, dedicated, and able Members of this or any Congress, the Honorable JOE L. EVINS.

In so doing we hoped that, in some small way, we could extend to JOE EVINS our great appreciation for the beneficial efforts which he has made in behalf of the people of his congressional district, the people of Tennessee, and the citizens of our Nation.

In his more than 22 years of service in the House of Representatives, he has justly earned the reputation of outstanding legislator and great American.

The occasion of last Thursday's event was noted editorially by both the Nashville Banner in an editorial entitled "Congratulations, Representative EVINS," and the Nashville Tennessean in an editorial entitled "Deserved Honor for Representative EVINS."

Mr. Speaker, I include these two editorials in the body of the RECORD at this point and commend them to the consideration of our colleagues:

[From the Nashville (Tenn.) Banner]

CONGRATULATIONS, REPRESENTATIVE EVINS

Led by the venerable and powerful Speaker of the House of Representatives, Rep. John McCormack of Massachusetts, Tennessee's congressional delegation and other prominent lawmakers and citizens turned out Thursday night to honor the dean of Tennessee congressmen, Rep. Joe L. Evins of Smithville.

Congressman Evins, who is celebrating his 23rd year as a member of the House, is chairman of the appropriations subcommittee that handles billions of dollars annually for independent federal agencies. His characteristically strong stewardship of that body was described by Rep. George Mahon of Texas as "spectacular."

Joining Speaker McCormack and Congressman Mahon in paying tribute to Tennessee's Fourth District representative were Secretary of Housing and Urban Development George Romney, Congressman and Mrs. Richard Fulton, House Majority Leader Carl Albert, House Majority Whip Hale Boggs, Senator and Mrs. Howard Baker, UT President Andrew Holt, and a number of representatives of veterans organizations and business leaders.

To that distinguished list of public servants and corporate officials must certainly be added the voice of Tennessee's gratified constituency. For 22 years, Congressman Evins has exemplified personal integrity and exhaustive analysis of crucial legislation. His quiet, unassuming attention to the nation's business has earned him the gratitude and praise of his colleagues and the admiration of his fellow Tennesseans.

The people of Tennessee join in congratulating Congressman Evins on a job well done.

[From the Nashville (Tenn.) Tennesseean]

DESERVED HONOR FOR REPRESENTATIVE EVINS

Congressman Joe L. Evins of Tennessee's Fourth District was honored as the dean of the Tennessee delegation at a reception at the International Club in Washington Thursday night. The reception was sponsored by members of the House from Tennessee.

Many top leaders in Congress and the administration turned out to pay their respects to the one-time lawyer from DeKalb County who has risen to become one of the nation's most powerful legislative leaders.

The guests included House Speaker John McCormack of Massachusetts, Secretary of Housing and Urban Development George Romney, Rep. Carl Albert of Oklahoma, House majority leader, many other political leaders, public officials and private citizens from Tennessee and other states.

Mr. Evins, who has served in the House since 1947, is a ranking member of the public works appropriations subcommittee which initiates money bills vital to Tennessee projects like TVA, the U.S. Engineers river developments, and others. He is also chairman of the House Small Business Committee, which is playing a growing role in this region's economic development.

His long seniority and the importance of the committees to which he has devoted his interest make Mr. Evins one of the most influential members of the Congress. The people of his district and the state join in paying the Congressman a deserved tribute.

ALLEVIATING PROBLEMS CAUSED BY RISING INFLATION

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

Mr. FRIEDEL. Mr. Speaker, we are all aware of the ever rising inflation in our country and perhaps no one is more aware of it than our fixed, low- and middle-income families who have seen the size of their grocery bags dwindle and dwindle and who have seen the cost for their clothing and other necessities spiral upward while their incomes have remained relatively static. Those of us who have families are all too well aware that it particularly hurts people with children whose growing appetites and constant need for new clothing are ever increasing

and those on fixed incomes such as retirees and the aged and infirmed who are in no position to increase their incomes to compensate for the inflation, but it really comes home to these people at income tax time when they see that their Government has graciously allowed them a $600 exemption for themselves and their dependents.

None of you, I am sure, will dispute me, when I say that this figure does not even approach reality when we try to compute the actual costs of feeding, clothing, housing, and educating our children. Nor is $600 any more realistic when applied in the cases of our aged and infirmed.

In a day when the poverty level has been more or less established at $3,000 in this country—another unrealistic figure by the way—a retiree with such an income would pay $213 and the 10-percent surcharge in Federal income taxes according to the 1968 tax tables. In order for him to pay no Federal taxes his gross income would have to be less than—imagine that—less than $1,600 per year. I ask you, could you live on less than $1,600 per year, pay rent, light, heat, and food bills, not to mention clothing, insurance, and other necessities.

Consequently, I have introduced three different pieces of legislation, and I have introduced these in preceding Congresses, to alleviate a bit of the hardships imposed upon a growing number of our citizens.

The bills are as follows:

H.R. 2759, to increase the personal tax exemptions of a taxpayer and dependents and the additional exemptions for old age and blindness from $600 to $1,000;

H.R. 6968, to amend title 11 of the Social Security Act to increase the amount of outside earnings to $2,400 permitted each year without any deductions from benefits; and

H.R. 6966, to amend the Railroad Retirement Act of 1937 to increase the amount of outside income which a survivor annuitant may earn without deductions from his or her annuity to $2,400 per year.

While I realize that this proposed legislation does not offer a final solution to the problems of our less affluent citizens it will grant them some small measure of relief until we, their Representatives, can find ways of dealing with the main problem of how to slow down and ultimately stop the spiraling inflation in our Nation which everyday eats into our bank accounts, insurance, and savings.

NEW AIR FORCE BOMBER

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

Mr. KLEPPE. Mr. Speaker, I enthusiastically support the decision of Defense Secretary Melvin R. Laird to move ahead on production of a new bomber for the Air Force. This will fill a serious gap in our total defense posture. I have in the past questioned the advisability of putting all of our eggs in one basket. A large number of ICBM's are in place in the State of North Dakota. Of three test launchings, there were three failures. I think that our missile system is more reliable than these tests would indicate, but I firmly believe that for the foreseeable future we need a modern bomber force backup.

Mr. Speaker, I include in my remarks the following news report from today's Washington Post:

LAIRD PLANS TO REVIVE AIR FORCE BOMBER

(By George C. Wilson)

Defense Secretary Melvin R. Laird is preparing to give the Air Force the new bomber it has wanted for years.

Pentagon sources said yesterday that only a last-minute hitch would keep the bomber—a stepchild in the McNamara era—from getting a big chunk of money in Laird's revision of the fiscal 1970 defense budget.

He is slated to detail those changes Wednesday in what Pentagon wags calls a "mini-posture" statement for Congress.

The idea is to go ahead full tilt with the bomber—known as advanced manned strategic aircraft, or AMSA—and make up for its cost elsewhere in the budget.

One program to be axed in this process is former Defense Secretary Robert S. McNamara's plane, the General Dynamics FB–111—the bomber version of the TFX.

From a policy standpoint, the imminent decision means that Laird believes the day of the manned strategic bomber is not over. McNamara's program called for making the B–52s last, using the bomber version of the TFX as a stop-gap and postponing any full-scale commitment to a new strategic bomber.

A lot of paper work has been done on AMSA, however. As now conceived, it would fly in at supersonic speeds at low altitudes to elude enemy defenses. Or it could launch missiles while far from the target.

Former Air Force Secretary Harold Brown had envisioned a gingerly approach to the new bomber—including an extraordinarily long competition between two airplane companies picked as finalists.

But Laird's plan accelerates the pace, calling for the bomber contract to be awadred before the end of the year. Almost $150 million is expected to be provided in the fiscal 1970 budget for the plane—compared to $77 million in new money in the inherited budget.

The plan to take money away from other programs to finance AMSA is further evidence that the Nixon Administration is trying to put its own mark on the 1970 military budget while asking for less than the $80 billion in new money requested by the Johnson Administration.

Cutting into the TFX program again may prompt Congress to go farther in this direction.

Aviation Week Magazine, which keeps tabs on the aerospace industry, said North American Rockwell, the firm which built the B–70, is a leading contender for the AMSA plum on the basis of designs submitted to the Air Force. Others in the race are a Boeing and General Dynamics.

JUSTICE DEPARTMENT REQUESTED TO MONITOR SPEECHES

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

Mr. THOMPSON of Georgia. Mr. Speaker, our colleague from the 18th District of New York with great fanfare has announced that he will be touring college campuses making a series of speeches which will apparently net him a very substantial sum of money. The announced purpose of the speeches, other than private personal monetary gain, is to promote student dissent and the candidacy of TED KENNEDY for President and Julian Bond for Vice President.

I do not know whether our colleague checked with Senator KENNEDY or Mr. Bond, but it may well be that they will prefer not to have the Congressman's support.

However, I am greatly concerned about the role the Congressman is attempting to play in attempting to promote student dissent, particularly in view of the fact that there is a thin line between student dissent and student riots which we have seen erupt on the college campuses. I would much rather see a colleague attempt to build trust and confidence in America than attempt to lead an effort which all objective reasoning leads one to believe is designed purely for disruptive purposes.

Because of my concern that this attempt to create dissent may actually provoke riots, I have today written the Attorney General and requested that the speeches of the Congressman from the 18th District of New York be monitored by the Justice Department, and if it develops that there is an overt attempt through these speaking engagements to promote actual rioting and rioting does occur and the Congressman is traveling in interstate commerce, then I would request, if the evidence warrants, that the Justice Department bring action under the antiriot section of the crime bill passed by the 90th Congress.

I should also like to point out that in the past the Congressman from the 18th District of New York has attempted to claim congressional immunity when confronted with lawsuits. Of course, no immunity would be provided should he actually engage in attempting to promote riots. However, should he attempt to assert immunity in the event that charges are brought because of his action, it will be my purpose to introduce a resolution in the House, calling for the expulsion of the Congressman from the 18th District of New York in order that there will be no question but what he is subject to the same laws as every other American citizen.

PENTAGON DISPENSES SOUTHERN COMFORT

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

Mr. HENDERSON. Mr. Speaker, last Thursday the Washington Post carried an editorial entitled "The Pentagon Dispenses Southern Comfort."

In it, the Post criticizes action by Defense Secretary David Parker awarding Defense contracts to three large textile firms. They are: J. P. Stevens, Burlington Industires, and Dan River Mills.

Characteristically, the Post did not question the record of any of these fine firms in past contract work with the Defense Department or other agencies of the Government; their capacity and ability to perform, or the quality of the

products they manufacture, or the likelihood that the Defense Department will get value received for each dollar spent.

Instead, the Post was highly critical of their employment policies and suggested that the contracts should have been withheld because "the employment policies of all three firms had been under investigation and review by the Pentagon and the Office of Federal Contract Compliance for over a year owing to well substantiated charges that they were racially discriminatory."

Two of these firms have plants in my district and one, the J. P. Stevens Co., has a plant in my hometown.

I have personal knowledge that the Stevens Co. has made immense strides in recent years, both in the percentage of Negroes employed and in the level of the jobs which they hold.

Burlington Industries has recently reported that in its southern plants Negro employment has increased from approximately 4 percent a few years ago to 14 percent and that in many plants it is substantially higher ranging from 20 percent to 50 percent.

The mere fact that these firms have most of their plants in the South, and that the South has a higher percentage of Negro population than the rest of the country would, in and of itself, make it likely that more charges of discrimination in employment would be made against their firms than would be the case of firms with plants in other areas of the Nation with a lower percentage of Negro population.

The Post obviously still supports the philosophy of the Reconstruction era—punish and penalize the South simply and solely because that is where most of the Negroes live. I would venture to say that these plants, in terms of gross numbers, employ far more Negroes than their counterparts located in other areas of the country, and the employee-management relationship between Negroes and whites is extremely good. The complaints referred to in the Washington Post editorial have arisen because certain persons who applied for nonexistent vacancies or for positions for which they obviously did not qualify have refused to accept the obvious and, egged on by militant "leaders" have charged discrimination which never existed.

It is, I think, highly significant that the Post editorial refers mainly to charges of discrimination; not to findings by any fair or impartial body or organization.

THE ODIOUS AFFAIR OF THE UNIVERSAL FIBERGLASS CORPORATION AND THE THREE-WHEEL MAIL TRUCKS

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

Mr. HALL. Mr. Speaker, I would like to call attention to a story in yesterday's edition of the Washington Daily News which puts the spotlight back on the odious affair of the Universal Fiberglass Corp. and its unfulfilled contract to produce three-wheeled mail trucks for the Post Office Department.

For nearly a year we waited in vain for some action—any action—on this matter from the former Attorney General, Ramsey Clark.

Since everyone was well aware of the close involvement in this case of several cronies of former Vice President Hubert H. Humphrey, it was not really any surprise that Clark put the matter in the deep freeze.

But now, according to this story, we may see due to the persistence of our colleague the gentleman from Iowa (Mr. GROSS), at long last, an investigation into this sordid mess. I hope so, especially since responsible postmasters tell me these "mailsters" are no good and dangerous.

I include the article for insertion in the RECORD at this point:

THOSE UNDELIVERED MAIL TRUCKS: PUSH H. H. H.-AIDES CASE

(By Dan Thomasson)

The Nixon administration has taken off the shelf an investigation of a Cleveland-owned Minnesota firm's handling of a $13.3 million Federal contract which two former aides to Hubert H. Humphrey allegedly helped arrange.

Rep. H. R. Gross, R-Iowa, said today he has been informed by Assistant Attorney General Will Wilson that the case involving the Universal Fiberglass Corp. of Two Harbors, Minn., a now defunct subsidiary of the Rand Development Corp. of Cleveland, is under "active investigation" by the FBI.

Mr. Wilson also said in a letter to Rep. Gross that a Federal grand jury has issued a subpoena ordering Universal Fiberglass to produce all of its records in connection with the contract. Under the contract, the Government made $2.1 million in progress payments for three-wheeled mail trucks that never were delivered.

In addition, Universal Fiberglass was the recipient of two Federal loans—from the Area Redevelopment Administration (ARA) and the Small Business Administration (SBA)—which helped it set up its plant in an abandoned railroad roundhouse in Two Harbors.

COMPANY INDICTED

The Rand Development Corp. was indicted last December on charges of stock manipulation and mail fraud in connection with development of a controversial cancer vaccine. It has pleaded not guilty in Federal court.

The decision to push the Universal Fiberglass investigation came late last month after Rep. Gross complained to Attorney General John Mitchell that the Johnson Administration had taken no action on a General Services Administration (GSA) report of a year ago citing evidence GSA said indicated possible criminal and civil fraud in the case.

The GSA report to the Justice Department was made by the agency's general counsel, Harry R. Van Cleve, last March 25—only two months after Rep. Gross attacked the contract on the House floor.

AIDED WITH CONTRACT

It was later disclosed that Neal D. Peterson, then an employe of the Senate Small Business Committee under Mr. Humphrey's sponsorship, helped Universal Fiberglass get a $400,000 ARA loan that led to the company's setting up shop in Minnesota.

Mr. Peterson is the brother of Roger Peterson, a Minneapolis attorney who was an attorney for Universal Fiberglass. Neal Peterson later left the Small Business Committee to join Mr. Humphrey's vice presidential staff.

The mail truck contract was awarded to Universal in 1965 after then-SBA Administrator Eugene B. Foley, also a protege and former aide to Mr. Humphrey, overrode objections from experts in his own agency and GSA and gave Universal a "certificate of competency."

In his report to the Justice Department last year, GSA counsel Van Cleve said his agency feels "that there is enough information available at present to form the basis of Federal investigation as to the matter."

"We are aware that the acts outlined herein may constitute criminal offenses as well as civil fraud," Mr. Van Cleve said.

GROSS' COMPLAINT

But Rep. Gross complained to Mr. Wilson that the department apparently felt it would be more prudent not to move against the Minnesota firm.

Mr. Van Cleve said GSA's investigation developed evidence of overcharging for materials, inclusion of ineligible overhead items in payment requests, and failure to carry out a guarantee on which an SBA loan was granted.

Mr. Van Cleve also informed Justice Department officials that the State of Minnesota had conducted its own investigation of the situation and collected information which "strongly supports" GSA's view of possible fraud.

SENTINEL OR SAFEGUARD: IT IS WRONG

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

Mr. KOCH. Mr. Speaker, President Nixon has made his first major decision and in an attempt to satisfy everyone, he has satisfied no one. Regardless of where the ABM system is deployed, the fact remains that according to leading scientists, the system simply does not work. A recent New York Times editorial has said the "project is as wasteful as the pyramids and not much more useful."

Unfortunately but true, the balance of terror remains the most effective defense for each of the countries armed with nuclear weapons. Each knows that any nuclear strike it triggers will bring immediate retaliation destroying its own land and people beyond repair. Regardless of the "defensive" nature of our ABM system, its construction will escalate the arms race with each nation being bent on ever increasing its offensive ballistic missile armory to overwhelm the defensive missiles. How alarming for the President to escalate the arms race on the very day that the Senate ratified the Nuclear Nonproliferation Treaty. Would it not have been more sensible for the President to withhold his decision on the ABM until there was some reasonable opportunity to see how the arms control talks were proceeding?

Now that our Nation recognizes on the front pages of its newspapers that millions of Americans go hungry every night and many of its children suffer from malnutrition, can we justify the initial expenditure of $7 billion—and ultimately many billions more dictated by rising costs and Pentagon practices—for an ineffective and provocative missile system. All this spending at a time when sufficient funds cannot be found to feed our hungry and save our cities from further decay is unconscionable.

It is not too late. Public pressure does count in this country. If the President were to receive millions of letters in opposition to his position and each Mem-

ber of Congress and the Senate were to receive letters opposing any appropriation for such a system, we can still stop the deployment of this absurd and wasteful system. We must free ourselves and this Nation from the shackles of a cold war psychology that equates national security with more and more arms. Our domestic crisis requires us to make such an effort now.

THE ANTI-BALLISTIC-MISSILE SYSTEM

(Mrs. MINK asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I wish to place in the RECORD of today two resolutions that have been introduced in the Hawaii State Legislature which is now in session in the city of Honolulu; Senate Concurrent Resolution 16 and House Resolution 24, both expressing opposition to the deployment of the anti-ballistic-missile system.

The Senate concurrent resolution respectfully petitions the President and the Congress to reverse the decision to deploy the ABM system and to locate any ABM sites in the State of Hawaii. The House resolution requests the Congress to stop further funds for the construction and land acquisition of ABM sites.

I should like to point out, Mr. Speaker, that the Senate resolution was cosponsored by 40 percent of the Members of the Senate; and the House resolution was cosponsored by more than 65 percent of the Members of the House.

The resolutions follow:

SENATE CONCURRENT RESOLUTION 16

Concurrent resolution petitioning the President and the Congress of the United States to reconsider the deployment of antiballistic missiles and the location of an anti-ballistic-missile system in the State of Hawaii

Whereas, the United States is devoted to furthering world peace, and to decreasing the tensions of the world's arms race, and to preventing nuclear weapons proliferation; and

Whereas, eminent nuclear physicists, including Noble prize winners, science advisers to Presidents Eisenhower, Kennedy and Johnson, and scientists who have been active in developing the Nation's weapons system, as well as personnel of the Department of Defense have stated that no anti-ballistic missile system can adequately protect a country from sophisticated nuclear attack and that the present United States superiority is a deterrent to both sophisticated and simple offensive nuclear threats; and

Whereas, hunger and disease are as great a danger to peace and internal security as hostile arms, and huge military expenditures for quickly obsolete weapons systems prevent the use of funds to alleviate poverty, thereby increasing world insecurity; and

Whereas, the orderly development of the State of Hawaii lies in its potential to create and expand understanding and trade among diverse cultures and peoples rather than its being an armed outpost of American power: Now, therefore, be it

Resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969, the House of Representatives concurring, That the President and the Congress of the United States be, and they are, respectfully petitioned to reverse the decision to deploy an anti-ballistic missile system and to locate a part of the system in the State of Hawaii; and, be it further

Resolved, That the President and the Congress of the United States be, and they are, respectfully requested to explore actively all possibilities which would lead to reduction of both offensive and defensive nuclear missile systems among nations, a nuclear nonproliferation treaty and gradual multilateral disarmament, and expanded non-military efforts to alleviate poverty and hunger at home and abroad; and, be it further

Resolved, That duly certified copies of this Concurrent Resolution be transmitted to the President of the Untied States, the President of the United States Senate Pro Tempore, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Defense, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, and Representative Patsy T. Mink.

(Offered by Duke T. Kawasaki, Donald D. H. Ching, Stanley I. Hara, Donald S. Nishimura, Nadao Yoshinaga, Larry N. Kuriyama, Mamoru Yamasaki, Percy K. Mirikitani, John T. Ushijima, John C. Lanham.)

HOUSE RESOLUTION 24

Resolution requesting the President of the United States, the Secretary of Defense, the Speaker of the U.S. House of Representatives, the President of the U.S. Senate and the Hawaii congressional delegation to stop construction and land acquisition of an antiballistic-missile site on Oahu.

Whereas, Oahu is one of the first twenty-five sites selected for future anti-ballistic missile sites; and

Whereas, the establishment of an anti-ballistic missile system does not assure defense against nuclear warfare and instead tends to escalate the arms race without affording secure advantages; and

Whereas, the costs of such a system would be poured into a military and industrial complex at the expense of major programs needed to solve the major social and economic ills of the country which deserve immediate attention and action; and

Whereas, numerous scientists, legislators, and leaders in government have expressed reservations concerning the need and effectiveness of an anti-ballistic missile system and have expressed opposition to its establishment; Now, therefore, be it

Resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1969, That the Congress of the United States is hereby requested to stop further funds for the construction and land acquisition of anti-ballistic missile sites; and, be it further

Resolved, That duly certified copies of this Resolution be forwarded to the Honorable Richard M. Nixon, President of the United States, the Honorable Spiro Agnew, Vice-President of the United States, the Honorable John McCormack, Speaker of the United States House of Representatives, the Honorable Melvin Laird, Secretary of Defense, the Honorable Hiram Fong, Senator, the Honorable Daniel Inouye, Senator, the Honorable Spark Matsunaga, Representative, and the Honorable Patsy Mink, Representative.

(Offered by Peter S. Iha, Ernest N. Heen, Jr., Akoni Pule, Jack K. Suwa, Charles T. Ushijima, Yoshito Takamine, Richard S. H. Wong, Rudolph Pacarro, Ted T. Morioka, Hiroshi Kato, Emilio S. Alcon, Howard Y. Miyake, Kenneth K. L. Lee, George W. T. Loo, Clarence Y. Akizaki, Robert C. Oshiro, Robert S. Taira, Tadao Beppu, Stuart Ho, Robert Kimura, Richard A. Kawakami, Harold L. Duponte, Minoru Inaba, Stanley H. Roehrig, Henry T. Takitani, Anthony C. Baptiste, Jr., Pedro de la Cruz, Keo Nakama, Mitsuo Uechi, Barney B. Menor, James Y. Shigemura, Ronald Y. Kondo, Momi Y. Minn, Akira Sakima, Francis A. Wong.)

SMALL WATERSHED DEVELOPMENT PROGRAM

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

Mr. QUIE. Mr. Speaker, for 12 years between 1954 and 1966, one of the smoothest working agricultural and conservation programs of the Nation was the small watershed development program authorized by Public Law 83–566.

During that period, a total of 933 watershed work plants were processed under the law. Approval of only the House and Senate Agriculture and Public Works Committees, followed by lump sum appropriations, was necessary to launch these small but extremely vital projects.

The Soil Conservation Service worked efficiently with local sponsors in developing the work plans, providing technical assistance, and allocating resources to the projects.

This fine program came to a halt in 1966 when the Johnson administration interposed an objection to the requirement that project plans be approved only by congressional committees. For several months, no project plans were sent to Congress. A backlog of more than 50 developed. Congress declined to take action on legislation submitted by former President Johnson to amend Public Law 566 to provide for a waiting period.

In the 90th Congress, work plans were approved for 96 watershed projects. President Johnson gave instructions not to proceed with those projects and withheld appropriated funds for them.

So these 96 watershed projects, which have undergone long and arduous steps in their development, are just sitting in the Soil Conservation Service even though funding is available for them. Approximately 35 more are in the pipeline and are similarly stymied because of this jurisdictional dispute.

I for one applauded the words of presidential candidate Richard Nixon when he said at Des Moines, Iowa, on September 14, 1968, that his agriculture program would include "vigorous expansion of soil and water conservation programs, including resolution of the constitutional impediment raised by the administration against the successful small watershed program."

It is my understanding that this matter is under review at the White House right now. It would take only a simple go-ahead from President Nixon to get this program operative once again.

Right now vast areas of this Nation are buried in deep snow. They face dire flood threats from spring runoffs. How welcome would be the added storage and control measures offered by these small watersheds.

I hope President Nixon will not delay in announcing a reversal of the freeze that has been imposed upon the small watershed program for the past 3 years.

FEDERAL RETIREMENT BILLS

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

Mr. HALPERN. Mr. Speaker, today I am introducing two bills designed to improve the annuity payments of Federal retirees and correct a manifest injustice as to these deserving former public servants.

The bills would achieve the same objective of legislation introduced earlier this session by the able, distinguished gentleman from Buffalo, N.Y., Mr. DULSKI, and I am pleased to associate myself with him in the effort to enact this worthy legislation.

In brief, Mr. Speaker, the first bill would provide substantial increases in the annuities of Federal retirees. In an inflationary economy, the standard of living of our Federal retirees suffers greatly unless reasonable provisions are made to raise their benefits in accord with the overall rising costs of living. Far too many of these civil servants have been forced to live on incomes below poverty levels. This cannot be allowed to continue.

The second bill would restore the full annuity to a retiree who had elected a reduced annuity in order to provide an allowance to his spouse, and had been predeceased by his marital partner. In addition, it permits the retiree, upon the death of his spouse, to name a second mate to a survivor annuity. Compelling a retiree to continue receiving a lower annuity after his spouse has died, while not even enabling him to name a new partner to receive the lost benefits, is an inequity so obvious it barely needs further explanation. The present law is unfair and should be amended.

I fervently hope that this legislation will win considerable support and will be recorded on the list of achievements of the 91st Congress.

THE AMERICAN LEGION

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

Mr. ADAIR. Mr. Speaker, 50 years ago on March 17, 1919, a small group of battle-worn veterans of World War I concluded a 3-day meeting in Paris, France. Thus, was born the American Legion. Today, as the Legion celebrates its 50th birthday, I want to extend a warm and sincere word of congratulation to this splendid organization for 50 years of outstanding contributions to the Nation and its veterans.

Since its birth as a small obscure organization of war veterans, the American Legion has become an institution on the American scene. Now comprised of more than 2½ million veterans of our Nation's wars, the American Legion today represents a significant force in preserving the American way of life. An organization of war veterans, the American Legion, of course, has played a leading role in the development of the most generous veterans' benefit program enjoyed by the veterans of any Nation. A nationwide rehabilitation program has assisted thousands of veterans and survivors of deceased veterans in obtaining benefits to which they are entitled. Volunteers of the American Legion and its auxiliary give of their time daily in veterans hospitals across the Nation, providing comfort and cheer to hospitalized veterans.

Despite this commitment to the welfare of the Nation's veteran, the American Legion has channeled its energies into other areas of civic activity. Its many programs of community service have improved the social and economic life of local communities across the Nation. The American Legion programs on behalf of the youth of our Nation have fostered and encouraged in our young people a deep sense of patriotism and devotion to God and country. Programs such as boys state; boys nation; American Legion baseball; the oratorical contest and sponsorship of some 4,000 Boy Scout units, all enable the young people to develop to their fullest capacity the intellectual, moral, physical, and economic qualifications necessary for happy, useful living in a free society.

Always interested in preserving the security of the Nation, the American Legion has for half a century fought for and supported a strong national defense system as a deterrent to aggression.

Mr. Speaker, these are but a few of the programs that have made the American Legion a force for good in the United States. These are but a few shining examples of the outstanding programs that make me proud to salute the American Legion on its golden anniversary and to extend my commendations on its 50 years of achievement.

BIRTHDAY OF DR. MARTIN LUTHER KING, JR.—A NATIONAL HOLIDAY

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

Mr. CONYERS. Mr. Speaker, I would like to speak again on behalf of the bill which I and 24 of my colleagues sponsored proposing that January 15, the birthday of Dr. Martin Luther King, Jr., be declared a legal holiday in his memory. The Washington Post, in an editorial on March 5, while in sympathy with such an observance, expressed preference for the proposal that January 15 merely be annually proclaimed a day of national observance, similar to Child Health Day, National Aviation Day, and Law Day, among others. In my judgment and in the judgments of the more than half million people who have corresponded with me, there is overwhelming enthusiasm for the idea of a national legal holiday as the most fitting tribute. Last year, I joined with several other colleagues in sponsoring legislation which was enacted and established Columbus Day a national legal holiday. The late Dr. King stood tall amidst all Americans and cast a long shadow across the world. Creating a holiday in his honor will not salve the loss to his family, friends, and America, but it will annually call to our minds and encourage us to seek the goals for which he gave his life.

I take this occasion to insert the well-reasoned response of my esteemed colleague, the Honorable ABNER J. MIKVA, of Illinois, to the Washington Post editorial:

[Letter to the editor of the Washington Post, March 15, 1969]

DAY FOR DR. KING

Your editorial of March 5 recognizes that some recognition of Dr. Martin Luther King's birthday is in order but disagrees with the proposal by Rep. John Conyers Jr., myself and 22 other Congressmen that Jan. 25 be made a national holiday.

The trouble with having the President declare Jan. 15 a day of national observance, rather than a legal holiday, is that such declarations have almost become commonplace. We have national days, weeks and months for almost everything conceivable. It is my feeling that Dr. King's birthday should not be "just another" day.

Declaring Dr. King's birthday a national legal holiday does not require comparing him to George Washington—the only other American whose birthday is now a legal holiday. Rather what are to be compared are the contributions of the two men in the historical contexts in which they lived. Martin Luther King Jr. has given America a vision—a dream as he called it—of what this Nation could be if the racial hatreds and recriminations of the past could be overcome. In his ability to convey this dream to millions of Americans—blacks and whites—Dr. King was unique. It is the uniqueness of this achievement which we seek to honor and memorialize in a Martin Luther King Jr. national holiday.

George Washington brought this country together after the revolution. Dr. King did not live long enough to see our togetherness but if it happens there is little doubt it will be because of his leadership.

ABNER J. MIKVA,
Member of Congress.

WASHINGTON.

ASSIST STUDENTS WORKING THEIR WAY THROUGH COLLEGE

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, it would sometime seem, if we read only the daily newspapers, that there are no students in classrooms these days. In fact, there is a definite impression abroad that they are all occupying buildings, marching in demonstrations, or storming public meetings.

That there are far too many whose primary energies are directed to just these activities is only too sadly true. But it is also true that those who capture the headlines are in a minority and that the vast majority of students enrolled in institutions of higher education are actually pursuing courses of study, and that not infrequently they are doing so under great personal strain.

Great notice has been given to those students whose energies have been directed toward the disruption of university life, but scant attention has been given to the students whose energies are solely directed toward their own educational achievement.

National attention has been arrested by the minority of students intent on violence and destruction on the campuses and in preaching reckless anarchy. Their actions should be resisted.

But the efforts by those many students who eagerly seek and who work hard for their education need assistance. There are many who have neither the interest in, nor the time for, violent

demonstrations. This is true because they are busy nearly every waking hour of the day in a sometimes exhausting task that combines both work and study.

Often they are working to support themselves. Often they are working to ease the burden on their parents by contributing substantially or even wholly to their own education.

It is simply a matter of equity that recognition, encouragement, and support be given to these young people.

The bill I am introducing today will assist these students and will redress an imbalance in the Federal programs of student assistance.

The Congress has, generally, directed most of its student assistance programs to serve those who have no family resources that would meet normal college expenses. Through educational opportunity grants, work-study programs, and NDEA loans we have provided significant aid for needy students.

Students from middle-income families receive help, however, only through the guaranteed student loan program. There is no program to assist students who, instead of borrowing against future earnings, choose to meet college expenses in part or whole out of present earnings.

Many of our colleagues, Mr. Speaker, have introduced bills that would try to correct this imbalance by allowing the parents of students in college to claim a special educational expense deduction.

There are some 45 bills of this kind before this House at this time. Such legislation has in the past been rejected by the House and opposed by the Kennedy and Johnson administrations because the tax relief goes to the parents of all college students—rich and poor alike. Therefore, the cost to the Treasury becomes prohibitive.

My bill offers a reasonable compromise. It would limit aid to students who by the very fact of substantial self-earnings have demonstrated need, and the aid would go to the student himself rather than to the parents.

My bill will allow a college or university that has advanced money or allowed a credit on payment of tuition, fees, room and board to a student who is earning his way to be reimbursed in an amount not exceeding the tax on the earned income of the student and not less than $50, nor more than $600 or the amount of tuition, fees, room, and board which he has incurred.

Therefore, I recommend to the Members of the House for their consideration, this bill which will assist students who are working their way through college.

The bill follows:

H.R. 9170

A bill to assist students who, to attend college, are relying on their own wage-earning capacity rather than depending on others

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Higher Education Act of 1965 is amended by redesignating title XII as title XIII, by redesignating sections 1201 through 1210 as sections 1301 through 1310, respectively, by amending the cross reference to any such section to refer to that section as so redesignated, and by inserting immediately after title XI the following new title:

"TITLE XII—ASSISTANCE FOR SELF-SUPPORTING STUDENTS

"Program Authorization

"SEC. 1201. The Commissioner is authorized to formulate and carry out a program under which he will make payments, in advance or by way of reimbursement, to institutions of higher education which make payments to qualified students or grant credits toward their tuition, fees, board and room as provided in section 1202.

"Payments and Credits to Qualified Students; Cost Allowances

"SEC. 1202. To be eligible to receive a payment under section 1201 on account of a qualified student, an institution of higher education shall make a payment, or grant a credit toward tuition, fees, board and room to such student in an amount which does not exceed the tax imposed on him under subtitle (A) of the Internal Revenue Code of 1954 for such taxable year on account of his earned income (as defined in section 911(b) of such Code), except that (1) no such payment shall be made or credit granted for any fiscal year where the amount thereof is less than $50 and (2) in no case may such payment or credit, or the aggregate thereof where a student is provided a combination of payment and credit, exceed $600 or the reasonable and necessary expenses such as tuition, fees, board and room incurred by him on account of his attendance at such institution, whichever is lesser. The Commissioner shall pay a reasonable cost allowance to the institution of higher education to cover the cost of processing such payment or credit. For the purpose of this section the student shall not have received any part of such earned income from his parents or from a corporation owner or controlled by his parents.

"Qualified Students

"SEC. 1203. To be qualified for the benefits of section 1202, a student must be enrolled in and in good standing at an institution of higher education, and be carrying the normal full-time academic workload as determined by the institution.

"Authorization of Appropriations

"SEC. 1204. There are authorized to be appropriated such sums as may be necessary to carry out this title for the fiscal year ending June 30, 1970, and the succeeding fiscal year."

RYAN BILLS TO COMBAT LEAD POISONING AMONG CHILDREN

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

Mr. RYAN. Mr. Speaker, lead poisoning is a major disease affecting thousands of young children presently living in the slums of substandard housing in our urban centers. This problem had been largely ignored until the recent efforts of the New York Scientists' Committee for Public Information, the New York Citizens' Committee To End Lead Poisoning, and a number of community groups in Chicago and Baltimore began to publicize the extent of the disease and the damage it could produce. Reflecting on the severity of this problem, the New York Scientists' Committee has labeled lead poisoning the "silent epidemic."

The disease is most often caused in small children when they eat—as many do—bits of paint and plaster that peel and fall from the walls and ceilings in dilapidated housing. Although the more recent coats of paint in such apartments are usually lead free—in New York City lead-based apartment paint has been outlawed for some time—the lead content from paint applied in past years frequently comes to the surface when outer coats of paint peel off interior surfaces.

Today I am introducing two bills to provide Federal financial assistance to help communities to develop and carry out intensive local programs to eliminate lead poisoning: First, the detection and treatment of existing cases of lead poisoning; second, the elimination of lead-based paint from the interior surface of residential housing which is responsible for most lead poisoning.

Twenty million dollars would be authorized annually for a 3-year period. The first bill establishes a fund in the Department of Health, Education, and Welfare from which the Secretary may make grants to local governments to develop a program to identify and treat individuals afflicted by the disease. A local program would involve the public health officials of the locality and include—

First. Educational programs to communicate the existence of lead poisoning and the effects it can have on children to parents, teachers, and public health officials.

Second. Casefinding programs to locate the young people suffering from lead poisoning as soon as possible and to insure adequate treatment of those affected.

Third. Followup programs to make sure that those who have been identified as suffering from the disease do not return to an environment which will further aggravate their condition.

Fourth. Any other locally conceived programs which will reduce or eliminate lead poisoning.

The second bill is directed at the problem of slum housing itself and the need to eliminate the cause of lead poisoning—the peeling of lead-based paint. This legislation authorizes the Secretary of the Department of Housing and Urban Development to make grants to local governments to develop programs for the detection of the presence of lead-based paint and to require that owners and landlords remove it from interior surfaces.

The Secretaries of the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development are required to coordinate with and seek the advice of the heads of other agencies whose concerns may overlap the problems of slum housing and public health.

The Lead-Based Paint Poisoning Elimination Act of 1969 authorizes $7.5 million annually for the 3 fiscal years of 1969, 1970, and 1971. In the case of the second bill, the Lead-Based Paint Elimination Act of 1969, which deals with the elimination of lead-based paints from inner city housing, $13.5 million is authorized annually for the fiscal years 1969, 1970, and 1971. This makes an annual total of $20 million.

Lead poisoning is a prevalent cause of ill health among numerous big city children.

The New York City Scientists' Committee for Public Information states:

If infections are excluded, it is the most common childhood disease in the city of New York.

Recent studies in Cleveland, Chicago, and Baltimore revealed that 5 to 10 percent of the children tested had lead levels severe enough to qualify them as poisoned. By a simple calculation using population figures of the rundown housing in New York City alone, it has been estimated that 9,000 to 18,000 children have lead poisoning.

Yet, according to public health officials in New York City, that estimate is conservative. Dr. Joseph Cimino, medical director of the New York City Health Department's poison control center, has stated that there are 20,000 children in that city with undetected lead in their system at a potentially dangerous level and 5,000 others with undetected lead at an already dangerous level.

Moreover, in all our cities only a small percentage of the total of lead poisoning cases are ever reported. In New York City, for example, only 642 cases of lead poisoning were reported to the health department last year. The cases that are reported are usually those that are in the most advanced stages—those involving permanent mental retardation, cerebral palsy, and epilepsy. The primary reason for the low incidence of reported cases is that the early signs of lead poisoning are like the flu or other minor diseases, including loss of appetite, stomach pain, constipation, and crankiness and tend to be ignored by parents and doctors alike. Until health officials and parents are made aware of the existence and the dangers of this disease, and are constantly on the lookout for it, lead poisoning will continue to be a major menace to health.

The consequence of failing to identify lead poisoning at an early stage can be extremely serious. In the most severe cases death can result. The fatality rate for children who have been treated for acute lead encephalopathy is about 25 percent. In the last decade 138 children have died of lead poisoning in Chicago. From 1954 to 1964, 128 New York children were victims of the disease.

For many of those who survive, the outlook is not bright. In a Chicago study over one-third of the children treated for lead poisoning later developed some type of neurological disorder. Among those who initially presented encephalopathic symptoms in that study, 82 percent were left with some handicap; 54 percent have recurrent seizures; 38 percent were mentally retarded; 13 percent had cerebral palsy; and 6 percent were found to have optic atrophy. Other difficulties reported about these children include behavior problems, inadequate interpersonal relationships, and an inability to comprehend abstract concepts. Other studies have found impairment of intellectual ability in children who had lead poisoning.

The consequences of lead poisoning are of course most tragic for the children affected by this disease. But the larger society also must bear unnecessary costs that result from widespread lead poisoning, including wasted human resources.

To eliminate this problem, and the tragic effects it has for so many children, a national program is necessary to assist cities to develop programs for identifying and treating existing cases of lead poisoning and, more basically, to eliminate the lead-based paints from inner city housing. The two-pronged approach I have proposed today would achieve both of these goals.

CITIZEN PARTICIPATION IN THE WAR ON CRIME

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

Mr. WATSON. Mr. Speaker, today I am introducing a resolution which would authorize the President to issue a proclamation designating the period May 11 through May 17 of this year as "Help Your Police Fight Crime Week."

I am doing this in order to focus more attention this year on Police Law Week which is usually celebrated in mid-May.

Many of us have seen the bumper sticker with the slogan "Help Your Police Fight Crime." In fact, not a day passes that I fail to see this bumper sticker on at least one automobile in the District of Columbia. This laudable slogan is the official designation for a nonprofit, self-supporting cooperative founded here in Washington in 1967 by Mr. W. H. M. Stover and other District residents interested in curtailing the soaring crime wave in the Nation's Capital.

In just 18 short months, this organization has established beachheads in 28 States, and, to date, over 300,000 "Help Your Police Fight Crime" banners are in the process of distribution, and the goal for December 1969 is 3 million.

Mr. Speaker, it seems that everyone these days talks about crime, but the law-abiding American citizen is frustrated over the apparent lack of anything being done to curb the contagious growth of crime which in some areas of the country borders on total anarchy.

Well, in my judgment, the American people are tired of talk, commissions, and other shop-worn manifestations of this disease. The time for action is right now. The decline in respect for public authority and the rule of law must be reversed. Certainly, this can be brought about, but only as a joint undertaking between the citizen and the rightful authority.

"Help Your Police Fight Crime" is a psychological war on crime. It involves the citizen directly in an area in which his entire future depends—maintenance of law and order.

At no other time in the history of America has esteem for public authority been at such a low ebb. The most harassed and least supported public servants in today's society are our policemen and firemen. Yet, these officers represent the very thin curtain that separates free men from the tyranny that can only result when the purveyors of violence and lawlessness get an upper hand.

Police morale dwindles daily, especially in the District of Columbia, as a result of lack of public support and lack of support from the courts. There is absolutely no excuse for the incredible business of a judge allowing a criminal suspect to go free on a mere legal technicality. I had always believed that the law under the Bill of Rights was designed to protect the innocent. But, in many decisions these days, the innocent victim is left on his own while, to the detriment of law and order, the guilty can remain silent and—in all too many instances—go free without paying his debt to society.

Mr. Speaker, all of us must join the fight against crime by supporting our law enforcement officials. I firmly believe the administration and the Congress will support a resolution of the type I am introducing today. The President has stated most emphatically on a number of occasions that the American citizen has got to become involved in the war on crime.

THE MUTINY TRIAL AT THE PRESIDIO IN SAN FRANCISCO

The SPEAKER pro tempore (Mr. MILLS). Under previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, it is with considerable reluctance that I have taken a special order for this afternoon to discuss the mutiny trials which have been adjudicated and are in the process of trial at the Presidio in San Francisco.

There has been a considerable morale problem at the stockade in San Francisco for nearly a year involving one suicide, a revival, and a number of attempts apparently resulting from the mixing of psychiatric prisoners with others, overcrowding of cell space by as much as 30 percent and also a shortage of food rations.

The matter culminated last October when a young man by the name of Richard Bunch from Dayton, Ohio, a stockade prisoner doing cleanup at the nearby Letterman Hospital, incarcerated for AWOL, only awaiting a hearing, attempted to abscond from work detail and was shot and killed by the guard with a 12-gage shotgun at a distance witnesses have described as from 7 to 20 yards.

The next morning within the confines of the stockade, 27 young men in an effort to protest the stockade conditions and the shooting which they thought to be unnecessary, sat down in the grass and attempted to communicate their views to the provost marshal. Admittedly, this action was unlawful.

The episode was over in a little more than 30 minutes. The men were reconfined.

Three special investigating officers reviewed the case, two of whom with elaborate opinions expressed themselves that the 27 young men should be charged with willful disobedience—maximum sentence 6 months. A third officer recommended a charge of mutiny which carries the death sentence, though he did not ask for that penalty. Reviewing authority, Lieutenant General Larsen, sided with the minority investigating

officer and all of the young men are currently being prosecuted for mutiny.

Four of the men have now been convicted with sentences of 16 years, 15 years, 14 years and 4 years at hard labor. Eighteen additional young men will come to trial in the next 2 weeks. One young man, Pvt. Edward O. Yost, my constituent, is a Purple Heart victim with distinguished service in Vietnam.

I believe the Army needs guidance to extricate itself from the current situation. When the Army admits there were 51,000 willful desertions in the Army last year and where the average offender receives no more than a 6-month sentence for such infraction, I do not believe we are in the right ballpark in charging mutiny. In 178 years of our existance as a nation I note the lawbooks record only four such cases prosecuted by the Army. The Army, though recognizing that it is not in their best interest to log-up several hundred years of time against the 27 men for the undeliberated action which took place in 30 minutes, appears to be powerless to recharge the young men for the appropriate crime.

As a result of the protest, the Army admittedly made several dozen improvements to procedures employed at the stockade, though, apparently, they were relatively powerless to take such action prior to the protest.

I plan to call the attention of the House to the referenced prosecutions with further particularity this afternoon. Congressman COHELAN has a similar special order to follow.

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

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

Mr. COHELAN. I thank the gentleman for yielding, and I want especially to compliment the gentleman for bringing this matter to the attention of the House and to the country as well. In your initial remarks you made reference to the fact that the general courts-martial for four men have been completed and that there has been sentencing in each of these four cases. I think the gentleman only today has some new information which we ought to take account of before we conclude our special order this afternoon. I would merely like to say that not withstanding the action which you are prepared to announce, I still feel that the matter we are exploring is serious, and I will develop that point further as we go along this afternoon.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman from California for his comment.

I will point up exactly what the current state of this record is in just a few minutes.

At the present time, a series of courts-martial are being conducted at the Presidio stockade in California. These trials have gained public notice for a number of reasons:

First, the number of defendants, 27; and second, the charge of mutiny.

That is the most serious charge the military can levy against a soldier. It can carry the death penalty.

Why is the public, why are individual Members of Congress, and why are congressional committees so excited and so incensed by these trials? It is because 27 of the young men are being subjected to a massive punishment—15 years at hard labor—for passively sitting down and resisting an order to get into formation last October. It was to protest the intolerable conditions at the stockade and the slaying of a prisoner by a guard 2 days before.

These alleged conditions at the stockade are not new. Almost a year ago the question of brutality at the stockade was raised. In March of 1968 the American Civil Liberties Union conducted a month-long investigation of conditions at the stockade and came to the conclusion that the prisoners had been subjected to threats of death by the guards and at least one prisoner had been severely beaten by guards, who also delayed his transfer to a hospital for treatment of the injuries.

Mr. Speaker, I insert at this point in the RECORD an article of January 3 from the Washington Post, the entire article.

Particularly I would like to emphasize the statement of Col. John C. Ford, Presidio Provost Marshal, which really is the cause of this whole problem. Admittedly you have a stockade that is overpopulated.

Col. John C. Ford, Presidio Provost Marshal and top military policeman on the San Francisco post, flatly denies the charges.

"These allegations are just the result of prisoners having it too easy," said Ford. "They have too much time to sit around and try to build up a case that they should be let out. None of these charges can be substantiated because they simply are not true."

It is because of this attempt to cover up by the Army that we have got these problems.

Mr. Speaker, I ask unanimous consent to include this article in the RECORD at the point I mentioned.

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

There was no objection.

The editorial referred to follows:

[From the Washington Post, Jan. 3, 1969]

TWENTY-SEVEN GI STRIKERS FACE RARE MUTINY TRIAL

(By Paul R. Jeschke)

SAN FRANCISCO, January 2.—"Any person found guilty of attempted mutiny, mutiny, or sedition, or failure to suppress or report a mutiny or sedition, shall be punished by death or such other punishment as a court-martial may direct."

For 27 prisoners lodged in the stockade at the Presidio of San Francisco high on a bluff overlooking the Golden Gate Bridge, these terse words from the manual for courts-martial have taken on a grim reality.

Military authorities dusted off the infrequently used mutiny charge and accused the GIs of "refusing in concert with others to obey orders" during a sit-down strike to call attention to alleged inhumane conditions.

A preliminary hearing completed before the Christmas holidays recommended the soldiers be brought to trial. The report is before Lt. Gen. Stanley Larsen, Sixth Army Commander, who is almost certain to approve.

So far, however, the Army has proceeded cautiously. Civilian lawyers, they charge, are attempting to "turn this into some sort of anti-war circus."

The sitdown strike began Oct. 14 when the men refused to go on a regularly scheduled work detail accompanied by armed guards. They said they were protesting the fatal shooting, three days earlier, of Pvt. Richard Bunch, 19, Detroit, Mich., who was shot in the back while fleeing a work detail.

Attorney Terence Hallinan, who represents 17 of the alleged mutineers, claims Bunch was in "desperate need of psychiatric help" and actually told the guard he was going to try to escape "in hopes he would be shot."

Army authorities have refused all requests by newsmen to interview the prisoners. They have also denied permission to newsmen to visit the stockade, although such an inspection was permitted before the Bunch shooting.

Hallinan has collected 10 handwritten affidavits from prisoners. He says these prove the "so-called mutiny is nothing more than an attempt to force the military to rectify the intolerable and inhumane conditions at the stockade." The affidavits allege inadequate and unsanitary shower and toilet facilities, bad overcrowding and inadequate food and charge that guards encourage suicide attempts.

Col. John C. Ford, Presidio Provost Marshal and top military policeman on the San Francisco post, flatly denies the charges.

"These allegations are just the result of prisoners having it too easy," said Ford. "They have too much time to sit around and try to build up a case that they should be let out. None of these charges can be substantiated because they simply are not true."

Ford, who has operated army stockades at Ft. Ord, Calif., and Nuremberg, Germany, said the charges were an "unfortunate attempt to tie up officers and men that could be in Vietnam helping us end the war.

He said civilian attorneys are "trying to turn this into some sort of antiwar circus—charging in effect that these prisoners are being abused because they are opposed to the Vietnam war."

"The fact of the matter is," Ford said, "that these guys are in the stockade because they are bad actors—every one of them has gone AWOL not once or twice, but as many as half a dozen times, and it had nothing to do with the war.

"Five of these men have actually volunteered to go to Vietnam in order to get out of this mess, but we're not buying. And, of the whole group of prisoners, only one has even bothered to ask for conscientious objector status."

An affidavit filed by Pvt. John David Coup, one of the stockade prisoners, alleges there were 33 attempts at suicide during the past six months involving 21 GIs. These included, he said, wrist slashing, attempts at hanging, swallowing razor blades and drinking poisons.

Stephen R. Rowland, another prisoner, charged through Hallinan that on "at least three occasions men have cut their wrists and were put in the box (solitary confinement) overnight without treatment."

"Guards have offered razor blades to suicidal prisoners so they could try to take their life again," Rowland said, and "a man went into an epileptic fit and the guards kicked him."

Ford acknowledged "numerous" apparent suicide attempts at the facility. He said every case was examined by an Army doctor "and not one was classified as a suicide attempt. They were rather suicidal gestures—people scratching themselves with razor blades or drinking something or other, maybe shampoo, knowing full well they were not endangering their lives," he said.

"Some of these guys just wanted to go to the hospital in the middle of the night because it gave them a chance to try and escape," Ford said. "For many of the others, it's just an attempt to get sympathy and attention and perhaps to try to get out of the Army for psychiatric reasons."

Ford specifically denied allegations of unsanitary conditions, overcrowding and poor food.

Mr. LEGGETT. Mr. Speaker, at this time I insert in the RECORD a press report from the San Francisco Chronicle, dated March 29, 1968, at least 6 months before the facts arose respecting the current mutiny, and it sets forth a condition in the stockade in San Francisco which I think is essential preliminary information for us to review:

BRUTALITY AT PRESIDIO CHARGED

(By Charles Howe)

Charges of brutality ranging from death threats to rubbing an inmate's face in his own excrement were leveled yesterday at military police at the Presidio's prisoner stockade.

The charges—plus a request for an immediate investigation—were made by Ernest Besig, executive director of the American Civil Liberties Union here.

They were based on a month-long investigation Besig and his assistants conducted and involve allegations of brutality against at least four inmates. Besig said three other inmates witnessed the acts and have given him their depositions.

In a letter to Lieutenant General Ben Harrell, Sixth Army Commander, Besig charged:

Private Robert S. Black Jr. of Concord, 21, was denied treatment for traumatic epilepsy suffered in Vietnam, and it was only "after Black went berserk and into convulsions and attacked another prisoner . . ." that he was admitted to Letterman Hospital.

That Private Herman L. Jones, 19, of Baltimore, Md., also a Vietnam veteran, was forced "to relieve himself on the floor; that a guard took a cloth and rubbed his face with urine and feces . . . badly beaten by guards . . . finally, he was hospitalized after eating paint off the wall."

Before guards allegedly beat Jones, other prisoners were taken away from the scene, given cigarettes and "when they returned, Jones was in a strait jacket in a corner."

An angry guard threatened "to blow Black's head off" with a 12 gauge riot gun and stockade officials deliberately delayed his transfer to the post hospital.

Presidio officials, aware of the charges by earlier communications not originating from Besig, said the allegations had been earlier investigated and found without merit.

Late yesterday Army spokesmen said they had not yet received Besig's letter.

"Any communication will naturally be considered and appropriate action will be taken," an officer said.

It was the second time in as many days that the stockade was a subject of controversy.

Private John D. Welty, 23, had been named as the stockade's "fasting-est prisoner" on Wednesday, after the Army disclosed he had been on a 31-day hunger strike.

Welty, who said he won't eat until ne is discharged, has been fed by a tube for the past 16 days. No charges of brutality have been raised in his case.

The alleged acts of brutality towards Black and Jones took place during the latter part of February, Besig said. On February 28–29, Jones and Black were transferred to the psychiatric ward at Letterman Hospital for evaluation.

Jones, serving a six-month sentence for refusing to wear his uniform and disrespect to an officer, has since been transferred back to the stockade.

Black is still in the hospital, spokesmen said, and being evaluated for a possible medical discharge based upon his combat-connected head injury. He had been serving sentence on AWOL charges.

Neither Black nor Jones was immediately available for interview, Presidio spokesmen said.

Besig's letter to Harrell named two guards—one a sergeant—as being "particularly responsible" for various acts of alleged brutality committed over about a week-long period.

But Black's mother—who asked her name not be used—attempted to impugn her own son's credibility.

"His reputation for telling the truth hasn't been so good since he got back from overseas," she said in a telephone interview. "He had malaria and his stories are kind of mixed up."

Besig's letter also named two other incidents of alleged brutality he and his investigators have uncovered at the stockade, one involving a prisoner who was worked over when guards attempted to put him into solitary confinement.

"After carefully examining the matter," Besig's letter concluded, "I am persuaded that prisoners in the stockade have been subjected to abuse and mistreatment, but the exact extent of this I do not know.

Mr. Speaker, this 1968 investigation was merely the beginning of complaints about conditions in the Presidio stockade. Since that time there have been indications of one successful suicide—and a number of attempts apparently resulting from mixing psychiatric prisoners with others, and the overcrowding by as much as 30 percent, as well as shortages of food rations.

The matter culminated last October when a young man by the name of Richard Bunch from Dayton, Ohio, a stockade prisoner doing cleanup at the nearby Letterman Hospital, incarcerated for AWOL, and awaiting hearing, attempted to abscond from the work detail on which he was sent along with a group of prisoners. During the detail Bunch said he was considering walking away from the detail and asked what the guard intended to do about it. The guard was armed with a 12-gauge shotgun, loaded with No. 12 shot, alleged to be birdshot by the Army. Of course, that is the heaviest birdshot manufactured. The guard indicated to Bunch that he would be shot if the attempt was made.

Bunch walked a few steps and then began to trot. The guard leveled the shotgun and shot Bunch in the back at a distance of somewhere between 7 and 20 yards.

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

Mr. LEGGETT. I yield to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Speaker, at this point, there has been some controversy over whether the guard issued a warning or whether he did not. It is my understanding there is conflict in the testimony. I wonder if the gentleman from California (Mr. LEGGETT) would be good enough to elaborate on that point.

Mr. LEGGETT. Mr. Speaker, that is exactly correct. There is conflict on that point. Witnesses have given various statements. One statement that I could put in the RECORD at this point is a statemen of Pvt. Linden Blake, who states simply:

On Friday, October 11, I was assigned to a work detail with Richard Bunch. We were to go to the supply company for the hospital and put together wall lockers. The boxes of parts (for the lockers) were on the sidewalk in front of the supply room, across the street from a barracks where we went to get a drink of water. There I first noticed Richard Bunch was bothering the guard, asking him questions such as "would you shoot me if I ran." As we went back out into the street to cross it I heard Bunch say something like "aim for my head," or "you'd better shoot to kill." I wasn't paying too close attention, as I had said something to Bunch like "don't bug him, he's got a gun," and I thought he was talking foolishly in the barracks. Bunch and the guard were in the middle of the street, two other members of the detail, Colip and Reims, were in the supply room, and I was on the sidewalk with my back to Bunch and the guard. I heard footsteps, and the click of the shotgun being cocked, and I turned to see the guard aim and fire, hitting Bunch in the small of the back. There was no command of "halt" given by the guard and Bunch was 25 to 30 feet from the guard when he was shot. There was one shot fired. After shooting Bunch, the guard whirled, pointed his gun at me and yelled "hit the ground, hit the ground or I'll shoot you too." Then he seemed to have flipped and said "I hit him right where I aimed, in the lower back," and then "Why did I do that? I didn't want to kill anybody. I should have let him go, I didn't want to kill anybody." There were only 4 other witnesses, two were on the detail who saw at least part of what happened—

I might say their statement was substantially the same as this statement of Mr. Blake—

and two others down the street worked at the Quartermaster laundry.

Mr. Speaker, I ask unanimous consent to submit the statement of Linden Blake at this point in the RECORD.

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

Mr. LEGGETT. I am glad to yield to the gentleman.

Mr. COHELAN. If the gentleman will yield again, he is a distinguished member of the Committee on Armed Services. I cannot recall what the practices are in the various military services, but I now ask the gentleman, is this the standard practice as far as stockades are concerned in the various services? It seems to me I recall in the Air Force, for example, they have a minimum security arrangement and the overseers in the stockade in these minimum security areas do not carry guns. I do not know if you can comment on that.

Mr. LEGGETT. The gentleman is exactly correct as far as some of the various regulations applying to hypothetical situations are concerned. I would not want to apply the law as applied to the factual statement I just made, because we do not know whether those facts are for sure exactly as recorded there. There has been some conflict. The Army in an attempt to cover itself stated that three warning shots were fired, although to date I have not heard any witnesses testifying in any of the trials pending that any such warning shots were fired. The Army later admitted that none were fired but that the guard yelled at them to stop. A number of the prisoners, however, did not hear the shouts although they were within a few feet of the guard.

Mr. COHELAN. We want the record to be perfectly clear on this. It is very important, I believe, that the gentleman recite the details. My own information

would go as follows: There were two witnesses who said that they heard something and heard the guard shout twice before shooting. Four other witnesses did not hear any warning shouted by the guard, according to the sworn testimony. Be that as it may, I think it points up the fact that we have to do something about this. This does not make sense. One thing that bothers me is that in a minimum security situation, I cannot understand why they used shotguns, and especially with such powerful ammunition. I am not a hunter. Even though I qualify to shoot one of those things with some proficiency, guns are just not my thing. I happen to know that you are interested in them and you are a hunter. Why would they have a bullet that big there? It is like using a dum-dum or some of those other things we talk so much about as being inhumane. Why would they do that?

Mr. LEGGETT. It seems to me very strange that we would have an armed guard for four young men who had not been to trial, that is, where their guilt or innocence had not been established. Of course, the House passed a very liberal bail policy bill in civil cases last year. Here were four young men who had not been convicted of anything and who were on a work detail. They sent them out on the hospital grounds with a 12-gage shotgun—not No. 7 shot which we use for pheasant or No. 6 shot which we use for duck but No. 4 shot where they can bring down a 30-pound goose, a Canadian honker, with one pellet.

And this is a kind of armament that they apparently feel they have to give to a guard on the hospital grounds watching a work detail. I am not even satisfied that this guard should have been armed. I am going to give additional data as I develop this case with reference to this particular facet of the matter.

Mr. COHELAN. Mr. Speaker, if the gentleman will yield further, I hope the gentleman will develop that with reference to all practices in the other services. It is my understanding—and in my opinion it is terribly important—that the other services, at least one other service, the Air Force within my information, does not handle this type of stockade situation in this fashion.

I thank the gentleman for yielding.

Mr. LEGGETT. I thank the gentleman for his comments.

In response to a large number of congressional inquiries the Army published a fact sheet outlining its view of the incident at the stockade. This fact sheet is of interest mainly for the omissions it contains and the evidence of bad arithmetic on the part of the officials.

A commission of clergy—the United Ministries in Higher Education, a group of Protestant denominations which minister to a number of Western universities—compared the official Army fact sheet version of the incident with the pretrial records and other entries in the stockade books.

The Army fact sheet states that the prisoner capacity of the fenced-in portion of the Presidio stockade is 103 men. The Army fact sheet further states as follows:

A weekly check of the prisoner population for the same day of the week from 15 August 1968 to 31 January 1969 revealed that the population of the fenced in portion of the stockade exceeded 103 men on six occasions; these were: 5 September 1968, 105 men; 12 September 1968, 110 men; 19 September 1968, 108 men; 10 October 1968, 111 men; 16 January 1969, 112 men; and 30 January 1969, 111.

These figures simply are not accurate. They are contradicted by the confinement officer, Captain Lamont, as well as by the guards and prisoners on November 19. At the article 32 hearing, presided over by Capt. Howard McElhatten, Captain Lamont testified that for 52 days preceding the October 14 disturbance, the stockade prisoner population exceeded 103, which is the expanded capacity. According to Army regulations, a stockade can operate at emergency capacity for a maximum of 7 days. Captain Lamont recorded in his own handwriting the daily stockade population from August 1 to October 28. This handwritten record was obtained by one of the civilian defense attorneys at the article 32 hearing: September 5, 1968, 126; September 12, 1968, 126; September 10, 1968, 125; October 10, 1968, 130.

Further, Captain Lamont's record shows that on October 14, the date of the alleged mutiny, the stockade population was 140. On October 15 it reached 145 men. On the date of the second pretrial investigation, the stockade population was 120.

I think these are important matters to keep in mind. Not only does it bear upon the size of the stockade and the crowded conditions, but also bears upon the food.

Of the 14 days of 1968 during the second pretrial investigation Captain Lamont testified to a shortage of rations at the stockade. He stated that the stockade had rations for 104. You recall I said there were 140 men in this stockade for a number of days and for 58 days they were continuously in violation of the 103 limitation. The tension created by this overcrowding obviously was heightened by the shortage of rations.

The stockade cells were below standard and on this point I would cite the Army's record where they point up in their factsheet that the investigation revealed the segregation cells were smaller than the minimum measurements required by DOD directives. They were 5 feet wide by 6 feet 3 inches long and 8 feet high. The minimum measurements required by DOD directives are 6 feet wide by 8 feet long and 8 feet high. This violated both the height and the length regulations.

A waiver had been granted to allow the Presidio stockade to use these cells as an exception to the standard established. The investigation further reveals that in all other requirements the stockade meets the required standards set forth by the Department of Defense. The Inspector General, 6th U.S. Army, has also investigated the conditions at the stockade. This report is being forwarded to Department of the Army for review.

Now, the ministers also say some other things. There have been several investigations of the stockade both before and after the alleged mutiny. The general pattern is that prior to any formal tour or investigation the number of stockade prisoners is decreased. In January, General Westmoreland visited the Presidio. Several days prior to his arrival 40 prisoners were removed from the stockade. A similar lowering of the population occurred before the visit of a representative of Congressman WHALEN last October.

The Army has stated there is no evidence to indicate that Private Bunch was mentally disturbed. They said he was examined by a psychologist at the Presidio who reported this lack of evidence. Again it is strange that the Army would deny its own evidence. Last May Bunch's mother tried to have him admitted to a civilian hospital in Dayton, Ohio. She has a letter from a JAG officer at Fort Meade, promising that her son would receive psychiatric care, the psychiatrist who examined Bunch at Letterman Hospital—Presidio—filed a written report stating that Bunch was, among other things, a manic depressive. The Army as well as a Member of Congress has a copy of this psychiatric evaluation on file.

At this point I would like to put into the RECORD statements made by Bunch written on a pad in his cell the night before he was killed. The notes state:

Very well, since they want me I'll do it.

Well, if you are not going to give me love at least do me the favor of complete elimination. But one click and it's over.

On the second page:

United States. I'll pay—save everyone else. I will be—I am the Don. I'm not giving up my cross if I have to work for it a thousand years.

I say that the Army was obligated by its regulations to conduct a continuous study with respect to the psychiatric capability of its inmates. They should have known the suicidal tendencies of this obviously psychotic young man.

Mr. COHELAN. Mr. Speaker, would the gentleman yield on that very point?

Mr. LEGGETT. I would be glad to yield.

Mr. COHELAN. Is it not the truth that it has been alleged that there have been other suicide attempts? I wonder if the gentleman could comment on that?

I have received a tremendous volume of mail on this subject, and many of the letters allude to the conditions in the stockade, and to the fact that among some of the men there are suicidal tendencies, and that there have been suicide attempts.

Mr. LEGGETT. That is my information also. I believe it grows out of the crowded conditions at the stockade.

As the gentleman knows, the Presidio in San Francisco was established in 1776. I presume it was established by the Mexicans at that time to protect some of the old missions. Subsequently the Army established facilities there in 1851. I believe we could therefore presume that it is rather an old facility. It is quaint, it is historic, it probably should be preserved. But I doubt that it should be used as a modern prison to support the 6th Army in San Francisco.

Mr. COHELAN. If the gentleman will yield further, I would like to add at this point that, as the gentleman well knows, we have one of the greatest teaching hos-

pitals in the United States at the Presidio at San Francisco; namely, the U.S. Army hospital known as the Letterman Hospital. In addition to that, from my own period on the committee I know very well by its close affiliation with the University of California School of Medicine, which works with the 6th Army, that it has one of the best psychiatric programs in the military service that I have observed at the Letterman Hospital.

I find it strange that with all the brilliant work being done in their medical section that they cannot take account, what is going on down at the stockade, because it is all related to the morale of the troops.

Mr. LEGGETT. Exactly. Of course, the army knows about psychiatric segregation. In the manual for maintenance of prisoners and stockade confinees, they are to review the psychiatric situation on a continuous basis and train their personnel and this simply was not done in this case.

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

Mr. LEGGETT. I yield to my colleague, the gentleman from California (Mr. WALDIE).

Mr. WALDIE. It would occur to me from what little information I have, the answer, involving one of the young men still awaiting trial who resides in my district, is that the psychiatric treatment that would have been required to have prevented the incidents that have occurred thus far should not have been directed at the young men that were kept in the stockade, but at the—perhaps the officers, and the people who were there to take care of them.

I particularly have reference to the young man who apparently shot this fellow in the back with a shotgun from 7 to 20 feet away.

Does the gentleman know what sort of training these guards are given; and from whence they are derived? Are they especially trained for this type of service or are they simply thrown into service without any training and without any indication of the nature of the charge or the duties that are facing them?

Mr. LEGGETT. Well, this is a very technical problem. The commitment of military prisoner's manual FM 19-60 sets forth a long and voluminous series of tests, training required, and standards for the operation of a jail.

I think that in California our correctional facilities are near the top in the country. I think it is common knowledge that you just cannot take a rank recruit and put a gun in his hands and say, "Take these men down to the hospital grounds and stand guard over them."

Mr. WALDIE. Was that the situation in the instant case?

Mr. LEGGETT. It appears that that is a lot like the instant situation. I see no evidence of training of this young guard.

I notice that the army admits that the guard never sighted in his weapon and did not know the limits of his weapon. Unfortunately, he had a weapon that continuously shot a little bit higher than where it was aimed. It is hard for me to believe that a shotgun would operate in this fashion, but apparently that was the situation that prevailed in this instance.

Mr. WALDIE. The only aberrational conduct that I have witnessed so far recited in the story and from my understanding of the events—with the exception of this disturbed individual who indicated he was going to run away—all the other aberrational conduct seemed to stem from people who had charge of that stockade and then later from those in whom was vested the duty of trying the soldier—that was sitting around for half an hour.

If the evidence is available and as accessible as readily as it is, it came to me there might be wisdom in having some of the people in charge of that stockade subjected to some examination to determine whether they are emotionally capable of what is essentially a very sensitive type of duty.

It would appear to me thus far that there is not much indication that such emotional stability as that existed.

Mr. LEGGETT. I thank the gentleman for his comment. I think there is something wrong with the management of this facility.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. COHELAN. Just to pursue that point for a moment—because in the course of my investigation on this subject, there have been allegations—and again I cannot prove the statement and I am very cautious about it—but in one of the allegations that was made, reads as follows—"there was evidence of some misconduct on the part of some of the guards in making threatening gestures toward the prisoners and using abusive language toward them."

Has this come to the gentleman's attention? Is it possible that this is something that went on as well—that there were guards goading the prisoners?

Mr. LEGGETT. The reason I tend to place some credibility in that statement is the fact that the press reported 6 months before a like incident and they talked about separate factual situations which had shades of abuse by the guards—where the guards or interns would use expressions like, "Sit down or I will blow your head off." Things of that nature—which are totally inconsistent with a well-managed prison or confinement facility.

I think we ought to get to the disobedience that occurred. We cited, of course, the problems at the facility. I think it might be well, having in mind the stockade conditions, to review the things that were improved by the Army's own admission, by the statement of the Provost Marshal, subsequent to the protest made by the young men.

The interior of the Presidio was repainted. An intercom system was installed. A perimeter fence was constructed around Building 1212 to provide recreational and exercise room. Perimeter lighting was installed. A new heating boiler was installed. A new medical treatment room was constructed. An additional building was constructed for administration. New locks were installed on all cellblocks. The mess hall seating capacity was increased from 40 to 50. Two new stoves were installed in the mess hall. A new soap dispenser was installed in the mess hall. A fire sprinkler system was installed. Broken windows and light bulbs were replaced. A hospital prison ward was constructed at Letterman General Hospital.

As far as personnel was concerned, they increased guard personnel from four to 12 per shift, and increased cooking personnel from five to eight. A major has been assigned as permanent adviser. They have increased finance and chaplain support.

Then there were these three very important matters: daily training has been initiated for all prisoners. The inference is that they did not have daily training prior to the protest. Weekly training has been initiated for all custodial personnel, and in line with the statement of the gentleman from Contra Costa County, I would say it is about time that they initiated this custodial personnel training. It is unfortunate that they did not accomplish it prior to the 12th or the 14th of October.

They have increased recreational supplies from those presently on hand, including two television sets. This is in a privileged communication, but those are the facts, and those are the reforms that were made.

Against that background and against the facts surrounding the death, what was the attitude of the Army prior to the mutiny? I think the statement published by General Larsen, is indicative. It states:

> The civilian lawyers are attempting to turn this into some sort of anti-war circus.

The effect an Army press release—made at or about the 12th of October, the day after the shooting, stated very clearly that the Army did not think that anything had been done wrong—there were no conditions in the stockade that needed any reformation. This is contrary to the statements that we have referred to by the Provost Marshal that were made subsequently. With that kind of background I think it was inevitable that the men in this stockade would erupt on the 14th of October.

As the first prisoner's name was called, 28 prisoners left the formation, walked away, sat down, and began singing and chanting, "We shall overcome," and "America the Beautiful." About 30 minutes transpired, and 25 military policemen entered the stockade and escorted the demonstrators from the scene. No force was required other than physically carrying some of the prisoners off.

Among the other things that they chanted, to quote Major Hummell was:

> We want elimination of all shotgun-type work details. We want complete psychological evaluations of all personnel who are allowed to work in the stockade. We want better sanitary conditions.

The prisoner also read a protest of the killing of Richard Bunch and the Army's verdict of justifiable homicide.

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

Mr. LEGGETT. I yield to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Speaker, I wonder

if the gentleman can tell us, in the course of this alleged "mutiny," was their any act of violence committed?

Mr. LEGGETT. No act of violence whatsoever.

Mr. COHELAN. Was there any destruction of property that we know of?

Mr. LEGGETT. None whatsoever.

Mr. COHELAN. So the thing called mutiny was a thing in which there was no violence and no destruction of property, but apparently there was some disobedience. Is that the understanding of the gentleman?

Mr. LEGGETT. Yes. There was an attempt to try to reform and reorganize the procedures which were in effect in the stockade, which I might say parenthetically obviously needed reformation.

Mr. COHELAN. The gentleman from California (Mr. LEGGETT) is a distinguished lawyer with trial experience, and I do not qualify in that department, but will the gentleman tell me, is this a case of willful disobedience or a case of mutiny? I do not understand things like "charges" and how the attorneys and district attorneys frame these things, or maybe that is a poor choice of words. How are they propounded or developed? What is it the lawyers do when they make these charges?

Mr. LEGGETT. I have never been in the position of an Army prosecutor—or persecutor—but apparently they have very wide latitude under Article 94 of the Criminal Code to develop a charge and to bring court-martial proceedings.

Obviously when one is on the front line and there is even a minor failure of subsidiary command to follow instructions, the Army needs a big clout in order to maintain discipline. If a commander says, "Charge up the hill," and it looks like one might be committing suicide, it is traditional in the Army that one does not argue with the commander but charges up the hill. They need that kind of clout in time of war.

But it is the same law under which they are prosecuting a sergeant for not following an order of the lieutenant in charging up the hill, that they are using here to charge these young men in California for protesting rather substantial irregularities in the prison stockade.

Mr. COHELAN. I want to make the record very clear. I do not approve of the behavior of the men in the stockade.

Mr. LEGGETT. I do not.

Mr. COHELAN. I am now asking the gentleman from California (Mr. LEGGETT) what was it they did wrong?

Mr. LEGGETT. I do not think these young men deserve a medal either. On the other hand, there are apparently a number of infractions simultaneously going on, and I am not so sure the young men sitting down involved the most serious. I believe maintenance of the stockade was perhaps the more culpable of the actions that here occurred.

It is my understanding that these factual situations were thoroughly investigated by the Department of the Army and particularly by Captain Millard and Captain Bradner. I want to put in the RECORD their recommendations, at a slightly later time, but their recommendations are in line with the innuendo of my colleague, wherein he cites the fact that technically it is possible this could be a mutiny, but only an insane paranoid commander would try to get the death sentence. Nobody here is trying to do that.

Mr. COHELAN. Mr. Speaker, if the gentleman will yield, the fact is that two of the pretrial investigators said the charges should be willful disobedience and that it did not have anything to do with mutiny. The third did not comment one way or the other, but recommended action under article 94.

Mr. LEGGETT. The majority recommended a charge of willful disobedience.

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

Mr. LEGGETT. I yield to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Speaker, it does seem to me we should not fall into the error of trying to justify actions based on the conditions in the stockade. Investigation of those conditions, I think, should be made, but the conditions cannot justify what they did in confinement. While in confinement, that action takes on stature greater than the simple disobedience would be outside confinement.

That does not mean I concur in the charges brought against them nor the disposition of the charges. But I want to make clear my views that I do not concur, that I believe there was in any way justification or mitigation for what they did. What they did in terms of their confinement was wrong and should be punished. My question on this procedure stems from the way in which their court-martial has been held and the charges brought against them so far.

Then I have a further objection. The conditions of the stockade, as I understand them to be, would seem to me to warrant each question having a different type of handling and not necessarily attempting to connect them.

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

Mr. LEGGETT. I am pleased to yield to the gentleman from New York.

Mr. LOWENSTEIN. I would like to know whether there is any information available on who reversed the recommendation of the hearing officers, Captain Millard and others, and for what reason. Is there any information on why higher military authority departed from their recommendation and decided to prosecute for mutiny?

Mr. LEGGETT. The records available, which the counsel for the defendants have, is totally devoid of, first, any reasons for the minority recommendation and, second, any reasons for the acceptance by higher command, assumedly the commander of the stockade, and I guess also the commander of the 6th Army, General Larsen.

Mr. LOWENSTEIN. Is there any indication that the Army is taking steps to see to it that conditions in stockades around the country like those we are discussing today are corrected? Surely such conditions cannot be condoned, and if such conditions are to continue must we not expect protests to continue as well? Is there any indication that the Army is taking any interest in this problem, and that it will move to investigate and correct such conditions with a speed and enthusiasm like that it has displayed in handling the Presidio protest? Do you know if anything is being done, in short, to correct violations of Army regulations by stockade commanders and other military officials, or is punishment being sought only for those who violated Army regulations to protest other, and precedent violations?

Mr. LEGGETT. I can say that I discussed this with General Westmoreland and with the General Counsel of the Army. In part this may be the problem of the Congress, because with our massive budgets, as you know, for the Vietnam war, where we had an $82 billion defense budget last year with half of it going for the Vietnam war, we have been relatively starved in our domestic military plant for funds for construction. I hope that we can have some kind of construction program to build back some of the facilities that we need in this particular stockade this year.

Mr. LOWENSTEIN. I assume that you are aware of the announcement by Senators GOODELL and CRANSTON, that they wish to proceed in the Senate with an investigation. Does the gentleman believe that we can be of assistance in a general investigation of conditions in stockades all over the country? How can we help prevent further situations and incidents that cause unjust and needless suffering, not just among men who protest conditions, but among all men obliged to do time in military prisons?

Mr. LEGGETT. My experience is that if authorities are going to neglect some part of their apparatus in some area, they are generally going to neglect their prison capability. This is true with respect to municipalities and counties and States, I have found. I have no reason to believe that the Army is not similarly postured. With the evidence that we have in this case concerning the utilization of a 100-year-old fort as a stockade, we should have some special interest in pursuing this matter, I believe, either in the military subcommittee of the Committee on Appropriations or in my House Armed Services Committee or in the Committee on Government Operations, which I know has made an investigation and which is concerned about things that occurred here.

Mr. LOWENSTEIN. I want to thank the distinguished gentleman from California for rendering a great service by bringing this matter directly to the attention of the House and for helping to bring it to the attention of the country. I hope we are helping the Army today to arrive at a clearer idea of what infractions of rules occurred in the Presidio than they seem to have arrived at heretofore. Mutiny, indeed. If this be mutiny, what is it to go a.w.o.l.? What would poor Captain Queeg have to say if all it takes to commit mutiny in the new Army is to sit down and stage an unauthorized sing-in? One need not condone stockade sing-alongs to doubt that they constitute a capital offense. I hope too that we can help the Army to arrive at punishments that more nearly fit crimes, as a general principle in the execution of military justice. It seems especially unfortunate when the Army behaves in a way that

can only encourage doubt about the fairness of its enforcement of its own regulations.

There is a sense of outrage when ordinary citizens violate each other's rights or needlessly demean each other's humanity. This sense of outrage must be even greater when an instrument of Government demeans its own citizens. Men in service are citizens, men in stockades and prisons are human beings. We do ourselves harm as a people if we overlook or minimize miscarriages of justice because the victims themselves are disturbed people or have transgressed the law.

Mr. LEGGETT. I thank the gentleman from New York for his very valuable comments on this matter.

Mr. Speaker, at this point I would like to insert in the RECORD items 12, 13, and 14 of the Army's factsheet on the incident and ask unanimous consent to include those points so that they may appear in the RECORD at this point and which further particularize some of the activities on the part of the new personnel at the time this mutiny occurred.

The SPEAKER pro tempore (Mr. EDMONDSON). Without objection, it is so ordered.

There was no objection.

The material follows:

12. Instead of following the Army Regulation contained in the Standard Operating Procedure of the Stockade, which instructed him to first reason with the prisoners and then to use the minimum amount of force to resolve the situation, Capt. Lamont immediately began to read to them Article 94 of the UCMJ (the mutiny charge). When he was signaled that he could not be heard, he went outside the stockade compound to a near by M.P. car and used its loudspeaker. According to the prosecution, he also ordered the men to return to the stockade building. However, witnesses testify that Capt. Lamont did not identify himself while using the loudspeaker and that he was at least partially blocked from view by the car door. Further, a Dr. Salmon, a sound expert from Stanford Research Institute testified at the first trials that, in all probability, the prisoners could not hear Capt. Lamont even over the loudspeaker. Other witnesses testified that the static in the loudspeaker made it difficult to hear Capt. Lamont.

13. The Army's fact sheet on the incident also fails to mention that:

(a) According to Capt. Lamont's own testimony, he had been notified by a stockade guard at 0530 on 14 October that there was possibility of a disturbance in the stockade that morning. He testified that at the time he went back to sleep and took no preventative measures to avoid any problems.

(b) Capt. Lamont was called to the stockade at 0730 14 October. When asked by one of the attorneys at the first trial why he did not take steps that had less severe potential than reading the mutiny charge, he testified that his mind was fixed from the beginning on mutiny as the proper charges to make. His own statement is further substantiated by the fact that he arrived at the stockade with a photographer and fire engine.

(c) When asked why he did not follow the Standard Operating Procedure manual directive that he attempt to reason with the group, he stated that he was not familiar with the directive. Given the fact that the group had called for him and had attempted to communicate their grievances, it seems fair to assume that an attempt on his part to reason with the men may have resolved the disturbance.

14. According to the Army's fact sheet, two of the three Art. 32 Investigating Officers, Capt. Richard Millard and Capt. James Brander, recommended against bringing the mutiny charge. Capt. Millard, in his official report stated that the facts of 14 October did not substantiate a charge of mutiny. Further, he said that in his opinion the case "had been built up out of all fair proportion." He recommended a special courts-martial with a maximum sentence of 6 months, stating that if such a punishment "were not adequate deterrent to such demonstrations, then the focus of the command should be on the conditions in the stockade which give rise to such disturbances." Capt. Millard reported that there was ample evidence to indicate that the conditions in the stockade were substandard.

Mr. LEGGETT. Mr. Speaker, the trials of four of the 27 men have now been completed. The first and second sentences were adjusted. Private Sood's sentence of 15 years was reduced to 7 years. Pvt. Roy Aszcpish's was reduced to 16 years.

Mr. Speaker, I am very pleased to advise the House that a few hours ago the Army delivered to me a statement, which reads as follows:

Knowing of your interest in the mutiny courts-martial trials being conducted at the Presidio of San Francisco, I would like to provide you with the following information.

The Department of the Army announced today that the Judge Advocate General of the Army upon review of the complete trial record in the case of Private Nesery D. Sood, one of 27 soldiers charged with mutiny at the Presidio of San Francisco, reduced the sentence to 2 years confinement at hard labor. The Commanding General, Sixth United States Army, had previously reduced the sentence from 15 years to 7 years.

The Judge Advocate General exercised clemency in this case through powers delegated to him by the Secretary of the Army under Title 10, United States Code, Section 874. Private Sood's case is the first of 27 mutiny cases to reach the appellate stage under established military appellate procedures. No change was made in that portion of his sentence which included dishonorable discharge and total forfeiture of pay.

The case now goes automatically to a Department of the Army Board of Review for further review. This Board may set aside the findings of guilt, approve a finding of guilt of a less serious offense, or still further reduce the sentence. It cannot increase the severity of the punishment as reduced by The Judge Advocate General of the Army. Should the Board of Review affirm the conviction, Private Sood may petition the U.S. Court of Military Appeals, which is composed of three civilian judges, for further review of questions of law. Throughout the appellate review of the case of Private Sood has the right to retained counsel and, at government expense, appointed military counsel.

Sincerely,

Col. RAYMOND T. REID.

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

Mr. LEGGETT. I yield further to the gentleman from California.

Mr. WALDIE. I do not understand clemency that takes the form that you have just related.

Is there any description of what the commanding general found that moved him to such great compassion that he reduced the sentence from 16 years to only 7 years? What led him to take this action of clemency to strike 9 years off his sentence? Does he describe this in any written report?

Mr. LEGGETT. This is what we call the "blindman's buff" of military appeals and it is one of the problems of fixed sentences which you know we have gotten away from in most of the civilized courts of the country. We have come to a compassionate study of the problem through the use of sociologists, psychiatrists, and penologists to review these cases in the light of their expertise in these matters.

Mr. WALDIE. Is it just a reflection of this general's benevolent nature or is it a reflection that he disagreed with the trial or some presentation of facts, or is it just a demonstration of a generous heart that led him to reduce the sentence by 9 years? Does he say anything about that in a written report?

Mr. LEGGETT. There is no written report that accompanies this modification. Likewise there is no written report accompanying the JAG's determination to reduce it to 2 years, because, incidentally the decision is based on the disposition of comparable cases, though admittedly we have only had about four of these in the last 60 years.

Mr. WALDIE. The letter that the gentleman just read was from whom? Did the gentleman say?

Mr. LEGGETT. The letter was from the Army liaison, from Colonel Reid.

Mr. WALDIE. In that letter he stated that the reduction in sentence was an exercise of clemency, as I gather the term, an exercise of clemency, an exercise of compassion and mercy?

Mr. LEGGETT. That is what I understand.

Mr. WALDIE. So I presume that there was no error found in these trials, and that the general was demonstrating that he was a truly merciful individual, and he possessed compassion.

Mr. LEGGETT. That is what I understand.

Mr. WALDIE. I thank the gentleman.

Mr. LEGGETT. I thank the gentleman for his comments.

Mr. COHELAN. Mr. Speaker, if the gentleman will yield further, I would like to point out that 2-year clemency seems to me to be still rather harsh.

Mr. LEGGETT. I believe it is harsh by about four times what it should be.

Mr. COHELAN. That is right, and on this point we should stress again that while no one is approving the misconduct of these men, and I believe they should be punished, what seems to me to be relevant at this pont is how this sentence compares with sentences that customarily have been handed down in these types of cases. Two years sounds to me like a terribly rough rap.

Mr. LEGGETT. What I am concerned with is that, of the 51,000 young Americans who deserted from the Army in excess of 30 days, representing deliberate and premeditated withdrawal from duty, perhaps some of them in the line of action, the average time those men are getting is about 6 months confinement as compared to this case where we have a criminal prosecution—and I call it a persecution—they take on these young men for 30 minutes of remonstration, admittedly face to face with the commander, and then embark on a cam-

paign to throw the book at them, and in fact they have.

I believe that the evidence in this case indicates very strongly that there has been passion, prejudice, anger, and all of the things that should be secularized from judicial administration.

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

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

Mr. LOWENSTEIN. I thank the gentleman for yielding.

I join my distinguished colleagues in reiterating that in no way do these comments question the right of the Army to make and enforce appropriate regulations, especially in a stockade among men already convicted of violating regulations. But I am very concerned about whether there is evidence that these men were charged with this extraordinary offense, considering what in fact it is that they did, and then given these extraordinary sentences—I am very anxious to know whether that has anything to do with the fact that they were alleged to be opposed to the policies of this Government with regard to the war in Vietnam.

What I am asking is whether political prejudice may be involved and whether one of the reasons for this handling of their cases might be a determination by the Army to crack down on antiwar behavior, to discriminate in the handling of military infractions on the basis of imputed or actual political motivations behind infractions?

Mr. LEGGETT. Again perhaps one could construe that these young men went a.w.o.l. and are in the brig in the first place for the reason that they had reservations about the war, particularly that is true of Private Yost.

Mr. LOWENSTEIN. A decorated veteran.

Mr. LEGGETT. A decorated veteran, and he had been in the war and in Vietnam. He has a Purple Heart, and he had done an excellent job in education. They named a school after him. He came back, and he got a little mixed up again, but again it was a minor infraction, not one to rate a capital offense. But I do not believe political activity of these men has any part of this, but I think the part that does may be the fact that demonstrations have been going on and are going on right now in California, such as that at San Francisco State, and at Berkeley, and possibly because the headquarters for the antiwar movements is in California. I believe in some way that it is shading the allegations made by the prosecutors in this case. They wanted to try to say indelibly that "When you put on a uniform you do not have the rights of ordinary people, you do not have any civil rights, you are totally dedicated, and you had better understand it, and we are going to use this as an example and as a deterrent to stop protests all over the country. It has not occurred, and we are not going to let it start."

Mr. LOWENSTEIN. If I may go a bit further, there is much that puzzles me about these cases. Several of these men had served in Vietnam, as I understand it, some with distinction. Yet the magnitude of their punishment is virtually without parallel. Now, why is this? Why were the hearing officers overruled? Was an "example" being set, and, if so, of what and to whom?

I do not believe there is even any clear evidence that these men intended to make a general antiwar protest when they sat down, unless singing "We Shall Overcome" makes the singing ipso facto more political and thus more criminal than it would otherwise have been. But then they also sang "America, the Beautiful." Surely this should have had some mitigational value, if these be new tests of how to apply regulations.

So I would like to find out if the fact that they sang a particular song, or engaged a particular attorney, or that their cases were taken up by particular groups of citizens changed the nature of their offense so enormously in the eyes of the military authorities that instead of being treated in the normal routine of military justice they became subject to special treatment based on a theory about their political attitudes.

I do not want to be unfair to the Army, but it seems to me these questions must be aired in these circumstances. I am curious about the gentleman's views on this aspect of the affair.

Mr. LEGGETT. I do not remember the name of the song or to determine the pigeonhole in which the army determined to pursue this case, but there are shades of something like that. But I am not prepared to make that determination at this point.

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

Mr. LEGGETT. I yield to the gentleman.

Mr. WALDIE. I am confused as to a procedural point as to what occurred here.

Once the determination was made to charge these men with mutiny, if a guilty finding was made, was there any option as to a sentence of less than 16 years? Did the initial sentencing authority have any option to go down, for example, to 9 years or to 2 years in reviewing that charge?

Mr. LEGGETT. I understand that there was full plenary jurisdiction in the court-martial, but there was no fiat minimum—except that it might be in excess of 6 months—but I am not acquainted exactly with the procedure.

Mr. WALDIE. This is certainly, at least thus far, a total repudiation of the original board in their original sentence. I mean the Army was seeking to make a point and it seems to me lost that point, even so far as the commanding generals, and certainly repudiated his original board of officers and their sentence and then further repudiated the sentence including the general when it went from 7 years, which was reduced to 2 years.

It seems to me to be a total repudiation of everyone who has made a determination in this case thus far and I would hope that this last determination will be further repudiated somewhere along the line.

Mr. LEGGETT. I think the gentleman's remarks are accurate and I would hope we would even have a further repudiation.

I would certainly hope that nobody takes any particular prejudicial offense at the remarks we are making here as concerned Americans on the floor of the House today.

I hate to intervene in any judicial case, which this is, but I do not think this is a closed case. I think we are here arguing this case and it is not a closed case. The Army is way off base in bringing a capital charge and bringing in a big sentence. They were pursuing this case in the wrong way and I certainly hope the appellate agencies will further reduce this and will look kindly toward a substantial reduction in the sentence below 2 years.

I would certainly hope that we have indelibly set a pattern in this Sood case that will be followed in other cases.

Mr. Speaker, I would like to put in the RECORD at this time items numbered 19 and 20 from the minister's statement, and I particularly refer to the resolution of the San Francisco Board of Supervisors protesting this action in San Francisco.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

In particular, he noted that the DD 510 procedures for filing grievances was "shoddy and inefficient." Capt. James Bradner recommended a general courts-martial for willful disobedience. Both men pointed to the mitigating circumstances of the disturbance.

All three of these men had been previously recommended for administrative discharge by Army psychiatrists. This is also true of at least six others of the 27. Pvt. Richy Lee Dodd, for example, was recommended for immediate discharge by Army psychiatrists in June of 1968. In October 1968 he was still in the Presidio Stockade. No action had been taken on his case after 5 months. Many of these men have attempted suicide several times. Pvt. Louis Oszczpinski slashed his wrist during his court-martial. Richy Dodd had slashed his wrists last summer. He was bandaged and returned to his cell. Whereupon, he hanged himself with his bandages. He was pronounced dead on arrival at Letterman hospital, but was revived. Despite these facts the Army insists that there have been no "serious suicide attempts in the stockade in the past months."

The mutiny charge, the convictions and sentences have aroused a great deal of protest in the Bay Area and around the country. Both the major San Francisco papers have editorialized against the sentences and the San Francisco Chronicle called the mutiny charge an over reaction. Eleven Northern California religious denomination leaders have called the charge "inhumane and intolerable." On February 24th a member of the San Francisco Board of Supervisors introduced a resolution in that body calling on the Army to drop the charges and reverse the convictions and requesting a congressional investigation into stockade conditions at the Presidio as they have existed over the past eight months.

Mr. LEGGETT. At this point, Mr. Speaker, I ask unanimous consent that the statement of the gentleman from Pennsylvania (Mr. MOORHEAD) be included in the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I would like to commend the gentleman from California for calling the attention of Congress to a situation at the Army's

Presidio stockade in San Francisco, where recently a number of the Army prisoners staged a sit-down strike protesting the shooting of a fellow prisoner and the deplorable conditions existing in the prison.

The evidence that I have accumulated to date leads me to believe that there is something quite wrong at the stockade and with the military's handling of the prisoner disturbance.

Currently the men who participated in the demonstration are being tried for "mutiny," a rather severe charge in light of the details both overt and extenuating.

Many of the men involved have a history of suicide attempts and other mental disorders.

Their tragic attempt to show their plight while in prison is being met with a very hostile and drastic overreaction by the Army authorities. Already, one of the 27 men involved, has been sentenced to 15 years hard labor, dishonorable discharge and forfeiture of all pay and allowances. Since his incarceration, his three children have been made wards of the court owing to his "neglect." Another of the soldiers on trial was given 4 years hard labor, dishonorable discharge and total forfeitures.

The other defendants are presently awaiting their turn at "Army justice."

Before this matter goes any further, I think the Congress should have full and complete information concerning the charges and trial. And the Army should show just cause why 27 men, who were already prisoners, men who were living in very questionable conditions, were charged with "mutiny."

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that at this point in the RECORD the statement of the gentleman from California (Mr. EDWARDS) may be inserted.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, the gentleman from California (Mr. LEGGETT) is to be complimented for arranging a discussion today of this important subject. The gentleman from California is one of our most knowledgeable members in the vital area of military affairs. We should listen with respect to his observations today.

Mr. Speaker, every year thousands of young men are conscripted, or enlisted in the Armed Forces of the United States for but one reason—to help protect the basic liberties guaranteed all Americans in the Constitution of the United States. The services, and the lives of these young men, and of the millions who have already served, have over the past 193 years kept this Nation free.

These men in protecting our liberties do not give up their own liberties, nor are they to be denied the equal protection of the laws guaranteed all Americans. For the military to abrogate these men's liberties is to deny the purpose for which the Armed Forces exist.

The recent courts-martial at the Presidio of San Francisco raise serious questions about the military's administration of justice and whether the Uniform Code of Military Justice is truly uniform, or whether it is selective.

These men now face mutiny charges for that which well may not be mutiny. The Webster definition of mutiny is:

> Revolt against and, often forcible resistance to constituted authority; especially rebellion of soldiers or sailors against their officers.

Mr. Speaker, there was certainly no force involved in the Presidio of San Francisco incident. Further, instead of a rebellion, it was an attempt to bring serious conditions and deficiencies to the notice of constituted authority—conditions and deficiencies which had already led to the death of one man. The Army itself now has corrected some of these deficiencies, but is continuing to court-martial the men involved in bringing those conditions to light.

I would quote the San Jose Mercury editorial of Monday, March 10, 1969, to show the concern in California and in my district over the treatment of these men:

ARMY AMBUSHES ITSELF

> An American citizen does not waive his right to equal justice under the law when he dons the uniform of his country.
>
> He may be subject to different laws and regulations; certainly, he is subject to stricter discipline than that which he experiences in civilian life. But should he run afoul of the law of the military, he has a right to expect even-handed treatment.
>
> The United States Army, which has never been renowned for the astuteness of its public relations sense, is in the process of further damaging its image by applying far from even-handed justice on the two coasts of this nation. The contrast is appalling, and it is bound to produce repercussions in Washington.
>
> On the Pacific Coast, the Sixth Army is busily trying 27 Presidio of San Francisco stockade prisoners for mutiny. They refused to re-enter their prison barracks when ordered to do so by guards, staging a sit-down demonstration in the prison yard. The first convictions in this case carried hard-labor prison sentences ranging up to 16 years.
>
> On the Eastern Seaboard, at Fort Dix, N.J., to be precise, an Army deserter, who returned voluntarily from Sweden to face trial, was sentenced to four years at hard labor.
>
> This is no intent here to pass judgment on the sentence in the desertion case. The severity or leniency of it is beside the point. For the purposes of this problem (as the Army is fond of saying), the desertion sentence will be used simply as a benchmark against which to measure the reasonableness of the mutiny sentences.
>
> It is possible to argue, surely, that desertion is a more serious crime in the military frame of reference than failure to obey a lawful order, which is what the Army's Presidio "mutiny" amounted to in the last analysis.
>
> Has the Army, then, dispensed equal justice under law, when one group of soldiers is given sentences four times more severe than that meted out to another soldier convicted of a more serious charge?
>
> No doubt the Sixth Army sought to make an example of the Presidio "mutineers" in the hope of firming up discipline throughout the command. Also without doubt, the ham-handed way the Sixth Army went about the task is now in the process of boomeranging.
>
> Unit commanders will probably find it harder, not easier, to command trust and respect—not necessarily for themselves but for the Army as an institution. This is a serious national problem because the Army is so heavily dependent on draftees. If the citizen-soldiers who must, of necessity, make up the backbone of the nation's ground forces feel they will not be treated justly while serving their country, then the country is in trouble.
>
> If ranking Army officers are not sufficiently intelligent to realize this without civilian help, that help most assuredly will be provided—by the civilian Secretary of Defense, perhaps, or more likely, by the Congress.

Mr. Speaker, in conclusion I would commend Senators CHARLES F. GOODELL, Republican of New York, and ALAN CRANSTON, Democrat of California, for their call for an investigation of military prissons by the Senate Armed Forces Committee. Full congressional scrutiny is in order. A man in defending the rights to citizenship for all should not lose his basic rights of citizenship, nor be subject to cruel and unusual punishment.

(Mr. BROWN of California (at the request of Mr. LEGGETT) was given permission to extend his remarks at this point in the RECORD.)

Mr. BROWN of California. Mr. Speaker, four Army enlisted men, standing trial in San Francisco, received sentences recently averaging more than 12 years at hard labor for each of them. Eighteen more now await trial and can expect similar verdicts. The charge against them is mutiny.

Mutiny is a charge traditionally designed to deal with wholesale attempts—usually armed—aimed at overthrowing military authority. The term conjures pictures of hardened, desperate men turning weapons on their officers, then attempting to seize or subvert command. And it was for just such cases that the mutiny charge was designed.

In the Presidio stockade the hardened "mutineers" averaged less than 19 years of age. Several were, by the Army's own standards, emotionally unfit for service. All were in the stockade for being AWOL; they had run away from the Army because they were unable to cope with military life.

And what mortal blow did these hardened criminals strike at the authority of the U.S. Army? In the Presidio yard 27 young boys refused to answer rollcall and sat and sang some songs.

The episode lasted 30 minutes. The protest was over poor conditions, ill treatment and the shooting of another prisoner, Richard Bunch, the day before. There was no violence. The "mutineers" offered no resistance when taken back to their cells.

Mutiny may be punished by death.

It was the opinion of two of the three investigating officers that the mutiny charge could not be substantiated in law. In one investigator's words:

> There are three elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element is absent in the present case.

I do not rise here today to argue law. Although the law could well be argued. Rather, I speak on fundamentals of our legal process—mercy and justice—principles which appear to be totally absent in the legal treatment the Army has accorded these young men.

It is absurd to try to picture this episode as a deliberate and coldly

planned attempt to wrest control from the military authorities in charge of the stockade. Instead, it was an impromptu protest by helpless men denied any other avenue. It was a confused, ill conceived, almost pathetic, effort to present justifiable grievances and seek redress.

Can any of us seriously believe the implications of this affair were known to the participants? Is it not easy to envision the nightmare in which these boys found themselves? Their youthful show of opposition, as much a function of confusion as defiance, has caused reprisals on the part of the military far in excess of that actually warranted by the actions of these young men.

Why?

What will be the results of the severe sentences handed down by the military. After years in prison and the stigma of a dishonorable discharge following these young men, can we expect them to return to society as useful and productive citizens?

Years of prison will leave their mark. A relatively short sentence would suffice to deter similar demonstrations.

There is no justification for such extreme punishment. The claim is that these men are being made an example. Twelve years is not just an object lesson—it is a lifetime when spent in prison.

We do not need to stand idly by and feel we are helpless to prevent such an injustice. Civilian authority is still supreme in this Nation. We cannot allow the Army to sacrifice these men to the principle of discipline. We must insist that they be treated as men—not as equipment.

The military is a valuable tool of the Nation and should be operated to serve the Nation's welfare. Does it serve the Nation's best interests to destroy men in retribution for 30 minutes of nonviolent demonstration. Did they endanger the U.S. Army? If, indeed, the Army is that fragile, locking up this small group of young men will not save it.

I do not advocate that these boys be freed with no punishment whatsoever. I do not claim that they committed no offense. I only say that there must be justice and mercy in America as well as law—or everything we teach becomes a lie.

Mr. LEGGETT. Mr. Speaker, I have already stated that the Army claims the charge of mutiny was brought on the recommendation of a qualified board of investigators who weighed all the facts and reached logical decision. As the facts show however, of the three investigating officers only one recommended that the charge of mutiny be levied. The other two recommended lighter charges. Capt. Richard R. Millard issued the following report and recommendations for Pvt. Lawrence Zaino, one of the accused. The report is a cogent and articulate presentation of the facts at issue here:

OFFICIAL RECOMMENDATION FROM ARMY HEARING OFFICER AT PRE-TRIAL INVESTIGATION

This is an exact copy of his report for Pvt. Lawrence Zaino. Individual reports for others were almost verbatim. Copies of all reports available.

"The charge of mutiny under article 94 does not apply to the facts of 14 October 1968. There are 3 elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element is absent in the present case.

"I find, however, there are facts sufficient to sustain a charge of willful disobedience under article 90 of the UCMJ, a lesser included offense of mutiny under Article 94.

In my opinion, this case has been built up out of all fair proportion. To charge Zaino and the others with mutiny, an offense which has its roots in the harsh admiralty laws of previous centuries, for demonstrating against the conditions which existed in the stockade, is, in my opinion, an overreaction by the Army and a misapplication of a statute which could lead to a further miscarriage of justice.

"Zaino and the others demonstrated in a manner contrary to military regulations and custom, and they refused to obey the lawful order of Captain Lamont to cease demonstrating and return to the stockade building. For this refusal to obey, I recommend that Private Lawrence J. Zaino be tried by Special Court-martial, or as an alternative that he be separated from the service with less than an honorable discharge under AR 635–212.

"The two basic reasons for the imposition of punishment are to deter crime and to rehabilitate offenders. In Zaino's case, it is very questionable whether any long term confinement is likely to be effective in rehabilitating him. I call your attention to the psychiatric evaluation (Incl. 31) prepared by Major Chamberlain at Letterman General Hospital on 18 November 1968. Dr. Chamberlain feels that Private Lawrence J. Zaino has a personality disorder which makes it highly unlikely that he will be able to adapt to the Army, and therefore recommends that he be separated from the Armed Services as expeditiously as possible under AR 635–212. As far as deterrent to crime is concerned, I feel that a six month sentence, which is the maximum a Special Court-martial could adjudge, is an adequate deterrent against demonstrations such as the one that occurred on 14 October 1968. If it is not adequate, then the focus of the command should be on those conditions which lead to such demonstrations, for in my opinion, one does not give up six months freedom to participate in a short demonstration unless the conditions leading to the demonstration are compelling.

"There is ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to the standards we should expect. Of special significance in this case is the fact that the DD 510 procedure for expressing grievances, as implemented prior to the demonstration on Monday the 14th of October, was shoddy and inefficient. Although the conditions at the post stockade were deficient, I do not believe that they were so terrible, or that the prisoners' opportunity to express themselves was so limited as to be a complete defense to a disobedience of orders. However, these factors should be considered as mitigating circumstances.

"Considering all the facts, including the nature of the disturbance, the conditions which existed in the stockade, the military service of the accused, the mental state and character behavior of the accused as described by Dr. Chamberlain, and the unlikelihood that punishment will have any rehabilitative effect, and the established policy that trial by General Court-martial will be resorted to only when the charges can be disposed of in no other manner consistent with military discipline, I recommend trial by Special court-martial, or as an alternative, separation under AR 635–212, which would be to the benefit of both the Army and the accused.

"Capt. RICHARD J. MILLARD,
"U.S. Army Quartermaster Corps,
"Presidio, San Francisco."

Mr. ASHLEY. Mr. Speaker, I am joining with several of my colleagues to express my deep concern for the 27 servicemen facing charges of mutiny in the Presidio stockade and for the inhumane conditions which exist there.

On October 11, 1969, according to the Army report I have received, Richard Bunch, a stockade prisoner assigned to a four-man work detail at the Presidio, attempted to escape. He was shot and killed by a guard. Three days later, 27 soldiers confined in the post stockade sought to protest the killing and alleged poor conditions at the facility by sitting down during their work detail for 30 minutes. The men were reconfined.

Three special investigating officers reviewed the case. Despite the recommendation of two of these officers that the 27 men should be charged with willful disobedience—which carries a maximum penalty sentence of 6 months, the commanding general of the facility followed the minority report and charged the men with mutiny. So far four of these men have been tried and sentenced to 16, 15, 14, and 4 years at hard labor.

It seems to me that these penalties are far out of line with the nature of the men's conduct. For example, the Army reports that last year 51,000 men willfully deserted and the average offender received no more than a 6-month sentence. Moreover, in the annals of our military lawbooks only one or two such mutiny cases have been prosecuted. Consequently, the charges against these 27 men seem patently unfair and raise serious questions as to the fairness of military justice. I do not debate the requirement to maintain strict discipline in our military branches but the punishment should fit the crime.

Serious questions have also been raised about conditions at the Presidio and other military stockades—overcrowded cell space, the mixing of psychiatric prisoners with others, a shortage of food rations, and so forth. These wretched conditions are certainly not unique to military prisons but at the Presidio they apparently have triggered an incident which has put the Army on the horns of a dilemma and resulted in the conviction of mutiny of at least four men.

I urge that we investigate these conditions at all military stockades and take whatever action is necessary to correct whatever deficiencies exist.

Mr. MIKVA. Mr. Speaker, my understanding of the Uniform Code of Military Justice, is that it was designed to guarantee to members of the military services the same constitutional rights that civilians enjoy consistent with the special demands of military life. The idea was that except in battlefield situations where discipline and duty demand a higher standard of obedience, the disciplinary and criminal sanctions imposed by military authorities must meet the same tests of procedural fairness and substantial justice as those imposed by civil authorities. The basic idea was reinforced only last year when Congress passed the Military Justice Act of 1968, Public Law 90–632.

The Presidio trials in San Francisco

have made a mockery of this concept of justice for members of the military services. It is evident to me, Mr. Speaker, that the men on trial there are being so severely punished not because of the seriousness of the offense they have committed, but because someone "upstairs" does not agree with their views or, to make a rather macabre pun, believes that in singing "We Shall Overcome" they were "out of tune" with the military view of soldierly conduct.

Mr. Speaker, I have no constituents involved in this tragic abuse of military authority, but this case has generated tremendous interest among my constituents. The obvious overreaction of military authorities to the relatively insignificant provocation by the 27 men on trial in San Francisco has truly touched the consciousness of Americans throughout the country. The sentences which have been handed down in those trials are not harsh—they are incredible. Fifteen years at hard labor for an insignificant half-hour on the grass. Mr. Speaker, I ask whether on any grounds such a disappropriate penalty can be justified.

As a lawyer I am conscious that it is not the place of Congress to interfere in a case which is now pending before military authorities. The case must be conducted in accordance with the procedures established by Congress in the UCMJ. But, Mr. Speaker, I do believe that in light of the harshness which the code evidently now permits, we are obligated to reexamine the UCMJ to insure once again fairness and substantial justice will be done in military trials. I would propose at least two areas in which such reexamination is in order.

In the first place, I believe we should consider whether it is not time to make the Staff Judge Advocate independent of the convening authority in determination of offenses for which the accused is to be prosecuted. In civilian life the prosecutor, corporation counsel, or, in the case of Federal crimes, the U.S. attorney, is independent of other civil authorities with responsibilities for maintaining law and order. I am not suggesting that the analogy between military and civilian life is perfect, but I believe that increased independence for the legal officials in the military system will help to guarantee fairer procedures in all courts-martial. My proposal is that the convening authority could never prosecute for an offense carrying a penalty more severe than the offense recommended by the Staff Judge Advocate. Appropriate safeguards to protect the independence of the State Judge Advocate would, of course, have to be included to make any such provision meaningful. A related suggestion might be to take away entirely the convening authority's power to review the court-martial's findings and sentence, and to vest this review authority entirely, as it now is partially, in a theoretically independent board of review.

The second area of the UCMJ which it seems to me we ought to review, Mr. Speaker, is subchapter X, the punitive articles. In rereading this subchapter, I was shocked by the loosely drawn, often overlapping offenses which are defined there. As an example, articles 90, 91, 92, and 94 all provide that failure or refusal to obey an order is an offense. The only requirement for such refusal to become "mutiny" under article 94 is that it be "in concert with any other person," and that it be "with intent to usurp or override lawful military authority." I submit, Mr. Speaker, that such language is so loosely drawn as to be virtually meaningless. Any refusal to obey a lawful military order could be interpreted as having been done "with intent to override lawful military authority." Perhaps this anomaly does not strike us as so serious until we look at the penalties provided for "mutiny" as opposed to other refusals to obey orders—the penalty can be death—as compared to 5 years at hard labor under article 90, and 2 years or less under the others. There is no question in my mind, Mr. Speaker, that these loosely drawn, vague, overlapping provisions must be reviewed with an eye to alining them with the minimal constitutional requirements for civilian law.

For those who feel that too much stir has been made about a single incident, the Presidio trials, may I remind the Congress that in 1967 the U.S. Court of Military Appeals considered a case in which it was alleged that the commanding general of Fort Leonard Wood, Mo., had discussed the sentences to be handed down by courts-martial convened by him in nearly 100 cases. If these nearly 100 cases along with events at the Presidio do not demonstrate the need for additional provisions in the UCMJ to insulate the military judicial process from command influence, then I submit that nothing ever will. The Congress cannot take action to influence directly the result of cases now under consideration in the military justice system. We can, however, and I argue we should, take action to insure that there is no repetition of these incidents in which command control overwhelms considerations of judicial fairness and substantial justice.

GENERAL LEAVE TO EXTEND

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members, including my colleague from California (Mr. Moss), may have 5 legislative days in which to insert statements in the RECORD concerning these prosecutions, since they affect perhaps 27 congressional districts throughout the Nation.

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from California?

There was no objection.

THE CHARGE OF MUTINY AT THE PRESIDIO OF SAN FRANCISCO

The SPEAKER pro tempore (Mr. EDMONDSON). Under previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 60 minutes.

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

Mr. COHELAN. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, similar reports were issued for other men investigated by Captain Millard.

How can the Army claim that the charge of mutiny was levied after mature judgment when Captain Millard's report is so strikingly clear in its recommendations for lesser charges.

To summarize the factual situation, we find that for a lengthy period of time the Presidio stockade has been the subject of numerous complaints both as to the physical conditions of the plant and the treatment of prisoners by the personnel. Despite reports of one suicide and 33 attempted suicides the Army denied all reports categorically. Subsequently, the conditions which the Army denied in the first place were improved somewhat, although the Army now admits that the size of the segregation cells are still substandard, but are operational under a special waiver. On October 11, 1968, a prisoner was shot and killed by a guard while allegedly making an escape, although there is clear indication that this prisoner was mentally ill and the escape was actually a suicide attempt.

On October 14, 1968, a group of prisoners staged a sitdown to protest the stockade conditions as well as the shooting.

The confinement officer was aware of the pending sitdown prior to the action, but by his own admission took no preventative action, and when confronted with the actual disturbance, immediately threatened the prisoners with a mutiny charge—a charge he admits was planned in advance. The Army ordered an investigation of the incident by three officers. At the conclusion of the investigation the Army announced that in its mature judgment and after consideration of the investigative reports, a charge of mutiny was appropriate. In fact, two of the three investigating officers called for lesser charges.

I do not intend to retry this case on the floor today, but I do think that a brief exploration of prior mutiny trials would put the Presidio incident in clearer perspective.

A relatively recent case, *U.S.* v. *Woolbright*, 30 CMR 488 (1960) had a factual situation which was similar to the Presidio. Three prisoners on a work detail at a golf course refused to continue work for a short time and defied the orders of superior officers. They were charged with mutiny and convicted of the same by a courtmartial. The board of review reversed this decision, and the comments of this board are of great interest in the instant case:

Mutiny requires that there must be a concerted effort by more than one person to entertain a deliberate purpose to usurp, subvert, or override superior military authority, or to eject such authority from office. Woolbright and his fellow defendants, in the words of the court "made no effort to seize, take over or usurp the powers, functions or authority of their guards, or of the officers present." The sole issue is whether they intended to override superior authority when they collectively refused to continue to perform their assigned task.

The facts in the Presidio case are similar with one major exception. All published reports indicate that the Presidio

prisoners did not in any way intend to usurp authority. The Presidio incident was, in fact, a specific recognition of that authority. The prisoners merely wanted a chance to present their grievances to the officers they by their conduct recognized as being in authority. Yet article 94 of the Military Code of Justice, the mutiny article, is so broad that any action taken in concert by more than one person can be considered a mutiny.

I cannot present the full legal arguments at this time, but it is clear that the Army is operating under a statute which gives it considerable leeway in bringing the maximum charge against persons who engage in relatively harmless actions. This power must be exercised with discretion. There was no discretion exercised in the Presidio cases. The past history of the stockade, the reports of the investigating officers, the incredible ineptitude in the Army's presentation of its version of the facts, a version which time and time again has proved false, knowingly or otherwise, all point to the realization that the Army has forced itself into a corner and refuses to extricate itself. The reason given for the refusal of higher authorities to intervene is that time-worn excuse that such intervention would be in derogation of the chain of command. This is nonsense. The Army is perfectly capable of correcting such an abuse. The Army was aware of this miscarriage of justice from the very beginning. Congressman CLAUSEN spoke out immediately. Congressman Moss' subcommittee investigated the matter, I took the matter up with the authorities. The national press became concerned. There was plenty of time for the Army to stop this farce before it got out of hand. Now, because of their inaction the matter is out of hand and the high command is attempting to bury its head in the sand in order to save face.

The lives of 27 men are at stake, and I, for one, am not willing to sacrifice 27 young men to save the reputation of Army officer personnel.

Mr. Speaker, at this point in the RECORD I would like to include a statement from the case of United States against Woolbright, which is the second Woolbright case, reported in 12 U.S.C.M.A. 450, 31 CMR 46, page 39. In that case some young men were doing golf course duty and they thought it clearly was not right for enlisted men to be working on a golf course. They tried to charge these young men with mutiny, and the court in an opinion citing the factual situation in that case stated:

EXCERPT FROM UNITED STATES VERSUS WOOLBRIGHT

Turning to the facts before us, and judging the record in light of its sufficiency in law to establish the offense charged, we are compelled to hold that the circumstances do not support the findings of guilty. In view of the Government's concession and the determination of the board of review, we do not concern ourselves with the events which transpired after the men were formed and marched away from the ninth green. The accused's conduct at the bunker reveals only that he threatened the guards collectively and defiantly lit a cigarette. Thereafter, he refused to obey Loriot's order to extinguish it and to return to work. That his insubordinate attitude may have led the other prisoners also to quit work and to commence smoking is unquestionably established. The record, however, indicates a sequence of separate disobediences by individual prisoners rather than concert of action and joint intent to usurp or override Loriot's authority. The accused's act may well have caused the others' resentment to boil over and erupt in the cloud of refusals to work which followed, but it does not appear that any two or more of the group were animated by a common purpose to set aside the authority placed over them. Accused did nothing after his initial outburst to incite the prisoners or to resist orders, and we find it quite significant that he made no attempt to exhort his fellows to join with him in his insubordination. In short, this transcript depicts no more than a series of actions by different persons totally lacking a common intent. Accordingly, we find the evidence insufficient to establish the "technical" mutiny which the Government claims to be supported by the record before us.

Mr. Speaker, at this point in the RECORD I insert an editorial from Life magazine by Barry Farrell entitled "The Case of Private Sood":

THE CASE OF PRIVATE SOOD

(By Barry Farrell)

Of all Private Nesrey Sood's many crimes against the people of the United States, sitting down and singing *We Shall Overcome* with 26 other prisoners in the stockade at the Presidio of San Francisco last October was clearly the most serious—a capital offense, in fact. Still, it did represent a psychological advance on Sood's part for which the Army might yet wish to salvage some slight credit. Dangerous, foolish act that it was, it was nevertheless the first halfway rational thing Sood had done in a long, long time.

Sood's first bad mistake was moving across town without reporting his new address to his draft board. As the father of three children, he assumed that the draft couldn't touch him, even after the delinquency notice arrived. Besides, Sood was convinced that in any kind of dealings with the authorities he would wind up getting ———, so he made it his policy to steer clear of even the most routine encounters. Sood read the notice and forgot about it.

When his induction papers came, Sood at last complained. At the draft board they told him to see the man at the induction center. At the induction center they told him to explain his case to the sergeant at Fort Ord. And at Fort Ord Sood got ——— in just the way he knew would happen. They swore him into the Army and sent him to basic training.

It was nearly two years later—and only after Sood had slugged a corporal, pushed a lieutenant, been caught with a bottle in his footlocker and spent all but a month of his Army career under some kind of confinement—that the Army decided to put an end to the farce of his service. Apart from being so dramatically unfit for Army life, the man was tormented by personal problems. Things were going bad with his wife, and at the helpless distance of his post in Alaska he was getting reports that the welfare authorities were moving in to take his children. At last his company commander put him in for discharge as a lost cause, and soon he was on a plane bound for Seattle with orders to report to Fort Lewis for mustering out.

Sood started hitchhiking toward the fort, but the first car to stop for him was heading all the way to Los Angeles and he couldn't resist the chance to go all the way home without stopping.

The MPs arrested Sood at his house three weeks later, but after the authorities at the Presidio learned of his pending discharge, they gave him another plane ticket to Seattle and warned him sharply not to miss the flight. But Sood got to drinking and fighting with his wife that night, and the next thing he knew the MPs were back with orders to bring him in. It was Oct. 12, the day of a massive peace parade in San Francisco—a peace parade for veterans and GIs. The MPs had to drive through streets crowded with demonstrators to get back to the post.

The booking sergeant at the stockade told Sood that he once had shot a Vietnamese woman in the stomach for no reason at all. The message was: I'm just that tough, you better believe it. Then Sood overheard some guards talking about killing a prisoner the day before—"bragging about it," as he later testified. The prisoner had been hit at ten paces or so with a 12-gauge shotgun when he attempted to escape from a work detail. Sood was terrified to hear this talk. These guards are out of their minds, he thought.

Inside the stockade, a solid white stucco building with a majestic view of the Golden Gate, Sood found 140 men were living in a space designed for 88. For the past week they had been sharing rations for only 115 men with their nine guards and three cooks, and only the night before they had rioted to protest the shooting. The dead man now seemed to have been everyone's favorite—Private Richard Bunch, 19, five foot four and 120 pounds, a formerly redhot soldier who had returned an apparent LSD casualty from a long AWOL spent wandering around the Haight-Ashbury in paratrooper boots. The prisoners were insisting that his escape attempt was actually a suicide committed with the help of the guard. They were demanding an investigation; they wanted to see the press.

Normally, Sood would have retreated into his sullen, unsophisticated paranoia, sensing that he was about to get screwed again. But when he woke up on the morning of Oct. 14, he had his mind made up to join the demonstration that Mather and Polowski and Dodd and some others had cooked up the day before. The idea was for everyone to answer "here" when the first man's name was called that morning, then all fall out together and stage a kind of sit-in until they could make their grievances known.

It was not until he made his fatal move away from ranks that Sood discovered how few the protesters were. The organizers had been promising 90%, but now some of them stood among the troops still in formation. The demonstrators sat down, linked arms and began to sing and shout for Captain Lamont, the stockade commander. Polowski was ready to read the list of grievances.

Captain Lamont first circled the group without speaking. A photographer followed him, taking pictures of the men from all sides. Then 40 MPs showed up, together with a fire truck, and Captain Lamont began reading Article 94, the mutiny law, over a loudspeaker. Sood, who had never seen the captain before and had his back turned during the reading, said he didn't hear the captain's order to return to the stockade. The grievances were never heard, and order was restored within an hour. Half the men walked back in and the others let themselves be carried by MPs. There was no injury to anyone and no property destroyed.

Mutiny charges were pressed against all the demonstrators, including many whose cases were far more sympathetic than Sood's. Private Yost had been wounded in Vietnam and went AWOL after seven months in the hospital only because his pay records had been lost and he was being dunned through the courts for his child-support payments. Private Gentile, also a Vietnam veteran, was completely out of control, and had slashed his wrist so badly that 54 stitches were required to close the wound. Among them, the demonstrators had accumulated 30 suicide attempts in the past six months.

Sood was the first among them to be tried and sentenced. He had two good lawyers assigned to him, but he gave very little

to his own defense. Even before the court-martial started, he would fix them with a smile that made them feel absurdly naive: he was going to get screwed, he kept saying—no way out of it.

The Army's case was aimed directly at the Army's anxieties in the era of protest. What if these men were your troops, deserting in the face of the enemy, failing to respond to orders? The crisis of law and order cannot be allowed to infect command. The court found Sood guilty as charged, then deliberated for 35 minutes before deciding to give him 15 years at hard labor. The likelihood is that his sentence will be reduced, at least by half. Otherwise, Sood will be confined in Leavenworth prison until the winter of 1984.

Mr. Speaker, at this point in the RECORD I insert the unanimous recommendation of 45 members of the Law School faculty of Harvard University:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., March 11, 1969.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: I am forwarding the enclosed copy of a petition sent to the Honorable Stanley R. Resor, Secretary of the Army, on behalf of forty-five members of the Harvard Law School faculty. Your consideration, as a member of the House Armed Services Committee, will be most appreciated by the signers.

Yours truly,

EDWARD F. SHERMAN.

As members of the legal community, we feel an obligation to express our concern over the court martial trials which are now being conducted at Fort Presidio, California. 27 soldiers, most of them under 21, are being tried on charges of mutiny for staging a brief sit-down strike at the Presidio Stockade on October 14, 1968. The soldiers linked arms, sang "America the Beautiful" and "We Shall Overcome" and presented three demands asking for elimination of shotgun-type work details, psychological evaluation of stockade personnel prior to assignment, and better sanitary facilities.

An investigating officer, appointed as required by the Uniform Code of Military Justice, described the stockade grievance procedures as "shoddy and inefficient" and recommended that the mutiny charges be dropped and the soldiers be tried by special court martial (the maximum punishment is 6 months) or administratively discharged. The Commander of the 6th Army, Lt. Gen. Stanley R. Larsen, disregarded the recommendation and referred all cases to a general court martial on charges of mutiny. Last week the first three soldiers tried were convicted and sentences of 15, 16 and 14 years were adjudged.

We believe that serious questions have been raised by these courts martial concerning the administration of criminal law in our armed forces and the capacity of the present military justice system to insure basic due process rights to members of the military.

First, it must be asked whether the use of the serious charge of mutiny is appropriate in cases such as these. A peaceful and passive sit-down strike by prisoners is sometimes the only method for dramatizing and expressing grievances, and such demonstrations have not usually resulted in prosecutions when they have taken place in civilian prisons. It has been alleged that conditions at the Presidio Stockade were unsatisfactory and that there were 33 attempts at suicide during the 6 months preceding the sit-down strike.

Second, it must be asked whether the intense command interest in prosecuting these soldiers for serious crimes and the unusually severe sentences indicate that the court martial proceedings did not result in a fair and impartial trial.

The Presidio courts martial do not do credit to the Army or the American judicial system. We urge the Army authorities to give consideration to stopping the courts martial of the remaining soldiers and remedying the sentences already imposed. We also ask that serious consideration be given by the Department of Defense, the departments of the services, and Congress as to what steps can be taken to prevent a recurrence in the future of this type of proceeding.

HARVARD LAW SCHOOL FACULTY SIGNERS

William D. Andrews, Paul M. Bator, Harold J. Berman, Derek C. Bok, Stephen G. Breyer, W. L. Bruce, David F. Cavers, J. H. Chadbourn, Abram Chayes, Jerome A. Cohen, Vern Countryman.

John P. Dawson, Alan M. Dershowitz, John M. Ferren, Richard H. Field, Theodore D. Frank, Paul A. Freund, Charles Fried, Elwood B. Hain, Jr., Livingston Hall, Tom Hervey, Louis L. Jaffe.

Charles H. Jones, Jr., Benjamin Kaplan, Andrew L. Kaufman, Friedrich Kubler, Kenneth Laurence, Joseph E. Leininger, Louis Loss, John H. Mansfield, Frank I. Michelman, Robert H. Mundheim, William E. Nelson. Charles R. Nesson.

Lloyd E. Ohlin, Oliver Oldman, Albert M. Sacks, Frank E. A. Sander, Edward F. Sherman, Russell A. Simpson, Alan A. Stone, S. E. Thorne, Donald F. Turner, James Vorenberg, Lloyd Weinreb.

Mr. Speaker, I include a statement by Gerald N. Hill, president of the California Democratic Council:

STATEMENT BY GERALD N. HILL, PRESIDENT OF THE CALIFORNIA DEMOCRATIC COUNCIL, IN REGARD TO PRESIDIO MUTINY TRIALS

The use of the unusual charge of Mutiny in the cases of the young enlisted men at the Presidio, and the sentences of four to 16 years of hard labor which have been meted out for protesting the conditions in the Presidio stockade, should be investigated by Congress and by the Department of Defense. This is essential to maintain civilian authority over the military when the Army is inflicting cruel and unusual punishment.

Charging men with Mutiny is reserved for aggravated cases involving wholesale attempts to overthrow military authority. It is completely wrong when the breach of discipline involves the simple act of failing to obey an order. This is obviously a case of intimidation by holding a possible death penalty over the heads of all enlisted men and handing out sentences which mean that these men will be middle-aged by the time they are returned to civilian life.

The men in question are all quite young—averaging 19 years old. Several have known histories of mental and emotional problems which have usually been untreated in the Army. Most of these boys were originally in the stockade for going AWOL because they were unable to cope with military life. To take from them the best years of their lives is rank injustice.

In two recent cases of actual Mutiny at other bases involving the use of armed force, the maximum sentence was two years. In the Presidio situation the soldiers charged failed to obey an order to disperse, while gathered together to sing songs as a protest to conditions in the stockade.

I am not personally informed as to the total conditions in the stockade, but it is undisputed that there are unlit isolation cells in which there is scarcely enough room for a man to lie down. These cells are without mattresses and without toilet facilities. There are many reports of cruelty and inattention to basic human needs of the soldiers awaiting summary Courts Martial. This warrants a full Congressional investigation. These young men are Americans, many of whom volunteered to serve their country, and no matter what discipline problems they may have created or their emotional inability to adjust to Army life, they are entitled to simple humane treatment.

Congress and the Defense Department should also investigate the psychiatric and psychological services available and actually rendered in the Armed Services so that those emotionally unfit for Army life can be weeded out without medieval punishment and returned to civilian life for appropriate medical treatment, or certified for treatment by the Armed Services doctors.

These cases may well become America's Dreyfus Case, unless prompt investigation is held. While the investigations are proceeding, all further trials for Mutiny at the Presidio should be suspended.

Mr. Speaker, I include in the RECORD at this point the statement of Capt. James Bander, also recommending a lesser charge of willful disobedience:

The charge of mutiny under article 94 does not apply to the facts of 14 October 1968. There are 3 elements to the offense of mutiny, one of which is the intent to override lawful military authority. This element is absent in the present case.

I find, however, there are facts sufficient to sustain a charge of willful disobedience under article 90 of the UCMJ, a lesser included offense of mutiny, under Article 94.

In my opinion, this case has been built up out of all fair proportion. To charge Yost and the others with mutiny, an offense which has its roots in the harsh admiralty laws of previous centuries, for demonstrating against conditions which existed in the stockade, is, in my opinion, a miscarriage of justice.

Yost and the others demonstrated in a manner contrary to military regulations and custom, and they refused to obey the lawful order of Captain Lamont to cease demonstrating and return to the stockade building. For this refusal to obey, I recommend that Private Edward O. Yost be tried by Special Court-martial.

One of the basic purposes of punishment is to deter crime. I feel that a six month sentence, which is the maximum a Special Court-martial could adjudge, is an adequate deterrent against demonstrations such as the one that occurred on 14 October 1968. If it is not adequate, then the focus of the command should be on those conditions which lead to such demonstrations, for in my opinion, one does not give up six months freedom to participate in a short demonstration unless the conditions leading to the demonstration are compelling.

There is ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to the standards we should expect. Of special significance in this case is the fact that the DD 510 procedure for expressing grievances, as implemented prior to the demonstration on Monday the 14th of October, was shoddy and inefficient. Although the conditions at the post stockade were deficient, I do not believe that they were so terrible, or that the prisoners' opportunity to express themselves were so limited as to be a complete defense to a disobedience of orders. However, these factors should be considered as mitigating circumstances.

Further, in mitigation, I call to your attention the fact that Private Edward O. Yost has served in Vietnam, where he suffered multiple wounds from a hostile booby trap, and was eventually evacuated to Letterman General Hospital. Prior to his injuries in Vietnam his military records indicate no misbehavior of any nature.

Considering all the facts, including the nature of the disturbance, the conditions which existed in the stockade, the military service of the accused, and the established policy

that trial by General Court-martial will be resorted to only when the charges can be disposed of in no other manner consistent with military discipline, I recommend trial by Special Court-martial.

It is unfortunate that this report should have taken so long, and that the record we have of the proceedings is so poor. There is no substitute for a verbatim transcript of a judicial proceeding. I believe it is an essential right of an accused to have relevent testimony preserved accurately. Especially in a case such as this where the charges are so serious. It is unacceptable to me as an attorney to believe that the Army can not afford to preserve the record accurately.

An explanation of the time spent investigating the charges is attached, however I feel it my duty to call to your attention the fact that 3 weeks were required to have the transcript (sic) of the proceedings typed. During this period memories faded and it became impossible to reconstruct testimony which was not recorded, partially recorded or recorded inaccurately.

Mr. Speaker, at this point in the RECORD I insert a letter from the United Ministries in Higher Education of Northern California and Nevada dated January 9, 1969:

UNITED MINISTRIES IN HIGHER EDUCATION OF NORTHERN CALIFORNIA AND NEVADA,
San Francisco, Calif., January 9, 1969.

Hon. ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: I am writing on behalf of Roy Pulley and Edward Yost, residents of your congressional district; they are being held in the Stockade at the San Francisco Presidio, Sixth Army Headquarters. All indications from legal officers at the base are that the Army is preparing to give these men a general court martial on the charge of mutiny. This charge carries a possible maximum penalty of death, and could easily result in twenty year sentences for these men.

The basis for this charge is Pulley and Yost's participation in a sit-down protest at the Stockade on October 14th. They were among the twenty-seven men who protested the October 11th shotgun killing of a fellow prisoner known to be psychologically ill, and the inhumane conditions at the Presidio Stockade. The prior efforts of these men to go through regular channels had been systematically ignored; therefore, they used the means of a sit-down to have their grievances heard. While we may see a certain impropriety in their method of voicing their grievances and in their breaking of Army discipline, seen in the context of the shooting of their fellow prisoner, which the Army immediately declared to be justifiable homicide, the mutiny charge is extreme and unjustifiable.

General Stanley Larsen, Commanding Officer of the Sixth Army, the man who has ultimate responsibility for bringing the court martial charges, has refused to meet with concerned citizens, including such community leaders as Bishop Kilmer Meyers, Episcopal Bishop of California, Bishop Charles Golden, Methodist Bishop, and Mr. Josiah Beeman, legislative assistant to Congressman Philip Burton, to discuss the matter. A large number of community people are appalled at the Army's callous indifference to human needs in the Stockade and General Larsen's refusal to so much as discuss the situation.

I earnestly urge you to investigate the Sixth Army's conduct with regard to the Presidio Stockade in general and with regard to Pulley and Yost. The prospect of court martialing these men for mutiny because of their attempt to expose the unjustified killing of a psychologically ill 19 year old soldier and conditions in the Stockade is intolerable. These charges must be dropped and the Stockade conditions corrected. Please give this matter top priority.

Sincerely,

REV. ALAN MILLER,
Regional Secretary, United Ministries in Higher Education.

Mr. Speaker, I include in the RECORD at this point the following letters:

A letter from Mrs. Homer Porter dated February 18.

A letter from Mrs. William J. Albers and others dated February 20.

A letter from Carmel L. Alhers and others dated February 20.

A letter from Lloyd M. Chandler dated February 18.

A letter from Frank Pecavich dated February 18 containing an editorial from the Sacramento Bee, pointing up that "Military Tribunal Justice is Harsh, Swift, Casual, Cruel."

A statement from William Holden dated January 31.

A letter from George Drake of the University of California at Davis, dated February 15.

A letter from Edmund B. Burke dated February 14.

A letter from David M. Kaplan, dated March 10, 1969.

A letter to General Westmoreland dated February 14.

A letter from Anna Lee Kirkland dated March 5.

A letter from Miss Alice M. Lenarz dated February 16:

FEBRUARY 18, 1969.

DEAR CONGRESSMAN LEGGETT: Are you aware what's happening at the Presidio in San Francisco. This has to be looked into and better be investigated in a hurry. Because the way it looks and sounds there just might be an army revolt and it's getting more serious. People are starting to take things in their own hands and you know what could lead to. The heat is on so bad right now that the Army is moving the trials to the desert down by Barstow. Really I am afraid just what might happen. But this Army does need look into its really a disgrace to the public and the service man. Really its worst then the Pueblo the Navy case. Because this happening right under our nose and it scare me. Because the military is getting too powerful and out of hand. I am opposed to do away with the draft because with a Volunteer Army it gives them to free hand. And what going on at Presidio under the draft. Just think what would happen under a Volunteer Army. Might end up like Greece under a military control. And what about the boy from Oregon with mental condition the Army wouldn't release him. Ask Senator Mark Hatfield who tried to get him release. Please look into this matter and conditions at the Presidio.

Yours Truly,

MRS. HOMER PORTER.

VACAVILLE, CALIF.,
February 20, 1969.

U.S. Congressman ROBERT LEGGETT,
Washington, D.C.

SIR: We are writing you this letter concerning the mutiny trial now in progress at the Presidio in San Francisco. This trial involves a young man who is a resident of our area. His name is Edward O. Yost of Elmira, California.

We are hoping that this letter will prompt you to look into the matter that is going on at the Presidio in San Francisco. This trial involves 27 young men, three of which have already received sentences of 14, 15, and 16 year prison terms.

Ed has fought for all of us in Viet Nam and was wounded in the front lines. He was returned to the States to receive treatment for injuries suffered from a land mine explosion, killing his buddy.

We believe that Ed, deserves more from us than a prison term, stripping him of all his youthful years. He gave up his job, his wife and family and was more than willing to do his share to fight on foreign soil for our country.

We wish to thank you for taking time to read our letter and please we would most certainly appreciate if you can and will help Edward O. Yost.

Very truly yours,

MRS. WM. J. ALBERS.
MRS. STANLEY SUMMITT.
MR. WILLIAM ALBERS.
MR. BILL ALBERS, Jr.

VACAVILLE, CALIF.,
February 20, 1969.

U.S. Congressman ROBERT LEGGETT,
Washington, D.C.

SIR: May we the undersigned respectfully request your attention in the matter of the Mutiny trial that is in progress at the Presidio in San Francisco. This involves a former Co-Worker of ours, Edward O. Yost of Elmira, California. We would like you to Help if you will and can.

Ed, has fought for us in Vietnam, and was wounded in the front lines. He was returned to the States and was receiving treatment at Letterman Hospital. We believe that the sentences that these boys are receiving, is certainly a miscarriage of justice.

A young man such as Ed that has fought on foreign soil surely deserves more from all of us than a prison sentence that will take away all of his youthful years. This young man has a job, a wife and family waiting for him, and we just had to write as private citizens to protest the action now going on at the Presidio in San Francisco.

We most certainly hope that this letter will prompt an investigation and special consideration on the part of our concern one, Edward O. Yost.

We know that you have hundreds of important matters that need attending too, but we most certainly believe that this matter should be looked into.

We will all appreciate any of your attention and help you can give this matter.

We remain,

Jim Chandler, Mac Chandler, Stanley Browning, Gene Rose, John Carlson, Carmel L. Alhers, Guy O. Blan, Marian W. Chandler.

LLOYD CHANDLER FURNITURE CO., INC.,
Vacaville, Calif., February 18, 1969.

U.S. Congressman ROBERT L. LEGGETT,
Washington, D.C.

SIR: This letter has been prompted by my concern for a former employee, Edward O. Yost. Eddie is one of the enlisted men presently being tried for mutiny at the Presidio of San Francisco. I think very highly of Eddie. He was a very conscientious boy and popular with the men he worked with. He has a fine future as a carpet installer. In fact, his supervisor says he is an exceptionally skilled technician.

Eddie was stationed at the Presidio of San Francisco so that he could be treated at Letterman Hospital for wounds suffered in Vietnam. During this period he worked for me on a part time basis, I noticed he was under a strain. He did confide that he was financially pressed and that the Army had lost his pay records. He had not been paid for many months. I'm sure this is verifiable. It was only later that I found out he was AWOL. Although, I cannot condone his being AWOL under any circumstances his behavior was at least aggravated by the fact that he was not receiving any money from the military.

Mr. Leggett, please take the time to look

into this matter. Ed Yost is not a traitor to his country. He is a patriot who made an unfortunate mistake. He served his country willingly in Vietnam and received a Purple Heart, as a result of front line combat. Eddie has a devoted wife waiting for him. Also, whenever he's able he has a steady and well paying job with my firm. If this boy receives a long prison term it would not only be a great tragedy for his family and friends but would be a colossal waste of life that would otherwise be positive and productive.

Yours very truly,

LLOYD M. CHANDLER.

CITRUS HEIGHTS, CALIF.,
February 18, 1969.

MR. LEGGETT: I only wish to state that I agree completely with the attached editorial. I feel that the punishment was not in keeping with the crime.

As a member of the Armed Services Committee I hope you wll be able to do all that a civilian can do to see that real justice is afforded those unfortunate to be involved in a military court.

It is true that this kind of reprisal action by the military will only further alienate the "social protests" and the young.

FRANK PECAVICH.

MILITARY TRIBUNAL JUSTICE IS HARSH, SWIFT, CASUAL, CRUEL

In the case of Pvt. Nesrey Dean Sood accused of mutiny at the San Francisco Stockade, military "justice" was harsh, swift and almost casual, as it was for two other accused soldiers charged also with mutiny.

The specific crime was to participate in a stockade sit-down with 26 others and to sing "We Shall Overcome." Involved in the court-martial was the issue of an order for the men to return to work. There still is some question as to whether Sood heard the order.

In any event, it took the military court only 45 minutes to find Sood guilty and later to sentence him to 15 years at hard labor. Two others also received punitive sentences in court judgments returned two days later—one receiving a 14-year sentence and the other a 16-year sentence, both at hard labor.

Unless higher tribunals intercede, these sentences will stand.

Sood was not a model soldier. Indeed, last September when he was stationed in Alaska, his commanders recommended he be given an administrative discharge. This by every known bit of evidence would have been a sensible and human solution of Sood's problem.

If the military was out to prove it is undeterred by mercy or leniency, it has made its point and given social protesters another rallying point.

Sood went AWOL when returning to San Francisco to visit his children. In a letter he told the military authorities the Alameda County Probation Department set a hearing on the case of the children for last Jan. 28. This letter was delivered to the stockade on Jan. 22 but was not shown to Sood until Jan. 30.

Sood was drafted Jan. 24, 1967, when he was a father of a 2-year-old daughter and when his wife was pregnant. He now has lost custody of his children and is in the middle of divorce proceedings.

Sood's civil defense attorney, Paul Halvonik of the American Civil Liberties Union, said of the verdict:

"Military justice is to justice as military bands are to music."

In the military it is traditional that disobedience to an order or any display of dissent is sternly dealt with. Yet even here the dispensation of discipline is ideally supposed to be tempered with some degree of restraint in authority.

The military is the biggest, toughest kid on the block, so to speak, but it takes a lot of doing for any power to bring justice down permanently. And so, it may be decided upon appeal that even the military does the nation an injustice by cruel and unusual punishment.

JANUARY 31, 1969.

Congressman LEGGETT,
U.S. Congress,
Washington, D.C.

MY DEAR SIR: I am deeply, deeply disturbed about the terrible travesty of justice going on in the San Francisco Presidio mutiny trials. I am shocked and horrified at the stockade conditions that led to this mess.

I believe that you should demand a full investigation. I am beginning to believe what our young people have been saying right along: the leadership in this country is rotten at the core!

Very sincerely,

WILLIAM HOLDEN.

DAVIS, CALIF.,
February 15, 1969.

Hon. ROBERT LEGGETT,
House Office Building,
Washington, D.C

DEAR SIR: I am writing concerning an urgent matter that requires immediate action. On Thursday, February 13, Private Nesrey Sood was sentenced to 15 (fifteen) years at hard labor by an army court martial for mutiny. That man's offense, as you will know if you've been following the case, was refusing to go to work in the San Francisco Presidio Stockade for a period of one hour. The sit down strike in which he partook was in protest to the killing of another prisoner by a guard a day or two earlier.

Fifteen years! At hard labor. How much of your life will the next fifteen years be? How much were those between the ages of 26 and 41? The man's three children will be grown. He will be middle-aged and destroyed. All this for one hour's protest against what he and his fellow prisoners felt was a legalized murder. If this system is that sensitive to protest, then it must be a hell of a lot worse than I thought.

May I submit to you, sir, that refusing to cooperate is not the same as attempting to overthrow military authority. I submit to you that the United States cannot well afford such a flagrant disregard for justice in these tense times. I submit that, if this sentence goes unchallenged, the revolutionaries I have always rejected will be armed with an irrefutable argument.

I plead with you, Mr. Leggett, to initiate a Congressional investigation into this entire matter, and into the whole system of military justice, if necessary. I ask you to bring all the pressure possible to bear in order to halt the pending court martials of the other 26 prisoners involved and the execution of the sentence already given. I plead, but all that is human *demands*.

GEORGE DRAKE.

CLEARLAKE HILLS, CALIF.,
February 14, 1969.

COMMANDING OFFICER,
The Presidio,
San Francisco, Calif.

SIR: Shades of Hitler! The "military mind's" idea of justice is completely alien to the very concept of democracy. *JUSTICE* is when the penalty is proportionate to the offense. Tyranny has the same stench whether from a dictator or the military.

I would suggest that all officers take a refresher course in American history—particularly the period between 1700–1800.

No wonder the military has always been anathema to the American citizen.

Yesterday's court martial penalty is outrageous and inhumane—and I hope it will not be accepted by the public without a fight.

EDMUND B. BURKE.

DAVIS, CALIF.,
March 10, 1969.

Congressman ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: Recently three young men in the army were sentenced to approximately fifteen years at hard labor for the crime of mutiny. The mutiny apparently consisted of refusing to obey a direct order. The incident that precipitated the entire matter was the shooting of another soldier by a guard as he walked away from a work detail and the subsequent "mutiny" was a protest demonstration against this action.

It frightens me to think that in this land of liberty and justice for all, young men in uniform are subjected to the same treatment that I was taught as a youngster to associate with the Nazis and Communists. If we find that in order to protect ourselves we have to use instruments such as the army, and that such instruments contradict the whole premise of our social contract, then I suggest we reexamine either our premises (which I think will not be found to be wanting), to our way of implementing them.

On March 18th sixteen more soldiers will go to trial for the same offense as the first three men. I ask that you look into this urgent matter personally by contacting Gen. Stanley Larsen, 6th Army Commanding Officer, Presidio, San Francisco, and try to get the charges diminished or if conceivably possible dismissed and in addition get the sentences of the other three men reviewed.

Respectfully yours,

DAVID M. KAPLAN.

FEBRUARY 14, 1969.

Gen. WILLIAM WESTMORELAND,
Chief of Staff,
The Pentagon,
Washington, D.C.

DEAR GENERAL WESTMORELAND: I am concerned that a criminal prosecution of a large number of young people in your Presidio stockade in San Francisco is out of hand and may become further aggravated.

According to the fact sheet presented by your Office of Legislative Liaison to my office apparently a young, clownish soldier on work detail was shot in the back and killed at a distance of 62½ feet when he broke and ran in front of a guard. The young soldier, Private Bunch, was being confined for the very nominal reason of having been AWOL. The guard apparently did not know the limits of his weapon, a twelve gauge shotgun loaded with heavy No. 4 shot. The guard had apparently been pre-alerted to the prank.

On this state of this record, apparently a number of prisoners in the stockade walked away from formation, sat down and began singing and chanting as is indicated in the report. On the basis of the record, two out of three investigating officers recommended that the disobedient persons be tried for unlawful disobedience. A third investigating officer recommended a general court martial under a charge of mutiny which carries a possible death sentence.

Apparently supervisory authorities recommended that the minority report of the investigating team be accepted and a mutiny trial will unnecessarily take place in San Francisco in the next few days. Admittedly, there will be no request for the death penalty. It is my understanding that one of the defendants was convicted yesterday on a mutiny charge with penalty assessed at 15 years at hard labor.

It seems to me utterly ridiculous that Army regulations can be administered in such an inflexible fashion as is indicated. I would think that a trial of this nature would result in Army embarrassment, ridicule and severe loss of stature in the West. I would think that you should recognize and set a policy that a severe mistake has occurred, that a young man's life was unnecessarily

taken, and that protesting soldiers should be admonished for disobedience at most.

One No. 4 shot pellet from a twelve-gauge shotgun I find quite adequate to kill a thirty pound Canadian honker. I would think that a human would be no less vulnerable.

Your urgent review of this matter would be earnestly appreciated.

Very sincerely,

ROBERT L. LEGGETT,
Member of Congress.

SEATTLE, WASH.,
March 5, 1969.

Re Day of Court-Martials of 5 more of the "27" Day of World Prayer.

DEAR MR. LEGGETT: Michael Marino of Vacaville, California is one of the twenty-seven men being held at the Presidio under charges of mutiny. He is a member of your constituency and, due to the very limited publicity about "the twenty-seven," I am concerned lest you remain unaware of and untroubled by the affair.

The public outrage is growing against the arbitrariness and cold ruthlessness of the military, as exemplified in the outright persecution of the twenty-seven men since the murder of Private Richard Bunch on October 11, 1968. We civilians informed of these events cannot stand for the harsh incarceration of men who acted in measured, rational ways according to their conscience. They had such respect for the opinions of others and confidence that people would respond (if informed) and seek the right ways to oppose and end such evils. They did all they could to contact the news media and all friends outside the military. The result was a stiffening of the military's already vengeful attitude.

Only the Congress has complete control over the military—supposedly—and aside from the President. We therefore urge you to press for a full congressional investigation of the events that have taken place at the Presidio. We urge you to press for the protection of the individual's civil rights, even *in* uniform. And above all we ask you to question the state of this country when men of conscience are oppressed by flagrant and capricious misuse of authority.

Please inform me of actions you will be taking in response to this crisis.

Sincerely,

ANNA LEE KIRKLAND.

DAVIS, CALIF.,
February 16, 1969.

Representative ROBERT L. LEGGETT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: I am writing to ask you to do whatever possible to aid the twenty-seven young Navy men being sentenced to years of hard labor for "mutiny" in San Francisco. Not only should something be done to alleviate the harsh sentences they are receiving, but conditions in the stockade should also be investigated.

I am also writing to the General Court Martial Review Board in Washington and to Congressman Leggett.

The military courts supposedly act in the name of the citizens of the United States. I don't believe we have a right to remain silent while this kind of "justice" is meted out.

Sincerely,

ALICE M. LENARZ.

Mr. Speaker, I also insert at this point an analysis of the factual situation herein concerned, prepared by "The Committee for the 27," with headquarters at 1029 Vermont Avenue, room 200, Washington, D.C. They have a particularly fine analysis and commentary:

THE PRESIDIO MUTINY TRIALS

CHRONOLOGY OF THE "27"

October 11, 1968: Pvt. Richard Bunch was killed at the San Francisco Presidio with a 12-gauge shotgun by an unidentified guard. Bunch was a 5'4'' 19-yr.-old inmate of the Presidio Stockade who had shown definite signs of psychological disturbance. His fellow prisoners and the guards knew of his terrifying nightmares and his obsessive dialogs with himself. He had visited his mother in Dayton while AWOL last spring, and had told her that he had died twice, been reincarnated as a warlock, and had walked through walls to visit her. She tried at that time to get him admitted to a civilian hospial for psychiatric care, as she told the public in a press conference in San Francisco on October 30th. But the hospital only turned Richard over to M.P.'s. She finally received a letter from an Adjutant at Fort Meade promising psychological care for her son. (The official later denied sending this letter, and when informed that Mrs. Bunch still had it, dismissed it as a mere "form letter.") At the San Francisco Presidio, Richard was examined by Army psychiatrists and declared among other things a manic depressive. (As of January, the Department of the Army was denying that there was evidence that Bunch was psychologically disturbed; yet the Army as well as a member of Congress from Richard's home state has a copy of this report from the Presidio Letterman General Hospital). After Bunch's death, his fellow prisoners and the guards found suicide notes written by Bunch, saying: "One click and its over . . . all right America I'll pay . . . If you can't give me love, at least do me the favor of complete annihilation." (These notes, authenticated by guards and prisoners, are in the possession of one of the civilian defense attorneys.) On October 11, he obeyed a suicidal impulse to run from a guard, was shot in the back without the benefit of an order to halt and in the presence of other guards who could have stopped him, and died on the way to Letterman Hospital. Three other prisoners were on the work detail with Bunch, and testify to the manner of his death. (The sworn testimony of Linden Blake is attached.)

That evening there was a disturbance in the stockade as Bunch's death became known to his fellow inmates. Shortly after the killing the Army declared it to be "justifiable homicide."

October 12, 1968: The G.I. and Veterans' March for Peace was held in San Francisco in the late morning and early afternoon.

Captain Lamont, officer in charge of the stockade (he is 25 years old), after conferring with Colonel Ford, Provost-Marshal of the Presidio, read to all the assembled prisoners article 94 of the Uniform Code of Military Justice, the section covering mutiny. Lamont's explanation of his action was that he felt that the disturbance in the stockade the night before could possibly grow into mutinous action.

Several prisoners filled out Army DD 510 forms (standard forms for requests and communication with superiors) to request press interviews to counter the Army version of justifiable homicide and to protest stockade conditions. These were subsequently denied.

October 14, 1968: The stockade prisoners were assembled for roll call and work detail assignments at 7:30 a.m. When the name of the first man in the group was called out, they all answered "Here" and walked over to a grassy corner in the stockade enclosure. They began to sing "We Shall Overcome" and "America the Beautiful." When they were confronted by a sergeant they asked to see Capt. Lamont. When he arrived, one of the men, Walter Palowski, rose and read to him an improvised "510" form listing grievances, including the killing of Richard Bunch, and making several requests: the elimination of shotgun-type work details, psychological evaluation of stockade personnel, and better sanitary conditions. Lamont walked away, refusing to listen. He did not follow the stockade Standard Operating Procedure requiring that he first reason with prisoners, and then use only the minimum necessary means to correct a disorderly situation; he admitted later that he had not even read the Procedure. The prisoners resumed their singing. Lamont attempted to read article 94 to the men, but he could not be heard above the singing and general noise in the yard. He went to an M.P. car outside the stockade gate and used its loudspeaker to order the men to return to the stockade building, and he read article 94 again. Witnesses at the pre-trial hearings testified that he could not be clearly heard because of static in the loudspeaker, that he was partly hidden by the door of the vehicle, and that he did not identify himself when he ordered the men to return to the building. Capt. Lamont testified that he had been called at 5:30 a.m. about a possible disturbance that morning, but merely went back to sleep. When he arrived later to deal with the sitters-down, he brought many M.P.'s, an Army photographer (whose pictures are attached) and fire equipment. He ordered water thrown on the demonstrators, but the men with the fire equipment refused to do so. The Army admits that the demonstration was entirely non-violent, and that the men offered no resistance to being carried back into the building. The entire event took about an hour.

October 17, 1968: The standard "510" forms requesting press interviews were passed on from Col. McMahon, Commanding Officer of the Presidio, to Lt. Gen. Larsen, Commanding Officer of the Sixth Army, with a negative recommendation and the comment that "they would get enough press at their courts-martial." The inevitability of court-martial for the men was indicated by this command attitude prevailing before preliminary hearings and pre-trial investigation. General Larsen denied the requests on November 7th.

October 22, 1968: Capt. Robert L. Paine, commanding officer of the Special Processing Detachment (part of the disciplinary structure of the Presidio), who conducted the preliminary investigation of the mutiny charge, gave his recommendation to the base legal office that court-martial charges for mutiny be preferred. The base legal office prepared the mutiny charges the next day.

November 5, 1968: The article 32 pre-trial investigation of the charges began. Hearing Officer for the first six was Capt. Richard J. Millard.

November 13–26, 1968: Hearings were held for the remaining 21, in groups of 18 & 3.

November 18, 1968: Five of the first six to receive article 32 hearings underwent psychiatric examination by Army psychiatrists, who recommended discharge under Army Regulation 635–212 for four of the five.

December 7, 1968: Capt. Millard made his official recommendation to Gen. Larsen. He found that "the charge of mutiny under article 94 does not apply to the facts of 14 October 1968"; that the necessary element of "intent to override lawful military authority" was "absent in the present case"; that the case had "been built up out of all fair proportion"; that the charge was an "overreaction by the Army" and a "misapplication of a statute which could lead to a further miscarriage of justice." He found that there was "ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to the standards we should expect. Of special significance in this case is the fact that the DD 510 procedure for expressing grievances, as implemented prior to the demonstration on Monday the 14th of October, was shoddy and inefficient." He recommended that there be only a special court-martial at most (if a given prisoner were not discharged for psychiatric reasons) on a lesser charge of willful disobedience. If the six-month maximum a special court can give were not sufficient, then "the focus of the command should be on those conditions which lead to such demonstrations, for in my opinion, one does

not give up six months freedom to participate in a short demonstration unless the conditions leading to the demonstration are compelling." Capt. Millard recommended against General Court-martial for mutiny, as did another of the hearing officers. (A copy of Capt. Millard's report for Pvt. Lawrence J. Zaino is attached.)

January 16, 1969: The Army announced that the first six men, whose hearings had been conducted by Capt. Millard, would stand General Court-martial for Mutiny on January 28th. No reason was given for the rejection of Millard's recommendations.

January 17, 1969: Federal Judge Stanley Weigel issued a "show cause" order to the military authorities of the Presidio as a result of a petition from Attorney Terrence Hallinan, to show why confinement at the Stockade was not "cruel and inhuman punishment" and therefore unconstitutional.

January 28, 1969: Court-martial proceedings against the first six began. All six cases were eventually recessed to later dates.

February 6, 1969: Pvt. Nesrey Sood underwent General Court-martial for mutiny. Nesrey Sood is a 25-year-old native of Oakland, California, who was married and had three children before he was drafted for neglecting to keep his draft board properly informed of his whereabouts. He served in Vietnam, and was eventually granted an administrative discharge. On the way to pick it up he went AWOL to see about his children, who were being neglected. Shortly before his court-martial for mutiny, a certified letter arrived for him at the stockade, and was signed for by stockade personnel. The letter was from the Alameda County Superior Court (Oakland) informing him that his children had been taken into custody by the court because of neglect and that there would be a hearing on the disposition of the case and provision for the children, to take place on January 28th. If he wished to express his will concerning the children he was to be present at the hearing on the 28th or send an attorney to represent himself. . . . The letter was not given to Pvt. Sood until January 30th, two days after the hearing and eight days after it arrived.

February 23, 1969: Pvt. Nesery Sood was convicted of mutiny, and sentenced to 15 years at hard labor, dishonorable discharge, and forfeiture of all pay and allowances.

February 14, 1969: The Courts-martial for two to the first six resumed: Pvt. Lawrence Reidel and Louis Osczpinski. A sound expert, Dr. Salmon of the Stanford Research Institute and a graduate of M.I.T., testified that it was "highly improbable" that the demonstrators of October 14, 1968 could have heard the readings and orders of Capt. Lamont, even when he used the loudspeaker . . . During noon recess Osczpinski slashed his wrists; he was bandaged at the hospital and returned to the courtroom . . . Both young men were convicted of mutiny. Osczpinski was sentenced to 16 years at hard labor, and Reidel to 14. Both were sentenced to dishonorable discharge and forfeiture of all pay and allowances . . . Army psychiatrists had testified that both Reidel and Ocszpinski had severe psychiatric disorders and should be given administrative discharges; yet no provision was made for psychiatric care in the sentencing.

February 17, 1969: Pvts. Sood, Osczpinski and Reidel were shipped to Fort Leavenworth, Kansas, to begin serving their sentences.

Court-martial began for Pvt. John Colip. On the motion of the defense a change of venue was granted. Army officials chose the Sixth Army's Fort Erwin, California, where the trial resumed on February 24th.

February 28, 1969: John Colip was convicted of mutiny and sentenced to four years at hard labor, dishonorable discharge, and total forfeitures.

(Colip's considerably shorter sentence might be correctly understood in the light of rumors at the stockade that if the 15 prisoners whose trials are set for March 18, and whose attorney is Terence Hallinan, would drop him as their attorney, they too would only receive four years.)

March 5, 1969: The courts-martial of Pvts. Dodd, Yost, Zaino, Murphy, Hayes, and Swanson began. The trials are currently (March 8) in the stage of interrogations and motions. Certain indications of command influence have been revealed by the defense: military defense attorneys Capts. Yeari and Sullivan made public a letter from Col. Garnett of the base legal office forbidding them to discuss the case with the press. They considered such a letter an affront to their character and professional integrity. They also revealed that they had been contacted by phone by a Major Jenkins who identified himself as a friend of Mendel Rivers and of Lt. Gen Stanley Larsen, C.O. of the Sixth Army, and who said that Gen. Larsen wanted to get off the hook on the trials, had received poor advice, and wanted to negotiate with the lawyers. Yeari and Sullivan told Col. Garnett of the call, and he called a meeting of all the military lawyers—prosecution and defense—involved in the case, and said he would hold an investigation of Major Jenkins and his role. The meeting was held February 9th, but as of March 6th, and after several requests to Col. Garnett for the results of the investigation, the two lawyers had heard nothing further. They therefore issued a statement including a letter they had written to General Larsen by way of Col. Garnett demanding the results of the investigation of the person and role of Jenkins. They attempted to have the law officer, Colonel Lee, rule on it; when he said he could not become involved with a "fictitious major," Capt. Sullivan offered Jenkins' address and telephone number. Col. Garnett had admitted to Yeari and Sullivan that there was such a major. The Army has now admitted that Major Jenkins did contact Gen. Larsen on the 6th of February but denies that anyone has been authorized to make deals in the case. It had previously denied that Jenkins had been a contact for Larsen. Attorney Lowe, defending Private Yost, indicated that if Larsen is attempting to make deals with the defense, he wanted change of venue not just away from the Presidio, but out of the control of the Sixth Army altogether.

During the trial Private Yost suffered the indignity of having his Purple Heart (he is a veteran of Vietnam) and other medals ripped from his uniform by a guard on the order of the prosecution. The guard said that Yost wasn't fit to wear them. On the complaint of the defense, and over the objection of the prosecution, Law Officer Lee ordered the medals returned.

Speaking for all seven attorneys for the six accused, Captain Fahy asked the Law Officer to intervene to stop the "pattern of harassment" just as they had asked previously of Gen. Larsen. They asked Col. Lee to order Gen. Larsen to stop the harassment of their clients. They submitted five affidavits indicating that their clients were subject to immediate harassment for cooperating with their attorneys, and were becoming afraid to do so. Atty. Howard DeNike submitted that his client, Ricky Dodd, had recently been beaten up in the stockade; and Atty. Lowe that his client, Pvt. Marino, had been struck by a sergeant.

March 18, 1969: The courts-martial for the remaining 15 defendants begin, with Atty. Terence Hallinan as civilian counsel.

OFFICIAL RECOMMENDATION FROM ARMY HEARING OFFICER AT PRETRIAL INVESTIGATION

(NOTE.—This is an exact copy of Capt. Richard J. Millard's report for Pvt. Lawrence Zaino. His reports for the others were almost verbatim, and copies are available.)

The charge of mutiny under Article 94 does not apply to the facts of 14 October 1968. There are three elements to the offense of mutiny, one of which is the intent to override lawful military authority. The element is absent in the present case.

I find, however, there are facts sufficient to sustain a charge of willful disobedience under article 90 of the UCMJ, a lesser included offense of mutiny under Article 94.

In my opinion, this case has been built up out of all fair proportion. To charge Zaino and the others with mutiny, an offense which has its roots in the harsh admiralty laws of previous centuries, for demonstrating against the conditions which existed in the stockade, is, in my opinion, an overreaction by the Army and a misapplication of a statute which could lead to a further miscarriage of justice.

Zaino and the others demonstrated in a manner contrary to military regulations and custom, and they refused to obey the lawful order of Captain Lamont to cease demonstrating and return to the stockade building. For this refusal to obey, I recommend that Private Lawrence J. Zaino be tried by Special Court-martial, or as an alternative that he be separated from the service with less than an honorable discharge under AR 635212.

The two basic reasons for the imposition of punishment are to deter crime and to rehabilitate offenders. In Zaino's case, it is very questionable whether any long term confinement is likely to be effective in rehabilitating him. I call your attention to the psychiatric evaluation (Incl. 31) prepared by Major Chamberlain at Letterman General Hospital on 18 November 1968. Dr. Chamberlain feels that Private Lawrence J. Zaino has a personality disorder which makes it highly unlikely that we will be able to adapt to the Army, and therefore recommends that he be separated from the Armed Services as expeditiously as possible under AR 635–212. As far as deterrent to crime is concerned, I feel that a six month sentence, which is the maximum a Special Court-martial could adjudge, is an adequate deterrent against demonstrations such as the one that occurred on 14 October 1968. If it is not adequate, then the focus of the command should be on those conditions which lead to such demonstrations, for in my opinion, one does not give up six months freedom to participate in a short demonstration unless the conditions leading to the demonstration are compelling.

There is ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to the standards we should expect. Of special significance in this case is the fact that the DD 510 procedure for expressing grievances, as implemented prior to the demonstration on Monday the 14th of October, was shoddy and inefficient. Although the conditions at the post stockade were deficient, I do not believe that they were so terrible, or that the prisoners' opportunity to express themselves was so limited as to be a complete defense to a disobedience of orders. However, these factors should be considered as mitigating circumstances.

Considering all the facts, including the nature of the disturbance, the conditions which existed in the stockade, the military service of the accused, the mental state and character behavior of the accused as described by Dr. Chamberlain, and the unlikelihood that punishment will have any rehabilitative effect, and the established policy that trial by General Court-martial will be resorted to only when the charges can be disposed of in no other manner consistent with military discipline, I recommend trial by Special Court-martial, or as an alternative, separation under AR 635–212, which would be to the benefit of both the Army and the accused.

Remarks

It is unfortunate that this report should have taken so long, and that the record we

have of the proceedings is so poor. There is no substitute for a verbatim transcript of a judicial proceeding. I believe it is an essential right of an accused to have relevant testimony preserved accurately. Especially in a case such as this where the charges are so serious. It is unacceptable to me as an attorney to believe that the Army cannot afford to preserve the record accurately.

An explanation of the time spent investigating the charges is attached, however I feel it is my duty to call your attention to the fact that three weeks were required to have the trascript (sic) of the proceeding typed. During this period memories faded and it became impossible to reconstruct testimony which was not recorded, partially recorded or recorded inaccurately.

Capt. RICHARD J. MILLARD,
U.S. Army Quartermaster Corps.
PRESIDIO, SAN FRANCISCO.

(This report, together with similar ones for the other six men involved in the first investigative hearing, was forwarded from Capt. Millard to Col. McMahon, Post Commander, Col. James Garnett, Sixth Army legal office, and Lt. Gen. Stanley Larsen, Commanding General of the Sixth Army, along with copies of the psychiatric reports on each man. Each of the three rejected Millard's report and recommended General Court-martial for mutiny. None stated his reasons for this rejection.)

REMARKS ON THE DEPARTMENT OF THE ARMY FACT SHEET REGARDING THE MUTINY TRIALS AND STOCKADE CONDITIONS AT THE PRESIDIO OF SAN FRANCISCO

At the end of January, 1969, the Department of the Army, in response to inquiries from Congressmen and Senators issued a fact sheet on the killing of Pvt. Richard Bunch and the subsequent alleged mutiny at the Presidio Stockade. Several Congressmen have returned this fact sheet to inquiring citizens, some with the note that the Army's reply is self-explanatory. It is our contention that this reply is neither self-explanatory nor completely accurate. This contention is based on evidence contained in the Army's own records and first-hand evidence of both the personnel and prisoners of the Presidio Stockade.

1. The Army fact sheet states that the prisoner capacity of the fenced-in portion of the Presidio Stockade is 103 men. The Army fact sheet states:

"A weekly check of the prisoner population for the same day of the week from 15 August 1968 to 31 January 1969 revealed that the population of the fenced in portion of the stockade exceeded 103 men on 6 occasions; these were:

"Sept. 5, 1968	105
Sept. 12, 1968	110
Sept. 19, 1968	108
Oct. 10, 1968	111
Jan. 16, 1969	112
Jan. 30, 1969	111"

These figures simply are not accurate. They are contradicted by the confinement officer, Capt. Lamont, as well as by the guards and prisoners on November 19. At the Article 32 hearing, presided over by Capt. Howard McElhatten, Capt. Lamont testified that for 54 days preceding the 14 October disturbance, the stockade prisoner population exceeded 103, which is the expanded capacity. According to Army regulations, a stockade can operate at emergency capacity for a maximum of 7 days. Lamont recorded in his own handwriting the daily stockade population from 1 August to 28 October. This handwritten record was obtained by one of the civilian defense attorneys at the Article 32 hearings:

Sept. 5, 1968	126
Sept. 12, 1968	126
Sept. 10, 1968	125
Oct. 10, 1968	130

Further, Capt. Lamont's record shows that on 14 October, the date of the alleged mutiny, the Stockade population was 140. On 15 October it reached 145 men. On the date of the second pre-trial investigation, the Stockade population was 120. The complete record of Stockade population between 1 August and 28 October 1968, as listed by Capt. Lamont, is available. We have no way to determine where the Department of the Army obtained its figures. We know that these figures are contradicted by the testimony of Capt. Lamont and other people in the Stockade.

2. On 14 Nov. 1968, during the second pre-trial investigation, Capt. Lamont testified to the shortage of rations in the Stockade. He stated that for two weeks prior to 14 October, the Stockade had been drawing rations for 104 men, despite the fact that the Prisoner population in the Stockade averaged 128 men, and reached as high as 140 men on 14 October. The tension created by overcrowded conditions is obviously heightened by short rations.

3. The Army fact sheet admits that the segregation cells are smaller than the size permitted by DOD directive.

4. There have been several investigations of the Stockade both before and after the alleged mutiny. The general pattern is that previous to any formal tour or investigation, the number of the Stockade prisoners is decreased. In January, Gen. Westmoreland visited the Presidio. Several days prior to his arrival 40 prisoners were removed from the Stockade. A similar lowering of population occurred before the visit of a representative of Congressman Whalen (R., Dayton).

5. The Army has stated that there is no evidence to indicate that Pvt. Bunch was mentally disturbed. They state that he was examined by a psychologist at the Presidio who reported this lack of evidence. Again, it is strange that the Army would deny its own evidence. Besides the fact that last May Bunch's mother tried to have him admitted to a civilian hospital in Dayton, Ohio, and that she has a letter from a JAG officer at Ft. Meade promising that her son would receive psychiatric care, the psychiatrist who examined Bunch at Letterman Hospital (Presidio) filed a written report stating that Bunch was, among other things, a manic depressive. The Army as well as a member of Congress has a copy of this psychiatric evaluation on file. Furthermore, several of Bunch's fellow Stockade inmates have testified that they felt him to be severely disturbed. In Bunch's cell after his death, several hand scrawled notes were discovered indicating his disturbed mental state and suicidal tendencies. The notes were brought out of the Stockade by a guard and given to an attorney, Mr. Terrence Hallinan. The guard and the prisoners saw those notes and will testify to their authenticity.

6. There were three other prisoners on the work detail the morning of October 11th who witnessed the killing of Richard Bunch. These three were in the immediate proximity of Bunch and the guard; further down the street there were three other witnesses (according to the Army fact sheet). Two of the prisoners on the detail state that they heard Bunch ask the guard if he would shoot him if he tried to escape. The guard answered he would have to try in order to find out. The Army fact sheet confirms this dialogue and indicates that "the guard believed Bunch was joking." Pvt. Linden Blake, a member of the work detail, testified that he told Bunch to stop "bugging" the guard. Moments after the dialogue between Bunch and the guard, Bunch began to run down the street. Pvt. Blake, in sworn testimony, stated he heard the click of the guard's shotgun and turned to see him fire the gun, hitting Bunch in the back. (Pvt. Linden gave sworn statement under penalty of perjury in U.S. Federal Court, San Francisco, case no. 50565, as to what happened. His testimony is attached.)

7. Of the six witnesses referred to in the Army fact sheet, four testified that they did not hear the guard call "halt" even once before shooting Bunch; three of these witnesses were in immediate proximity to the guard and they heard and saw only the shooting. The two who said they heard the order to halt were further down the street. The three closest witnesses testified that Bunch was shot at a range of 25 to 35 feet; the Army report says it was a range of 62½ feet. Either estimate may be true. Neither estimate changes the substance of the act.

8. On October 12th a so-called "G.I. and Veterans' Peace March" was held in San Francisco. Personnel at the Presidio were restricted to base that day. Capt. Lamont testified at the Article 32 hearing that on October 12, he read Article 94 of the UCMJ, the mutiny charge, to all the prisoners in the Stockade; he testified that the reason for doing this was "shock value," as he suspected there might be some disturbances in the stockade because of the killing of Bunch.

9. There is basic agreement on what transpired on October 14th. As the Army fact sheet outlines: "At 0730, 14 October 1968, a work formation was assembled at the stockade. When the first prisoner's name was called, 28 prisoners left the formation, walked away, sat down and began singing and chanting . . ." About forty minutes later "twenty-five military policemen entered the stockade and escorted the demonstrators from the scene. No force was required other than physically carrying some of the prisoners off."

10. The Army has made much of the fact that two of the prisoners involved in the demonstration have testified in such a way as to damage the case of the rest.

a. Pvt. Peters left the group when Capt. Lamont arrived. The Army reports him as saying that he heard that the action constituted a mutiny. However, Pvt. Peters went AWOL the next day and he has not returned to custody to date.

b. Pvt. Swanson states "he wanted to leave the sit-down but was forced to remain by the other members of the group." In viewing the video tape and pictures taken by Army photographers of the demonstration, it seems unlikely that he could have been forced to remain in the group.

11. Among other things the prisoners chanted, they called for (Capt.) Lamont and Major Homel (the Post Judge Advocate). When Capt. Lamont arrived, one of the prisoners arose and attempted to read him a list of grievances. According to Capt. Lamont's testimony (on Feb. 3, 1969) the demands were:

"We want elimination of all shotgun type work details."

"We want complete psychological evaluations of all personnel before they are allowed to work in the Stockade."

"We want better sanitary conditions."

The prisoner also read a protest of the killing of Richard Bunch and the Army's verdict of justifiable homicide.

12. Instead of following the Army Regulation contained in the Standard Operating Procedure of the Stockade, which instructed him to first reason with the prisoners and then to use the minimum amount of force to resolve the situation, Capt. Lamont immediately began to read them Article 94 of the UCMJ (the mutiny charge). When he was signaled that he could not be heard, he went outside the stockade compound to a nearby M.P. car and used its loudspeaker. According to the prosecution, he also ordered the men to return to the stockade building. However, witnesses testify that Capt. Lamont did not identify himself while using the loudspeaker and that he was at least partially blocked from view by the car door. Further, a Dr. Salomon, a sound expert

from Stanford Research Institute, testified at the first trials that, in all probability, the prisoners could not hear Capt. Lamont even over the loudspeaker. Other witnesses testified that the static in the loudspeaker made it difficult to hear Capt. Lamont.

13. The Army's fact sheet on the incident also fails to mention that:

a. According to Capt. Lamont's own testimony, he had been notified by a stockade guard at 0530 on 14 October that there was possibility of a disturbance in the stockade that morning. He testified that at the time he went back to sleep and took no preventative measures to avoid any problems.

b. Capt. Lamont was called to the stockade at 0730 14 October. When asked by one of the attorneys at the first trial why he did not take steps that had less severe potential than reading the mutiny charge, he testified that his mind was fixed from the beginning on mutiny as the proper charge to make. His own statement is further substantiated by the fact that he arrived at the stockade with a photographer and fire engine.

c. When asked why he did not follow the Standard Operating Procedure manual directive that he attempt to reason with the group, he stated that he was not familiar with the directive. Given the fact that the group had called for him and had attempted to communicate their grievances, it seems fair to assume that an attempt on his part to reason with the men may have resolved the disturbance.

14. According to the Army's fact sheet, two of the three Article 32 Investigating Officers, Capt. Richard Millard and Capt. James Brander, recommended against bringing the mutiny charge. Capt. Millard, in his official report stated that the facts of 14 October did not support the mutiny charge. Further, he said that in his opinion the case had "been built up out of all fair proportion." He recommended a Special Court-martial with a maximum sentence of 6 months, stating that if such a punishment "were not adequate deterrent to such demonstrations, then the focus of the command should be on the conditions in the stockade which gave rise to such disturbances." Capt. Millard reported that there was ample evidence to indicate that the conditions in the stockade were substandard. In particular, he noted that the DD 510 procedure for filing grievances was "shoddy and inefficient." Capt. James Brander recommended a general court-martial for willful disobedience. Both men pointed to the mitigating circumstances of the disturbance.

15. The Army fact sheet states that the decision to proceed with the mutiny charge was based on complete investigation, allied papers and intermediate commanders' recommendations. It is difficult to understand what this more complete information would be, as the hearing officers reviewed all of the available evidence. Defense attorneys have alleged that, in fact, the Sixth Army Judge Advocate, Col. James Garnett, prejudiced the decision by the manner in which he presented his recommendations to Lt. Gen. Larsen.

16. Based on testimony from all the civilian attorneys involved in the case and reports from the 27 men themselves, it is not accurate to give the impression that one or a group of civilian attorneys were backing the sit-down. It was common knowledge that there are over 100 civilian attorneys in the Bay Area who have agreed to handle military cases free of charge. This fact seems to have bothered military authorities at the Presidio for some time. Last summer, one of these attorneys made public a letter from the Commanding Officer of the Presidio in which he called the group of attorneys "unethical."

17. The Army fact sheet mentions a December 1968, motion in the Federal District Court in San Francisco by Mr. Terrence Hallinan for a writ of habeas corpus and mandamus and injunctive relief to be granted regarding stockade conditions. It notes that his motion was denied by Judge Wiegel on the grounds that he had not exhausted all military channels. It does not mention that after the same motion was denied by the Court of Military Appeals, Judge Wiegel accepted Mr. Hallinan's motion into consideration and on January 16, 1969 issued a show cause order to the Sixth Army why Mr. Hallinan's motion should not be allowed.

Mr. Speaker, I include at this point articles from the San Francisco Chronicle, dated February 18, 1969:

EXCESSIVE ZEAL IN MUTINY CASES

There is understandable public concern over the severity of the sentences in the first courts-marital of the Presidio "mutineers," the young GI stockade prisoners who staged a singing, sit-down protest at the Presidio last October. The sentences of three men thus far tried average 15 years and give good indication of what other defendants can reasonably expect.

These are, of course, extremely harsh penalties to be visited upon young men who mistakenly thought that the form of civilian protest could be transferred to military life, and military guard house life at that. Most of the defendants were either being held for trial for being absent without leave or had been found guilty of this transgression. Their cases have found sympathetic and militant support from those who oppose the Vietnam war, which has tended to color the emotions involved.

We do not question the authority of the armed forces to punish those guilty of mutiny with severity, for it is the highest of crimes which persons subject to military law can commit, taking its place alongside treason, sedition or murder. It can be a capital offense under the Uniform Code of Military Justice. Any organization which exists by virtue of discipline and obedience must regard its breach seriously.

However, in the Presidio demonstration—for it was nothing more than that—we must agree with the findings of Army Captain Richard J. Millard, a member of the California bar who investigated the cases and recommended how they should be handled. A charge of mutiny, he wrote, "has in its roots the harsh admiralty laws of previous centuries." He urged that the 27 accused be tried not by general court martial, but by special courts which have authority to impose only a maximum term of six months. Millard did not believe that a mutiny had occurred but said that there was certainly "willful disobedience of an order," a much lesser offense.

In pursuing mutiny prosecutions, we believe the officers responsible have acted to create a cause celebre. It is virtually a certainty that the long prison terms will be ameliorated by the review process. In the meantime, all that will have been accomplished is to portray the Army as an institution anxious to administer punishment with excessive zeal. This is hardly the idea that those responsible for the trials wanted to convey to the public.

ON OFFICERS AND ARMY DISCIPLINE

(By Royce Brier)

Casual students of our history know more about the military attitude toward discipline from the Civil War, than from any other war.

They know this because Ida M. Tarbell in her Life of Lincoln included an appendix listing some 500 cases where the President suspended death sentences imposed by courts martial. This intercession was by telegrams directed to district commanders.

Most of them deal with sleeping sentries and deserters, and there are few mutiny cases, though several occurred. In one big one in Tennessee a whole brigade went on a rampage and burned the camp of another brigade. The aftermath of this event is not readily available.

Lincoln was explicit he would not countenance execution of buck privates while "wily" civilian obstructors of recruiting were winning short sentences from military commissions. This "wily" outside influence on soldiers charged with military offenses could well establish a precedent for more modern circumstances of military discipline.

Last October a prisoner at the Presidio was shot and killed, allegedly while attempting escape from a work gang. In protest 27 other prisoners staged a sit-down, called mutiny.

The first of the accused was tried by a court martial consisting of two colonels and four lieutenant colonels. He is N. D. Sood, 25, of Oakland. He is married and has three children.

Sood has a considerable army record of clashes with his superiors. He is an impassive young man and appears to be mentally normal, which is not the case with some of his colleagues in the sit-down. After five days of hearing, he was convicted and sentenced to 15 years at hard labor.

The record indicates Sood, just prior to the October incident, was under emotional stress over domestic difficulty involving divorce and custody of his children.

It is rare that an army officer reaching a colonelcy is not held in a mold regarding discipline, especially touching refusal to obey orders or any conspiracy thereof. This mold was set in our beginnings (which derived from British army practice), and is conspicuous in army thinking at West Point.

The uses of army punishment as a deterrent, or example, to prevent a breakdown of discipline, is a commonplace part of the mold. Further, court martial officers are conscious the accused often wins modification of sentence on appeal, if not executive clemency from the President, and so tend to stiff sentences to offset it.

It is doubtful if the severity of Sood's sentence is in the best interest of the United States, whatever other interests are involved. He is manifestly not good soldier material, and in fact was about to be mustered out before the Presidio trouble.

This sentence should be diminished to reasonable proportions, by the President if by no one else. You cannot disregard defiance in an army and keep a good army. But neither can you impose Draconian punishment and keep a good army, despite fixed military theory.

Mr. Speaker, I include at this point an article entitled "Chronology of Presidio Stockade 'Mutiny'," by Gene Castellano Florida:

CHRONOLOGY OF PRESIDIO STOCKADE "MUTINY"

(By Gene Castellano Florida)

Louis Osczepinski is not a household name but the Army's court martial of him and 26 other soldiers for alleged mutiny has become a matter of national significance.

Three of the 27 prisoners in the Presidio stockade who staged a sit-down strike last October in protest over the killing of another prisoner and alleged unsanitary conditions there have been convicted.

Osczepinski, a Florida resident, is one of them.

Here is a chronological record of the events leading up to and since the "mutiny" as compiled from the dispatches of United Press International and information furnished The Times Herald-Record by Brian Drolet of the National Committee for the Defense of Military Prisoners, San Francisco.

May, 1968: Pvt. Richard Bunch, 19, was AWOL and his mother tried to have him admitted to a Dayton, Ohio, hospital for psychiatric observation. The hospital notified military authorities and Bunch was picked up.

His mother reportedly has a letter in her

possession promising Bunch would receive psychiatric care.

An Army psychiatrist from Letterman General Hospital, San Francisco, who examined the 5 foot 4, 120-pound soldier found he was a "manic depressive."

Oct. 11: According to the testimony of Pvt. Linden Blake in the Federal District Court of Northern California on Nov. 22: "I first noticed Richard Bunch was bothering the guard asking him questions such as 'Would you shoot me if I ran?' As we went back into the street to cross it I heard Bunch say something like, 'Aim for my head,' or 'You'd better shoot to kill.'

"... Bunch and the guard were in the middle of the street, two other members of the detail, Colip (next to come to trial) and Reims, were in the supply room, and I was on the sidewalk with my back to Bunch and the guard.

"I heard footsteps, and the click of the shotgun being cocked, and I turned to see the guard aim and fire, hitting Bunch in the small of the back."

Blake testified that no command of "halt" was given and that Bunch was about 25 to 30 feet from the guard when he was shot.

Hours after the killing, the army issued a verdict of "justifiable homicide" although it promised further investigation.

That evening there was a small riot in the stockade, presumably in protest of the shooting.

Oct. 12: The GI and Veterans' March for Peace was held in San Francisco. (This is part of evidence the Army contends showed the trials were being turned into "some sort of anti-war circus.")

Oct. 14: At 7:30 a.m. 27 of the men assembled for a work detail broke ranks, walked to a spot on the grass, and sat down. They sang "We Shall Overcome" and "America, The Beautiful," and asked the sergeant in charge to summon the Presidio commander, Capt. Robert S. Lamont.

When he arrived (with a photographer and a firetruck), Pvt. Walter Polowski read a list of grievances including the killing of Bunch and shotgun-carrying by guards. Capt. Lamont used the loudspeaker system of a military police car to read the charge of mutiny to the 27.

(Testimony at Osczepinski's court martial revealed the captain's voice could not be heard clearly.)

Nov. 5, and 13–26: Article 32 (mutiny) hearings for the 27 were held.

Nov. 18: Osczepinski and four others underwent psychiatric examination. Maj. T. J. Chamberlain, who evaluated Osczepinski, recommended he "be separated from the Army under AR 635–212" (be given an administrative discharge).

Dec. 7: Hearing officer Capt. Richard J. Millard officially recommended to Gen. Stanley Larsen, Sixth Army commander that the first six prisoners (including Osczepinski) not be tried for mutiny, on the grounds that the facts of the Oct. 14 incident did not support the charge.

Jan. 16: The Army officially announced it would bring the first six alleged mutineers to trial at a general court martial.

Jan. 28: Court martial proceedings against the six were begun, four were granted continuances. Attorneys for Lawrence Reidel of Crescent City, Calif., and Osczepinski began their cases.

Feb. 5: The trials of Osczepinski and Reidel were ordered recessed until a medical board could determine their mental condition.

Feb. 6: Pvt. Nesrey Sood stood trial for mutiny.

Feb. 13: Sood was convicted of mutiny and sentenced to 15 years at hard labor, forfeiture of all pay and allowances, and a dishonorable discharge.

Feb. 14: Adjudged sane, Osczepinski's court martial resumed. During a recess, he slashed his wrists.

Feb. 15: After only 55 minutes of deliberation, the court martial board convicted the two privates of mutiny, sentenced Osczepinski to 16 years at hard labor and Reidel to 14, and ordered them dishonorably discharged with loss of pay.

Oszcepinski was given the longer sentence because he reportedly had been convicted twice of being AWOL.

Feb. 17: Reidel, Osczepinski, and Sood were shipped to Fort Leavenworth, Kan., to begin serving their sentences.

Two Warwick veterans of the Vietnam war, David O'dell and Donald Puff, presented a petition requesting a new trial on a lesser charge and a reduction in sentence to the Warwick and Florida American Legion Post. No action was taken.

Feb. 20: Petitions were reportedly circulating throughout Orange County protesting Osczepinski's conviction and sentence. O'dell and Puff had gathered 200 signers in two days.

Warwick Legion Commander Aaron Hasbrouck submitted the Warwick men's request to a meeting of county Legion officers. It was left up to members' discretion whether to sign.

Feb. 24: Sens. Jacob K. Javits and Charles E. Goodell and Rep. Martin B. McKneally, R–27, called for detailed reports from Army Secretary Stanley Resor on the "very severe" sentence awarded Osczepinski.

I include now an article from the San Francisco Chronicle dated March 8, entitled " 'Harassment' at Presidio":

"HARASSMENT" AT PRESIDIO

(By George Murphy)

Defense attorneys for six Presidio GI's charged with mutiny told a court-martial there yesterday their clients are undergoing a "pattern of harassment" at the Presidio stockade.

"If our clients aid us in their defense, they are subject to immediate reprisals," Captain Thomas Fay, one of the military defense attorneys, told the law officer, Colonel John G. Lee.

Fay noted that on Wednesday the defense had asked Lee to order harassment at the stockade to stop, and Lee had said the proper authority to issue such an order was the Sixth Army commander, Lieutenant General Stanley Larsen.

"We sent affidavits to General Larsen, showing the pattern of harassment of our clients, but we have received no reply, and the action continues," Fay said.

Fay then introduced five affidavits claiming brutal treatment into the record and Lee said he would forward them to the commanding general.

The prosecutor, Captain John F. Novinger, objected that the affidavits did not have to go into the record and asked:

"Is the defense doing this just for the benefit of the press?"

Civilian attorney David Lowe said the only reason for the affidavits being recorded was "to make sure that any reviewing board or court, far from this time and place, can get a full record of what happened at the Presidio."

Lowe later said that not only the six GIs on trial now, but 14 others awaiting trial are being harassed at the stockade.

He said that one of those awaiting trial, Private Richard Moreno, "didn't make a square corner when he marched at the stockade at noon today and a sergeant hit him with his fist, in front of five of these boys on trial."

Novinger said an investigation of the charges originally made on Wednesday "is now under way."

By the time Lee adjourned the court yesterday afternoon, the seven defense attorneys had concluded their tedious, repetitive and at times ludicrous examination of the nine-officer court-martial.

During the questioning, two of the officers said they were surprised at the length of sentences given convicted mutineers in earlier trials. The sentences ranged from 4 to 16 years.

Colonel Leonard R. Daens said he was "surprised at the severity" of the prison terms, and Lieutenant Colonel Robert B. Campbell said: "Anytime you get a man getting 14 years, that's a stiff sentence."

When the trial resumes Monday, Lee will hear arguments from the defense, which wants a change of venue from the Presidio.

The defense contends that because of the atmosphere and demonstrations in the Bay Area favoring the GIs, there is a "military backlash" which could hurt the defendants.

In the first trials of three defendants, held at the Presidio, the sentences were 14, 15 and 16 years. In the last trial, held at Fort Irwin in the Mojave Desert, the defendant got four years.

I include now an article from the San Francisco Examiner dated February 20 on "Uneven Justice," and an article from the Examiner, dated March 8, "Harassing in Mutiny Case Cited":

[From the San Francisco Examiner, Feb. 20, 1969]

UNEVEN JUSTICE

(By Dick Nolan)

Recent events at the Presidio suggest rather glumly to me that my own inky trade has been much remiss in ferreting out the facts in military courts martial.

Struck by the severity of sentences passed upon three young military offenders (14, 15, 16 years at hard labor), I turned to the archives to see what other military courts had done—just for comparison.

Crime and punishment, and the contrast between law and justice, has been one of my hobbies for years. I have a bulging file on the subject. It is fascinating, in a horrid kind of way, to see whom society punishes for what, and how severely.

It is also encouraging, on days when the journalist glooms darkly on a wasted life, to find scraps of evidence that the difference between justice and tyranny very often depends on how much gets printed in a given case. Nice to reflect that we serve an occasionally useful purpose, and that our world would, on the whole, be worse off without us.

But any time I tend to take too much satisfaction ("find a desideratum and meet it") the crime & punishment file can always produce an item to bring me down again.

In the present doings, a brief clipping datelined May 8, 1966: a crackdown on black marketing, currency manipulation, profiteering and other enterprising crimes in Saigon.

Astonishing! Our report (and with all those reporters in Vietnam) said "a couple of dozen" Americans, some soldiers and some civilians, had been "punished."

The names of the offenders were not divulged. Nor did the Pentagon permit issuance of any information on the punishments, although it was disclosed that "at least some" of the soldiers had been sentenced by court martial!!

End of dispatch. End of information. And for all my researches can turn up, end of inquiry.

Question, in the context of the Presidio sentencings: How seriously did the Army take the Saigon pilfering, black marketing, and so forth and so on? Did it find any of these offenders quite as guilty as the three young trouble-makers who took part in a stockade sit-in demonstration at the Presidio? Did anybody get 15 years at hard labor?

Proceed now, for comparison's sake, to the November, 1966, court martial of a Navy Captain, Archie Kuntze, widely known as "the American Mayor of Saigon" because

he was in command of the enormous supply-support facility there, including a PX that grossed $2 million a month.

A court martial cleared Kuntze of 18 charges growing out of his administration of the supply operation. It convicted him of three charges, all having to do with his close and (the Navy said) scandalous connection with a young Chinese girl who shared his quarters.

Thus, in the full glare of press attention, the Kuntze Case melted down to mild hanky-panky. The defendant was reprimanded, and bumped downward on the promotion list.

If the court had been inclined to severity (keeping now the Presidio court in mind) Kuntze could have been given two years and eight months at hard labor, with loss of pay and allowances, and could have been sacked without a pension.

If this had happened there would have been shrieks and screams. Just as there are shrieks and screams now as a result of the Presidio courts martial. It's just that the volume levels from various sectors of the community would be different.

Now the Army is about to whisk the remaining defendants in the Presidio sit-in "mutiny" off to a desert post God forgot we had. There, it might be presumed, the Army will deal with these rascals in its own way and in relative privacy.

But I don't think so. My ink-stained trade is often lazy, often sloppy, and lately has been showing signs it has forgotten the questions. But we can still find the desert, all right, and our way to the courtroom.

[From the San Francisco Examiner, Mar. 8, 1969]

HARASSING IN MUTINY CASE CITED—STILL NO REPLY ON "MAJOR X"

(By Will Stevens)

The mutiny court martial of six young soldiers will resume Monday at the Presidio with defense counsel pursuing motions for a change of venue as well as dismissal of the charges.

The nine-officer court martial board, however, will not return until Wednesday, pending the ruling of the presiding law officer, Col. John G. Lee, on the motions.

Meanwhile, through Col. Lee, defense counsel sent a request to Lt. Gen. Stanley Larsen, commanding general of the Sixth Army, requesting him to halt what the defense asserted was "harrassment" of the six accused in the Presidio stockade.

MAJOR X

At the same time, the defense was still awaiting a reply—affirmative or negative—from Gen. Larsen on their request that the defense be supplied with investigative reports on "Major X," who has become a mystery figure in the current court martial.

"Major X," who said he was acting for General Larsen, called two military defense counsel on Feb. 9—Captains Emmit Yeary and Brendan Sullivan at their homes—and told them Larsen "wants to get off the hook."

An Army investigation was launched, but the results have not been given to defense attorneys, despite their "repeated" requests.

CHALLENGES

Intensive questioning of a non-officer court martial board—after the manner of a jury being chosen in civilian courts—was completed yesterday, with no challenges by either the government or the defense.

Challenges—if any—will be made on Wednesday.

At one point during the questioning, Lt. Col. Robert B. Campell, a top intelligence officer at Fort Lewis, Wash., replied to a question by defense counsel Capt. Joseph Coate, representing Pvt. Ricky Dodd:

"I do not believe that these men (the six accused soldiers currently on trial) have anything to do with these anti-war groups that have been demonstrating."

It was Col. Campbell who also observed that "anytime a man gets 14 years—that's an awful stiff sentence."

SENTENCES

Although their names were not mentioned in open court, he was referring to the sentences meted out in earlier court martials to Pvts. Nesrey Sood, who received a 15-year sentence at hard labor; Larry Reidel, who was given 14 years, and Louis Osczepinski, who was sentenced to 16 years at hard labor.

By contrast, another of the accused mutineers, Pvt. John Colip, tried at Fort Irwin in the Mojave Desert, was sentenced to four years. Colip was defended by civilian attorney Ron Sypnicki of Sacramento.

Another of the court martial board members, Lt. Col. Leonard R. Daens, testified under questioning by Sullivan that "I was surprised at the earlier sentences . . . the guy who got four years (Colip) got off pretty lucky."

Mr. Speaker, I insert now an article from the San Francisco Chronicle, dated March 13, entitled "Senators' Call for Probe Cheers Mutiny Defense":

SENATORS' CALL FOR PROBE CHEERS MUTINY DEFENSE

(By George Murphy)

Yesterday was a bad day here only for the defense in the mutiny court-martial of five Presidio GIs.

In short order, the defense got turned down on requests to:

Have the trial moved out of the Sixth Army area.

Have the charges dismissed because "military due process" was not followed.

Have the flamboyant San Francisco attorney Mel Belli appear as an "expert on trial tactics."

But in Washington, things were happening that made the defense happy.

SECURITY

U.S. Senators Alan Cranston (Dem.-Calif.) and Charles E. Goodell (Rep.-N.Y.) called for a Senate investigation of the nation's military prisons as a result of what they termed the disclosure of "deplorable" conditions at the Presidio stockade. (See page one.)

Presidio M.P.'s yesterday enforced stricter trial security measures than have been seen at previous courts-martial. Photographers were told they could not come within 25 feet of the six defendants; newsmen could talk to civilian defense counsel only outside the court-martial building, not inside, as in the past.

Military defense attorney Captain Emmit Yeary claimed yesterday that "this case has been riddled by neglect, inadvertence, and in some cases sheer incompetence; charges were brought against the 27 stockade prisoners who staged a sit-down demonstration last October 14.

PROCEDURES

He said that usual procedures for bringing charges were bypassed in order that the mutiny accusations could be lodged.

"Let's go outside the Sixth Army area," he pleaded, "where we can get a fair and impartial hearing. This procedure at the Presidio violates fundamental fairness."

Prosecutor Captain John F. Novinger replied that Yeary's charges are "the wildest conjecture on the slimmest of evidence."

EXCEPTION

His co-counsel, Captain Dean Flippo, said "I must take exception to terms such as 'command incompetence' as used by the defense. There is no evidence to show this."

Law Officer (Judge) Col. John G. Lee denied Yeary's motion for dismissal of the charges, saying "I cannot find any lack of military due process," and also said moving the trial out of the Sixth Army area was not within his purview, and thus denied that motion.

Captain Brendan Sullivan, another defense attorney, asked if he could bring Belli in to testify on Friday on a motion to sever the cases.

"He will testify on the impossibility of getting a fair defense when there are six attorneys and five defendants."

RESPONSE

Lee responded: "While I personally would love to hear Mr. Belli testify, I cannot allow it, and the motion is denied."

Another military attorney, Captain Thomas Fay, asked that the defense be allowed to see the letters concerning the mutiny sent to Sixth Army commander, Lieutenant General Stanley Larsen.

Novinger said "These letters run the gamut, and I would not object if they are kept private and not released to the public."

Lee said the defense can look at the letters, and if they find that there is something in there they want to put into evidence, he will rule on it at the proper time.

The trial will be in recess until tomorrow because one of the civilian attorneys, David Lowe, of Vacaville, was called away to represent a civilian defendant in a Yolo County narcotics case.

Mr. Speaker, I insert an article dated March 8, entitled " 'Harassment' at Presidio," which is from the San Francisco Chronicle:

"HARASSMENT" AT PRESIDIO

(By George Murphy)

Defense attorneys for six Presidio GI's charged with mutiny told a court-martial there yesterday their clients are undergoing a "pattern of harassment" at the Presidio stockade.

"If our clients aid us in their defense, they are subject to immediate reprisals," Captain Thomas Fay, one of the military defense attorneys, told the law officer, Colonel John G. Lee

Fay noted that on Wednesday the defense has asked Lee to order harassment at the stockade to stop, and Lee had said the proper authority to issue such an order was the Sixth Army commander, Lieutenant General Stanley Larsen.

"We sent affidavits to General Larsen, showing the pattern of harassment of our clients, but we have received no reply, and the action continues," Fay said.

Fay then introduced five affidavits claiming brutal treatment into the record and Lee said he would forward them to the commanding general.

The prosecutor, Captain John F. Novinger, objected that the affidavits did not have to go into the record and asked:

"Is the defense doing this just for the benefit of the press?"

Civilian attorney David Lowe said the only reason for the affidavits being recorded was "to make sure that any reviewing board or court, far from this time and place, can get a full record of what happened at the Presidio."

Lowe later said that not only the six GIs on trial now, but 14 others awaiting trial are being harassed at the stockade.

He said that one of those awaiting trial, Private Richard Moreno, "didn't make a square corner when he marched at the stockade at noon today and a sergeant hit him with his fist, in front of five of these boys on trial."

Novinger said an investigation of the charges originally made on Wednesday "is now under way."

By the time Lee adjourned the court yesterday afternoon, the seven defense attorneys had concluded their tedious, repetitive and at times ludicrous examination of the nine-officer court-martial.

During the questioning, two of the officers said they were surprised at the length of sentences given convicted mutineers in earlier trials. The sentences ranged from 4 to 16 years.

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When the trial resumes Monday, Lee will hear arguments from the defense, which wants a change of venue from the Presidio.

The defense contends that because of the atmosphere and demonstrations in the Bay Area favoring the GIs, there is a "military backlash" which could hurt the defendants.

In the first trials of three defendants, held at the Presidio, the sentences were 14, 15 and 16 years. In the last compared trial, held at Fort Irwin in the Mojave Desert, the defendant got four years.

Mr. Speaker, I include now an article, dated March 11, 1969, from the San Francisco Examiner, entitled "Mutiny Trial Clampdown":

MUTINY TRIAL CLAMPDOWN

(By George McEvoy)

The long and sometimes heavy arm of military justice has clamped down on the mutiny trial of 27 soldiers at the Presidio.

The purpose is to forbid any further talk of a mysterious "Major Jenkins" who supposedly contacted defense attorneys in the case and said that "General Larsen wants to get off the hook."

The mysterious Major Jenkins claimed by phone, according to several defense attorneys, that he was an old buddy of Lt. Gen. Stanley R. Larsen, that he served with him in the 82d Airborne Division years ago.

DENIES LINK

Lt. Gen. Larsen has denied even hearing of any Major Jenkins, but has never been called upon to affirm or deny such a fact in court.

Yesterday, David Lowe—an attorney from Vacaville—asked that the Presidio court summon Gen. Larsen and Col. James Garnett, staff Judge Advocate for the Sixth Army at the Presidio—and ask them just who and what Major Jenkins is, but the Army ruled otherwise.

The legal officer at the court martial of the six soldiers now on trial—a Mississippian named Col. John G. Lee—ordered the court cleared of spectators and newsmen.

Then, after more than an hour's deliberation, Lee ruled that Gen. Larsen's testimony and Col. Garnett's testimony would not be relevant to the trial.

CLOSED ISSUE

Furthermore, Lee said that the issue of Major Jenkins was closed and that it no longer could be discussed at the trial of the six men before him.

Lowe said later that it probably could be brought up again if new evidence was offered, but he did not seem too confident of that.

All day long at the Presidio yesterday, the accent was on brevity, a la Army, as the law officer kept urging defense counsels to "get to the point" and "let's cut out this nonsense." On at least two occasions, Lee even coached witnesses.

The argument centered about two points, one being the right of a change of venue, the other being the right to a speedy trial, which defense attorneys maintain their clients have not been given because their alleged offense took place last Oct. 14.

A REMINDER

Lee, however, seemed to wave away these factors as he insisted that the attorneys "get to the point."

When one military police officer could not remember the date when he reported the offense to higher authorities, Lee told him the date.

When Capt. Brendan Sullivan, a military attorney appearing for the defense, tried to cross-examine the witness of another defense lawyer, Lee told him he could not, because the witness was appearing for the same venue issue.

Sullivan finally obtained permission to question the man on that issue and immediately went into what sounded for all the world like a cross-examination.

Mr. Speaker, I insert here an article dated March 12, from the San Francisco Examiner, entitled "Presidio GI Wins Separate Trial":

PRESIDIO GI WINS SEPARATE TRIAL

(By George McEvoy)

The trial of six Presidio GIs on mutiny charges has become the trial of only five soldiers. Private Lawrence Ziano has been granted a separate court martial in order to undergo psychiatric examination.

Ziano's attorney—Joseph Manzella—opened court proceedings yesterday morning by saying his client had gone into convulsions the evening before, trying to hurl a chair at MPs in the Presidio court room and later acting berserk in his cell at Treasure Island.

Ziano and the other five are among 27 GIs accused of mutiny in the Presidio stockade Oct. 14. Four men already have been convicted and sentenced. The first man got 16 years at hard labor, the next two got 15 and 14 years respectively, and the fourth man, Private John Colip—who obtained a change of venue to Fort Irwin in Death Valley—got a relatively light four years.

Ziano was taken to Letterman General Hospital and treated. He appeared in court yesterday heavily under the influence of tranquilizers.

MENTAL TEST

The Law Officer—Col. John G. Lee—who acts as a judge at courts martial, ordered that Ziano be granted a severance (separate) trial and that he be given a "complete and thorough psychiatric examination." Lee also ordered that Ziano be kept in a hospital room, rather than a jail, "if a room is available."

Ziano then left the courtroom under guard and was taken back to Treasure Island to be processed out and to be sent to Letterman Hospital.

There should be a room for him in the prison ward, since another soldier, also one of the 27 charged with mutiny, escaped from Letterman two weeks ago by sawing through his bars.

In other action yesterday, Col. Lee turned down a request by defense attorneys that all charges be dropped against the six defendants because they had not been granted a speedy trial.

DILIGENCE

The six—as with the others in the group of 27—have been in the stockade or in Treasure Island's brig since at least October 14.

After arguments by both sides, Col. Lee ruled that the Army showed reasonable diligence in pursuing the case, and he also quoted the U.S. Supreme Court and the Army's Court of Military Appeals as stating that the right to a speedy trial shall not be used as a means to escape justice.

Some of the legal arguments got hot yesterday, especially between military counsels Capts. Emmitt Yeary and Brendan Sullivan and Col. Lee.

At one point, Lee refused to allow Sullivan—a sensitive but pugnacious attorney—some questioning of an MP officer put on the stand by Yeary. Sullivan objected vigorously and Lee snapped back: "I don't want to argue with you, Captain."

A 19-GUN SALUTE

During the morning session, a 19-gun salute boomed out over the base and reverberated through the tiny courtroom. The Australian Armed Forces Chief of Staff, Sir John Wilton, had arrived on the base.

At the sound of the first cannonade, Lee turned to the spectators and quipped: "Heck, are they blowing up the stockade?"

One of the defense counsels—David Lowe of Vacaville—was called away on another case, a non-military one. For that reason, the arguments for change of venue will not be heard until Friday when he returns. In the meantime, the Army proceedings will concern arguments on due process of law and other matters.

It is believed that the case of the five GI's will be moved to Fort Lewis, Wash., on Monday.

FIREWORKS

But at the Presidio, another aspect of the same mutiny case will then begin—perhaps the most active part of the entire series of courts martial.

San Francisco's controversial attorney Terence Hallinan will then begin defending the remaining 14 soldiers accused of taking part in the mutiny—and he promises fireworks.

Among the charges Hallinan may bring is one that several of the soldiers involved enlisted in the Army after being given their choice of serving in the Army or going to Modesto State Hospital because of crimes they had committed.

Mr. Speaker, I insert here an article dated March 12 from the San Francisco Chronicle entitled "In Mutiny Trial—A Sanity Probe":

IN MUTINY TRIAL—A SANITY PROBE

(By George Murphy)

One of six Presidio GIs on trial for mutiny was taken to Letterman General Hospital last night after his attorney said he is "paranoid and suicidal."

Private Lawrence Zaino, 20, of Toledo, Ohio, had his court-martial proceeding severed from that of his five co-defendants and will go to trial later, perhaps, if a sanity board determines he can help his lawyer in his own defense.

Civilian attorney Joseph Manzella told Law Officer John G. Lee that the young soldier "went into convulsions" Monday night after the court-martial recessed shortly before 6 p.m.

"He was sitting in his chair, shaking, and he kept saying 'It's true what I said, it's true what I said about the brig, but they don't believe me. I'm sorry for what I did.

TRUE

" 'But they don't believe me. But it's true'."

Manzella had maintained that Zaino, who was being held at the Treasure Island brig, had been subject to harassment and physical beatings. He said that Zaino was being kept at Treasure Island because "they have better facilities there to prevent his committing suicide."

The attorney said that on Monday evening when two MPs came to handcuff Zaino, he "tried to pick up a chair and hit them with it, but he was shaking so much that he couldn't lift it."

SANITY

Colonel Lee said that he had observed Zaino during the first five days of the court martial and decided on his own that the intense, chain smoking private should be given a sanity hearing.

At midday, San Francisco attorney Terence Hallinan, who is to represent 14 of the alleged mutineers in a trial beginning next Tuesday, visited the Presidio to talk to his clients in the stockade.

Hallinan told newsmen he had received a telegram from Senator Charles Goodell, New

York Republican, "asking me for full information on the case."

Mr. Speaker, I insert now an article dated February 21, from the San Francisco Chronicle, entitled "New Data in Mutiny Case."

SECRECY EASED: NEW DATA IN MUTINY CASE

(By George Murphy)

The Army yesterday lifted a corner of the veil of secrecy it had thrown over the October 11 shooting of a Presidio stockade soldier which brought about an alleged mutiny by 27 other prisoners three days later.

For the first time, attorneys for one of the defendants, Private John Colip, 20, of Sacramento, were allowed to read the Army's Criminal Investigation Division report on the fatal shooting of Private Richard Bunch.

The report included the statement by the guard who shot Bunch, but the court-martial law officer (judge), Lieutenant Colonel Richard Snyder, warned the attorneys they could reveal the name of the guard to no one.

Snyder, who himself received two threatening letters yesterday morning, commented:

"Knowing the conditions in this area, if the guard's name were to be made public, and he lived in this area, he would be subjected to harassment, and (such information) could possibly endanger his life."

Colip's civilian attorney, Ron Sypnicki, of Sacramento, after reading the CID report, asked that the guard and five others who gave statements be ordered to testify at the court-martial when it resumes Monday at Fort Irwin, in the Mojave Desert.

Without their testimony, Sypnicki said: "I am foreclosed from showing the court (the legal arguments yesterday were held outside the presence of the courtmartial board) that the guard shot this boy, in front of Colip who was a prisoner on the same work detail, and that another guard turned to the guard who did the shooting and said: 'I wish I'd shot him, so I could get a transfer closer home.'"

The guard who fired the fatal blast of double-O buckshot has been transferred to an undisclosed post, in keeping with Army practice.

Snyder took Sypnicki's motion under submission, but not before the attorney drew the judge's attention to the autopsy report on Bunch, saying:

"Look at the areas where the deceased was wounded—in the heart, lungs, spleen and kidney—multiple wounds in these areas.

"Our contention will be that with a demonstration we can show that the shot wasn't aimed low."

The Army has said that Bunch was killed when he attempted to escape from a work detail. Guards are under instruction to shoot for the legs of prisoners, if shooting is necessary.

The Presidio 27, who on October 14 staged a sit-down demonstration in the stockade courtyard and for a time refused orders to go back to their barracks, said they were demonstrating to bring to the attention of superior officers their demands that shotgun guards be given psychiatric testing.

"They were not," Sypnicki said, "attempting to override military authority (the definition of mutiny under the Uniform Code of Military Justice authorized by Congress)." Colip's military counsel, Captain Emmit Yeary, said "This whole incident has been swept under the carpet."

Yeary, in arguing that "highly unusual procedures" had been used in handling the alleged mutineers, referred to another of his clients, Private Nesrey Sood. Sood was the first to be convicted and was sentenced to 15 years at hard labor.

"Sood was shipped out of here (to the U.S. Army Disciplinary Barracks, Fort Leavenworth, Kan.) just one or two days after the sentence. This was on the orders of the Provost Marshal-General in Washington, and, to my knowledge it's the first time such a thing has happened.'

Mr. Speaker, I insert now an article from the New York Times, dated February 4, "Mutiny Trial Is Told of Sitdown by GI Prisoners."

MUTINY TRIAL IS TOLD OF SITDOWN BY GI PRISONERS

(By Wallace Turner)

SAN FRANCISCO, February 3.—The commander of the stockade at the Presidio, an Army post here, testified at a court-martial today that he was astounded when a prisoner rose from a ring of singing, chanting sitdown protesters to begin to read a list of demands.

Capt. Robert S. Lamont, the stockade confinement officer, was asked on cross-examination why he had not begun to talk or to negotiate with Pvt. Walter R. Polowski.

"At that time and in those circumstances, I thought it would have been more like making concessions than negotiating," he replied.

Private Polowski's demands concerned conditions in the stockade.

Captain Lamont was a prosecution witness in the court-martial of Pvts. Louis S. Osczepinski, 21 years old, of Florida, N.Y., and Lawrence W. Reidel, 20, of Medford, Ore.

They are the first two to come to trial of 27 stockade prisoners accused of mutinous conduct in the sitdown protest last Oct. 14, three days after a guard killed a prisoner who ran from a work detail.

Seven officers are hearing the case in the general court-martial. The first testimony was presented today against the two privates, whose cases are the first ready for trial.

One pillar of the defense case, as indicated in questioning today and in arguments on motions last week, will be that the Army commander overreacted to the protest because of pressure from antiwar demonstrations in this area, particularly at the gates of the Presidio.

Captain Lamont was asked why he considered only mutiny charges, rather than lesser offenses such as willful refusal to obey an order, when he dealt with the sitdown. He agreed that his mind was fixed from the beginning on mutiny as the proper charge to make.

The Army prosecutor, Capt. John F. Novinger, said in an opening statement today that his case would show a "nonviolent mutiny."

Sgt. Terry Raines, who assigns work details at the stockade, testified that about 90 of the 120 prisoners in the stockade were lined up for work detail assignments at 7:30 A.M. on Oct. 14 when 25 to 30 broke ranks.

"They sat down in a circle, linked their arms and sang and chanted," Sergeant Raines said.

The chants were "We want Lamont," "We want Ford" and "We want Hallinan." Lieut. Col. John Ford is the post provost marshal, or chief police officer. Terrence Hallinan, a young militant antiwar lawyer, represents 17 of the sitdown demonstrators.

When Captain Lamont arrived at the stockade at about 7:40 A.M. he picked up a copy of the Uniform Code of Military Justice and went out to the demonstrators to read the mutiny article. At that point Private Polowski stood up.

Captain Lamont said the prisoner read these demands:

"We want elimination of all shotgun-type work details.

"We want a complete psychological evaluation of all personnel before they are allowed to work in the stockade.

"We want better santiary facilities."

Captain Lamont testified that he then began to read the mutiny article, and he and the prisoner sought to override each other's voices.

CALLS IN M.P.'S

When the demonstrators began to chant in a way that made him believe they were trying to keep from hearing the reading of the mutiny article, Captain Lamont said, he had a car with a loudspeaker pulled up and he read the article to the prisoners.

He summoned 40 military policemen for a show of strength, he said, and called up the post fire truck.

Three times he ordered the demonstrators back into the stockade building, and when they refused, he said, he asked firemen to turn water on them but the firemen would not. Then he sent the platoon of military policemen into the fenced area where the demonstrators sat.

The prisoners would not walk to the stockade and were carried, he said.

There was no violence, he said on cross-examination.

"But I did not know if they intended to be violent," he added.

He was asked if he felt he had complied with a regulation that called for an attempt by an officer to reason with a soldier who has refused to obey an order. He said he believed he had complied with it.

Mr. FOREMAN. Mr. Speaker, will the gentleman yield for a brief parliamentary inquiry?

Mr. COHELAN. I yield to the gentleman from New Mexico.

Mr. FOREMAN. Mr. Speaker, I wonder if there is any limitation as to the number of insertions allowed to be placed in the RECORD?

The SPEAKER pro tempore (Mr. EDMONDSON). The Chair will state he does not think there is any limitation as long as there is unanimous consent. The gentleman is at leave to object.

Mr. LEGGETT. Mr. Speaker, if I may continue, I would like to go now into another matter.

Now that we are appraised of the facts in the Presidio case, it would be informative to compare the procedures used at the Presidio with the standard procedures found in the Army Field Manual entitled "Confinement of Military Prisoners." This is the operating manual for the operation of a stockade under Army jurisdiction. Chapter 1, section 1. No. 2—emphasis will be placed on correction and rehabilitation rather than on punitive measures. No. 3—there must be a comprehensive rehabilitation program to prepare these prisoners for successful return to honorable military duty or return to civilian life as more useful citizens.

Have we seen any evidence of such rehabilitative procedures at the Presidio? The attitude of the Army during this whole episode has been one of a strictly punitive nature from the time the original complaints started up to the very present. This is in total derogation of the operating procedures set out in the manual.

Section III subsection f: The installation commander should be furnished qualified personnel to assist in resolving installation confinement problems.

I am advised that the Provost Marshal's statement after the fact stated there was only one man trained in military confinement prior to the time we sent a congressional committee out there to investigate.

The Army admits that very few of the

personnel have an MOS necessary to the performance of stockade duty.

Subsection 11: The Provost Marshal is to accomplish at least once each month a detailed inspection of all installation confinement activities.

Their inspection reports should be forwarded to the installation commander and should include recommendations and/or actions taken to correct all deficiencies and irregularities.

Of course, this record is devoid of any action like that. Latrines and facilities in this very old stockade were running over. The inmates were complaining. They were up in arms about it.

The Army at first denied completely that there were any problems with the facilities at the Presidio. When improvements were finally made, they were made long after the irregularities came to light. Certainly not within the 1-month period specified in the manual.

Then we have that long elaboration of conditions which were in fact improved subsequent to the time when the prisoner complained.

Chapter 3, section 37, on training states the specialized nature of duty at stockades requires that assigned or attached personnel be specially trained in the custody, control, and correctional treatment of prisoners and that a continuing program of education should be established. There is no indication—absolutely none—that any continuing education of personnel has been established, that is, until we sent out a congressional committee. In fact, there are reports from the guards that they were not even adequately trained in the first place in the use of the shotgun, which is the most basic training weapon.

Chapter 5, section 2, on custody grades. Custody grades are grades in which prisoners are classified. The degree of custodial supervision required for each grade are as follows:

First. Minimum custody. I say these men, if they were not insane, were in minimum custody, and if they were insane, they had no business being there. They are considered to be fully dependable so as to require little custodial supervision and should be employed or trained outside the stockade in groups of six under the supervision of unarmed guards. That is the rule which is contained in chapter 5, section 2, in the field manual 19–60.

Most of the 27 men in question here were confined for AWOL offenses and under minimum custody, and they were not to be escorted by armed guards.

In the section on the use of force the manual states that when it becomes necessary to use force, it should be exercised according to priorities of force and limited strictly to that degree deemed reasonable and necessary under the particular circumstances.

The manual has six degrees of force which are listed in descending order. The use of firearms is listed as the last and most desperate means to stop an infraction. I refer to page 53 of the manual where it states:

1. Use physical restraint. 2. Show of force. 3. Riot control formations. 4. High pressure water. 5. Riot control agents. 6. Firearms.

The use of firearms is listed as the last and most desperate means to stop an infraction.

In the Presidio case the guard used his shotgun first, without any training or presighting the weapon or attempts at restraint.

The manual further outlines in detail the methods for use of a firearm and notes that it should be used when there is no other means of prevention of the attempt to escape. When this situation arises the guard first alerts other personel by blowing a whistle or sounding an alarm. Then he calls in a loud voice for the prisoner to halt. If he does fire, the guard is to fire only and I repeat only when the prisoner has freed himself of all barriers or confinement and then not try to kill him. In this case Bunch was 20 to 60 feet away and had not left the confinement area. The guard used the weapon as a first rather than as a last resort. He did not attempt to use other restraints. His warning shouts were not audible to other prisoners standing around. He acted in a manner completely in opposition to the manual of procedure and to the other safeguards which should be used. It is becoming increasingly clear that the personnel in this stockade should be cited for illegal action and not the prisoners.

I would refer here also to page 28, AR 633–5 and 633–6 which particularize the use of force at Army confinement facilities. The manual is very clear on how to handle demonstrations. This is not an unusual thing. It happens all the time. You try to reason with the prisoners. These regulations set forth the methods for countering demonstrations. The manual stresses preventive action. In other words, it states that the leaders are to be segregated from the others and the personnel are to be dispersed, and so forth. In the Presidio case the confinement officer admitted at the pretrial hearing that he was aware of the pending demonstration the night before but did nothing to prevent it. He was aware of the ringleaders but yet took no preventive action. Yet, he admitted his plan of action was that they would be charged with mutiny. I would call this entrapment. Yet the confinement officer at the stockade, the officer immediately in charge of the prisoners, probably let the demonstration get out of hand. He probably, and with prior consideration, refused to follow the standard operating procedures so as to inflame the situation, he probably guided the situation so as to create an incident and to permit it to get out of control. This is an example of the most dangerous and most deplorable conduct on the part of the U.S. Army that I have ever had the misfortune to observe.

Again, I must say that the wrong persons are on trial in this case.

Mr. Speaker, to sum it up, we find that almost every action taken during and before the Presidio demonstration was completely at odds with the standard operating procedures.

I would like to ask to be included in the RECORD at this point a portion of Army regulation 633–5, a nonclassified document, particularly section VI. dealing with use of force at Army confinement facilities which appears on pages 28 and 29.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The material follows:

SECTION VI. USE OF FORCE AT ARMY CONFINEMENT FACILITIES

45. General. The instructions in this paragraph reflect the policy concerning the use of force at Army confinement facilities and will be incorporated in appropriate orders, plans, and instructions at all Army confinement facilities. In any situation, only such force will be employed as is reasonably necessary under all attendant circumstances.

a. No person will lay hands on a prisoner except in self-defense, to prevent an escape, to prevent injury to persons or property, or to quell a disturbance. In controlling or moving an unruly prisoner, sufficient custodial personnel should be used to preclude the necessity for striking or inflicting bodily injury on the prisoner.

b. In the event of an attempted group or mass breakout from a confinement facility, a riot, or other general disorder, it will be made evident to the prisoners concerned that authority prevails, that order will be restored, and that means are available to restore it by the vigorous application of force, if necessary. If the situation permits, an attempt will be made to reason with the prisoners engaged in any disorder prior to the application of any force. This is not to be interpreted as requiring bargaining with or making concessions to prisoners while in a state of revolt.

If reasoning fails, or if the existing situation does not permit reasoning, a direct order will be given the prisoners to terminate the disorder. This order should not be given until it can be enforced effectively by application of such priorities of force as the situation may require.

c. When it becomes necessary to use force, it should be exercised according to priorities of force and limited strictly to that degree deemed reasonable and necessary under the particular circumstances. When firepower is utilized, the aim should be to disable rather than to kill. The application of any or all of the priorities of force listed below, or the application of a higher numbered priority without first employing a lower numbered one, will depend upon and be consistent with the situation encountered during any particular disorder. Priorities of force are:

(1) Show of force.

(2) Use of high pressure water and/or riot control agent (CS) (normally not to be used to secure control of an individual prisoner). Use of riot control agent (CN) is authorized until supplies are exhausted.

(3) Use of physical force, other than weapons fire (riot control formations are not considered feasible within confinement facilities; however, suitable adaptations may be utilized).

(4) Fire by selected marksmen.

(5) Use of full firepower.

d. Appropriate commanders will take necessary action to incorporate in appropriate plans, orders, and instructions their specifically designated representative(s) authorized to direct the use of firearms in the event of a riot or other disturbance.

e. An incident which involves the taking of hostages and/or demands for concessions does not preclude the application of force. However, such incidents will be reported immediately to the appropriate commander and, if the situation permits, prior to the application of any force.

46. Use of firearms at confinement facilities. Instructions in this paragraph reflect policy concerning the use of weapons to prevent an escape from a confinement facility. These instructions will be incorporated in

the guard orders at all Army confinement facilities, particularly those orders pertaining to perimeter and tower guards:

a. Each perimeter and tower guard will be provided with a whistle (M–1 Thunderer) or such other means of alarm as may be suitable.

b. The use of firearms to prevent an escape is justified only when there is no other reasonable means to prevent escape.

c. In the event a prisoner attempts to escape from the confines of the facility, the guard will take action in accordance with the following priorities:

(1) Alert other guard personnel of the attempted escape by blowing three short blasts upon his whistle or by sounding such other alarm signal as is suitable.

(2) In a loud voice, twice call upon the prisoner to halt.

(3) Fire upon the prisoner only at such time as he has freed himself of all barriers of the confinement facility and is continuing his attempt to escape.

(*a*) Location of barriers will be determined by the physical arrangement of each confinement facility. Normally this will include barriers such as fences or walls enclosing athletic, drill, and recreational areas, unoccupied prisoner housing areas, and areas in which administrative buildings are located.

(*b*) A guard will not fire upon an escapee if his fire will endanger the lives of innocent bystanders.

(*c*) When necessary to fire the guard will direct shots at the prisoner which are aimed to disable rather than to kill.

47. Use of firearms on employment details. Instructions for the use of firearms by guards on employment details are generally the same as those for the use of firearms at the confinement facility proper. Caution and good judgment control the use of firearms in preventing the escape of prisoners.

a. Firing on a prisoner to prevent his escape is justifiable only as a last resort.

b. If a prisoner attempts to escape, the guard calls "HALT!" If the prisoner fails to halt after the call is repeated once, and if there is no other effective means by which to prevent the escape, the guard fires on the prisoner to disable rather than to kill him.

Mr. LEGGETT. I would ask additionally that portions of FM 19–60, the Department of the Army Field Manual, Confinement of Military Prisoners, be included in the RECORD at this point, particularly section 2 on page 15 dealing with personnel pointing up the training that stockade personnel are to receive, through page 17.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The material follows:

SECTION II. PERSONNEL

33. General

The assignment of personnel to duty at stockades is in accordance with TOE 19–316D, TOE 19–500D, TOE 29–500D, tables of distribution, and/or Department of the Army manpower authorization criteria. TOE 19–500D, which is a cellular-type TOE, has provisions for various sizes and types of stockade teams although it does not provide for Mess Teams or Automotive Maintenance Teams. These may be obtained from TOE 29–500. TOE 19–500 may be used to supplement other TOE units when required.

a. Personnel assigned or attached to a stockade come into close contact with prisoners who may be emotionally unstable; therefore, individuals selected for this type of duty should be mature, stable, and experienced in leadership and discipline.

b. Circumstances at stockades may require that some personnel be attached for duty. In this event, they should be attached for a minimum of 1 month. These personnel are normally used as tower or prisoner guards. They must be trained in their basic weapon. In addition, they must have received familiarization training with the weapons which they will use while on this duty.

34. Confinement Personnel

The following confinement personnel, as prescribed by AR 210–181, are included within the assigned strength of each stockade:

a. Officers of the Military Police Corps as confinement officer and assistant confinement officer.

b. A provost sergeant.

c. Guard supervisors.

d. Assistant guard supervisors.

e. Guard commanders for each guard relief.

f. Cell block and compound guards.

g. Turnkeys and gate guards.

h. Administrative, mess, training, and supply personnel.

35. Responsibilities of Key Personnel

a. Confinement Officer. The confinement officer is responsible for the administration and operation of the stockade and the confinement aspects of the hospitalized prisoners wards. His major responsibilities include, but are not limited to—

(1) Command of personnel assigned or detailed to the stockade during their duty hours.

(2) Custody, control, administration, and correctional treatment of prisoners.

(3) Safeguarding and disposition of prisoners' personal property and funds.

(4) Providing for the employment and training of prisoners.

(5) Providing for the training of personnel assigned or attached to the stockade.

(6) Coordination and liaison with unit commanders to obtain their assistance in the rehabilitation and training of prisoners who may be returned to duty.

(7) Coordination, liaison, and mutual assistance to command staff members relative to the installation confinement program.

b. Assistant Confinement Officer. The assistant confinement officer is normally responsible for the operation of the custodial and correctional treatment branches of the stockade. He also acts as the confinement officer in the latter's absence.

c. Provost Sergeant. The provost sergeant is the senior noncommissioned officer assigned to a stockade. He assists the confinement officer in the administration and operation of the stockade, particularly in the—

(1) General supervision of assigned or detailed enlisted personnel.

(2) Administration of the stockade and enforcement of pertinent regulations.

(3) General supervision of prisoner employment assignments.

(4) Reporting of incidents which affect the custody or morale of prisoners.

(5) Daily checking of control measures within the stockade and hospitalized prisoners ward.

36. Criteria for Selection of Enlisted Personnel

a. Criteria which personnel assigned for duty to a stockade must meet in Military Occupational Specialties 951, Military Policeman and 952, Confinement Supervisor are prescribed in AR 611–201. It is desirable that detailed personnel meet these criteria whenever possible.

b. It is desirable that personnel have 2 years of active duty prior to assignment, or have police or confinement experience from a civilian occupation held prior to military service.

37. Training

a. The specialized nature of duty at stockades requires that assigned or attached personnel be specially trained in the custody, control, and correctional treatment of prisoners. Each member of the stockade staff should be fully trained in his own job and trained as an understudy in other key positions. Further, he should understand the philosophy of confinement and his responsibilities in implementing it. Selected personnel should be sent to service and/or civilian schools to further their knowledge of confinement operations.

b. A formal, continual training program should be established for assigned personnel. A suggested training schedule is attached as appendix IV.

c. Personnel assigned and/or detailed to guard duties at a stockade should receive special training in accordance with paragraph 37*b*, AR 210–181. Where appropriate such training should be developed in order to enable guard personnel to better understand human behavior.

d. Training programs must be progressive in order to satisfy the requirements of confinement personnel based on their experience, position, and rank or grade. They must utilize a multi-disciplinary approach, or one which treats subjects from all or several of the disciplines or study areas concerning them, e.g. a study of human behavior should include, as a minimum, the effects of biological, psychological, and sociological factors on its development. A study of prisoner programs should include discussions of prisoners' interests and abilities, and institutional needs and capabilities versus an ideal program. The mental hygiene consultation service, the chaplain, the education division, and other staff agencies may be requested to provide assistance in the planning, preparation, and administration of this training.

e. Commanders responsible for the operation of confinement facilities will insure that assigned and detailed personnel are properly trained to perform their duties. Confinement officers and provost marshals should continually strive to develop expertise through on-the-job supervision and recommendations to appropriate commanders.

38. Confinement Specialist Career Program

The Military Police Confinement Specialist Career Program permits qualified, selected enlisted personnel to advance from grade E–3 to grade E–9 through a progression of on-the-job and service or civilian school training and experience. In this program, selected individuals who have demonstrated the desire and the aptitude for this type of work are assigned to duties in which their skills and experience can be utilized to the best advantage of the service.

Mr. LEGGETT. Also, Mr. Speaker, I ask unanimous consent to include in the RECORD section X of the manual.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The material follows:

SECTION X. EMERGENCY PLANS

106. General

a. The confinement officer, in cooperation with the provost marshal and other staff officers, prepares and maintains emergency plans for the apprehension of escaped prisoners, fire prevention and evacuation, and quelling riots and disorders. These plans should be reviewed periodically to insure complete coverage and up-to-date information.

b. He should anticipate emergency situations, such as those discussed in this section, by thorough prior planning and coordination, including preparation of appropriate procedures to be followed, assignment of job positions, training of personnel, and rehearsals to insure the adequate and timely implementation of emergency plans.

c. It is essential that the installation provost marshal and military police units support the stockade in implementing these plans.

107. Apprehension Plan

a. General. Escapes may occur at any stockade through deficiencies in physical facilities, personnel, or both. However, they can be prevented in most instances through the training of custodial and guard personnel and continual review of physical facilities and restraints. An understanding of the more common motivations for escape aids confinement personnel in recognizing symptoms of these factors and taking preventative action. Some of these motivations are—

(1) *Bad news from home.* Death or illness of close relatives and financial difficulties are frequently motives for escape. Bad news is often noted during the inspection of mail; it should be referred promptly to the confinement officer.

(2) *Harassment by guards.* Even with the careful selection of custodial and guard personnel, a guard might be guilty of deliberately or unconsciously harassing a prisoner by taunting, insulting speech or actions, or causing unnecessary actions by prisoners. This motive can be prevented or alleviated by careful supervision of personnel who come into close contact with prisoners.

(3) *Release anxiety.* This occurs occasionally just before the expiration of a prisoner's sentence to confinement. Symptoms of this state of mind are nervousness, irritability, frequent questions about release, and moodiness. This motive can be alleviated through counseling and prerelease interviews.

(4) *Satisfaction of physical urges.* Prisoners who are addicted to narcotics, who are chronic alcoholics, or who possess abnormal sexual urges may experience physical or psychological reactions shortly after their confinement. This may be a motive for escape. Report nervousness, irritability, or symptoms of narcotic or alcoholic withdrawal to the confinement officer. Frequently, medical treatment is required to alleviate the condition.

b. Preparation and Coordination. The apprehension plan should be fully coordinated with all units and agencies concerned, including coordinated training of personnel and periodic tests of the effectiveness of the plan. As a minimum, the following provisions are included in the plan:

(1) Maintaining a map of the installation which reflects the provisions of the apprehension plan.

(2) Securing the remaining prisoners.

(3) Notifying the confinement officer, the installation provost marshal, and other personnel designated in the plan.

(4) Posting guards at critical points along probable escape routes outside the stockade.

(5) When escape has been effected through damage to buildings or fences, securing the avenues of escape until the necessary repairs have been accomplished.

(6) Taking a roll call of prisoners to determine the identity of the escaped prisoner.

(7) Planning for pursuit, including search parties and areas of search.

(8) Obtaining from the personal property of the escapee and the stockade files information and photographs which might aid in apprehension.

(9) Coordinating with the installation provost marshal to expedite execution of the plan and notification of civil authorities.

(10) Investigating the escape to determine the person responsible for the escape and the means of escape.

Mr. LEGGETT. I would ask also that section 111 with respect to demonstrations be included in the RECORD at this point and I would ask next that section 114, be included in the RECORD at this point.

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

There was no objection.

The material follows:

SECTION XI. TYPES AND CONTROL OF DISTURBANCES

111. Types of Disturbances

a. Disorders. Disorders may be unorganized or organized. They do not possess the violent nature of riots; if they are not controlled promptly, however, they may develop into riots either through leadership and organization or by a natural development through group hysteria.

(1) *Unorganized.* Unorganized disorders are characterized as being spontaneous in nature. They begin as the result of actions of an individual or for the reasons listed for unorganized riots (*b* (1) below). Their prompt control is essential.

(2) *Organized.*

(*a*) *Demonstrations.* Demonstrations are the actions of a group of persons whose behavior, while not violent, is in conflict with persons in authority. They are characterized by unruliness and vocal expressiveness without violence. Demonstrations are organized to express dissatisfaction with food, clothing, living conditions, treatment, or other conditions.

(*b*) *Refusals to work or to eat.* Prisoners collectively or individually may refuse to work or to eat as a means of harassing stockade personnel or in an attempt to gain concessions. The prompt isolation of participants from the main prisoner body and the segregation of these individuals from their ringleaders usually control this type of disorder.

(*c*) *Work slowdown.* Prisoners may deliberately slow down their work to delay the completion of employment projects or to harass stockade personnel. Disorders of this type can be controlled in the same manner as outlined in (*b*) above.

(*d*) *Damage or destruction of property.* Prisoners frequently damage or destroy property to harass stockade personnel or to impede or prevent normal operations. Identification, isolation, and segregation of personnel involved usually control this type of disorder.

b. Riots. Riots may be unorganized or organized.

(1) *Unorganized.* Unorganized riots are characterized at their inception as being spontaneous in nature. They may begin as a holiday celebration, a group singing, or other type of gathering which might lead to group hysteria. Under determined leadership, the pattern of such a disturbance may be changed to that of an organized riot.

(2) *Organized.* Military prisoners can readily form themselves into quasi-military groups. These groups are capable of developing plans and tactics for organized riots and disorders. Organized riots are usually instigated for the following purposes:

(*a*) *Escape.* A riot may be organized either as a diversion for an escape attempt by selected individuals or small groups or for a mass escape attempt. Rapid isolation of the scene of the disturbance precludes such attempt to a large degree.

(*b*) *Grievance protests.* Grievance protests may be organized as riots. Under normal circumstances a riot for this purpose is not of an extremely violent nature initially; however, it becomes violent as the leaders attempt to exploit any success of the riot or weaknesses of the stockade.

114. Use of Force

When it becomes necessary to use force, it should be exercised according to priorities of force and limited strictly to that degree deemed reasonable and necessary under the particular circumstances. The application of any or all of the priorities of force, or the application of a higher priority of force without first employing a lower priority, depends upon the situation encountered during a particular disorder.

a. General. Specific instruction on use of force should be incorporated in appropriate orders and plans at the confinement facility. In applying any measure of force, only that degree of force deemed necessary under all attendant circumstances may be used.

b. Measures for Use of Force. The following measures may be applied in controlling prisoners. They will be applied in whatever order is appropriate to the situation which requires their use:

(1) Physical restraint.
(2) Show of force.
(3) Riot control formations.
(4) High pressure water.
(5) Riot control agents.
(6) Firearms.

c. Physical Restraint. The restraint of a prisoner by a laying on of hands will be utilized only in self defense, to prevent an escape, to prevent an injury to persons or property, or to quell a disturbance. In controlling or moving an unruly prisoner, sufficient custodial personnel must be used to preclude the necessity for striking or inflicting bodily injury on the prisoner.

d. Show of Force. A show of force consists of demonstrating to personnel engaged in a riot or general disorder the personnel, equipment, and facilities that are available for use in quelling the riot or disorder. It emphasizes to participants in the riot or disorder that authority prevails, that means are available to restore order by the vigorous application of force, and that order *will* be restored.

(1) This force consists of sufficient personnel and equipment to apply the measures of force required by the situation.

(2) If the commander decides that the riot or disorder has not reached the state of overt violence whereby lives and the security of the facility are in danger, he attempts to reason with ringleaders of the riot or disorder prior to the further application of force.

(*a*) He informs them of the forces, equipment, and facilities available to re-establish control and of the futility of continuing the riot or disorder. (This is not to be interpreted as condoning bargaining or making concessions.)

(*b*) If this fails, he issues an order to personnel engaged in the riot or disorder to terminate their actions.

(*c*) If the actions listed in (*a*) and (*b*) above fail to achieve the desired results, or if it is deemed impossible to reason with ringleaders or personnel involved in the riot or disorder, he immediately applies stronger measures of force.

e. Employment of Riot Control Formations. Riot control formations should be used to disperse and segregate personnel involved in a riot or disorder in order to regain complete control of the situation.

(1) The riot control formations and tactics outlined in FM 19–15 may be used as a basis for composing formations suitable for use in the individual confinement facility. The basic principles and techniques for employment of these formations remain the same. Their strength and configuration will be dependent upon the size, location, and design of the facility.

(2) In preparing emergency plans, each responsible officer should determine those formations he requires. They should be rehearsed as often as practicable (par. 109).

f. Use of Water. Water from firehose may be effective in moving groups on a narrow front, such as a cell block passage or a narrow area between buildings. It may be used to force a group to abandon an open area such as a recreation yard, if used in cooler months of the year, when the discomfort of drenching is magnified by low temperatures.

(1) Water under high pressure must be used with caution because it can damage sensitive portions of the body such as eyes and ears.

(2) When employing water in flat trajectory, its full force should be directed toward the lower torso and legs of participants in the riot or disorder.

(3) To provide protection of equipment and personnel being used to re-establish control, water under high pressure should only be used against participants in a riot or disorder in conjunction with riot control formations.

(4) When the confinement facility does not have high pressure water facilities and/or equipment available to it, arrangements should be made with the installation engineer officer for use of such equipment when required. Arrangements should include qualified operators. These plans should be included in the emergency control plan (par. 109).

g. Employment of Riot Control Agents. Riot control agents are used only on the authority of the installation commander or his representative. A copy of orders designating a representative should be included in the emergency control plans (par. 109). Riot control agents, like water, should be used in conjunction with riot control formations (*f*(3) above).

h. Use of Firearms.

(1) *To prevent escapes.* The following concerns the use of firearms to prevent an escape from a confinement facility and should be incorporated in guard orders, particularly those of perimeter and tower guards. The use of firearms to prevent an escape is justified only when there is no other reasonable means to prevent the escape. If a prisoner attempts to escape from the confines of the facility, the guard detecting the attempt acts according to the following priorities:

(*a*) He alerts other guard personnel of the attempted escape by blowing three short blasts on his whistle or by sounding other appropriate alarm signals.

(*b*) In a loud voice, he calls twice for the prisoner to halt.

(*c*) He fires only when the prisoner has freed himself of all barriers of the confinement facility and is continuing his attempt to escape. The guard aims to disable rather than to kill the prisoner.

(2) *On employment details.* Instructions for the use of firearms by guards on employment details are generally the same as those for the use of firearms at the confinement facility proper. Caution and good judgment control the use of firearms in preventing the escape of prisoners.

(*a*) Firing on a prisoner to prevent his escape is justifiable only as a last resort.

(*b*) If a prisoner attempts to escape, the guard calls "HALT!" If the prisoner fails to halt after the call is repeated once, and if there is no other effective means by which to prevent the escape, the guard fires on the prisoner to disable rather than to kill him.

(3) *To control riots or other general disorders with selected marksmen or full firepower.* Fire by selected marksmen or full firepower is used only on the order of the installations commander or his representative. A copy of orders designating representatives should be included in the emergency control plan (par. 109). Firepower will be used only as a last resort in accordance with AR 210–175. An individual using firepower runs the risk of committing a homicide in violation of the Uniform Code of Military Justice (see par. 197b, Manual for Courts-Martial, United States, 1951). When firepower is used the aim will be to disable and not to kill.

(*a*) *Use of firepower by selected marksmen.* Use selected marksmen to fire only on groups and individuals in a riot or other general disorder who are committing acts which endanger the lives of other prisoners or personnel being used to quell the riot or disorder, or against prisoners who are attempting to take advantage of the situation to escape.

(*b*) *Use of full firepower.* If the responsible officer determines that the riot or disorder has progressed to the point where the lives of the security force and the security of the stockade are seriously endangered and all other means of control have been ineffective, he may utilize the full firepower of the security force as directed by the installation commander or his representative. When firepower is used, the aim will be to disable and not to kill.

Mr. VAN DEERLIN. Mr. Speaker, the case against the Army in its handling of the Presidio mutiny trials has been summed up best by one of the Army's own officers, Capt. Richard J. Millard.

In his pretrial investigation report, Captain Millard found that the Army had overreacted in bringing mutiny charges against the six suspects whose depositions he took. The element of "intent to override military authority," necessary to sustain such charges, was simply not present, the captain said.

In view of the Army's capricious handling of the charges against these 27 men, the angry public reaction could hardly be much of a surprise to the Pentagon's top legal officers.

One has only to recall names like Sacco and Vanzetti, or the Scottsboro boys, to realize how quickly a nation's conscience can be aroused by injustice of this sort.

Fortunately, the Army now seems to be feeling the heat of public indignation, and some of the incredible penalties meted out to these young men are being reduced.

Perhaps all these young men will eventually be treated in accordance with the traditional principles of Anglo-Saxon law. But until they are, serious questions about the quality of military justice are going to remain unanswered.

Mr. BURTON of California. Mr. Speaker, for the past 5 months I have watched closely, and with increasing concern, the handling of the trials of 27 young men charged with mutiny at the Presidio of San Francisco stockade.

On October 11, 1968, Pvt. Richard Bunch was killed in that stockade. On October 14, 27 of his fellow prisoners protested and sat down during a rollcall to call attention to the problems which exist at that stockade. My office has been represented at the pretrial investigation which resulted in a recommendation by Capt. Richard J. Millard, which states in part:

This case has been built up out of all fair proportion. To charge Zaino and the others with mutiny, an offense which has its roots in the harsh admirality laws of previous centuries, for demonstrating against the conditions which existed in the stockade is, in my opinion, an overreaction by the Army and a misapplication of a statute which could lead to a further miscarriage of justice.

There is ample testimony in this case to show that the conditions in the stockade prior to 14 October were not up to standards we should expect. Of special significance in this case is the fact that the DD510 procedure for expressing grievances, as implemented prior to the demonstration on Monday the 14th of October, was shoddy and inefficient.

In spite of this recommendation, 6th Army Headquarters decided to press ahead with general court-martial proceedings and charged these men with the most harsh charge of mutiny. The first trials were held resulting in convictions and imposition of sentences up to 15 years at hard labor.

My district office attempted to discuss this matter with General Larsen at the Presidio—to no avail.

I have expressed my concern to Secretary Resor and to Secretary of Defense Laird. Just yesterday, I received a response to my letter to Secretary Laird which concluded by saying in part:

If at a later time, upon careful review of all the facts and circumstances of the cases, the Secretary concludes that any of the sentences are excessive in relation to the offense committed, he is prepared to exercise his power of clemency.

I appreciate your concern that the sentences in the first three cases to reach decision appeared excessive in relation to the nature of the offense as reported in the press and elsewhere. It is perhaps significant that the fourth trial, which was transferred to Fort Irwin, resulted in a much lower sentence of four years. I hope that this development, together with the information contained in this letter, will allay some of your concern.

I have learned that the Department of the Army only today reduced the sentence of Pvt. Nesery Sood to 2 years at hard labor. This is a beginning. It is a indication that the injustice of the situation is being recognized.

As the cases of those already tried and convicted move through the automatic appeal process, it is hoped that there will be a realization that these men have been improperly charged. The appeal procedure permits a finding of guilt of a less serious offense.

It is equally true of the charges against those who still must stand trial. The charge of mutiny simply is improper by any reasonable standard and should be altered to a lesser charge more related to the action taken by these 27 men.

My concern at this point in time, Mr. Speaker, is the well-being of the 27 men charged with mutiny. There are broader questions involved, certainly. The situation which existed at the stockade of the Presidio of San Francisco and which led up to these events must be investigated and certainly correction is in order.

The very broad question of procedure under military justice is also certainly of concern. But, I reiterate, my prime concern at this point in time is the well-being of these 27 young men. That they are now being faced with the charge of mutiny and the imposition of excessively stern sentences is unthinkable and, I believe, overreaction to the situation on the part of those most directly involved at 6th Army Headquarters.

I am encouraged by the response to my letter to Secretary Laird expressing a willingness to exercise the power of clemency, if it is concluded that the sentences are excessive in relation to the offenses committed.

I am relieved by the first reduction of sentence under appeal.

I am deeply concerned that the 27 young men, all of whom were in the stockade because they could not cope with the situations in which they found themselves within the Army, for a variety of reasons, do not have their problems compounded, their personal lives ruined, in a ceaseless round of attempting to fix accountability and justify decisions already made.

I seek justice for these 27 young men. Their case points up many broader issues, but they cannot be permitted to be the victims while these issues are debated. Justice will be best served by the expeditious resolution of the cases of these 27 men and I most certainly believe a reduction in the charges which face them and the sentences which have been imposed, is most necessary. It is, after justice has been accomplished for these 27 men, that the broader questions of conditions of our stockades and military prisons and whether justice can, in fact, be achieved under the Uniform Code of Military Justice must be fully reviewed and considered.

Mr. DON H. CLAUSEN. Mr. Speaker, it is a sad day for me and a sad day for America when we in the Congress must concern ourselves with basic justice in the U.S. Armed Forces. That, however, is the case with 27 soldiers at the Presidio of San Francisco in California who have been charged with and are now being tried for mutiny.

Therefore, it is with regret and great reluctance on my part that I must address myself today to the need for a comprehensive congressional investigation of the facts and circumstances that led up to the decision to try these men for mutiny.

I say this because I feel the Congress must become aware and concerned whenever it becomes apparent that certain individuals within our military services are attempting to decide for themselves or their subordinates what constitutes justice.

I hasten to point out at the outset, however, that what one general does or what 27 prisoners in an Army stockade do, is not necessarily indicative or reflective of the fine record and proud heritage of the U.S. Army. As individuals, however, such people can and do set in motion those events that shape the future, and it is for this reason that I rise today to add my voice to what is already being called a miscarriage of justice at the Presidio of San Francisco.

As a former naval officer and longstanding member of numerous veterans organizations, I am acutely aware that there are, and of necessity must be, inherent differences between civil and military justice. I further acknowledge that good order and discipline must be preserved in our military service units, and I would never knowingly undermine the authority and prerogatives a commander must have to maintain a high degree of discipline spirit within his organization.

By the same token, however, there are human and constitutional limits on how far anyone can go in trying to make an example out of an American citizen. The days of "decimation" in the military have long passed and the military knows this full well. In addition, our generals and admirals have long known that they cannot be indifferent to human needs or the basic tenets of justice and fairplay on which this country was founded.

An individual wearing the uniform of the United States does not give up any of the basic rights of American citizenship—he merely assumes some added responsibilities and hardships other citizens do not necessarily share. And, carrying this a step further, a soldier confined to a military stockade is still an American citizen entitled to full protection and equal justice under the law.

Having said that, consider these facts. On October 14, 1968, a group of soldiers already in confinement at the Presidio of San Francisco stockade staged a sitdown protest. They sang songs, chanted slogans, and refused to go back to work when directed by competent authority.

From the evidence presented, they were unarmed and at no time used force or threatened violence in any way.

The entire demonstration lasted approximately 30 minutes at which time it was broken up by a group of military policemen smaller in number than the protesters.

Now, Mr. Speaker, these are the essential facts as to what took place on October 14, 1968.

Does this sound like a mutiny? From what you have heard, can you possibly imagine that such an offense would warrant or merit 15 years at hard labor and a dishonorable discharge from the service?

Without a doubt, the crime of mutiny is difficult for many of us, even those of us who are veterans, to place in proper perspective. The reasons for this, no doubt, are that, first, mutiny is almost exclusively a military crime; second, it is extremely rare in American military history; and third, in most people's minds, it normally connotes the use of force or threat of violence; however, this is not necessarily essential to substantiate a charge of mutiny.

What is essential to substantiate such a charge, however, is an element of proof that, I submit, does not exist in this case and the basic reason I believe an injustice is being done to 27 military prisoners at the Presidio of San Francisco. Article 94 of the Uniform Code of Military Justice defines a mutineer in these words: "Any person subject to this code who with intent to usurp or override lawful military authority," and so forth.

Mr. Speaker, I have studied this case as closely as anyone can from the information that has been made available and I have yet to detect any evidence that there was "intent to override" military control of either the stockade or the Presidio of San Francisco.

Thus, the question has been raised as to why these men were charged with mutiny. That question, Mr. Speaker, becomes terribly important when you consider that the charge of mutiny, potentially, is punishable by death. And, while we are assured the death penalty is not at issue here, I find this a rather specious argument for not speaking out against what I believe will prove to be a very dangerous precedent if left unchallenged.

Some have raised the question of congressional restraint so as not to interfere with due process of law or further imperil the 27 men involved. Others have said that the sentences will undoubtedly be reduced when reviewed anyway, so why get involved in the question of judicial wisdom?

My answer to that question is this. On February 25 of this year, I wrote the Secretary of the Army asking that the court-martials be halted until he, the Secretary, could conduct an on-the-spot investigation of the facts and circumstances leading up to the decision to charge these men with mutiny. My purpose in doing this, is so that the American people and we in the Congress can get at least a few of the pertinent questions answered that are clouding this entire case, such as:

First. Was the demonstration at the Presidio stockade on October 14, 1968, a spontaneous protest by a group of mistreated prisoners—or was it planned, organized, and directed from outside the walls of the stockade and outside the confines of the Presidio itself?

Second. Was the October 14 demonstration in protest to conditions at the stockade, the shooting of a fellow prisoner, the war in Vietnam—or all of these things?

Third. Did San Francisco attorney Terrence Hallinan, as alleged, enter the stockade in the guise of a clergyman prior to the disturbance on October 14 and prior to the shooting of Richard Bunch? Did he, in fact, propose to one or more of the prisoners that, if they staged such a protest, he would see they received free legal representation?

Fourth. What validity is there to charges that stockade conditions included overcrowding, lack of food, inadequate medical care, mixing of psychiatric patients, numerous suicide attempts, brutal treatment, and poorly trained guards? And, if valid, what, if any, recourse was available to or sought by the prisoners to gain redress of these grievances prior to October 14?

Fifth. Is it true that some among the 27 who have been charged with mutiny, actually attempted to leave the demonstration once they learned what they were being charged with, but were prevented from doing so by a few hard-core demonstration leaders?

Sixth. Is it true, as reported, that the 27 charged with mutiny are now undergoing a systematic pattern of harassment at the Presidio stockade?

Seventh. Is it true that General Larsen, commanding general of the 6th Army, is using a "mysterious Major X" to bargain with the counsels concerned in an attempt to "get the general off the hook"?

Mr. Speaker, these and other charges surrounding this alleged mutiny should be thoroughly investigated before one more soldier is court-martialed under this unrealistic, unfair, and inappropriate charge.

Public indignation is growing over this travesty of justice and, as a result, I have no recourse but to join those who are calling today for an exhaustive investigation of this entire episode by the Congress.

In summary, let me make one point as clear as I possibly can. These 27 men charged with mutiny are by no means innocent of wrong-doing. Even some of the parents of the accused men who have written me readily acknowledge this fact. That is not the question here at all. The question is, as I see it, Should we in America remain silent when citizens of

this country fail to receive equal justice under the law, whether it be military or civil law?

In recent weeks, I have received many letters from concerned, responsible people who are just plain shocked that Americans can be charged with an offense calling for the death penalty on merits such as are evident here. I have heard from servicemen who tell me that they were planning on making the service a career until this incident arose, and I have heard from Army officers on active duty and from retired veterans of many wars who are frank to admit that this is going too far.

Certainly, discipline is important in the military—it is not only important, it is absolutely vital. But, you do not achieve discipline through injustice or respect for the military authority by making examples out of people, especially when the stakes are as high as they are in this case.

During the last fiscal year, enough American servicemen went absent without leave to man 10 combat divisions with 15,000 men each. During that same period, desertions reached 53,357—an increase of 10,000 within a year.

I think it is time the Congress concern itself with this question and, in my judgment, we should begin with the so-called mutiny at the Presidio of San Francisco.

Mr. KOCH. Mr. Speaker, ever since the tragic series of incidents began at the Presidio in San Francisco last fall, much public attention has been focused on the deplorable conditions existing in military stockades and the treatment and well-being of its prisoners. These facts have been well-documented by many of my colleagues in both the House and the Senate. I am here today to voice my deep concern and shock with the facts which have come to light.

At the Presidio, there have been descriptions by both the guards and the prisoners of overcrowded and unsanitary conditions. Accompanying this have been charges of insufficient food for and mistreatment of the prisoners—especially those in the segregation areas of the stockade.

There has been inadequate attention to the mental hygiene of the prisoners, and psychiatric care has been less than satisfactory.

There are strong indications of insufficient training for the stockade personnel who are in charge of the prisoners. The circumstances surrounding the shooting of Richard Bunch pose the question: Is there a need to have armed guards for these military prisoners, the majority of whom are in the stockade for offenses no greater than a.w.o.l.? Why, too, are these guards armed with shotguns, even though they have been trained only for rifles? Have they been suitably trained and conditioned to the special needs of such prisoners—many of whom are in need of some kind of psychiatric care? The high rate of alleged suicide attempts at the Presidio, well-documented by the Army, strongly suggests the lack of proper mental hygiene programs for the prisoners.

How widespread are these conditions? Even if they are partially true, I find the situation totally unacceptable. The facts cry out for an impartial investigation by an appropriate committee of this Congress.

I have been disturbed and outraged by the severity of the charges against those 27 prisoners at the Presidio who were peacefully protesting, on the stockade grounds, against intolerable conditions such as I have indicated above. To bring charges of mutiny—which can even carry the death penalty—is an insult to our sense of social justice. I have sent an inquiry to Secretary of the Army, Stanley Resor, asking that he furnish me with a detailed reply to allegations that the charge of mutiny was unfounded and that a lesser charge would have sufficed.

Mrs. MINK. Mr. Speaker, I wish to join my distinguished colleague from California (Mr. LEGGETT) in expressing my grave concern over the plight of the 27 prisoners at the Presidio who were charged with mutiny, some of whom were tried and sentenced to serve 15 years at hard labor. While I am also gratified to learn that the Judge Advocate General of the Army has reduced the sentence in the case of Private Sood from 15 years to 2 years, I believe that this entire situation should be thoroughly investigated by an appropriate committee of the House.

One of the 27, Pvt. Linden Blake, age 20 years, is of particular concern to me as his mother is a resident of my State of Hawaii. I agree with Capt. Richard J. Millard's recommendation that the charge of mutiny was ill-founded and not based upon the facts in the case.

I believe that the House should read carefully the information that has just been supplied us by Congressman LEGGETT, and in furtherance of his efforts to provide this House with pertinent information, I include the following public letter sent to me by Mrs. June Blake, the mother of Linden Blake, at this point in the RECORD:

FEBRUARY 20, 1969.

To the MOTHER OF A SON:

He may be just a few weeks old, and you're still in that absorbed state that involves the "Wish to Hell he'd sleep through the night" stage, while at the same time you can wake to full painful alertness if he so much as lets out with a whinney in his sleep.

Or maybe that's all a dim memory and you're enjoying the classic prerogatives attached to enjoying your son's son. Better read on—I'm going to talk about MY son in a minute, and he has a brilliant, gallant, eighty year old grandmother of his own. What's happening to my son isn't just my own problem. If it were, I'd shoulder it privately and *you* wouldn't know about it.

I have many friends and acquaintances who are mothers of sons, both here and where you are. At the present time I'm living on one of the heavenly outer islands of Hawaii, which is just about as different from the other 49 states as you can get. Brown eyes and brown skins are big here, but Aloha means love, warmth and active kindness and a lot of other intangibles. Last week I attended a luau in honor of Benjamin Pali's first birthday. His mother got some help fixing the poi and lomi salmon from the five older children, but it was a labor of love on her part. At the hotel where I work I lunch every day with my fellow employees—I'm the only haole; my luncheon compañeros are mostly of Japanese descent (give or take a little.) The people may be different from you, but the conversation isn't—it generally boils down to about the same kind you have with the girls in your apartment building or your neighbors at Leisure World. Your children (or grandchildren), unspoken love for them and the necessity for principles they eventually have to be strong enough to handle.

And, Philip Wylie notwithstanding, most of the mothers of sons whose paths have crossed mine were all too aware that a man must have his own strengths and that when the time comes, what he carries inside him, his inner conviction that what is right is right, carries him over that invisible line into good manhood. Isn't that the way you feel?

And so did I. I raised three fine children on Dr. Spock and doing what comes naturally when you feel love and compassion and are sickened by cruelty and hatred. As I look back, I guess you could sum it up in a theme that ran like a ribbon through those funny, awful, wonderful years. "*You* know the difference between what's right and wrong; inside of you you *know*, kid! And, if it's good and right for you—use your courage. The only thing that's separating you from this houseful of beloved pets is what you carry up there in your head. Man's inhumanity to man is wrong. To hate and kill is wrong."

Maybe I sound like a Senior Hippy, now that I look back on it. But isn't this just about what you've been earnestly trying to instill into *your* children? ("I don't care if Linda's mother *does* let her stay out all night—you know the difference between what's right and wrong! Or "You don't take the car without asking just because the keys are in it—You know what's right and wrong!)

Sound familiar? Women's magazines and series of newspaper articles by learned savants all earnestly impart the same message "Teach your children love and kindness, and to control their destructive aggressions."

Well, to all this I'm sorely tempted to say ———, or whatever passes as the polite equivalent for it in your world. Because at this moment I'm split by a schism that is tearing me up. Because I tried to impart to my loved son the meaning of the word "Principle," he is at the moment spending the twentieth year of his life in a military prison, with the hopeless prospect of another 15 years or so there. At the age of 35 maybe he has a chance, permanently warped in mind and spirit, of re-emerging into a world with his beautiful youth gone forever, a useless wreck inflicted on a country and family that betrayed him by handing him a bunch of keys to life that didn't fit the lock.

Lindy was drafted when he was 19 years old, since he wasn't enrolled full-time in college, and, as far as I could see, was spending most of his time growing from 5'6" to 6'4". I know for sure he isn't stupid; ever since the first I.Q. tests were bounced around in the Los Angeles City School System, I would be called into the Principal's office and solemnly informed that "This son of yours has a rather superb mental capacity—We wondered if you were aware of his potentials?" I assured them each time that I would do everything in my power to see that he ultimately went to Cal Tech or whatever—so—I guess that his superb mental capacity must have been resting on its laurels while his bone structure caught up. (Sound familiar? Surely, all you mothers of busy grown-up sons couldn't have been so fortunate as to have escaped this hair-tearing period. As a matter of fact, when I look back on my own 18th and 19th year, I don't see how my parents survived the ordeal. Surely—surely—all of you didn't produce paragons of studious virtue who plunged head-long into pre-dental or whatever!)

At any rate, drafted he was, and his uneasy conscience was already kicking up. At this

point the Army decided to make him a baker. This drew whoops of laughter from his siblings, but I sighed with relief. Lindy wasn't trying to avoid serving his draft-time, his only mental stipulation was that he simply could not kill another human being.

Now, I'm going to have to state what I know to be fact, and what I've heard secondhand.

Fact: Upon graduation from baking school he was given a three-week leave, and ordered, at the end of that time, to proceed to Vietnam via Oakland. He was also told verbally, that since the Army needed combat soldiers more than bakers, he could draw his own conclusions.

All right, now, mothers of sons—How do you handle this one? I didn't necessarily have to agree with his principles, but *they were his!* He came to me and we talked through the night. Do I suddenly tell him, after nineteen years of inculcating into his naturally gentle nature the fact that when he felt something was right for him he should summon the strength and courage to handle it—that this was nothing but inspirational moonshine?

Do I say "Split to Canada, Lindy, spend the rest of your life a hunted man forever, never able to return to your loved mountains and home?"

Do I say "Take a chance, Lindy, follow those orders and go to Vietnam; lots of things can be done obliquely, don't butt your head against a brick wall! Maybe you can con your way into a soft back-of-the-lines position and make some personal loot on the black market!"

Or do I say "Get in there and kill those yellow bastards, kid! You don't believe in it, but forget all that stuff—that was kid crap. Of course, you may be maimed or killed—but you're a Soldier, Man—Show it! It's only murder if you kill a fellow American in a fit of passion or anger—Not those faceless men, women and children on the other side of the world!"

Fact: Lindy spent two days of painful self-examination, wandering through his loved Santa Monica Mountains, where he'd spent a wonderful boyhood watching trap-door spiders and deer drinking from the creeks. He finally came back to me like a little boy who couldn't handle any more, and asked me to drive him to the airport and get him on the plane to Oakland. It was an experience in wordless control on both our parts I hope I never have to face again.

Fact (Verified by communication from the U.S. Army): When he arrived there he requested many times to be given a Conscientious Objector's application and each time was refused because he did not belong to a specific religious organization. He disobeyed embarkation orders, and was placed in the now infamous Stockade in the Presidio of San Francisco, to await trial for disobeying orders.

Second Hand: When a fellow-prisoner, a young, mentally deranged boy committed suicide by asking the guard to shoot him as he tried to escape, my son was an eye-witness to the episode, and participated in what the Army chooses to call "Mutiny", and what the attorney who is trying to assist the unfortunate "Mutineers" terms a sit-down strike. Unfortunately, the Army has decided to make this group an example for other military dissenters.

Fact: I know nothing about the sincerity or mental condition of the other boys into whose lot my son has been thrown, except that the intolerable conditions under which they are existing can bring forth nothing but heartfelt pity for them all.

I know my son—And at a time when the new President of the United States is calling for an end of the Draft itself, he faces an irrevocable blight on his life.

So, I say to you, mothers of boys—Is it worth it? Is the matter of survival more important in the hypocritical world we seem to be living in today, than the teachings of a religion that seems to be outmoded in this sad era for Mankind?

If I were doing it over, would it be better to say in effect—"Look out for yourself, Kid, do what you have to do to get where you want to go in this jungle—just be cunning and don't get caught!"

Where do you stand?

JUNE BLAKE.

Mr. RYAN. Mr. Speaker, I commend the gentleman from California (Mr. LEGGETT) for taking this time so Members can express their concern over the mutiny trials now in progress at the Presidio Army base in San Francisco.

In order to ascertain the facts surrounding these trials, and to solicit the Army's motives in charging the 27 young men involved with mutiny, I wrote to the Department of the Army asking for information on the Presidio incident and the subsequent trials. The Army answered my inquiry by providing a fact sheet on the facts of the incident sparking the mutiny charges and the subsequent investigation and prosecution of the matter by the Army. The information provided in that fact sheet and the extreme severity of the sentences imposed prompted me to urge Secretary of the Army Stanley Resor to make a careful review of the situation at the Presidio to determine whether or not these men were being subjected to cruel and unsual punishment.

I urged this action upon the Secretary of the Army for several reasons. First, on the basis of the facts supplied to me by the Army, the incident in question—which was by the Army's own admission a peaceful, 30-minute sit-down designed to call attention to conditions of overcrowding and undernutrition in the stockade—does not appear to warrant the charges of mutiny. Admittedly, by Army regulations, their action was unlawful. But the nature of their protest action, and the fact of the considerable evidence of deteriorating morale at the stockade over several months—including the suicide and several other attempts—raises serious questions about the charges.

Second, two of the three investigating officers in this case themselves recommended a reduction of charges against the accused men.

One of the two investigating officers whose recommendation was rejected, Capt. Richard N. Millard, recommended additionally that four of the six prisoners subject to his investigation be administratively discharged on the basis of psychiatric examination. The third officer recommended that the accused prisoners be charged with mutiny, an offense for which the maximum punishment is death. He did not ask for the death penalty, however.

The recommendation of the two officers that the accused men be tried for willful disobedience were rejected by the reviewing officer, Lt. Gen. Stanley Larsen, commander of the 6th Army. He approved, instead, the single recommendation for charges of mutiny and referred the case for a court-martial. General Larsen's decision to press on with mutiny charges—in spite of the evidence offered by Captain Millard that at least four prisoners were in need of psychiatric care—seems more stringent than the facts of the case warrant. The fact that the 27 protestors offered no resistance and, moreover, that the incident ended after less than 30 minutes of singing and chanting, hardly justifies the invocation of charges so severe that they carry a maximum penalty of death.

Third, the sentences which have been meted out to those soldiers who have already been tried are unduly harsh. Four of the men charged with mutiny already have been given sentences ranging from 4 to 16 years at hard labor, and 18 additional men will come to trial within the next 2 weeks. These sentences are particularly harsh in view of the Army's admission that there have been 51,000 willful desertions from the Army in the past year alone, and that the average offender has received no more than a 6-month sentence for this infraction. In his testimony before the House Armed Services Committee last week, Gen. William Westmoreland, Chief of Staff of the Army, stated that he felt desertion was a more serious infraction than the sit-down carried out by the 27 accused men at the Presidio. If the opinion the Chief of Staff of the Army is not shared by the lower echelon officers responsible for charging mutiny, perhaps the Army needs to overhaul its command system as well as its punishment schedule.

Mr. Speaker, I urge the Secretary of the Army thoroughly to reexamine the facts of this case with an eye toward determining whether or not these men have been subjected to cruel and unusual punishment.

If the reviewing officer had not referred these cases for trial as noncapital, these men might be on trial for their lives. The fact that military law has some purposes which go beyond the function of our normal civilian legal processes should not be allowed to justfy unusually harsh punishments in the name of "discipline" or "order." Existing tensions in the Army would be far more speedily resolved if the Army investigated stockade conditions such as those which have sparked the Presidio demonstration, rather than prosecuting for mutiny the 27 young men who brought these conditions to public attention.

Mr. COHELAN. Mr. Speaker, I want to thank the gentleman for the brilliant statement that he has made and commend him for the time that he has taken to apply his very substantial legal talents to the research of this problem.

Mr. Speaker, Congressman LEGGETT and I have taken this special order to bring to the attention of the House several serious questions of military justice and the management of military prisons.

On October 11, 1968, a prisoner on a work detail from the San Francisco Presidio stockade was killed by a shotgun blast fired by a guard as the prisoner allegedly attempted to flee.

On October 14, 1968, 27 prisoners at the Presidio stockade staged a sit-down demonstration to present a list of grievances and to request an explanation of the killing of one of their fellows. These

27 men have now been charged with mutiny. Four of the men have thus far stood trial. All have been convicted. Their sentences range from 4 to 16 years. These men are now assigned to the Fort Leavenworth Federal Penitentiary.

These very serious events have brought to light a host of questions regarding the management of military prisons and the administration of military justice.

I would like today to take just a few moments to raise what I believe to be the most serious of these questions.

First, there is the important question as to whether a sitdown demonstration staged in a stockade to dramatize grievances can fairly be deemed to constitute a mutiny. Attendant to this question is whether, in the exercise of good judgment, one would find it appropriate to bring mutiny charges for this conduct if, in fact, it could be deemed a mutiny.

It should be remembered that mutiny is the highest offense known to military law. It should also be remembered that mutiny traditionally implies the intent to override military authority, while in demonstrating to present a list of grievances there is an explicit recognition of the authority of the military to bring about the correction of those grievances.

Moreover, it should be remembered that these men were incarcerated in a stockade. They did not try to escape. They did not try to take over the operation of the stockade. They did not try to apprehend or interfere with any of their captors. At worst, their conduct was to willfully disobey in order to dramatize the severity of their complaints.

The maximum penalty for willful disobedience of an order is 6 months. But the maximum penalty for mutiny is death. And in the present cases, sentences of 14, 15 and 16 years imprisonment have been meted out.

To give you some idea of how extreme these sentences are, you should keep in mind that the average sentence given to the 51,000 deserters from the Army last year was only 6 months. You should also know that men who refuse induction into the armed services receive sentences averaging 2 years, and that even those in the service who refuse to go to Vietnam receive only 2-year terms on the average.

Demonstrators in campus or civil rights activities have usually received even lesser sentences.

Thus there is a clear disparity between the severity of the penalties imposed in these cases and the penalties regularly imposed for similar or even more serious behavior.

I, for one, believe that these long sentences are simply unconscionable. In my view they must be reduced substantially, and I have personally and in writing expressed this view to the Secretary of the Army.

I will at the close of my remarks insert in the RECORD a copy of that letter.

This matter would be serious enough if it constituted merely the misapplication of mutiny charges and inordinate sentences. But these items are by no means all there is to this case.

One must ask whether it is a wise policy to arm prison guards with shotguns, especially when those guards have not been trained in the operation of such deadly weapons.

One must ask whether it is proper to use deadly force to stop a fleeing prisoner when the offense for which he was confined was itself not a capital offense, and when the fleeing prisoner is unarmed.

One must ask whether it is wise to have prison guards who are not trained as correctional specialists, and whether if they are trained, that training is adequate.

One must ask, too, whether when a prisoner is killed by a guard, wise judgment would not require that all the prisoners be fully informed of the circumstances of the killing so that wild and unfounded rumors could not pervade and poison the prison atmosphere.

Moving to the conditions at the stockade, the trials of these men brought forward sworn testimony of most unsatisfactory conditions.

One man testified under oath:

I have seen toilets backed up and human excrement floating in the shower area.

The captain in charge of the stockade testified under oath:

Standard capacity of the stockade is 88. On 1 August the population was 105 and on 14 October the population was 140. It is a generally increasing trend with some exceptions. When we reach Emergency capacity within seven days we are supposed to take action to reduce the population. Prior to 14 October it sounds reasonable that we were in Emergency capacity for 56 days.

A sergeant from the military police at the stockade testified that on October 14 rations were drawn for 104 men. Yet on that day there were 140 men in the stockade by the captain's figures. Moreover, the guards, eight or nine of them, were fed out of the rations drawn for the prisoners. Thus at least 148 men were being fed on rations for 104 men. This would seem to be undeniable evidence of inadequate food supply.

Thus the trials disclosed sworn evidence of extreme and prolonged overcrowding, unsanitary conditions, and insufficient food. These are matters which must be corrected.

The Army has responded to many Members of Congress by providing copies of a so-called fact sheet on the Presidio situation. Yet even in these statements the Army does not deny that the stockade was severely overcrowded, or that inadequate numbers of rations were drawn, or that the conditions were unsanitary. The Army merely states that overcrowding has now been reduced, that high calorie meals were served and that on the average over a full month period an adequate number of meals were drawn, and that some of the prisoners were responsible for the unsanitary conditions.

In sum, it seems that there can be no denying the bad conditions which existed at the stockade at the Presidio.

In addition to these physical evidences of unsatisfactory conditions, there are several instances of poor operational conditions.

Only one trained correctional specialist was assigned to the stockade, even though three such specialists were required by Army directives. The officer in charge of the stockade was a 25-year-old young man who had no correctional training of any kind. There was no psychological testing of guards to assure that they were fit for the type of sensitive work to which they were assigned.

These deficiencies in trained stockade personnel resulted in less than optimal programs of recreation, rehabilitation, and correction. In fact, for a time there was no outside recreational facility for the prisoners, and indoor recreation too was extremely limited.

These personnel training deficiencies also resulted in contact between prisoners with more or less serious psychological disturbances and guards who were not capable of dealing with these aberrations constructively.

Further still, the personnel in charge of the stockade had no effective grievance procedure in operation. This fact more than any other is probably responsible for the demonstration.

After all, if the prisoners had no effective way to make their complaints known, it is only reasonable to assume that the complaints would fester internally until, unmitigated by correction, they exploded in some concerted act like a protest demonstration.

I have tried in these few minutes to paint a broad sketch of the conditions in the Presidio stockade—overcrowded, underfed, unclean, with time on their hands, with no grievance procedure, with untrained and insensitive management personnel—it seems to me to be no little wonder that the prisoners staged a demonstration.

I think that we should try to learn from this demonstration and take this opportunity to investigate stockade conditions throughout the country in order that we might make the necessary improvements.

In particular, I think we should have the appropriate committees of the House look into the adequacy of the physical conditions in our military prisons—including the age and size of facilities, the adequacy of recreational facilities, the sufficiency of food, the condition and sanitation of latrine and shower facilities. I also think the appropriate committees should investigate the policies which presently govern stockade management—especially those concerning the arming of guards and the use of weapons, the training of stockade personnel, the provision of regular grievance procedures, the emphasis on rehabilitation of prisoners, and the adequacy of psychiatric care for prisoners.

These are serious and general problems—ones which demand our attention and concern. However, I would not want our more general concern to diminish the attention we give to the excessive penal sanctions meted out against those 27 young men who are charged with mutiny because they dramatized these grave conditions.

Our first priority should be to do whatever we can to bring home to the appropriate Army officials the gravity we attach to the case of these 27 men. Their treatment has been unfair. Their sentences are overlong. The Army, which already has trouble in recruiting officer

personnel and in maintaining wide public respect for its judicial proceedings, has exposed itself to vigorous public indignation. Only by relieving the sentences of these young men can these inequities be rectified and public respect restored.

Our second priority should then be to learn the lesson these young men have brought to public attention; namely, our military prisons demand thorough congressional scrutiny.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a letter directed by me and several other Members of the Congress to the Honorable Stanley Resor, Secretary of the Army, on this particular subject matter.

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

There was no objection.

The material referred to follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 18, 1969.

Hon. STANLEY RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: On October 11, 1968 an Army private interned at the San Francisco Presidio stockade was shot and killed while running from a guard. Three days later, 27 other prisoners in the stockade staged a sit down demonstration to present a list of grievances including explanation of the killing, fears of stockade guards, stockade conditions and racial discrimination. The demonstration consisted of standing aside from formation, sitting on the ground, singing "We Shall Overcome," "America the Beautiful" and other songs, chanting for the presence of the commanding officer, the press and others, and presenting a list of grievances. The officer in charge apparently listened to the list of grievances, but did not reply to them. When the prisoners continued their demonstration, the officer responded by reading the Mutiny Act, first in person and then over a loud-speaker. Finally the demonstrating prisoners were carried off the field and incarcerated.

As a result of these actions, three young men have been convicted of mutiny and sentenced to terms averaging 15 years at hard labor. Twenty-four other men still await their day before the courts martial on the same charges.

We recognize that sound management requires strict discipline in any military force. We recognize, too, that lack of discipline among prisoners may be more difficult to deter if serious penalties are not administered for lack of discipline.

Yet, however mindful we are of the demands of military discipline and the adherence to military law, we are not convinced that the interests of justice, fairness or public respect for military proceedings are served by the prosecutions, convictions and lengthy sentences for mutiny in these cases.

The armed services have, in recent years, experienced numerous incidents of protest demonstrations. To our knowledge, none of these have resulted in mutiny convictions. Moreover, we note that servicemen who have committed clearly more heinous acts than engaging in a sitdown strike have been committed to much less severe penalties. Moreover, it is not clear that grievance demonstrations constitute the serious effort to over ride military authority which is traditionally associated with mutiny.

These prisoners are young men. Some of them are old enough to fight for their country, but not yet old enough to vote. To sentence them to internment for the next fifteen years is to deprive them of their most productive years. Some of these men have wives and families, and again the deprivation is severe. Some of these men have histories of psychological problems. Some have tried to commit suicide. Some have admitted to a great deal of confusion in connection with their participation in the demonstration. Almost all have described the fears and high tensions that existed in the stockade after the killing of a fellow prisoner without a complete explanation to the stockade population. The sworn testimony taken in the course of the proceedings shows there was at least some basis in fact for their grievance claims, although it is understood that some of the unsatisfactory conditions were only temporary and that others were caused by certain of the prisoners. In short, a non-violent sit down demonstration to present grievances conducted by young and sometimes troubled prisoners in a stockade where tensions ran high after a killing of one of their fellows would, in fairness, not seem to merit charges of the very highest military crime.

One further point influences our view. It is extremely important that the public trust and respect military judicial proceedings. If these proceedings are not respected, they will be regarded as kangaroo courts and will bring ridicule and embarrassment to the armed services. In an age when non-violent demonstrations are rather commonplace public suspicion is aroused by charges of mutiny and the imposition of fifteen year sentences for conduct that would normally be expected to meet with relatively mild retribution. This suspicion is reinforced when the first military officer to review the case notes that several participants have psychological problems and suggests that discipline consist of less than honorable discharge or a special court martial, and this officer is overruled and mutiny charges are brought before a general court martial. Public confidence is further depreciated when the interests of groups supporting the prisoners are allowed to pervade the proceedings. This public confidence is also eroded when officers make statements linking the demonstrators to anti-Vietnam war sentiments and publicly criticize civilian counsel retained to defend the demonstrators.

In sum, Mr. Secretary, we believe that mutiny charges are inappropriate in these cases and that 14–16 year sentences under these circumstances are inordinately long.

Accordingly, we ask you to remit these sentences and to reconsider the mutiny charges proferred against those demonstrators who have yet to go before their courts martial.

Your prompt and personal attention to this serious matter is appreciated.

Sincerely yours,

JEFFERY COHELAN,
Member of Congress.

(This letter was also signed by Congressmen DON EDWARDS, JEROME WALDIE, and PHILLIP BURTON).

Mr. COHELAN. Mr. Speaker, with great thanks I yield back the balance of my time.

LONG ISLAND CONGRESSMEN INTRODUCE NATIONAL CEMETERY SYSTEM AND BURIAL ALLOWANCES BILLS

The SPEAKER pro tempore (Mr. EDMONDSON). Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today three of my able and distinguished colleagues from Queens, Mr. ADDABBO, Mr. DELANEY, and Mr. ROSENTHAL, have joined with me to cosponsor legislation which would go a long way toward insuring for our veterans the dignity they so richly deserve when they are laid to rest.

The first bill provides for the establishment of a national cemetery system under the Veterans' Administration. This system is urgently required in view of the haphazard, unplanned establishment and expansion of our national cemeteries which has resulted in an ever-increasing shortage of burial sites for those who have earned the privilege of interment in these cemeteries.

The warnings are clear as to the seriousness of the problem. An order limiting burials in historic Arlington National Cemetery recently pointed to the need for congressional action.

Another prime example of this heightening crisis is Pinelawn National Cemetery on Long Island. When Pinelawn was established in 1937 it was estimated that this would provide gravesites for veterans until 1975.

In recent years, however, it has become apparent that this projection was far too optimistic, and current estimates indicate that the closeout date is almost upon us. Without expansion, Pinelawn is not likely to serve 1970.

Thousands of acres of Government-owned land is available on Long Island for the expansion of Pinelawn. The time to plan such expansion is now, not on the eve of another crisis.

And there are many other national cemeteries throughout the Nation whose future should be outlined in a well-defined plan, also.

Our bill is designed to resolve the heightening national cemetery crisis by eliminating the present outdated system of divided and overlapping jurisdictions and by providing the means to expand existing sites and create additional ones.

This measure would transfer to the Administrator of Veterans' Affairs jurisdiction over existing national cemeteries presently parceled out to three other agencies.

Further, the bill would direct the Administrator of Veterans' Affairs to plan a system of national cemeteries and to create additional ones so that the capacity and distribution of national cemetery sites shall at all times be sufficient to assure burial in the national cemetery for those who so desire.

The second bill introduced today is a measure to boost the present $250 burial allowance for veterans to $400. The high cost of dying, which eventually every family must sadly face, must be recognized by the Government. The present figure is far from realistic and should be increased.

The bill further provides that the burial allowance not be denied to any veteran because of the existence of other burial or death benefits public or private. The hard-pressed family should not be so penalized.

Passage of both these bills is vital if we are to be able to continue to properly pay tribute to the men who fight for the honor and freedom of our country.

THE ABM DEBATE

The SPEAKER pro tempore (Mr. EDMONDSON). Under previous order of

the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the debate on the ABM has just begun. In the March 22, 1969, issue of the New Republic, Prof. Robert Rothstein of the Johns Hopkins University suggests that ABM proponents may be seeking to escape a central dilemma and restraint of our time—the lack of an acceptable defense against nuclear attack, and thereby to restore options for action available to our military in the pre-nuclear age. He also suggests that the ABM is the latest example of our propensity to seek technological solutions to difficult political problems. But as he points out—

> The confidence and sense of security necessary to maintain the international system in a state of reasonable stability cannot be achieved by weapons developments in and of themselves.

I commend this thoughtful article, the first of two on the ABM by Professor Rothstein, to my colleagues. The text of the article follows:

REFLECTIONS ON THE ABM DECISION

(By Robert Rothstein)

The argument on ABM over the past ten months represents one of the few occasions in the postwar years when informed public discussions may have significantly affected the outcome of a national security policy decision. As of this writing, the President's decision has not been made public. The odds are about even, however, between delaying for a year, or proceeding some way along to one or another version of a "thin" deployment.

I suppose it is something of a small victory that proponents of the ABM have been forced to scale down their demands. Still, it may be a transitory victory, for the latest, more modest Pentagon proposals are pale reflections of what many ABM advocates really have in mind. In fact, the Sentinel system (Spartan and Sprint missiles with attendant radars) was not even designed to be used in the fashion implicit in the particular kind of limited deployment that Secretary of Defense Laird has been advocating.

Irrespective of the details of Mr. Nixon's decision, it is important to understand the underlying themes of the debate, for the issue of missile defense is going to be with us for the foreseeable future. On defense policy, involving as it does technical and secret matters, our political system can be manipulated by highly committed groups within the bureaucracy who push their points of view beyond the possibility of compromise. ABM shows this. So does the history of the plan for a multilateral nuclear force (MLF). Other elements of the bureaucracy may oppose the committed group, but they are frequently united only in opposition to it, and not in support of a reasonable alternative. Public opponents tend to be one argument behind official proponents, as the latter take advantage of their control of sources of information. The opposition's only real chance of success is to raise sufficient hue and cry so that the President withdraws a policy for which no real consensus can be formed. President Johnson did that with the MLF.

The military, defense contractors and some technical experts in the national security field, plus a number of Congressmen, have been the leading advocates behind the current ABM proposals. Some of their ostensible arguments will be discussed in what follows; a parallel effort will be made, however, to understand the reasons for their attachment to the ABM.

When we think about the revolutionary impact of nuclear weapons, we usually think about their terrifying capacity for destruction. Yet for the military, something else may be more important: *there has been no acceptable defense against nuclear attack.* Whatever our military leaders might promise about our capacity to inflict damage on the Soviet Union, they could not (at least after 1954) promise simultaneously to protect the United States from grievous retaliation. Deterrence, therefore, has had to take precedence over defense. Rather than concentrating on building forces primarily designed to fight (and "win") a major war, we have had to concentrate on building a force designed to influence the other side's willingness to go to war at all.

The military has not found it easy adjusting to this new state of affairs. They have traditionally been trained to concentrate on matching or exceeding the capabilities of any potential enemy, and to leave estimates of his intentions (or attempts to influence them) to others. Moreover, the military's primary role has always been protection of the homeland, as well as the creation of a force capable of "winning" any conflict at an acceptable level of cost. Insofar as possible, they seek to achieve their goals by "seizing the initiative," avoiding situations in which we are "bled to death" by the apparently inexhaustible "cannon fodder" of the enemy. These notions are wholly out of joint with a world in which strategic weapons are built *not to be used but to be manipulated,* in which both sides play an elaborate and dangerous charade, in which the notion of "winning" has been supplanted by notions of "parity" or "sufficiency," in which the aims of each side are themselves ambiguous. In such circumstances one can understand the frustration of the military men, especially those old enough to have been educated before these propositions became part of the conventional wisdom. (I am using the term "military" as a convenient shorthand: there are some military men who do not fit the mold I have fashioned, and there are many civilians who do—especially when they are appointed to Congressional committees dealing with military affairs.)

Both the military and their critics agree that nuclear war is possible, although the military would undoubtedly rate that possibility much higher. They disagree in their reaction to that possibility. For the military, if war is possible, it is criminal not to buy all the defense one can get in order to limit its worst effects. For many civilian critics, the possibility that war will come has led, conversely, to a concern with influencing the intentions of the enemy, so that he will remain deterred. One does not, from this point of view, buy defensive systems which can upset stability and which, in any case, are only marginally effective. If war is a possibility, an ABM *might* save lives (whether it will in fact do so depends on whether arms levels have gone up to enable each side to overwhelm the other's ABM); but installation of an ABM, without prior agreement on an arms freeze, might also destabilize the strategic balance and lead to ever higher levels of "assured destruction." The same proposition—war is possible—produces very different practical decisions, depending on whether your intellectual frame of reference leads you to a bias in favor of either deterrence or defense.

Underlying all of this is, I believe, a strong psychological reaction on the part of the military. If the ABM works, or if we believe it works, it has the potential of restoring to the military some of the autonomy and independence they have lost. A *successful* ABM implies a wholly new ball game, because the danger of a destructive attack on the United States would have been at least sharply reduced. It would also give us greater freedom in handling future Koreas (or Vietnams or Berlins?): one need not be overly concerned about the dangers of escalation. If the notion of "winning" cannot be revived, in the case of a major nuclear war, we at least wouldn't have to accept any more local humiliations. Thus, the ABM is important to the military not only because of its presumed capacity to limit damage in the event of an attack or an accident; it is also critical in terms of its ability to influence the initiation of offensive actions by our forces (both nuclear and conventional). Put another way, the Joint Chiefs of Staff, prime advocates of a "thick" ABM system, believe that it would "continue the Cuba power environment in the world." In their view, our strategic nuclear superiority has allowed us to exploit our tactical superiority. If that superiority were in doubt or diluted by fears of "having an arm torn off" in a nuclear exchange, we could be hamstrung on a local level.

Contemplate, for example, a situation in which Chinese troops swept into India, and we attempted to slow them up by threatening or initiating retaliation against Chinese nuclear installations. Our ABM could then be a very significant factor, assuming that some remnants of the Chinese nuclear force survived our attack. Admittedly, it is difficult to imagine the Chinese creating a situation in which such action on our part looked reasonable to us. Nevertheless, some of our military are discussing "scenarios" such as this, for they are preoccupied with the specter of Chinese aggressions that we are unable to deter because we fear Chinese nuclear strikes against us.

A defensive system, in sum, is especially attractive to a group whose traditional role has been fundamentally altered not just by nuclear weapons, but by the fact that we could stop an attack only by threatening an even larger one. The similarity here to the debate several years ago on civil defense seems to me to reinforce the argument. Again, on an objective level, the struggle concerned estimates of the likelihood of war and about the effect of various civil defensce measures on our ability to either deter or defend against a Soviet attack. But on another level, the argument was about the possibility of *using* our weapons *if* our population was protected.

Whether its proponents really believe in the virtues of ABM deployment on the basis of a considered strategic judgment, or whether it represents, as I think, a kind of reflex judgment on the potential of the ABM for restoring a more traditional strategic environment, the military and some technocrats believe there are technological solutions to strategic problems. (As a subsidiary theme, one might also note a certain fascination with what Oppenheimer, in reference to building the hydrogen bomb, called the "technically sweet," that is, a kind of aesthetic pressure to develop the most advanced tools merely because one is able to do so.) Ultimately, however, there are only political solutions to the problems created by nuclear weapons. The confidence and sense of security necessary to maintain the international system in a state of reasonable stability cannot be achieved by weapons developments in and of themselves. This is especially true when there is no sure and safe way to eliminate the possibility (some would say probability) that the next round of technology will undermine the stability of the preceding one. The fear and uncretainty engendered by knowledge of this prospect can only be controlled by agreements outside of it, not by manipulation of developments within it.

Our propensity to seek technological solutions to difficult political problems is well-known. The strategy of massive retaliation, the emphasis on "more bang for the buck," on regaining the initiative by retaliating when we chose and on substituting nuclear

technology for ground forces—all these are illustrative. The popularity a decade ago of the concept of limited nuclear war is another illustration; it ran afoul of our allies' understandably negative reactions, as well as the fact that the Soviets also had tactical nuclear weapons. An excessively technological orientation tends to concentrate attention too narrowly on ways and means and to obscure more important questions of purpose and intent. In the ABM debate, we can see the dialectic at work in the Defense Department's reaction to the outburst of criticism against its decision; it has tried to obscure the issue by suggesting that all will be well if only the sites for the missiles are redeployed away from urban areas (or at least urban areas that protest volubly enough).

One might argue that in the last analysis debates about military hardware are not really very significant, that what counts is not force structures and the like but rather the intentions and intelligence of the statesmen of the great powers: if they are willing to accept restraints on their behavior and to assess their responsibilities at least in part in reference to a general concern for stability, then war is unlikely. I find this point of view only partially tenable, for the characteristics of the available military systems surely condition the nature of decisions taken. The impact of mobilization schedules on the outbreak of World War I is a case in point. And the Cuban missile crisis ought to limit optimism about the willingness of reasonable men to seriously contemplate nuclear war—and in somewhat dubious circumstances.

I would also feel more confident about the argument that it is intention and will which are decisive, if it were not for the nature of the present leadership of the Defense Department. Anyone who takes the trouble to read the writings of Mr. Laird and Assistant Secretary of Defense G. Warren Nutter on these matters is bound to come away troubled. The Duke of Wellington's comment as he looked over his troops before the battle of Waterloo comes to mind: "I don't know whether they scare the enemy, but by God, they scare me."

THE RELATION OF OUR TEXTILE INDUSTRY TO EUROPEAN COMMON MARKET'S TRADE POLICIES

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

Mr. FISHER. Mr. Speaker, recently, my distinguished colleague, the gentleman from Illinois (Mr. FINDLEY), drew the attention of the House to the European Common Market's plan to levy prohibitive consumption taxes on vegetable oils, oil seeds, cake, and meal. These taxes would drastically reduce U.S. soybean exports and impose economic hardships on many American farm communities. As I myself represent an agricultural region, I understand very well the gentleman's apprehensions and join him in urging our Government to take action to prevent this injustice. But I cannot join him in his subsequent effort to marry the soybean tax problem and textile trade policy. I believe him to be seriously misinformed in this respect as well as in regard to the condition of our textile industry, which provides virtually the sole market for American wool growers.

It cannot be argued that U.S. efforts to secure reasonable textile trade controls have induced or will significantly strengthen the EEC's determination to protect its agricultural sector. As is common knowledge, the EEC has never embraced free trade in agricultural imports competitive with the produce of its own farms and it is not about to do so now On the contrary, a highly protective trade policy with regard to agricultural products is considered to be crucial to the EEC's political survival, as the French have made very clear on numerous occasions. The EEC agricultural ministers have been discussing vegetable oil taxes for some time and for the same reasons that lay behind their earlier discussions regarding the fate of American poultry exports to Europe. U.S. textile trade policy has had absolutely nothing to do with these discussions and doubtless will have little influence over their outcome. I see little to be gained, therefore, by suggesting that the fate of U.S. agricultural exports to Europe hangs on the question of textile trade policy.

The gentleman quoted with approval a New York Times editorial which presented essentially the same argument in regard to Japan. The United States, according to the Times, should not seek a reasonable textile agreement with the Japanese because this would strengthen protectionist sentiment in Japan.

Mr. Speaker, this had to be written with tongue in cheek because it would be difficult to find any major non-Communist trading country that is more protectionist than Japan already is. Japan imports raw materials, foods, and technology from us because these items are not available at home, not because she is committed in any sense to free trade. It is ironic in this connection that the same newspaper reported some weeks ago the return of yet another disappointed and frustrated American trade mission sent by the President to negotiate freer trade relations with the Japanese. This mission was offered meaningless concessions on commodities the Japanese do not consume in significant volume but otherwise returned empty-handed. And Japan has consistently enjoyed the highest economic growth rate in the world since the mid-1950s.

I think it relevant at this point to note that Japan has accepted extremely restrictive quota agreements with the EEC nations, especially in textiles, largely because the market which interests her most is ours. Perhaps some reasonable controls over textile imports by country of origin would induce the Japanese to bargain more vigorously with other countries so that the United States would not have to continue absorbing a grossly disproportionate share of her textile exports.

Turning now to the condition of the American textile industry, I want also to discuss the matter of textile industry profits. The American Importers Association, as quoted by the gentleman from Illinois, compares the level of textile industry profits in two widely separated base years, notes that total profits doubled between them and concludes that the industry is therefore in good shape. No mention is made of the fact that 1961 was a bad year for textile mill products while 1968 was a year of feverish prosperity and inflation in the U.S. economy.

In other words, the Importers chose base years which, while comforting to their argument, are not economically comparable. Profits might very well have tripled between these base years without generating any useful information at all about the condition of the industry in 1968 and, what is more important, its prospects for the future. The same is true of the 1967–68 profit comparison made by the Importers Association, since 1967 was also a bad textile year.

Furthermore, the level of profits in a given industry does not mean very much unless it is related to the volume of investment involved and to the performance of profits in other industries. Since 1961 the textile industry has invested enormous sums of capital in new equipment in a vain effort to keep up with rising labor costs and growing imports of cheap-labor textiles. Consequently, the industry's rate of return on equity has shown little improvement since 1961 notwithstanding the increase in total profits to which the Importers Association refers. The fact is that the textile mill products industry in 1968 ranked below all other major U.S. manufacturing industries in respect to the rates of return on both sales and equity. This is very significant since textiles must, in the long run, compete with all other industries for capital and other resources. The usefulness of random statements about the level of profits in widely separated base years is further reduced by the impact of inflation. Who would argue, for example, that $10 million worth of 1968 profits would purchase as much in new equipment and new jobs as it would have purchased in 1961?

Mr. Speaker, we hear demands on all sides that policymakers in education, military affairs and foreign relations discard their adherence to sweeping generalities in the light of the changed conditions in which we live today. Pragmatic policy responses to these problems are said to be essential under today's conditions. I submit that the same thing is true in regard to the formulation of textile trade policy. The United States cannot afford, I submit, to be the only major industrial Nation which does not care what happens to its great industries and their workers.

COMPREHENSIVE HEALTH PLANNING

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

Mr. BLANTON. Mr. Speaker, recently our colleague, the gentleman from Tennessee's Fifth District, RICHARD FULTON, was cosponsor, along with the Nashville Area Chamber of Commerce and the Tennessee Department of Public Health, of a statewide conference on comprehensive health planning.

The conference was considered by those who attended to be an outstanding success and was a significant first step in Tennessee's efforts to make meaningful the comprehensive health planning programs which have been passed by the Congress through the Partnership for Health Act and subsequent amendments which, as a member of the House

Committee on Interstate and Foreign Commerce, I was privileged to have the opportunity to participate in writing.

Shortly after the Nashville conference, Congressman FULTON was invited to give the principal address at the first annual meeting of the American Academy of State Directors of Comprehensive Health Planning, which was held on March 6 here at the Washington Hilton Hotel.

In his address, Congressman FULTON pointed out the opportunities which lie ahead in the area of comprehensive health planning and the work which must be done to make these opportunities a reality.

Mr. Speaker, under unanimous consent, I include a copy of Mr. FULTON's remarks in the RECORD at this point and commend it to our colleagues for their consideration:

COMPREHENSIVE HEALTH PLANNING: THE CONGRESS AS A PARTNER

(Address by Hon. RICHARD FULTON)

Dr. Cashman, Mr. Boyd, distinguished guests, with my responsibilities in the Congress as a member of the Ways and Means Committee to attend the current hearings on tax reform and the demands on my time back home to contribute to and participate in last week's conference on comprehensive health planning, I was forced to ask for a little assistance in the initial drafting of my address this evening.

Overall, the first draft was a good one, and I want to commend those who contributed to it . . . without mentioning any names because I don't want them to be given too much credit if you receive my remarks favorably. Conversely, should you take exception to or in some way be offended by what I will say, then I certainly wouldn't want them singled out for blame and reprisal:

As I said, the first draft was a good one. I made relatively few changes except for the first page, and those changes were not really substantive. They simply involved the eradication of some rather terrible jokes which were intended to put you at ease. After reading them, I was more concerned that they would frighten you away.

* * * * *

I am particularly pleased to be with you tonight because you are the people who, by your responsiveness to that task ahead, are going to determine whether or not this concept of comprehensive planning is going to become a viable reality. You have a responsibility to do this.

If you will, and I am certain you have, commit yourself to the task, it will be done.

The Congress also has a commitment to your job. This can be found in Public Law 89–749. The legislation passed in 1966 which established comphehensive health planning. It is my strong feeling that in making the partnership for health an instrument of national policy, the Congress and the President set in motion one of the finest programs yet devised for improving the level of individual and community health throughout our Nation.

The Congress also incurred a continuing responsibility toward this program. Such legislation is not a single-shot approach and the evidence of this was the enactment, in 1967, of the partnership for health amendments. The United States Congress, therefore, is committed and is your partner in this effort.

But legislation without implementation is like a verbal contract, not worth the paper it's written on, with respect to the implementation of this legislation, the work already done at the state and community levels is little short of fantastic.

Within the short space of some eight months after Federal funding had become available, every state and territory had moved. Sixty-nine area wide agencies had been funded. Advisory groups and boards were organizing and, of greater importance, were beginning to move toward the essence of implementation of substantive planning.

Some highly significant facts have begun to emerge from this activity. In the first place, the partnership for health is not, in law or in fact, a Federal program. Rather, it is a people-directed program. It embodies, as its basic tenets, the root values which we, as Americans, have so long esteemed.

Some of these can be identified as "self-determination," "cooperation," "coordination," and "motivation to action, to help ourselves by helping our communities."

This program is, in the truest sense, an effort on the part of the Federal Congress to reinvest in the States and communities that spirit of community action which is vital to the presentation of our governmental and societal structure.

Perhaps the more correct term is "retention", retention of responsibilities, of prerogatives, of opportunities.

The role of the Federal Government is to stimulate State community action and provide dollar support to States and communities to assist them in planning for their own health needs.

But this takes support of the people.

In the case of the partnership for health, the people have responded, with the result that the program has received an overwhelming public mandate. Oh, this is not to say that everyone involved or affected is enthusiastic in his support.

There are still those who, to use the old cliche, "View with alarm." There are still those who see this program as a threat to their personal or professional security.

This is unfortunate because it impedes the progress of the program.

It was my pleasure, a week ago today, to see this new program in action in my own State of Tennessee. The occasion was a statewide conference on the partnership for health, co-sponsored by the Nashville area chamber of commerce, the Tennessee Office of Comprehensive Health Planning, and myself.

Some 700 community leaders throughout Tennessee attended the conference which was directed toward producing specific activities, at the community level, which would support comprehensive health planning in Tennessee.

Despite an intensive and almost exhaustive conference agenda which extended from 8:45 in the morning to ten o'clock last Thursday night, the ideas expressed, the suggestions discussed, and the specific recommendations submitted were of high quality.

It was a fascinating experience to observe the extent to which the people of one State, Tennessee, subscribed to the goals and objectives of the partnership for health . . . and exhibited their determination to make it work.

I am confident that the recommendations submitted will be carried out.

I am well familiar of the leadership in Tennessee which has brought the program to its present level of implementation with the very capable staff direction of Dr. Homer Hopkins, the executive director of the Tennessee Comprehensive Health Planning.

But staff cannot accomplish that which only people can make happen. The extent to which health service providers and consumers in Tennessee have begun communicating and cooperating with each other toward the goal of improving individual and community health can only be described with superlatives.

I recall vividly some of the remarks made by the conferees in the afternoon workshop sessions, and I would like to repeat just a few. They included such statements as, "This program has been a long-time coming, but it is the only thing that will do the job . . ." "This program has got to work, and we have got to make it work . . ." "The key words in this program are 'communications,' 'coordination,' and 'cooperation'."

It was, and is, a most rewarding experience for a legislator at the Federal level who voted for and supports the partnership for health.

Because what is happening in Tennessee is taking place in the other States and communities which have joined as partners, have made their commitments, and are now going about the difficult business of comprehensive health planning within their States and communities.

You, as staff directors, as community leaders, as Federal agency employees of the executive branch, each of you has a compelling responsibility.

Each of you, in a very real sense, is a member of this new and growing partnership. Our responsibility is to the people.

The establishment of the new American Academy of State Directors of Comprehensive Health Planning is a forward step of vital importance.

Through your new association, communications linkage can be established and maintained to work toward the objective of providing information, as professionals, of the latest developments in your important field.

This, in turn, activates greater coordination and cooperation on all fronts and at all levels, including the Federal legislative level.

I think we will see, as your new association develops, a manifestation of the old axiom, "The whole is greater than the sum of the parts."

Because you represent a broad constituency of State and community leaders who, in turn, are the representatives of the national constituency: more than 200-million Americans.

You are the doers, and you must, in turn, become the communicators.

Because it is to you, the representatives of the people of your States and communities, that we in the Congress must turn for information and guidance in shaping future legislation which affects your program.

I am looking forward to working with your chairman, Jack Boyd, and with other representatives of the academy.

It would be less than realistic to assume that no further legislative action by the Congress is required.

The program is too dynamic. If it is to realize its potential, the Congress must discharge its responsibility as a partner at the federal level.

I believe I speak for the majority of my colleagues when I say that we will be responsive to your reasoned recommendations.

This, then, is the role and the responsibility of Congress as a partner. Each of us has a commitment, an involvement, and a very definite responsibility to make this thing work.

I view this responsibility as an opportunity, an opportunity to better serve people in my job as an elected official.

From meeting some of you, from having talked to Dr. John Cashman and staff members of the division of comprehensive health planning in Bethesda, and from having participated in the Tennessee conference. I have a strong conviction that mine is a shared feeling: That others view the partnership for health as an opportunity to serve.

As Dr. Cashman said in his keynote address at the conference in Nashville last week, "the stakes are high, but no higher than they have been. The time? Perhaps later than it should be. The opportunities? Unlimited, if we are to think in terms of that which we can do. The rewards? Ill-defined, as yet, but we must, if we are to move forward, motivate ourselves to strive toward the goal.

"And that goal, I would remind you, is

this: The highest level of health attainable for every person."

Stimulated with a charge such as this from a man of such conviction and determination as Dr. Cashman, we will, I think, get on with the job.

And we will, I think, do that job well.

LEGISLATION FOR GREATER FLEXIBILITY IN IMMIGRATION

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

Mr. CELLER. Mr. Speaker, I have today introduced a comprehensive immigration bill to establish rational new preference categories by which immigrants can seek admission to the United States.

Experience has demonstrated that existing preferences of the Immigration and Nationality Act are out of balance with our avowed immigration policy of reuniting families and offering preference to skilled aliens who have much to offer the United States. Moreover, countries of Western Europe—Ireland, for example—have been denied an equitable opportunity to send immigrants to the United States. The Irish will procure decided relief.

This will, in seeking the necessary revisions, move toward a greater flexibility in our immigration law. We, in our tradition, must make it possible for those who cannot come to the bosom of a family or within a preference; that is, the young, the brave, who follow a star, to come to enrich our culture as many did before. These from Ireland, England, Italy, the Scandinavian countries have much to give, and we have much to receive.

My proposal will relieve the mounting pressure for immigration reform by wiping out the long waiting list for relative preference visas, and, with a new preference system, all intending immigrants will henceforth be able to compete for visas on a fair and reasonable basis.

A drop down of visa numbers from one preference to another will eliminate wasted visas and will insure a full utilization of visa numbers and the availability of visas for young new-seed immigrants who seek an opportunity to come to our great country. More than 60,000 visa numbers, it is estimated, will drop down to ease immigration opportunities for persons unable to secure visas.

The new immigrant provisions are complemented by changes in the nonpreference categories to authorize the admission of fiancées of U.S. citizens and permanent resident aliens, the admission of skilled temporary workers whose services it has been determined are urgently needed to fill employment gaps, and by objective refugee provisions.

Specifically the bill provides:

First. Admission outside of quotas for brothers and sisters of U.S. citizens who are beneficiaries of petitions filed prior to January 1, 1969.

Second. Immediate relative status—nonquota—for unmarried sons and daughters of U.S. citizens.

Third. Immediate admission for children accompanying their parents who are beneficiaries of a petition filed by a U.S. citizen son or daughter. Under existing law such children are classified as brothers and sisters under the fifth preference and in many instances have a long wait for a visa and are not able to accompany their parents.

Fourth. New preferences:

First preference status for married sons and daughters of U.S. citizens and spouses, unmarried children of permanent resident aliens, which preference will receive 25 percent of the overall ceiling of 170,000;

Second preference status for the highly skilled and professional will receive 25 percent of the numbers plus unused numbers of the first preference;

Third preference status for skilled laborers for which a shortage of employable and willing persons exists in the United States will receive 25 percent of the numbers plus any unused numbers of the first and second preference; and

Fourth preference status for aliens principally engaged in religious duties, aliens who will not seek employment in the United States, and investors, which preference will receive 15 percent plus any unused numbers from the first, second, and third preferences.

Unused numbers: 10 percent of the total or 17,000, plus unused numbers from the first, second, third, and fourth preferences, will be available to nonpreference qualified immigrants in the chronological order in which they qualify. There is a proviso within this group that 25 percent of the numbers available for nonpreference immigration shall be available to qualified immigrants who are under 25 years of age. The labor certification provision will not be applicable to this latter category.

Fifth. Labor certification procedures are simplified. Labor certification will no longer be necessary for a professional or a very highly skilled alien. The skilled alien will be able to file his own petition in an occupational category and will no longer have to have a specific job offer.

Sixth. The new refugee section will authorize the Attorney General to parole refugees who have fled from communism, from persecution or fear of persecution, or who have been uprooted by natural calamities or military operations. This new section has a built-in provision for retroactive adjustment of status after the refugee has been in the United States for 2 years. The existing law has proved to be inadequate in that refugees are now counted against a country's quota. This provision will meet emergency situations and will not cause any intending immigrant to have to wait because a number had to be used for a refugee.

LEGISLATION MAKING JUDICIAL RETIREMENT MANDATORY AT AGE 70

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

Mr. MIZE. Mr. Speaker, I have cosponsored legislation which would establish mandatory retirement at age 70 for Federal judges. This proposal would insure, as much as humanly possible, a vigorous and decisive Federal judiciary throughout the United States.

Article III, section 1, of the Constitution creates the U.S. Supreme Court, and further charges the Congress with the duty of creating "such inferior courts as Congress may from time to time ordain and establish."

In carrying out these responsibilities, Congress has enacted legislation providing that no person may serve as chief judge of the circuit court after attaining the age of 70 years. This provision became effective on August 6, 1958.

In passing this judgment, Congress reasoned that the circuit courts would be better served by younger, more energetic men as chief judges. The bill which I advocate today, H.R. 7507, would extend that same reasoning to the entire Federal bench of the lower courts. It would require all Federal judges to retire from full time, fully active status upon attainment of the age of 70 years.

FOUR POINTS OF AMPLIFICATION

Mr. Speaker, in supporting H.R. 7507, I wish to make four points clear:

First. In order to be entirely fair, mandatory retirement provisions will not apply to those judges currently serving the Federal courts. This bill applies only to those judges appointed subsequent to its enactment.

Second. In my judgment, this proposal should not apply to the Justices of the U.S. Supreme Court. That Court was specifically established by the language of the Constitution. The doctrine of separation of powers is so essential to our liberties and system of government that mandatory retirement provisions applying to the Supreme Court can be properly implemented only by constitutional amendment.

Third. This proposal complements existing procedures and statute law. Retired judges will continue to serve on a limited basis, just as do those judges who voluntarily retire today. Retired judges will retain the emoluments of office and will serve in semiactive capacities. They will continue to hear cases as their health and strength permit.

Title 28, United States Code, section 371(b), provides:

> Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from active service after attaining the age of 70 years and after serving at least ten years continuously or otherwise, he shall, during the remainder of his lifetime, continue to receive the salary of the office. The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

In *Booth* v. *United States*, 291 U.S. 339 (1934), the Supreme Court, in discussing this provision, states:

> By retiring pursuant to the statute a judge does not relinquish his office. The language is that he may retire from regular active service. The purpose is, however, that he shall continue, so far as his age and his health permit, to perform judicial service, and it is common knowledge that retired judges have, in fact, discharged a large measure of the duties which would be incumbent on them, if still in regular active service. He does not surrender his commission, but continues to act under it. He loses his seniority

in office, but that fact, in itself, attests that he remains in office.

Fourth. Finally, this proposed legislation will serve to increase the capacity of the courts to try the ever-increasing number of cases which come before them. In addition to having younger men on the bench, the courts will have the services of the retired judges, who will work at their best speed.

Clearly, one of the greatest difficulties in the law today is the great delay of justice in too many cases. Defendants whose trials are delayed for months cannot provide the type of vigorous defense which clearer memories insure. Prosecutors are hampered by the same timelag. By enacting this legislation, we will permit the courts to accomplish more. Their work will improve both quantitatively and qualitatively.

I urge all of my colleagues to favorably consider H.R. 7507, a bill to make mandatory the retirement of Federal judges at age 70.

RESOLUTION IN HONOR OF AMELIA EARHART AND JOAN MERRIAM SMITH

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

Mr. MIZE. Mr. Speaker, I am the sponsor of a joint resolution in honor of Amelia Earhart and Joan Merriam Smith, two of America's most distinguished aviatrixes.

These gallant ladies, through personal achievement in the air, brought great credit to their country and new prestige for the fairer sex. Their individual accomplishments are an important part of the heritage which has led to American excellence in the air and in space. It is proper that the Congress recognize the courage and contribution which marked these two most remarkable careers.

The challenge which they saw as their own is really the challenge of free men and women everywhere: to achieve, through indomitable will and individual initiative, the seemingly impossible goal.

As with all great spirits, Miss Earhart and Mrs. Smith did not rest upon the laurels of their successes. They continued to seek new horizons—the quest, sadly, cost them their lives. The legacy which they left behind enhances the dignity of every human being, for clearly their efforts—though intensely personal—were undertaken on behalf of all of us for all time.

AMELIA EARHART

Mr. Speaker, Amelia Earhart was born in Atchison, Kans., my hometown. She was the first woman to fly the Atlantic Ocean solo, accomplishing this feat in May 1932. She was blown off course on this flight and was forced to land on a field in Ireland. Amelia descended from her plane and announced, "I'm from America." An Irish farmer responding to her question as to where she was, announced, "You're in Gallagher's cow pasture."

She went on to Paris to receive the French Legion of Honor. Later, back in the United States, President Hoover presented her with the Geographic Society's gold medal, which had never before been awarded to a woman.

She later became the first person to fly from Hawaii to the U.S. mainland, the first to fly the Atlantic twice, and the first to fly nonstop from Mexico City to Newark, N.J., considered most difficult in those early days of aviation.

She lost her life in 1937 attempting to complete an around the world flight at the equator. She died attempting to locate Howland Island, a dot in the vast reaches of the Pacific Ocean. The world mourned her untimely passing, for she epitomized the courage of a new breed of emancipated woman from an emancipated Nation.

JOAN MERRIAM SMITH

Joan Merriam Smith's lifelong ambition was to accomplish the equatorial flight which cost Miss Earhart her life. She finally succeeded in May 1964, and became the first person to fly round the world solo. She landed her rapidly deteriorating light plane at Oakland, Calif., after a journey of over 27,000 miles. Mrs. Smith was killed a short time later when the wing of a rented aircraft failed in flight. She crashed into a mountainside in California. For her gallant flight around the world she was awarded the 1965 Harmon International Aviation Trophy posthumously.

Mr. Speaker, the resolution which I sponsor would officially recognize the historic aviation achievements of Mrs. Smith and Miss Earhart. It would authorize the Postmaster General to give due consideration to the issuance of a stamp in honor of Mrs. Smith and the Civil Air Patrol-U.S. Air Force Auxiliary of which she had been a cadet member. It would further recommend to the President the names of both aviatrixes for consideration of the awarding of the Presidential Medal of Freedom posthumously. It would further decree that the 12th of May, each year, be designated as Amelia Earhart-Joan Merriam Smith Aviation Day in honor of their memory.

Mr. Speaker, I should like to close this statement with a poem which Amelia Earhart, a citizen of Kansas and the world, wrote for us all. It reflects her most personal thoughts on courage, a commodity which she and Mrs. Smith lacked not at all:

COURAGE

(By Amelia Earhart)

Courage is the price that Life exacts for granting peace.
The soul that knows it not
Knows no release from little things:
Knows not the livid loneliness of fear,
Nor mountain heights where bitter joy can hear
The sound of wings.

How can life grant us boon of living, compensate
For dull gray ugliness and pregnant hate
Unless we dare
The soul's dominion? Each time we make a choice, we pay
With courage to behold the resistless day.
And count it fair.

Mr. Speaker, I urge all Members to give favorable consideration to this joint resolution.

WIDOW'S EQUITY BILL

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

Mr. TALCOTT. Mr. Speaker, I have introduced H.R. 9076, a bill which would establish an equitable survivor's annuity plan for active and retired members of the armed services. This measure would replace the present unjust annuity option, and will provide for surviving spouses at a level equal to that available for civil service retirees.

We honor the men in the armed services with words of gratitude for a job well done, but too often do not put this gratitude into meaningful effect. Here is an opportunity to establish an annuity program which would relieve the serviceman's worries about an adequate standard of living for his surviving spouse and would offer another incentive to the young man who is contemplating a military career. There is no reason why the retired civil servant should be able to participate in a sound annuity program, while his military counterpart cannot do the same.

The present annuity system, established in 1953 by the passage of Public Law 83–239, the Uniformed Services Contingency Act, and known as the retired serviceman's family protection plan—RSFPP—has been amended again and again, but it remains an ineffective and complex measure. On the ultimate test of acceptability—the degree of voluntary participation—the RSFPP has been a failure. Only some 15 percent of eligible persons have joined the plan, while over 90 percent of our civil servants have enrolled in their annuity program.

There are other advantages to my bill over the present RSFPP. These include Government participation in the cost of the program, simplified administrative procedure, and additional provisions by which an unmarried retiree could provide an annuity to a specified person having an insurable interest in the retiree. This all adds up to bringing the serviceman up to a retirement level now enjoyed by civilian employees—certainly a desirable result.

Mr. Speaker, I urge my colleagues to support this needed legislation.

PUERTO RICO'S GOVERNOR SPEAKS OUT

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

Mr. SAYLOR. Mr. Speaker, it gives me a great deal of pleasure to bring to the attention of this body an interview-article by the Honorable Luis A. Ferré, the new Governor of the Commonwealth of Puerto Rico.

His views appeared in the March 17 issue of U.S. News & World Report; it is a forthright and realistic statement by a man, who I am proud to call a friend, on the issues that face the Commonwealth at the beginning of his term of office.

Governor Ferré is one of the most dedicated public servants I have had the honor to know. Over the years I have had

many opportunities to see this man in action; whether in victory or defeat, his words and deeds have been those of one committed first and foremost to the best interests of his beloved Puerto Rico.

Many commentators of the American political scene have unfortunately forgotten about the most amazing of political comebacks of the 1968 electoral season with their concentration on President Nixon's successful campaign for the White House.

Governor Ferré had been defeated four times for Governor of the Commonwealth of Puerto Rico before his 1968 election triumph. But he never bowed as a gallant fighter for Puerto Rico, nor dampened his inspiration, nor created any bitterness with his fellow citizens. His campaign for the governorship was devoid of the "class hatred" struggles of so many other campaigns and the result has been an entirely new and healthier atmosphere in Puerto Rico about the government, the economy, and the future.

Mr. Ferré makes a number of points which should be studied by the Members of the House and the Senate, particularly those dealing with Castroism, but I want to quote one portion of his remarks dealing with a subject dear to my heart—statehood for Puerto Rico. The Governor says:

Statehood is the ultimate achievement of all U.S. citizens. You can't be a full-fledged citizen without the rights that go with statehood.

We would vote in elections for President of the United States—something we cannot do now. We would elect two members of the Senate and about six members of the House of Representatives. The young Puerto Ricans who serve in the U.S. Armed Forces would feel they are serving at their own wish because they had a hand in electing the Members of Congress who voted on the draft and defense matters. That is very important.

Mr. Speaker, I could not agree more, nor have I heard the case for Puerto Rican statehood stated better or more succinctly. I include the interview referred to above to immediately follow my remarks in the RECORD:

PUERTO RICO—WILL IT BE THE 51ST STATE?

(Interview With the Commonwealth's Governor)

(Now Puerto Rico has a new Governor, Luis A. Ferré, who wants to make the island into the 51st State. The change would have a major impact on U.S. relations with Latin America and on huge American investments in Puerto Rican business. When might statehood come? What would it accomplish? These are some questions Governor Ferré answers in this exclusive interview, held in the conference room of "U.S. News & World Report." He also suggests a new U.S. policy for dealing with Castro's Cuba.)

Question. Governor Ferré, is Puerto Rico moving toward full statehood, like Alaska and Hawaii?

Answer. I have always been for statehood. The commission that was set up back in 1962 to study the status of the island said we will be able to assume the responsibilities of statehood, without harm to our economy, by 1980. And that is my position.

We should have another plebiscite, such as the one held in July, 1967.

At that time a majority voted for Puerto Rico to continue as a commonwealth instead of a State. But the vote for statehood was 39 per cent—the largest ever.

I think another vote should be taken before our regular election in 1972. To my mind, two thirds of the voters would have to be for statehood before Congress would act. Once the matter is put up to the members of Congress, with a showing that a clear majority of Puerto Ricans want statehood, I'm sure the attitude will be receptive.

Question. What's the point in statehood? Hasn't it been argued that you would lose some of the advantages you have as a Commonwealth?

Answer. Statehood is the ultimate achievement of all U.S. citizens. You can't be a full-fledged citizen without the rights that go with statehood.

We would vote in elections for President of the United States—something we cannot do now. We would elect two members of the Senate and about six members of the House of Representatives. The young Puerto Ricans who serve in the U.S. armed forces would feel they are serving at their own wish because they had a hand in electing the members of Congress who voted on the draft and defense matters. That is very important.

There are other things that might be better from our point of view. Take old-age assistance, for example. We can't get in Puerto Rico the full amount that all States get on medicaid.

I must say that, in general, there has been a kind and generous attitude toward us in Congress. But I don't think we should be dependent on the generosity of Congress. We should have the rights that other citizens have.

Also, our becoming a State will give us a dignity and equality in developing a better understanding with South America. I think there is a feeling that maybe the Latin Americans have a special friend in Puerto Rico.

This feeling may even be permeating Cuba. If so, this will be better for us than any armed intervention in Cuba.

Question. Speaking of that, how do you think the U.S. should handle Castro and the Communists down there?

Answer. We have to take a more active part in trying to help the Cubans get out of the mess they're in. We are too passive about the situation.

I don't means that we should go in militarily. But the time is getting ripe for some kind of move to help the Cubans rid themselves of Castro.

It might help to resume relations with the Castro Government on the theory that when we have more-normal relations with Cuba we will be in a better position to assist the Cuban people.

Question. Help them how—through trade and economic contacts?

Answer. That might help. We need to support those in Cuba who are not sold on Castro. If those people keep leaving, there will be nothing left but indoctrinated Cubans. Somehow, we should make it possible for anti-Castro people to stay in Cuba, and for the refugees to go back so they can work things out for themselves.

People are getting tired of Castro. He has built up a system that is oppressive, and the people resent it. I know that from hearing from those who come out. How long Castro remains in power depends on how soon somebody there can offer the Cubans an alternative.

Question. To get back to your own program, Governor, what will happen to manufacturing in Puerto Rico if you become a State, and your companies are subject to the federal income tax—from which they are now exempt?

Answer. A transition agreement could be incorporated into the statehood law. It might, for example, provide for the federal income tax to be applied gradually—say, 10 per cent the first year, 20 per cent the next year, and so on.

Of course, at some point there would have to be the same federal taxes in Puerto Rico as in all other States. But Congress has never admitted a State without taking steps to assure that there would be no damage to its economic structure. You know, special considerations were involved in the admission of Hawaii and Alaska.

The important thing is to bring in industries that are suited to Puerto Rico, and are sound.

Tax exemption does not make an industry sound. If you don't make a profit, tax exemptions don't do you any good. There is no sense in attracting marginal industries to Puerto Rico.

There have been some industries on the island that shut down and left as soon as their exemption from the Puerto Rican income tax expired. You see, the exemption from the Commonwealth tax lasts 10 years in some cases, 17 years in others. After that, an industry still is not subject to the federal income tax, but it has to start paying our local income tax. Now, these industries that leave as soon as the tax exemption ends are not really the kind of industry we like to get.

We are now getting a different type—a type that takes a long-range view of its investment in Puerto Rico.

Alcoa, for example, is considering a new investment in Puerto Rico. General Motors has been approached. We have General Electric and the Radio Corporation of America doing a number of things. Air Products & Chemicals is planning to build a large industrial-gas facility on the island. Oil refining and petrochemicals are expanding rapidly. We are considering opening up copper mining. Fish canning is developing quite substantially.

Question. Are you dependent on outside capital?

Answer. About a third of the money for new industries is generated in Puerto Rico. That means two thirds comes in from the mainland.

Question. Are you going to revise your tax incentives to try to attract long-range investment from the mainland?

Answer. We will have a complete revaluation of our tax-exemption program to see how it can be improved.

We feel there must be more participation by industry in meeting social responsibilities on the island. For example, I have just proposed that incoming industries be required to pay the federal minimum wage in exchange for tax exemptions. I think private industry should be required by law to pay regular Christmas bonuses.

The way many companies operate today, they do not participate enough in helping to solve our social problems. That is not a sound situation—and it is not good for the industries themselves.

There are many ways in which private companies can make a contribution in place of paying taxes—by supporting projects to prevent pollution, by training workers, giving endowments to schools and universities, and so on. We feel there should be more of this sort of thing.

MAKING CLIMATE PAY OFF

Question. Are you sure you still will be able to attract capital if Puerto Rico becomes subject to the federal income tax, and wages rise close to the level of those on the mainland?

Answer. Very much so, because we have one natural resource that we are going to develop fully—climate. Puerto Rico has a tremendous attraction to tourists. With these new jumbo jets on the way, we are going to have large numbers of tourists from Europe.

We have only developed a little bit of Puerto Rico around San Juan for the tourists. But we intend to develop the rest of the island, which has miles and miles of beautiful beaches. We are going to develop hotels

with lower rates, so that tourists who don't have much money to spend can enjoy a vacation in Puerto Rico.

Income from tourism was around 250 million dollars last year. We figure it can go up to a billion, maybe 2 billion. That, of course, would create a larger local market and a broader base for industry.

We are considering that Puerto Rico may be a base for companies aiming at the South American market. Companies should think of setting up plants in Puerto Rico instead of Europe because of the balance-of-payments problem.

Question. Have you got enough jobs for everybody?

Answer. We still have 13 per cent of our labor force unemployed. We have a good pool of labor, but it has to be trained. We are developing a massive program of education in vocational and technical fields. We are counting on the help of industry in developing these things.

Another thing we are trying to do is to improve our agriculture, which is in very bad shape. You see, the government let agriculture go to pieces in Puerto Rico while it was building up industry. Take sugar, for example. We have a quota of 1.3 million tons of sugar, but we only produced 600,000 tons last year.

Question. Do you have the climate and soil to grow more of your own food on the island?

Answer. Definitely. We have plenty of rain, although it is not properly distributed. We have to find some way to move water from one side of the island to the other. Studies on this are under way.

Also, we should have better experimental stations and more technical help for the farmers. And we need to raise the wages of farm workers from the present 50 or 55 cents an hour to a $1 an hour. The present wages are too low, considering what the cost of living is now. We need to get the pay up so we won't have so many poor people flooding into the cities from the rural areas. This is one of the things that keep our unemployment at a high level.

CASTRO AGENTS: CONTAINED

Question. Haven't you had some firebombings and "New Left" troubles in Puerto Rico? Mightn't that frighten away industry?

Answer. These bombings are a part of the Castroite attempts to upset the government, to upset the investment climate, try to scare the insurance companies. But they haven't served their purpose. Our police are quite capable of containing these Castro agents. A few have infiltrated, but they don't get anywhere.

We had a little superficial trouble at the University of Puerto Rico, but we haven't had any riots. I don't think we have to worry much about the leftists, or about Castro. Castro doesn't fool the people of Puerto Rico.

Question. What would you say will be the chief difference between your administration and your predecessor's?

Answer. Three things, mainly:

First, I don't believe in creating class hatred. The outgoing government came to power on the basis of social tensions—attacking the "sugar barons," the rich people, and so on.

Second, we don't want any more government by crisis. We are establishing an advisory commission to develop long-range programs and to recommend task forces to deal with special problems—in agriculture, education, health, taxes, and so on. We will be able to look at our problems scientifically, with the most up-to-date methods. The commission, for example, will have two codirectors—a professor from the Massachusetts Institute of Technology and a professor from the University of Puerto Rico.

Finally, we will develop a feedback system for getting the reaction of the public to our proposals. I plan to utilize television as a medium to keep in constant touch with the people. We are going to make a film to explain the plan for a copper-mining industry, to give the public, over television, all the facts about this controversial project. It will be a kind of "fireside moving picture," in place of the "fireside chat." People will know what we plan to do, and I will have their reaction right away through the feedback system.

Up to now we have only had a one-party system in Puerto Rico. Fortunately, that's all over. Now we have the two-party system, and it's going to operate very well.

AS APRIL 15 APPROACHES

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

Mr. SAYLOR. Mr. Speaker, one of the extra added burdens carried by the American taxpayer is his occasional necessity to borrow money to pay his obligations to the Government. In effect, Mr. Speaker, because of interest payments, another tax. And this year the load is tripled because of the surtax.

Some banking institutions are advertising their services to the taxpayer and I agree with the editorial in the March 14, Wall Street Journal, that finds such advertisement "distasteful." But considering the load we put on the taxpayer, what alternative does he have? Is it not time we lightened the load on the average American taxpayer? If we did, I believe he could meet his obligations without incurring another tax. I have asked to have the Journal article follow my remarks:

TAX FOR NOTHING

The ad depicts "The April 15th Nightmare": The frazzled taxpayer menaced by the monstrous shapes of City Taxes (red), State Taxes (yellow), and Federal Taxes (green). The message: Instead of getting the dreads, get an income-tax loan from Such-and-Such Bank.

The circumstances the ad reflects are pretty distasteful all around—not new, of course, just getting steadily worse.

We wish that banks did not feel impelled to encourage people to go into debt to pay their taxes, but the sad part obviously is that so many people have to do just that. At all levels of government the tax-takers are taxing ferociously and desperately seeking more They can't seem to get enough for their multifarious undertakings, including a great deal of wasteful and unnecessary activity.

With population and the welfare rolls—and practically everything else—growing, it looks like still stiffer levies in the years ahead. At what point does the load become too big for incentive and vigorous economic activity to be sustained?

Oh well, let's not get the blues as we get on with the returns. Happy Taxgiving Day, everyone.

AMERICAN LEGION IS 50 YEARS OLD

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

Mr. SAYLOR. Mr. Speaker, the American Legion was 50 years old last Saturday and it is appropriate that I pause a moment to pay tribute to an organization that has been one of the outstanding driving forces behind legislative efforts on behalf of those who have fought and died for our country.

As a member of the House Veterans' Affairs Committee for 14 years, I can truly attest to the ability and dedication of my fellow Legionnaires who over the years have unselfishly contributed their time and talents to improving the veteran's status.

I salute an important organization, and wish it well on the beginning of its next 50 years.

TAX REDRESS FOR "PUEBLO" CREW

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

Mr. SAYLOR. Mr. Speaker, I congratulate my colleague from the State of Washington (Mrs. MAY) for her compassion and foresight regarding the plight of the *Pueblo* crewmen. I concur with her comments that the treatment accorded these men by the IRS would be a grave injustice. Congress has a responsibility to correct it.

I am pleased to add my name to the list of Members in both Houses who seek redress for the member of the *Pueblo* crew from my district and his shipmates.

TRIBUTE TO ROGER L. STEVENS

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

Mr. THOMPSON of New Jersey. Mr. Speaker, with the departure of Roger L. Stevens from his position as chairman of the National Endowment for the Arts, the Nation has lost an able public servant, and the arts have lost an effective spokesman in the Federal Government.

As an author of the 1965 legislation establishing the National Endowment for the Arts, I recall vividly the skepticism of many about the wisdom of establishing a Federal agency to support the arts. Some expressed the fear that Federal support would entail Federal control; others alleged that Federal support would result in subsidizing mediocrity; some were dubious whether a Federal agency could venture into the delicate and sensitive area of the arts without creating other kinds of unwanted problems. In addition to these special problems, the Endowment also faced the normal problems which any agency faces in its first years of existence—attracting staff, organizing its operations, and beginning its work.

The Nation and the arts were fortunate that in this situation, where strong leadership was needed, Roger Stevens accepted the position as the Chairman of the National Endowment for the Arts. From his background in business and in the theater, Mr. Stevens brought to his job great energy, enthusiasm, vision, and persuasive skill. But most important, he brought the leadership which the job required. He gathered an exceptionally talented staff, and began to work.

Because of other pressures on the Federal budget, the Foundation was never

able to receive funding adequate to the needs it was asked to meet. But even with the stringent budgetary limitations, Mr. Stevens was able to undertake exciting initiatives in supporting the arts. He quickly became the leading spokesman in Government for the arts, and he reminded us frequently that a Nation which neglects the quality of its cultural life can never be truly civilized. Music, the theater, the dance, painting, literature—all areas of art felt the impact of the new Endowment for the Arts.

Mr. Stevens was insistent in his belief that although the Federal Government must assume responsibility for supporting the arts, our States, our local communities, and our private sector also have a critical responsibility. He acted upon this belief. Under his stewardship, the Endowment for the Arts achieved great success in stimulating interest in the arts in our States and communities. The Endowment was able to generate substantial private contributions to match the Federal money appropriations, its resources were skillfully used as seed money to help worthy projects get started.

During hearings before the Special Subcommittee on Labor, Mr. Stevens explained his goals this way:

> We must assist both the producers as well as the consumers of art. We must make it possible for those who wish to make careers in the arts to pursue such a career. . . . We must also make the arts available to audiences throughout the country, not merely in our highly developed metropolitan areas.

The activity of the Endowment in its first 3 years served to advance these goals admirably.

In my judgment, Roger Stevens' leadership was instrumental in the auspicious beginning made by the National Endowment in carrying out its congressional mandate. Mr. Stevens discharged his responsibilities in Government in the same distinguished manner which marked his earlier career in private life: with imagination, vigor, integrity, and success. I am confident that all of my colleagues who had the privilege of working with Mr. Stevens share my great respect for his ability and achievement, and join me in wishing him well in his future undertakings.

I wish to insert a recent editorial from the Washington Post on Mr. Stevens' departure:

ROGER STEVENS DOFFS ONE HAT

The National Council on the Arts, which is the Federal Government's three-year-old experiment in direct financing of the creative arts, could not have had a more effective first chairman than Roger L. Stevens. As a successful businessman who himself had met many a payroll, he was just the man to assure a wary Congress that spending for "culture" was sound. His entrepreneurial talents led him to make skillful use of Federal funds as a lever for prying open other sources of support for the arts, public (among the states) and private. His taste, at once intelligent and catholic, kept conservatives and avant garde alike from abusing his administration of the $6-million-a-year Arts fund. Mr. Stevens, who remains as chairman of the Kennedy Center, has a comprehensive view of the financial problems of the arts and it is characteristic that as he leaves the Council he should plan to set up a private foundation to do similar work.

Mr. Stevens's accession to the Arts Council chairmanship was a result of his standing as a Democratic Party fundraiser; his departure is a result of the Republican Party's assumption of power. Some of his admirers, who are not necessarily political partisans, now wonder whether the Republicans can match him. The answer must be yes. There are surely a good number of qualified Republicans. As Mr. Stevens has noted, Republicans dominate the ranks of the country's artistic patrons. They obviously have as much interest as anyone else in furthering the Federal role in advancing national cultural excellence.

THE FISCAL SHOE PINCHES THE REPUBLICAN FOOT

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

Mr. PODELL. Mr. Speaker, it is my understanding that our Republican brethren have a panting desire to raise our national debt limit. I must profess astonishment at this upcoming exercise in financial acrobatics the administration proposes to engage in.

Previously, when Democratic administrations asked for such leeway from Congress, the air was rent by shouts of fiscal outrage and warnings of impending economic collapse if we dared perpetrate such an atrocity upon mankind, apple pie, and the Treasury. Puerile cliches and thumping non sequiturs flew through the congressional air from self-appointed guardians of our public purse. But now the shoe ever so tightly pinches the Republican foot. It is their turn to seek to raise the debt limit. Loudly they proclaim its essentiality if the Republic is to be saved from the infidel. Any who oppose them in their avowed course will undoubtedly be called enemy aliens who are subverting the state, who should forthwith be deported.

Past administrations have patiently sought to explain social needs which required such debt limit raises. I pant for enlightenment from the oracles of the Nixon administration.

I come into town to buy an occasional gold brick or two, and will listen with fascination to their reasoning. Will Mr. Nixon give as his reason the need for still more weapons? An ABM system to protect the ABM system? More tanks that will not function? More planes that will not fly? More useless ABM missiles? More timesheets for lawyers at the Department of Justice? More cash for Marshall Ky's Paris cocktail parties?

Will we be convinced? Shall the mice save the drowning cat? Let us tune in tomorrow to hear the case presented by guardians of fiscal responsibility and a balanced budget.

BILLIONS FOR THE CANNON KINGS, BUT NOT ONE CENT FOR HUMANITY

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

Mr. PODELL, Mr. Speaker, in recent weeks the cannon kings of America have emerged victorious in their efforts to gain more billions from the Government, always at the expense of the people. Further, they have not only evaded responsibility for past nonperformance in military procurement, but have even been given more money for unworkable projects.

The proposed main battle tank of the Army has become a gigantic cropper, producing a few useless prototypes after 8 years and between $1 and $2 billion spent. Staggering sums have gone down the drain with the Navy version of the TFX. Next we have the momentous decision by President Nixon to continue with a "limited" ABM system, which gives the cannon kings a blank check on the Treasury.

What about the people? What about the poor? What about those who hunger amidst plenty? What about the slums? What about pollution? What about housing? What about transit? What about hospitals and education?

Billions for the cannon kings, but how much to rebuild our cities? Billions for defense, but how much to rebuild the lives of millions of Americans caught in the slum trap? Billions for defense, but how much for migrant workers who feed us? Billions for obsolete, ineffective defense systems, but how much for 19 million hungry Americans to ease their pain, suffering, and wretched squalor?

A society is known by its priorities. What comes first, guns or butter? Do people have first call on resources and wealth of society, or do its munitions makers and military people?

Unrestrained military power leads to despotism. Are we embarking on that shadowy road leading to enshrinement of unlimited military influence in our society?

Shall we deprive the dispossessed of hope and their portion of our American dream? Let those who enshrine Mars, god of war, know that the grapes of wrath have not yielded all their bitter vintage.

AN ABM DEFENSE AGAINST CHINA? WHAT ABOUT THE NEW MENACE FROM MONACO, SAN MARINO, ANDORRA, AND LICHTENSTEIN?

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

Mr. PODELL. Mr. Speaker, the cannon kings have sold us a useless ABM system. Their foot is now in the door. With this blank check on the Treasury, they will proceed to perpetrate the potentially largest military boondoggle in history upon us. All in the name of defending us against the menace posed by Red China.

I am astounded that they have not recognized the immense peril America faces from another quarter. Lurking deep in the mountain ranges of Europe is a growing, sinister menace to America.

A consortium of ministates, composed of Monaco, San Marino, Andorra, and Lichtenstein have merged their resources and come up with a new, infinitely deadly type of bow and arrow. Armed with such a terrifying weapon, which even now is almost a mass production,

hordes of invaders from these ministates are preparing to crash over our borders in an irresistible tide. Armed to the teeth in this manner, they pose a threat which immediately must be countered. A super ABM, TFX, MBT, M–16 or something-or-other must be designed, created, and mass produced to protect us. This is a job for the Pentagon and the cannon kings. Hang the expense is our cry, which industry will joyfully echo, having long ago mastered the art of murdering dollar estimates.

Delay could be fatal. Armed with this terrible new weapon, we might be taken unaware and defenseless, at the mercy of their frightening war machine.

Our quick reaction will make these potential aggressors hesitate before attempting aggression. Even the warmongering admirals of the Navy of Monaco and the generals who command the vast land legions of Lichtenstein will pause if we act fast. Our swift reaction would give us added power at the negotiating table with them. Knowing we were working on and installing a weapons system to counter their new bow and arrow would place an ace up America's sleeve.

Before challenging the logic regarding a potential invasion of America by these peaceful ministates, examine the peculiar reasoning applied to the ABM. Useless against existing sophisticated missile technology, it lacks scientific plausibility. In short, a senseless, futile program that will milk taxpayers like so many dairy cows.

Building a defense system against the armed forces of these small states is as bereft of sense as the decision to build a "limited" ABM system.

FREEDOM IS NOT FREE—CAN WE ACCEPT THIS CHALLENGE OF FREEDOM?

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

Mr. PEPPER. Mr. Speaker, we are very proud of what the Veterans of Foreign Wars have done, not only in war but in the interest of our country in days of peace. The patriotic contributions of this great organization are almost innumerable. One of VFW's magnificent programs is the program entitled "The Voice of Democracy Awards." This program encourages high school students in the various districts of VFW to write essays on a patriotic subject. Recently I had the immense pleasure of attending a Voice of Democracy Awards banquet at Hialeah in my congressional district in which the Veterans of Foreign Wars of the Fifth District of Florida honored the three top seniors of this Voice of Democracy Contest in the Fifth VFW District. The chairman of this program who put on this great awards banquet was a distinguished member of Veterans of Foreign Wars, a great and dedicated American and my longtime friend, George Prim, of Opa Locka, Fla. I was inspired to hear the young lady who won first place in this Fifth VFW District contest, Miss Annetta Patrice Koonce, age 15, from the 11th grade of Miami-Carol City Senior High School, deliver her eloquent essay. Miss Koonce showed a mastery of her subject and delivered her essay with moving sincerity and conviction. She is a fine example of America's youth and she exhibited the sort of love for her country which members of VFW have exhibited in their gallant service and which we hope will be the sentiment in all the hearts of our younger generation.

Mr. Speaker, I include Miss Koonce's essay entitled "Freedom Is Not Free—Can We Accept This Challenge of Freedom?" in the CONGRESSIONAL RECORD following my remarks and I highly commend it not only to my colleagues but especially to the youth of America.

Second place in this essay contest was won by Miss Pamela Hess, age 15, 11th grade of the Convent of Sacred Heart-Carrollton.

Third place in the contest was won by Mr. Fred Williams, age 18, from Miami Northwestern Senior High School.

The speech follows:

FREEDOM IS NOT FREE—CAN WE ACCEPT THIS CHALLENGE OF FREEDOM?

(By Annetta Patrice Koonce, of Carol City, Fla.)

The price of freedom. The most challenging issue to our present day society. Are we willing and able to accept this challenge? We know our freedom was conceived by the blood of our founding fathers, and wrought by the hand of strife. It is *this* freedom which they have so revered for us, that calls us to a challenge so greatly. It is by their blood, and their lives, that we live in a Democratic Society today. The challenge we face is our Democratic Society itself.

America was conceived as a free nation. And as it exists today, it is literally in the same state. But the challenge presented to us is to defend this freedom. Are we willing to walk head high into the face of dangers threatening our freedom, to take the good with the bad, the bitter with the sweet? This is our challenge. This is the challenge to our freedom.

Columbus triggered the birth of a new and powerful nation. A nation which has grown more and more powerful in the ensuing years. Today, it stands at it's pinnacle of world domination. It's success in erasing hunger, ignorance, and disease shall not be excelled in history. It's contributions to mankind constitutes staggering and determined achievements, it's record is one of ceaseless, driving progress which has helped run the entire gamut of human relations and human accomplishments.

Yes, this is America. A nation conceived in liberty and dedicated to the proposition that all men are created equal.

This is America a free nation.

I've stated previously that our Democratic Society itself presents the greatest challenge to us. But why and how? To say the least, it's a challenge because freedom is not free. But how could this be a challenge. It challenges us to rebuke supprescious and restraining forces. It challenges us to fight sometimes unknown dangers to insure the security, freedom, and well being of the generations to come.

What shall our course of action be? Shall we stand by and weep as the coward, as our freedoms melt away? Or shall we rise up and fight in the name of our families, our generations to come, and God the Father Almighty? Shall we fight personal fear to fight for our freedom? Shall we insure for the coming generations that they shall never see the stars and stripes fall to the ground, and the flag of suppression and restraint flourish over our nation?

Your challenge, and everyone elses is: What shall we do? This is the challenge as presented to every man, woman, and child living in a Democratic Society.

Tomorrow, science will have moved forward yet one more step, and there will be no repeal from the judgment which will then be pronounced upon our nation. The judgment to no longer remain free.

Not all your tears, not all your suffering! not all your victories on land or sea can move back the finger of fate. "The hand having writ, moves on". (Charles Dickens.)

We live in a lactic world of change. Our generation has gone from radio to television, from an earth-bound race to one which men orbit the globe, from bombs that could destroy a block, to bombs that could destroy mankind.

The fact exemplified here, is that time is running out on each and every one of us. From the very start our freedom has sounded a clarion call, a call which we must obey. In fact our freedom is the existing proof of the sacrifices made by one generation to the next.

What shall we leave as our legacy to the future? We all know changes of great magnitude such as of previous times are taking place in the American Economy today; and they are having a forceful impact upon the life of every person, organization, and institution, in this country.

Our Legacy to the future should be a state of ultimate Democratic Rule. The accomplishment of such is not even close to being easy. But the concerted efforts of Americans shall help keep us one step ahead of restraints two.

As the Red queen in Alice in Wonder Land said "Now you must run twice as fast to stand still".

This is our duty and our obligation to the future, we must run and work twice as fast to stand still as a free nation.

Spcnsored by Veterans of Foreign Wars and Auxiliary Post 8119, Miami, Florida.

THE CARE PROGRAM IN THE DOMINICAN REPUBLIC

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

Mr. PEPPER. Mr. Speaker, we all know that the CARE program has done much to lighten the burden of need and hunger among the people of the world. Recently I had an opportunity through the kindness of Wallace J. Campbell, president of the Foundation for Cooperative Housing in Washington, D.C., of seeing and learning something of what is being done in the Dominican Republic through the CARE program. This program has meant much to many in this great Latin American republic and I think my colleagues and those who read this RECORD will be pleased to see even a brief summary of CARE's record of achievement there.

Much more remains to be done for I saw appealing need in many children in my visit to the Dominican Republic. I hope therefore that America will further open its heart to CARE and through CARE to many more people who can share in the care of America.

Mr. Speaker, I ask that a summary of this organization in the Dominican Republic be included following my remarks:

THE CARE PROGRAM IN THE DOMINICAN REPUBLIC

During my recent visit to the Dominican Republic to participate in the VII Inter-American Savings and Loan Conference I had

the pleasure of becoming acquainted with some of the very important and exciting activities of the CARE organization in that country. I have seen programs of the Cooperative for American Relief Everywhere (CARE) in various Latin American countries and other parts of the world and feel the efforts which these private relief institutions are making, represent significant contributions towards alleviating much of the misery in the less developed countries.

In the case of Dominican Republic, I learned that major emphasis is being placed upon the school feeding program which began in 1962 with 100,000 students and now provides nourishment for 400,000 Dominican students. This represents about 75% of the children that attend elementary schools, and statistics show that thanks to the program, enrollment has increased from 30% to 40%. All of this is carried out in cooperation with the School Feeding Department of the Ministry of Education. During only the scholastic year 1968–1969, 22 million pounds of food were used in this dramatic and far-reaching program.

In its maternal and child feeding program, the local CARE organization, in cooperation with the World Health Organization (WHO), the Pan American Health Organization (PAHO) and the Ministry of Public Health, are providing milk through the Food for Peace Program to 40,000 expectant and nursing mothers. This integrated program embraces educational classes for mothers, physical examinations for children, along with investigations of the participants by qualified social workers.

A signal program of which I would particularly like to take note here is the "self-help program" of this organization. I was interested to learn that during the past several years, 36 schools had been constructed by CARE assistance through donations from the American people. This is not a give away program! But rather, it uses the proven self-help approach in which members of the community are closely involved in providing raw materials and sweat equity. Most of the construction, I learned, was supervised by our Peace Corps Volunteers or employees from the Dominican Office of Community Development.

In another area, the school garden program was called to my attention. It is complementary to the CARE school feeding effort and is administered together with the Department of Education and the 4-H Clubs and includes the provision of agricultural implements and new varieties of seeds for school and community gardens. CARE also brings potable water to rural communities by providing manual water pumps which have been installed in many rural villages on the island.

CARE/MEDICO is an exciting example of what the medical fraternity can bring to the less priviledged countries of the world. The main objective of the MEDICO program in the Dominican Republic is to create facilities equipped with specialized personnel which can serve as a basis for a national training program for Dominican medical teams, technicians and nurses in the fields of orthopedics, neurology, therapy, post-operative care and hospitals administration. Continuously rotating teams of orthopedic specialists make visits for one entire month to assist and advise in the running of the new Orthopedics program established at the Jose Maria Cabral y Baez in Santiago.

I would like to conclude by stating that the efforts which are being made by this private, international welfare and economic development organization represent a very important complementary effort to our entire international assistance programs. In many ways it can be more effective than governmental aid in that it carries out its programs through the time proven people-to-people approach.

MARKETING EXCELLENCE OVER THE GLOBE

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

Mr. PEPPER. Mr. Speaker, you know we are all delighted to see those deserving of honor honored and particularly when they are our esteemed friends. I was, therefore, very happy to see that the American Hotel Journal of December 1968 carried on its front cover the photograph of Leonard Hicks, chairman of the board of the Leonard Hicks organization and made Mr. Hicks the subject of its lead article under the heading, "Leonard Hicks, Chairman of the Organization Whose Name Stands for Marketing Excellence All Over the Globe." Leonard Hicks' father, Leonard Hicks, Sr., became my devoted friend in the late 1930's and remained a cherished friend until his recent death. Leonard Hicks, Sr. had an illustrious name in the hotel and motel business of America and the world. He was once president of the American Hotel & Motel Association. He was a great civic leader in Chicago and later when he came to reside in Florida. On my office wall at home is a photograph of Leonard Hicks, Sr., with others and me and President Truman at Key West in 1948.

Leonard Hicks, who I am proud to say lives in my congressional district, as a great motel and hotel man has established and developed the Leonard Hicks organization which is one of the world's largest hotel representing firms with offices in many parts of the world.

This article in the American Hotel Journal explains how Leonard Hicks has been able to develop this great organization. It tells the story of the distinguished and dedicated man which is Leonard Hicks. It also reveals his deep humanitarian interest and his sincere dedication to the cause of his fellow man.

This was deserved praise for Mr. Hicks whose friendship I am proud to enjoy. His life, I think, is an exemplary one, and what he is and has been will be an inspiration to many other young American men to make their own dreams come true. I am very much pleased, therefore, Mr. Speaker, to present this outstanding article in the American Hotel Journal for inclusion in the CONGRESSIONAL RECORD after my remarks, and I commend it as another fine example of an eminent American business career to my colleagues and my fellow countrymen:

LEONARD HICKS, CHAIRMAN OF THE ORGANIZATION WHOSE NAME STANDS FOR MARKETING EXCELLENCE ALL OVER THE GLOBE

In many cases an organization is the lengthened shadow of one man, the Chief Executive, whose abilities are reflected by his organization.

Leonard Hicks is clearly an original; a man who occupies a unique place in hotel sales management. For a quarter of a century he has been a prominent leader, author and editor on hotel marketing, offering sound judgment in an era that has seen a new field born and lifted to the pinnacle of importance in the hotel industry.

The Leonard Hicks Organization is one of the world's largest hotel representation firms. In 1967 they booked $66,956,551 worth of business into client accounts. In 1968 they will easily exceed that total.

The Hicks group consists of fifteen corporations with eleven luxurious branch offices stretching from Honolulu to London. Six affiliated offices are located in the Pacific. This covers seventeen cities in eight countries on four continents; area coverage encompasses another hundred major cities in the U.S., U.K. and Canada.

Leonard Hicks has a home in Miami and apartments in Chicago, New York, Washington and Bahamas. He is fascinated by the world of travel. The world is his hobby and he has traveled 2,300,000 miles of it.

It is no great secret that the Leonard Hicks organization is one of the more spectacular success stories of recent years but Hicks is unemotional about his success. He is grateful but not overawed about it. He learned his trade well and did well by it. He was National President of the Hotel Sales Management Association as the same his father, the late Leonard Hicks Senior, was President of the American Hotel and Motel Association. He is a third generation hotelman but the first to enter the field of Sales and Marketing. He started the representation firm in 1945.

Leonard Hicks Senior was one of the most popular hotelmen of his era. He was a man who genuinely liked everybody and was liked by all.

The younger Hicks is cast from a different mold. He has a long and frequently unforgiving memory. He likes professionals and his dedication to perfection is often less than diplomatic. He has no compunction in sweeping out of the way people who refuse to improve. In his organization he makes the final decisions for the tangible present and the less certain future. He refuses to fit into a social mold. He isn't anti-social but he hates to waste time—particularly on trivia and people who dwell in detail on the irrelevant. (In his spare time he has written five books, donating the copyright of each to the Hotel Sales Management Association.) "You apply your time according to your priorities," he said. "No matter how well you are organized, there just isn't enough time to do all of the things you want to accomplish."

Hicks has developed sight reading to the point where he can cover a tremendous amount of reading matter in a relatively short period of time. He is a perfectionist, possessing enormous concentration. He is a secure person, neither moody nor temperamental. He is a happy person, leading a relatively quiet existence divided between work and family. He doesn't consider long hours a sacrifice (to his family perhaps)—to himself, not at all.

A vigorous, energetic individual with a zest for life and competition, Hicks was an outstanding athlete at one time, holding championships in boxing, golf, handball, track, tennis, bowling and swimming. He is a strong believer in physical fitness, swims 100 laps of his pool each morning and gets a light workout, steambath and massage every evening after work. All Hicks executive personnel are encouraged to belong to athletic clubs with the company picking up the tab. "A corporation," says Hicks, "is a living organism. It keeps changing all the time. Therefore a good deal of time is not only spent on new developments, but on manpower. The better condition that manpower is in, the better results you can expect."

The Hicks home (besides a swimming pool and steam room) has its own barber shop where the same barber has been cutting Leonard's hair for the past ten years. He explains the reason for this innovation this way. "The barber stops by on his way home so think of the time I save. His shop is a good 45 minutes from my office whereas my home is right on his way home."

Leonard's wife, Dorothy, is an accomplished portrait artist who studies every year in Italy

(generally at the same time he visits each of his offices and many of his accounts.) She has a studio at home and has had showings both in Chicago and Miami.

Having no children of their own, they recently adopted fifteen orphans, each from a different country where they will remain until their education is completed. "Then we can probably find a spot for them in our various offices around the world, if the work is to their liking," explained Hicks. "In many of the countries they come from where poverty is severe and their chances to earn a decent living are slim. We hope to give them a dream—and hope—in the future. With proper education they can turn these dreams into realities and their desires into solid achievement. The answer lies in their own personal motivation. All we can supply is the opportunity."

Hicks' first real estate deal in the islands turned out to be a bonanza. He paid $2.80 an acre for land in one of the islands on which acreage has increased ranging from $750.00 to $40,000.00 an acre. The deal included several miles of land. While Hicks is a man of wealth in the broadest sense of the word, he feels that real success is measured in accomplishment. "The joy of doing a job well is what really counts in any walk of life," says Hicks. "I am an emotionally happy man. . . . that is what counts."

He recently added a theatre to his enlarged Miami office where sound color films and slides can be shown to travel agents to orient them in behalf of the Hicks represented properties.

The Hicks group has just acquired an interest in one of the larger data processing systems in Florida with IBM 360-40. "We are merging computerization into our organization slowly," said Hicks. "It can only do what we tell it and at this time we have not been able to tell it a better or more accurate system than we are now using. A lot of data processing companies and transportation groups are releasing claims and counterclaims that this system or that one will solve *all* problems for *everyone*. We have seen most of these systems demonstrated. Some are good domestically but leave much to be desired for overseas use. We cannot recommend any of these systems at this time. Computerization has a lot of possibilities in our industry but most of it is still in the future. In the meantime, it serves no purpose to plunge into it unless it can actually improve on your current system. In most cases, as in ours, it cannot at this moment."

In the fall of 1967 the Hicks group established its own management company, affiliating on certain projects with the International Hotel Management Company headed by C. deWitt Coffman. Ray Watson, former General Manager of Chicago's Ambassador East and West, has joined the Hicks management division in the capacity of Vice President.

Hicks believes the greatest satisfaction in business is working with the people who made it what it is. "We started from nothing and built it up over the years—and had a good time doing it."

Hicks gives a lot of credit to his Executives and personnel. Joe Daniels in Chicago (President) has devoted his entire career to the field of representation and has been with the organization 19 years. Bill Keenan (Senior Vice President) in New York took over what Hicks terms was an "unsatisfactory" office and "made it one of our best."

Other corporate officers include Dan Botkiss (Vice President) Washington office, Art Erwin (Vice President) Chicago office, Dick Paltenghi (Vice President) San Francisco, Wynne Boll (Treasurer) Chicago, Luella Kimball (Coordinator) Miami, Rick Rickard (Asst. Vice President) Miami, and John Miller (Asst. Vice President) Honolulu.

In other executive positions are Bill Batey, Sales Manager, Chicago and Jim Harre, Sales Manager in New York. Henry Ross is Manager of the London Office.

The Hicks organization puts the emphasis where it belongs—on people. They provide an atmosphere in their offices where personnel can develop to their fullest potential.

Employee benefits are a part of the basic function. Hospitalization plans have been in effect for years. A Profit Sharing Plan last year paid eligible employees 8% of their yearly salary. This year a Cost of Living Bonus plan has been added.

"Transportation will continue to shrink the world," says Hicks. "The impact of such transportation on selling, in terms of territorial coverage, regional management and the alignment of sales forces, will be unequaled in the history of business. If you look at the Dun and Bradstreet failure record you will find that inadequate sales account for about 40% of yearly business failures. Sales education has become a life-long necessity. The process of learning is not easy. It takes time, determination, and a sincere desire to acquire knowledge, plus the willingness to work for it. Training should not be designed merely to train a salesman, but to improve his ability to sell."

Hicks feels that the sales and marketing business is both satisfying and rewarding. "Representation and Management are people-oriented functions. Therefore, we need to build successful personal relationships with clients in order to establish teamwork that is essential to successful marketing."

Critical of himself, he also requires maximum effort from all who work with him. "People who work hard find us as loyal to them as they are to us. People who don't carry their weight create a distracting influence and we have no room for them. Our organization didn't get where it is by accepting an 'average' performance. 'Average' people have contributed nothing to our success in the past and could contribute even less to our future. We want people with ambition," says Hicks.

And always accompanying him, wherever he goes, is the maxim passed on to him by his father . . . "Success is a journey, not a destination."

NIXON SHOWED HIS WISDOM

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

Mr. RHODES. Mr. Speaker, that the President of the United States offered an acceptable solution to one of the major problems of his administration is borne out by the favorable press reaction on his decision concerning the deployment of the antiballistic missile. There is no doubt that this was a difficult decision to reach since there are always many sides to a matter which concerns the people of so large a part of the world. Again, however, the President showed his wisdom and mental honesty in facing up to the problem and taking the action he felt to be in the best interest of the security of our Nation.

The following comments from the press throughout the United States are proof of the acceptance and appreciation generally manifested for his forthright decision.

[From the Washington (D.C.) Evening Star, Mar. 15, 1969]

NIXON PUTS SAFETY OF UNITED STATES FIRST

(By Gould Lincoln)

President Nixon has boldly told the world and the peace-at-any-price people in this country he puts the safety of the United States first. At the same time he insisted this is a move for peace—for without our safety there will be no peace.

His decision to go ahead with the deployment of an ABM system, known as the Sentinel, with important changes, announced at yesterday's press conference, he described as a protection of our nuclear deterrent. As such it is designed to prevent, not encourage, war. It will help preserve the peace.

He admitted frankly that the ABM deployment faces a hard fight in Congress—particularly in the Senate. But he expects to win the fight after the issue has been thoroughly debated.

And so Nixon has come to grips firmly with his first major problem in foreign policy. In addition, he showed himself determined to deal equally firmly with the Vietnam war, now being escalated by the Communists of the North and the Viet Cong, Hanoi's front in the South. He told the press that his practice is not to repeat a warning. His warning delivered a week ago was he would take "appropriate" steps. What action he will take in response to the present Communist offensive he declined to reveal at this time, and if he retaliates he will do so without announcing his move in advance. He still believes the Paris talks will be effective and produce peace in the end.

He announced he proposed to deploy the Sentinel ABM not around our cities, as provided in the Lyndon Johnson proposal enacted by Congress last year, but in country areas; that it will be a "phased" system rather than a fixed one, subject to annual review, designed particularly as a defense against a possible Chinese Communist attack during the next ten years, but having its implications for the Russian Communists, too.

In a measure, Nixon has departed from precedent, for the history of the United States since World War I and the days of Woodrow Wilson has been a series of magnificent gestures for world peace. Wilson's League of Nations, though rejected, by a group of hard-nosed members of the Senate, was the first.

In every instance real peace has been blocked by Fascists, Communists, and whatever, down to the present day. This, however, has not prevented America's search for the most elusive bird in the world—the bird of peace.

President Harding, who followed Wilson in the White House, called the Washington Arms Conference, designed to put an end to wars through the limitation of naval armaments. The strong nations of the world were urged to limit or do away with those naval vessels used for offensive war.

No one who was present at the opening of the Washington Arms Conference will ever forget the moment when Secretary of State Charles Evans Hughes announced the intention of the United States to do away with and to halt building the greatest and most powerful Navy the world had ever seen, as its earnest of peaceful intentions. It was indeed, a magnificent gesture—but doomed in the end to failure. Calvin Coolidge and his Secretary of State, Frank B. Kellogg, did their best too for peaceful international agreements.

Although the German Kaiser passed out of the picture and a National Socialist republic was set up in Germany, the war hounds came to the front again when Adolph Hitler grasped power, overthrowing the government and setting the Germans on another effort to conquer the world. The great depression hit the world, including the United States, and we had other things to think of besides world peace.

We were rudely jolted, along with the rest of the world, when Hitler finally made his move and with air power, panzer divisions and submarines overran Belgium and France and struck terribly at Great Britain.

Franklin D. Roosevelt at Yalta made his plans for peace after war, conceding much to Stalin at that conference and to the Rus-

sians when he held back and permitted them to take Berlin.

Harry S. Truman hosted the United Nations conference in San Francisco where the charter was written which was to establish world peace. He later sponsored the Marshall plan under which we poured out billions of dollars to permit the warring nations, both friend and foe to rebuild. And to prevent a third world war Truman refused to let our air forces bomb the Chinese Communists and their supplies beyond the Yalu River in the Korean war.

Gen. Eisenhower was a persistent searcher for peace— and he kept it. He held back, however, from rooting out Castro in Cuba allowing the Communists a foothold in the Western Hemisphere. John F. Kennedy followed suit. Lyndon Johnson sought peace in Vietnam always, although building up our forces there, even to the extent of withdrawing from the presidential race in 1968.

[From the New York Daily News, Mar. 15, 1969]

NIXON BACKS THE SENTINEL

At a news conference in Washington yesterday, Richard M. Nixon made by far the most momentous announcement he has yet made as President of the United States.

Mr. Nixon said he had decided, after due deliberation and consultation, that the U.S.A. must have an array of Sentinel antiballistic missiles, deployed by 1973.

Object: To defend certain Minuteman missile sites and our bomber bases and command and control authorities against nuclear assaults by Red China and/or Soviet Russia.

The new President made this decision in defiance of the Kremlin's loud objections, the caterwauling of U.S. "liberals," and the squawks of atomic scientists who are wizards in their own field but children as regards politics and military matters.

We are delighted, reassured and greatly encouraged by this courageous Nixon decision.

Sentinel is not 100% insurance against casualties in a nuclear showdown. But it is the best thing of the kind in sight just now, and it most likely can be improved as time goes by.

Too, this decision is in line with one of Mr. Nixon's more important campaign promises.

The promise, we mean, that sure, he would discuss matters with Soviet Russia if elected, but only from positions of strength, not of weakness.

This Sentinel decision should show the Kremlin's two-headed dictatorship that the new U.S. President is not going to be intimidated or hornswoggled by Communists or, presumably, anybody else. Even Peking should get this message, dumb and doddering through Chairman Mao Tse-tung seems to be nowadays.

Altogether, we think yesterday was a great and memorable day in U.S. history.

It remains to be seen whether majorities in both Houses of Congress will have the short-sighted, unpatriotic gall to throw any monkey wrenches, financial or otherwise, into the President's Sentinel plans.

Such a thing seems almost unimaginable, but we shall see.

[From the Washington (D.C.) Daily News, Mar. 15, 1969]

NIXON'S FIRST BIG ONE AND HE DIDN'T MUFF IT

(By Jerry Greene)

WASHINGTON, March 14.—Had there been any lingering doubt from Pocatello to Peking that President Nixon was a take-charge guy, he dumped it at the White House today in a manner as significant as his antiballistic missile decision itself.

The President was cool, confident and crisp. He walked into the East Room with a slight, friendly smile for acquaintances. Then, in his fourth press conference, standing easily before a microphone, hands clasped before him, his face turned serious.

"I am announcing a decision," the President said. And he continued: "I have concluded . . . I ruled them out . . . I have made the decision . . . It will be my policy as President to issue a warning only once . . ."

This was Nixon's first big one and he didn't muff it. Nor was he pressured into hasty action. He waited until he thought the time was right and he came through with positive pronouncement.

He accepted the challenge pitched at him by the same bloc of Senate liberals, largely but not entirely Democrats, that helped drive Lyndon Johnson out of office. The lines are now drawn.

REALLY NO ROOM FOR SERIOUS ARGUMENT

Nixon didn't raise his voice. He didn't resort to histrionics. He made an occasional quick gesture with his hands as he sought to explain in matter-of-fact terms that what added up to the first major decision of his presidency was something so logical there wasn't really any room left for serious argument.

This was a carefully prepared show, with the same attention to groundwork detail that characterized the Nixon campaign and his operations thus far in the White House—with time out for normal human error, such as the short-lived appointment of Willie Mae Rogers, the Good Housekeeping lady.

The President, using no notes, did not follow the three-page text of his decision statement. He had no need to. His outline of reasoning left no important point untouched and the much shorter oral version gained in impact and emphasis.

Comparatively few questions were asked about ABM deployment, for the President's explanation covered the field. In response to a few probes, Nixon exhibited acquaintance with technical matters, and he tossed in quite casually what doubtless had been until that moment a highly classified piece of information. This was that by our count, Russia has 67 antiballistic missile sites dug in around Moscow. The actual number had not been disclosed previously.

What was impressive about this Nixon performance was his grave but far from funereal dignity, his quiet attitude of assurance and determination.

UNDERCUTS OPPOSITION IN ASSORTED DIRECTIONS

Nixon, of course, did not expect to wipe out opposition to the ABM or to his decision, particularly in the Senate. He was mindful of the frenzied, televised pressure built to a peak in the early days of this week by hearings before Sen. Albert Gore (D–Tenn.) and his Foreign Relations subcommittee. He conceded that he expected "very spirited debate" over the issue when the Senate gets around to voting on authorization and appropriations for the ABM.

But an examination of his statement reveals quite clearly that Nixon was adroit in the preparation, that he undercut the opposition neatly in assorted directions.

For the sincere doubter of the ABM, Nixon had the assurance that "this decision has not been an easy one." He did not give the objectors a rude brushoff, although there has been scant question about his intentions from the outset.

For the worried city-dwellers who wanted no nuclear warheads stored nearby, he lifted the dread and moved the missiles to isolated areas.

For the fearful, the President had evidence that he did not intend to leave this nation "naked" under the threat of missile attack from either Red China or Russia.

For the peace-seekers, professional and genuine alike, Nixon had the pledge of strong efforts toward disarmament talks with Russia for a continual review of the decision, for flexibility.

The President's conciliatory tone toward the Kremlin, his firm insistence that he intended no provocation, gave additional weight to his posture of reasonableness.

SOMETHING THERE FOR EVERYBODY

By reducing the program planned by the outgoing Johnson Administration, Nixon cut back on this element of Pentagon spending by nearly $900 million next year, a move certain to gain some support from senators largely concerned by armament costs.

Thus there was a little bit here for almost everybody, and ample flexibility to swing a number of wavering votes in Congress.

The Senate anti bloc, of course, won't let up. Gore and his televised subcommittee can be expected to hammer away, seeking to build more pressure and beat the ABM appropriation. But these people will know they have been in a battle with a take-charge guy when the final vote is taken. And Nixon has a pretty fair platform on which to make his case. He laid it out this morning: "It is the responsibility of the President of the United States, above all other responsibilities, to think first of the security of the United States."

On that stand, he'll win his case.

[From the Nashville (Tenn.) Banner, Mar. 15, 1969]

NIXON PUTS SECURITY FIRST IN ABM DECISION

"The gravest responsibility I bear as President of the United States is for the security of the nation." That realization wasn't merely stated by President Nixon in yesterday's press conference; it was demonstrated in the decision disclosed, for deployment of a modified anti-ballistic missile system—a safeguard program geared to defense needs discerned by informed assessment.

This is the most important decision he has made since his inauguration: and reason supports it, in contradiction of the head-in-sand dissenters who choose to discard defensive preparedness and rely instead on the flimsy premise of Soviet mutual disarmament gestures.

This is no step-up of the arms race.

President Nixon does not spurn negotiated agreements looking—in fact or in theory—to enforceable covenants if and when. He urged ratification of the nuclear non-proliferation treaty, approved by the Senate Thursday; but he is well aware of nuclear hazard which mischance, or enemy miscalculation could trigger—or which unpreparedness in this ABM category would invite. And he does not choose to expose his nation to that muliplied risk by prolonging the Pollyanna gamble.

As a realist—fully posted on the Communist policy record—he knows the score on perfidy in that quarter. It is no secret that in the past 25 years, of 52 major agreements reached with the Russians, the Soviet has broken 50. And reason just naturally balks at taking such covenants—however ceremoniously drawn and sealed—at face value. While negotiating and extending opportunities for good faith, intelligence dictates keeping the guard up.

The modified ABM system prescribed has been designed so that its defensive intent is unmistakable. That was definitely recognized by the Soviet prior to the President's announcement of yesterday; for he had communicated the intent, and the official response there was that it was not considered an escalation of the arms race, but purely a defense mechanism. It is equally clear that Mr. Nixon does not propose to disregard the threat from across the Pacific, implicit to growing nuclear capability on the part of Red China.

As a matter of fact, Soviet Russia herself is sensitive to danger from the latter—and has cited it in justification of the increasing ABM deployment around Moscow.

It would be doubly absurd, and tragically if not fatally blind, on America's part to ignore the double dose of recognized dangers from both directions.

As Democratic Sen. Henry Jackson, of Washington, observed in backing the Nixon program, Russian authorities have spelled out the view that its equivalent as deployed on Soviet soil is not an offensive weapon. Further, that the USSR has acknowledged the Red Chinese threat, with explanations that it would require these installations even if U.S.-Soviet differences were totally resolved.

It is significant that both this leading Senate Democratic liberal, and the liberal Republican Whip, Sen. Hugh Scott, of Pennsylvania, have endorsed the anti-ballistic missile program yesterday presented. It is no surprise that Republican Senator Percy, and fellow doves on the other side of the aisle, are wildly shooting at it. What these don't know about basic security policies—outside the self-induced trance-line of wishful thinking—would fill all the Congressional Records the Government Printing Office could publish.

The program spelled out yesterday relates to deterrence of aggression. Instead of attempting to ring American cities with these devices, the President has moved for protection of land-based retaliatory forces against a direct attack by the Soviet Union.

Simultaneously the program would defend the American people against the kind of nuclear attack which Red China is likely to be able to mount within a decade; and protect against the possibility of accidental attack from any source.

As he emphasized, the best way to save these lives is by intelligent security steps to prevent war. The system proposed is for that deterrence— by assuring a surviving, retaliatory striking power.

The deployment will cost money, though less than the amount itemized for it in the Johnson budget for the ABM "thin line" proposed by that administration.

America cannot afford to spend less than it takes to reasonably assure national survival: and until such time as the Communist threat is deterred by Free World preparedness, this program must continue.

President Nixon has laid the facts of the case squarely on the line, for the nation and the world to see. With his decision no reasoning mind can disagree.

[From the Philadelphia (Pa.) Inquirer, Mar. 15, 1969]

SAFEGUARD PROGRAM FOR ABM

In any discussion for or against the proposed antiballistic missile system, national security has to be the paramount issue. It is on the basis of that security that President Nixon has made his decision to go ahead with a modified and flexible ABM program.

His decision, arrived at only after the most searching examination of all options open to him, from massive and ever-increasing deployment of antimissile sites to abandonment of the whole defensive program as worthless, was not an easy one, as he told the members of the press at his televised news conference on Friday.

But the decision was his to make, and he would not submit to the easy "out" of delaying action one way or the other, for further "research," leading to postponed deployments of a year or more—which could prove to be too late.

What President Nixon proposes is a "safeguard" system which is intended to guard against any Communist Chinese nuclear attack that can be foreseen over the next 10 years. The changed Sentinel program would primarily assure the security of the nation's missile and bomber forces and would provide protection against any irrational or accidental attack of less than massive magnitude from Soviet Russia.

The first two ABM sites are scheduled to be in North Dakota and Montana to protect Minutemen missile bases. The Nixon proposal will require a budget of about $800 million originally, compared with the $1.8 billion the Johnson Administration's would have initially cost. Ultimate expenditure is expected to reach about $6 billion to $7 billion, as more sites are added.

Opposition to any ABM system has already been widespread and vociferous, and the President looks for a close vote on his proposal in Congress. But he presented his case well at the news conference, and his conviction, earnestly expressed, that "this system is the best we can provide for our nation's security," is bound to have great weight, in Congress and out.

[From the Indianapolis (Ind.) Star, Mar. 15, 1969]

COMMENTS ON SURVIVAL: DECISION TO USE ABM IN DEFENSE CALLED PATRIOTIC

(By Michael Padev)

WASHINGTON.—President Nixon made a courageous and patriotic decision yesterday—to build a modified defensive ABM system, subject to periodic changes, in accordance with new world developments.

The decision was courageous because it ran contrary to the very active opposition of so-called "scientific" opinion on the subject.

For many weeks now, many prominent United States scientists, generally associated with liberal and left-wing U.S. political circles, had maintained that the U.S. ABM system was not necessary for U.S. defenses, and that its build-up would harm meaningful disarmament negotiations between the U.S. and Russia.

Before going any further on this issue let us see what the ABM problem is all about.

ABM stands for anti-ballistic-missiles.

These are the missiles which the U.S. defense establishment would fire against any possible enemy missile attack. The ABM missile would intercept the enemy missile and would destroy it in mid-air, before the enemy missile is able to inflict massive damage and destruction to American targets.

The Johnson administration had adopted a so-called "thin" ABM system of defense. This included several anti-missile defense systems, situated near major American cities.

President Nixon has reversed this decision. American cities, Mr. Nixon said yesterday, cannot be adequately defended against a first strike by a possible Communist aggressor.

For this reason Mr. Nixon will locate the U.S. ABM defenses near the American counter-attack missile installations. This is the U.S. defense system which would be activated as retaliation in case a Communist enemy would attack the U.S. with atomic weapons.

President Nixon's policy to defend the American retaliatory system makes real sense.

This is the best way to guarantee future peace. From now on, any Communist enemy would know that even if it attacks America in a surprise first strike, it would face instant destruction. This is, indeed, a real deterrent to any Communist atomic attack.

President Nixon cannot possibly abandon the U.S. ABM system altogether, as some of his left-wing and "liberal" critics would like him to do, because this would give Soviet Russia and her Communist allies a great advantage in the international diplomatic game.

On the other hand, no one—not even Soviet Russia—can possibly say that the American ABM defense methods, recommended by President Nixon, are "aggressive" or "provocative." They are, in fact, purely defensive—they aim to protect the U.S. retaliatory capabilities. They would not be put into effect unless the U.S. is attacked by enemy atomic missiles.

Clearly, as President of the United States, Mr. Nixon has performed his patriotic duty—he has made certain that the U.S. would be able to defend itself, in case of sudden and unprovoked nuclear aggression.

Moreover, President Nixon explained that there was nothing "final" in his present decision. The ABM system will be reviewed regularly—perhaps every six months or so. If the international situation gets better, the system will be changed, according to circumstances.

[From the Cleveland (Ohio) Plain Dealer, Mar. 15, 1969]

NIXON'S CASE FOR A MODIFIED ABM

President Richard M. Nixon's decision in favor of a modified antiballistic missile system was difficult to make and probably will result in vigorous congressional debate but it is based on three acceptable selling points:

It stresses the defensive objective of the system which is designed to deter outside aggression.

It is realistic, facing squarely the unhappy but hard fact that it would be impossible to protect all or any large cities completely in case of enemy attack.

It attempts, by compromise, to avert an out-and-out battle with the Senate group which regards the antiballistic missile project as too expensive, too ineffective and too provocative.

The choice puts the accent on defense. Mr. Nixon would modify the Sentinel ABM system proposed by President Johnson's administration and concentrate on protecting, first, the United States missile and bomber force from a quick knockout. Initial defensive installations reportedly would be in Montana and North Dakota.

Admittedly, the decision was in the damned-if-you-do and damned-if-you-don't category, even though it is classified as a minimum program geared for 1973 operation and subject to change. However, the President heard all sides and all shades of political, scientific and military opinion before making up his mind. It cannot be said he wasn't well informed or did not avail himself of all knowledge on the subject.

In announcing his decision to advocate spending between $6 and $7 billion for antiballistic missile deployment, Mr. Nixon made it plain he is counting on the Soviet Union to recognize the defensive nature of ABM and not to consider it a reason for increasing its own arsenal of weapons. He admitted this is in the nature of a calculated risk taken "in the interest of peace throughout the world."

Red China, he said, is a potential military threat to world peace which keeps the U.S. and the Soviet Union wary.

He was candid in saying that although "every instinct motivates me to provide the American people with complete protection against a major nuclear attack, it is not now within our power to do so." This is patently true. A massive city defense system would have to be perfect to be effective in cutting civilian losses significantly in case of nuclear attack. The President's best advice was to push for a missile defense that would do the basic job of protecting this nation's retaliatory power against sneak attack.

Any armament decision today is perilous but choices must be made. A president cannot duck them. The President, in the case of ABM, made a reasonable conclusion.

[From the Cleveland (Ohio) Press, Mar. 15, 1969]

PRUDENT CHOICE ON ABM

President Nixon's decision to proceed with an Anti-Ballistic Missile system is a historic event. The ABM issue involves so many complicated and controversial technical, stra-

tegic, financial and even moral implications that they could not possibly be covered in his accompanying statement or a 30-minute news conference given to other subjects as well.

So, a great debate will follow. Conducted on a high plane, it can answer some unanswered questions, fill in some gaps of knowledge and make the final congressional disposition of the President's proposal solidly based.

As Mr. Nixon said, his uppermost aim is to assure the security of the United States against nuclear threats now seen and those not yet real, but possible. He made a point of seeking to avoid a provocation toward our fellow super power, Russia. He advocated an initially limited ABM deployment, not a grand one, and he pledged to proceed by stages determined by annual review. He obviously considered all the options and, with his aides, is prepared to advocate and defend his case.

The debate probably will not be just about the ABM at 12 missile sites by 1975 or a six to seven-billion-dollar outlay. It will involve such matters as competition among rival politicians and, deeper than that, widespread public concerns about the overhanging threats of nuclear war, rising military spending, ever-increasing taxes, the needs of our cities, domestic problems and national security. In short, it will be an emotion-heated debate about the state of the nation and of the world, as well as a discussion about a particular weapon.

The starting point ought to be the question: How well will the ABM work? The testimony of many scientists is that it will work against an accidental or small and simple nuclear attack. There are doubts whether any present ABM system can handle an enemy barrage of missiles massively complicated by decoys, balloons, radar-confusing "chaff", electronic countermeasures and nuclear blast "blackout." To date, the Pentagon has said these "penetration aids" in U.S. hands can overwhelm Russia's ABM system around Moscow.

As a defense against Communist China, President Nixon's "safeguard system" presumes Peking will achieve and consider using a limited force of unsophisticated intercontinental ballistic missiles This is possible, though such an attack would result in history's first national suicide.

As a defense against a single missile accidental attack, the ABM most probably would be welcome insurance. The question is: Would it be worth the cost, not only in money, but in the probability, based on the past history of the nuclear arms race, of another spiral of other monsters?

It is the possibility of this sort of thing that shocks us into recognition of the horrendous posture the human race, ourselves included, has twisted itself into. In advocating an ABM system President Nixon is acting in good conscience. He is not rattling rockets. But we still have the question: Will it work? Do we need it? Is this the way up and out of the nuclear pit, or does it get us all in deeper?

On balance of evidence now before us, the President's course is as prudent a choice as he could take.

[From the Cincinnati (Ohio) Enquirer, Mar. 15, 1969]

PRESIDENT NIXON CASTS HIS DIE

President Nixon, in our judgment, would have been remiss in his constitutional mandate to safeguard the nation's security had he taken any position less decisive than the one he enunciated yesterday afternoon on the future of the Sentinel antiballistic-missile system.

The President had been under heavy pressure from both sides in the long-standing and continuing debate about the nation's defenses against either calculated or accidental enemy attack.

On the one hand, there has been the military opinion—subscribed to by part of the scientific community—that the United States can ill afford not to proceed to match or to surpass the kind of missile defenses the Soviet Union has already been deploying around some of its major cities.

On the other hand, there has been the view—subscribed to by another part of the scientific community along with the doves in and out of Congress—that to flash a green light on the Sentinel system would be to intensify the arms race with the Soviet Union.

There has been conflicting testimony, in addition, on the efficacy of the system (although the Russians appear to have no doubts about the usefulness of their counterpart to the Sentinel) and about its ultimate cost.

The course to which Mr. Nixon proposes to commit the nation differs in important ways from the program reluctantly launched by the Johnson administration at a time when Congress was, in general, clamoring for swifter and more decisive action.

For one thing, the Nixon administration proposes that the deployment of the Sentinel system remain unmistakably defensive in character. This means that it should not be interpreted by the Russians as an escalation in the arms race.

For another, Mr. Nixon promises to review the Sentinel system annually—taking into account the diplomatic climate, the system's cost and whatever technological developments seem relevant.

If Mr. Nixon had bowed to mounting pressure in Congress for scrapping the Sentinel system, he would have been discarding in advance the trump cards he might have taken into any future negotiations with the Soviet Union on the whole range of missile armaments.

We have been unable to understand the reasoning of the Sentinel's congressional critics who have maintained that for the United States to attempt to duplicate a system the Russians are already deploying would be to arouse Russian suspicions and render any attempts at arms-control negotiations futile.

It remains far from certain, of course, whether Mr. Nixon can win enough congressional support to translate his recommendations into reality.

One estimate early in the week was that the largest single part of Senate opinion was as yet undecided on the Sentinel. It presumably will be to this segment of the Senate—said to embrace as many as 40 lawmakers—to whom the President must direct his appeal. The prospect that he can persuade the all-out doves is all but hopeless.

[From the Akron (Ohio) Beacon Journal, Mar. 15, 1969]

NIXON'S "LITTLE ABM" HAS WINNER SIGNS

(By Saul Friedman)

WASHINGTON.—Once again, President Nixon is carrying water—or in this case anti-ballistic missiles (ABM)—on both shoulders.

But in his attempts to head down the middle of the ABM controversy, the President may have given his critics, especially Democrats, their first real reason to fight with the new administration. In short, the honeymoon may be at an end.

Yet a strong argument can be made that his plan for the deployment of the ABM, has given much more to the opponents of the missile system than to its supporters. For that reason it now has a better chance for approval in Congress.

At his Friday press conference, the President said he thought his plan would pass after a close vote. There were signs he may be correct.

Not only did Nixon withdraw the missiles from the cities, at least for the present, he also backed off even further from the original Johnson Administration deployment plan.

Here is what Nixon gave the ABM doves:

He rejected a "thick" or "thin" system to protect the cities, thus deflating criticism that it would not work, that it would be too costly, and that it would upset the strategic balance between the U.S. and the Soviet Union and begin a new round in the arms race.

He cut deployment of the ABM back from 15 sites in the Johnson Administration plan, to just two sites.

The primary purpose of Nixon's plan is to protect American Intercontinental Ballistic Missile (ICBM) sites, rather than cities. This would protect the U.S. ability to retaliate, or give a better "second strike." The Nixon plan strengthens the U.S. "deterrent," and may stabilize rather than upset the arms balance.

Finally, Nixon has reduced by nearly $1 billion the Defense Department appropriations request for work on the ABM next year. The amount requested for the Johnson proposal was $1.8 billion.

Nevertheless the hawks were more satisfied than the doves, because they too got some significant concessions.

Most important, if Nixon's plan is approved, the ABM foot will be through the door. Citing the beginning of other weapons systems which have grown like topsy, ABM critics expect that once started, the system will be unstoppable and will expand into a $100 billion giant.

[From the National Observer, Mar. 17, 1969]

THE VERDICT ON ABM

The president's decision on missile defenses must be viewed in psychological as well as military terms. As such, the decision made good sense, and could ultimately do much to slow down the arms race.

The most vocal critics of the decision won't see it that way. They will see it simply as a triumph of the "military-industrial complex" over those who would strive for arms-limitation agreements with the Soviet Union. But any talk of conferring with the Russians about arms or anything else requires a good measure of guesswork about what the Russians really intend. So any decision on an antiballistic-missile (ABM) system—even a decision to defer a decision—would be a gamble. Mr. Nixon has made the best gamble.

First of all, Mr. Nixon's decision is less likely to provoke the Soviets than would be a decision to push ahead with the Sentinel system. A decision to protect the cities, if that were truly possible, could be interpreted by the Russians as a way to blunt a Soviet retaliatory attack against the American population after a U.S. first strike.

Mr. Nixon's decision also recognizes a brutal but apparently unavoidable fact. It is now not possible to provide adequate protection for the American population against Soviet missiles. The best defense, the President has concluded, remains the nation's second-strike capability—the ability of this country to inflict unacceptable losses on the Soviet Union, or any other nation, should that nation decide to launch nuclear missiles against the United States.

The United States and Russia each have the capability to destroy each other many times over. This raises a good question: Is a defense system really necessary to protect American offensive missiles, or aren't there already enough—or soon to be enough—land-based and seaborne missiles available to survive any first strike by Russia or anybody else?

A SOVIET TEMPTATION?

Perhaps there are. But the arms race being what it is, the Soviet Union might easily be tempted to increase its offensive arsenal even more, with the goal of developing an attack

that could destroy much of the American offensive arsenal. A defense system to protect U.S. long-range missiles could discourage such a step-up in arms competition.

The Nixon decision also means that the United States will go into any arms talks with Russia having made a determination to employ a missile defense. This certainly gives this country a better bargaining position than it would have had had Mr. Nixon decided against any deployment or decided to delay a decision on deployment. A decision to delay would leave great doubt in Soviet minds about American intentions.

Mr. Nixon's decision has left the next move in the quest for weapons control up to the Russians. His statement last week was conciliatory, and left plenty of openings for the Soviets if they truly wish to slow down or stop the arms race.

[From the Youngstown (Ohio) Vindicator, Mar. 15, 1969]

MR. NIXON'S MODIFIED ABM

From the viewpoint of winning friends and influencing people it would have made little or—no difference whether President Nixon had said either Yes or No to the anti-ballistic missile system.

President Nixon didn't quibble in making known his views yesterday on the ABM system. He could have done nothing at all or he could have placed the responsibility in other hands. It is to his credit that he chose to make the decision himself even though it probably will not prove popular with the anti-ABM scientists and others who have offered negative opinions in the last few weeks.

Since taking office, President Nixon has avoided sharp controversy but neither he nor anyone else can expect this kind of political dream world to continue indefinitely.

Mr. Nixon obviously has not made his decision on the basis of snap judgment. He has taken into account virtually every viewpoint, consulted advocates both for and against and has weighed the costs and the political consequences. He could have ended the suspense and turned the responsibility over to someone else. But he didn't. He chose to make it a "command" decision. He didn't really have to make a decision now because it could be a year or more before a single missile could be produced and deployed.

The President now is on record as advocating a "substantially modified" anti-ballistic missile system, unmistakably defensive: To protect U.S. land-based retaliatory forces against direct attack; to defend the American people against any nuclear attack by either the Soviet Union or the Communist Chinese; and to safeguard against any accidental missile firings from any source. The cost would be $6 billion to $7 billion.

Unless all signs fail, the President will face heated criticism from the so-called peace groups and particularly those liberals forming around the peace movement to make war on other weapons systems and the Pentagon budget in particular. They undoubtedly will challenge both the Pentagon and the para-military industry, hoping at the same time to embarrass the Nixon administration and lay the ground-work for a liberal and Democratic comeback in 1972. In other words, they will strive to make political hay while the sun shines.

The matter of domestic needs will be emphasized and no one is more aware of such needs than Mr. Nixon and undoubtedly he has weighed the ABM against all other national needs, at home and abroad.

In his news conference yesterday, Mr. Nixon said, "I am deeply sympathetic with the concerns of private citizens and members of Congress that we do only that which is necessary for our national security. This is why I am recommending a minimum program for our security. It is my duty as President to make certain that we do no less."

It would be foolhardy to place dependence on treaties or negotiations with the Soviet Union, or the Red Chinese for that matter. Treaties or agreements, where vital issues are concerned, mean nothing to the rulers in the Kremlin who respect power above principle.

Mr. Nixon, whatever either his friends or foes decide to say about his decision, has done what he believes is best for the American people and he has acted without undue concern for Soviet reaction and with minimum regard for political effect.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. O'NEAL of Georgia (at the request of Mr. ALBERT), for an indefinite period, on account of illness.

Mr. VANDER JAGT (at the request of Mr. GERALD R. FORD), on account of illness.

Mr. MORSE (at the request of Mr. GERALD R. FORD), for March 18 and 19, on account of official business.

Mr. HANNA (at the request of Mr. WAGGONNER), for today and tomorrow, March 19, on account of official business.

Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. ARENDS (at the request of Mr. GERALD R. FORD), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEGGETT) and to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 10 minutes, today.

Mr. FEIGHAN, for 30 minutes, on March 19.

Mr. MATSUNAGA, for 10 minutes, on March 19.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. EDMONDSON in two instances.

Mr. DINGELL, to include extraneous matter in his remarks on H.R. 7206.

Mr. PERKINS (at the request of Mrs. GREEN of Oregon) to extend his remarks following hers on H.R. 8438.

(The following Members (at the request of Mr. FOREMAN) and to include extraneous matter:)

Mr. PETTIS in two instances.

Mr. BELL of California.

Mr. FINDLEY.

Mr. BROYHILL of Virginia in two instances.

Mr. WYATT in five instances.

Mr. GUDE in two instances.

Mr. HOSMER in three instances.

Mr. ZWACH in two instances.

Mr. TEAGUE of California.

Mr. ASHBROOK in two instances.

Mr. BOB WILSON.

Mr. BLACKBURN in five instances.

Mr. COUGHLIN in two instances.

Mr. WYMAN in three instances.

Mr. SHRIVER.

Mr. MILLER of Ohio in two instances.

Mr. RUTH in five instances.

Mr. NELSEN.

Mr. DERWINSKI in two instances.

Mr. BURTON of Utah in 10 instances.

Mr. STEIGER of Arizona in two instances.

Mr. REID of New York.

Mr. LIPSCOMB.

Mr. WATSON.

Mr. ROTH in five instances.

Mr. MORSE.

Mr. KEITH in five instances.

Mr. CONABLE.

(The following Members (at the request of Mr. LEGGETT) and to include extraneous matter:)

Mr. DOWNING.

Mr. WILLIAM D. FORD.

Mr. BURTON of California in two instances.

Mr. O'HARA in three instances.

Mr. REUSS.

Mr. BIAGGI in two instances.

Mr. FISHER in three instances.

Mr. BOLLING.

Mr. JACOBS in two instances.

Mr. BOLAND in two instances.

Mr. OTTINGER in two instances.

Mr. GONZALEZ in three instances.

Mr. ROYBAL in six instances.

Mr. KASTENMEIER.

Mr. NIX in two instances.

Mr. DINGELL.

Mr. FEIGHAN in four instances.

Mr. FASCELL in three instances.

Mr. FULTON of Tennessee in two instances.

Mr. ALBERT.

Mr. ASHLEY.

Mr. BLATNIK.

Mr. RARICK in three instances.

Mr. MIKVA in two instances.

Mr. ADAMS.

Mr. NICHOLS.

Mr. CORMAN.

Mr. EDWARDS of California.

Mr. DANIELS of New Jersey.

Mr. COHELAN in three instances.

Mr. HELSTOSKI in two instances.

Mr. FALLON in two instances.

Mr. DULSKI in four instances.

Mr. NEDZI in two instances.

Mr. VANIK in two instances.

Mr. MOORHEAD in two instances.

Mr. ROONEY of Pennsylvania in two instances.

Mr. BRADEMAS in six instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 408. An act to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required; to the Committee on Veterans' Affairs.

S. 1130. An act to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the American Fisheries Society; to the Committee on Banking and Currency.

ADJOURNMENT

Mr. LEGGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

591. A letter from the Comptroller General of the United States, transmitting a report on policies and procedures used in disposal of U.S. military property in France, Department of Defense; to the Committee on Government Operations.

592. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Transportation for "National Transportation Safety Board: Salaries and expenses," for the fiscal year 1969, has been reapportioned on a basis which indicates the necessity for a further supplemental estimate of appropriation because of circumstances constituting an emergency involving the safety of human life and the protection of property, pursuant to the provisions of subsection (e)(1) of section 3679 of the Revised Statutes, as amended; to the Committee on Appropriations.

593. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide special pay to naval officers, qualified in submarines, who have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of 4 years beyond any other obligated active service, and for other purposes; to the Committee on Armed Services.

594. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Department of the Army and the Department of Agriculture to interchange jurisdiction of civil works and national forest lands, pursuant to the provisions of 16 U.S.C. 505a and 505b; to the Committee on Agriculture.

595. A letter from the Comptroller General of the United States, transmitting a report on a review of economic opportunity programs, made pursuant to title II of the 1967 amendments to the Economic Opportunity Act of 1964; to the Committee on Education and Labor.

596. A letter from the Acting Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a report of claims settled by the Agency during the period January 1, 1968, to December 31, 1968, pursuant to the provisions of section 3(e) of the Military Personnel and Civilian Employees' Claims Act of 1964; to the Committee on the Judiciary.

597. A letter from the Administrator, General Services Administration, transmitting prospectuses proposing construction or alteration of public buildings at various locations, pursuant to the provisions of section 7a of the Public Buildings Act of 1959 (73 Stat. 480), as amended; to the Committee on Public Works.

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. SISK: Committee on Rules. House Resolution 325. Resolution providing for the consideration of H.R. 8508, a bill to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act (Rept. No. 91–100). Referred to the House Calendar.

Mr. POAGE: Committee on Agriculture. H.R. 7. A bill to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes, with amendment (Rept. No. 91–101). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE 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. FEIGHAN: Committee on the Judiciary. S. 165. An act for the relief of Basil Rowland Duncan (Rept. No. 91–82). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 586. An act for the relief of Nguyen Van Hue (Rept. No. 91–83). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 1437. A bill for the relief of Cosmina Ruggiero, with amendment (Rept. No. 91–84). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 1708. A bill for the relief of Ai Bok Chun, with amendment (Rept. No. 91–85). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 1939. A bill for the relief of Mrs. Marjorie J. Hottenroth, with amendment (Rept. No. 91–86). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 1960. A bill for the relief of Mario Santos Gomes (Rept. No. 91–87). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 2315. A bill for the relief of Josefina Policar Abutan Fuliar (Rept. No. 91–88). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 2948. A bill for the relief of Maria Prescilla Caramanzana (Rept. No. 91–89). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 3144. A bill for the relief of Sung Nan Lee, with amendment (Rept. No. 91–90). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 3212. A bill for the relief of Lee Ok Ja, with amendment (Rept. No. 91–91). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3464. A bill for the relief of Maria Balluardo Frasca (Rept. No. 91–92). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 3539. A bill for the relief of Dr. Angela Zabarte Fandino (Rept. No. 91–93). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 3548. A bill for the relief of Dr. Roberto de la Caridad Miquel, with amendment (Rept. No. 91–94). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary: H.R. 4064. A bill for the relief of Ana Mae Yap-Diangco, with amendment (Rept. No. 91–95). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 5072. A bill for the relief of Demetroula Georgiades, with amendment (Rept. No. 91–96). Referred to the Committee of the Whole Houes.

Mr. CAHILL: Committee on the Judiciary. H.R. 5402. A bill for the relief of Zumrut Sooley (Rept. No. 91–97). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 6161. A bill for the relief of Christopher Sloane (Bosmos), with amendment (Rept. No. 91–98). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 6896. A bill for the relief of Dr. Olga Concepcion Perez de Lanio (Rept. No. 91–99). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 9094. A bill to amend the Internal Revenue Code of 1954 to allow a 30-percent credit against the individual income tax for amounts paid for tuition, fees, or services to certain public and private institutions of higher education or for occupational training or retraining; to the Committee on Ways and Means.

H.R. 9095. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 9096. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 9097. A bill to provide for the establishment of a national cemetery near the Fort Randall Dam, S. Dak.; to the Committee on Veterans' Affairs.

By Mr. BIAGGI:

H.R. 9098. A bill to establish a Federal Motor Vehicle Insurance Guarantee Corporation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK:

H.R. 9099. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 9100. A bill to provide for a coordinated program to improve the level of human nutrition in the United States, and for other purposes; to the Committee on Agriculture.

H.R. 9101. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the assignment of surplus real property to executive agencies for disposal, and for other purposes; to the Committee on Government Operations.

H.R. 9102. A bill to establish a Department of Peace, and for other purposes; to the Committee on Government Operations.

H.R. 9103. A bill to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. BROWN of California:

H.R. 9104. A bill to provide for a coordinated program to improve the level of human nutrition in the United States, and for other purposes; to the Committee on Agriculture.

H.R. 9105. A bill to establish a Commission on Hunger; to the Committee on Education and Labor.

H.R. 9106. A bill to amend the Public Health Service Act so as to require that an annual report be made to the Congress concerning the policies and goals of the National Institutes of Health; to the Committee on Interstate and Foreign Commerce.

H.R. 9107. A bill to establish a Commission on Population; to the Committee on Interstate and Foreign Commerce.

H.R. 9108. A bill to amend the Public Health Service Act to provide a program of grants for the construction of population re-

search centers; to the Committee on Interstate and Foreign Commerce.

H.R. 9109. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute for Population Research; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of Virginia:

H.R. 9110. A bill to authorize the District of Columbia Council to investigate and regulate the use of plastic bags by drycleaning and laundry establishments in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURLISON of Missouri:

H.R. 9111. A bill to provide for the establishment of a national cemetery in southeastern Missouri; to the Committee on Veterans' Affairs.

By Mr. CELLER:

H.R. 9112. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 9113. A bill to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone; to the Committee on Ways and Means.

H.R. 9114. A bill to provide for an exclusion from gross income in the case of compensation for members of the crew of the U.S.S. *Pueblo;* to the Committee on Ways and Means.

By Mr. CORBETT (for himself, Mr. GERALD R. FORD, Mr. CUNNINGHAM, Mr. BUTTON, Mr. MCCLURE, Mr. MESKILL, and Mr. HOGAN):

H.R. 9115. A bill to provide that appointments and promotions in the Post Office Department and postal field services be made on the basis of merit and fitness; to the Committee on Post Office and Civil Service.

By Mr. CORMAN:

H.R. 9116. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 9117. A bill to provide for the withdrawal of second- and third-class mailing permits of mail users who have used these permits systematically in the mailing of obscene, sadistic, lewd, or pandering mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DULSKI:

H.R. 9118. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 9119. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS of Colorado:

H.R. 9120. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 9121. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 9122. A bill to provide increases in certain annuities payable from the civil service retirement and disability fund; to the Committee on Post Office and Civil Service.

H.R. 9123. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. HALPERN (for himself, Mr. ADDABBO, Mr. DELANEY, and Mr. ROSENTHAL):

H.R. 9124. A bill to amend title 38, United States Code, to increase the amount on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. HELSTOSKI (by request):

H.R. 9125. A bill to modify the reporting requirement and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JACOBS:

H.R. 9126. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KARTH:

H.R. 9127. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

H.R. 9128. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. MCCLURE:

H.R. 9129. A bill to amend chapter 44 of title 18, United States Code, to exempt ammunition in certain cases from Federal regulation under the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 9130. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 9131. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOLLOHAN:

H.R. 9132. A bill to prevent vessels built or rebuilt outside the United States or documented under foreign registry from carrying cargoes restricted to vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York:

H.R. 9133. A bill to provide supplemental appropriations to fully fund programs to build 300,000 units of low- and moderate-income housing for the fiscal year 1969, and for other purposes, including jobs in housing; to the Committee on Appropriations.

By Mr. NIX:

H.R. 9134. A bill to increase the maximum rate of per diem allowance for employees of the Government traveling on official business, and for other purposes; to the Committee on Government Operations.

H.R. 9135. A bill to provide an equitable system for fixing and adjusting the rates of compensation of wage board employees; to the Committee on Post Office and Civil Service.

H.R. 9136. A bill to extend Federal group life and health insurance benefits to Federal employees in the Canal Zone who are not citizens of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9137. A bill to correct an inequity in the application of automatic retirement annuity adjustments for certain congressional employees and Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. OLSEN:

H.R. 9138. A bill to set aside certain lands in Montana for the Indians of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. PHILBIN:

H.R. 9139. A bill to make certain additional uninsured individuals eligible for hospital insurance benefits; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 9140. A bill to amend chapter 55 of title 10 of the United States Code, to extend to mentally retarded or physically handicapped dependents of certain members and former members of the uniformed services the special care now provided to similarly afflicted dependents of members on active duty; to the Committee on Armed Services.

H.R. 9141. A bill to provide that the nuclear accelerator to be constructed at Weston, Ill., shall be named the "Enrico Fermi Nuclear Accelerator" in memory of the late Dr. Enrico Fermi; to the Joint Committee on Atomic Energy.

By Mr. ROGERS of Colorado:

H.R. 9142. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 9143. A bill to amend the Urban Mass Transportation Act of 1964, and for other purposes; to the Committee on Banking and Currency.

H.R. 9144. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. SAYLOR:

H.R. 9145. A bill to provide for an exclusion from gross income in the case of compensation for members of the crew of the U.S.S. *Pueblo;* to the Committee on Ways and Means.

By Mr. SHRIVER (for himself and Mr. STAFFORD):

H.R. 9146. A bill to provide for an exclusion from gross income in the case of compensation for members of the crew of the U.S.S. *Pueblo;* to the Committee on Ways and Means.

By Mr. STEED:

H.R. 9147. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. THOMPSON of Georgia:

H.R. 9148. A bill to amend title II of the Social Security Act to provide that an individual's benefits shall not be subject to deductions on account of outside earnings after the beginning of the year in which he (or the primary beneficiary) attains age 65; to the Committee on Ways and Means.

H.R. 9149. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means

By Mr. THOMSON of Wisconsin:

H.R. 9150. A bill to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information; to the Committee on Banking and Currency.

By Mr. TIERNAN:

H.R. 9151. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

H.R. 9152. A bill to amend chapter 89 of title 5, United States Code, relating to enrollment charges for Federal employees' health benefits; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:

H.R. 9153. A bill to require the Secretary of Commerce either to give the State of Pennsylvania alternative mileage on the Interstate System or to pay the Federal share of the Pennsylvania Turnpike; to the Committee on Public Works.

By Mr. WHITEHURST (for himself, Mr. BROYHILL of Virginia, and Mr. CARTER):

H.R. 9154. A bill to amend section 401(c) of the Internal Revenue Code of 1954 with respect to certain service performed by ministers; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 9155. A bill to revise the quota-control system on the importation of certain meat and meat products; to the Committee on Ways and Means.

By Mr. ADAIR:

H.R. 9156. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received under insurance contracts for increased living expenses necessitated by damage to, or destruction of, an individual's residence; to the Committee on Ways and Means.

By Mr. ADAMS (for himself and Mr. PELLY) (by request):

H.R. 9157. A bill for the relief of King County, Wash.; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 9158. A bill to protect the public health from the misuse of dangerous drugs and to assist law enforcement activities in the identification of dangerous drugs by amending the Federal Food, Drug, and Cosmetic Act with respect to the coloring and marking of stimulant, depressant, and narcotic drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts (for himself, Mr. ANNUNZIO, Mr. CORMAN, and Mr. O'NEILL of Massachusetts):

H.R. 9159. A bill to provide for the establishment of a program under which tickets to professional, semiprofessional, and amateur baseball, football, basketball, hockey, and soccer games will be furnished at no cost by local police officers and firemen to individuals under the age of 19, particularly such individuals who are economically underprivileged; to the Committee on Interior and Insular Affairs.

By Mr. BYRNE of Pennsylvania:

H.R. 9160. A bill to authorize reimbursement to the States for certain toll highways, bridges, and tunnels on the Interstate System, and for other purposes; to the Committee on Public Works.

H.R. 9161. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in old-age insurance benefit amounts to which a woman is entitled if she has 120 quarters of coverage; to the Committee on Ways and Means.

By Mr. CULVER:

H.R. 9162. A bill to require the Secretary of Agriculture and the Director of the Bureau of the Budget to make separate accounting of funds requested for the Department of Agriculture for programs and activities that primarily stabilize farm income and those that primarily benefit consumers, businessmen, and the general public, and for other purposes; to the Committee on Agriculture.

By Mr. DAVIS of Georgia:

H.R. 9163. A bill to authorize the disposal of certain real property in the Chickamauga and Chattanooga National Military Park, Ga., under the Federal Property and Administrative Services Act of 1949; to the Committee on Interior and Insular Affairs.

H.R. 9164. A bill to require the conveyance of all right, title, and interest of the United States in and to certain real property in the State of Georgia in order to remove a limitation on the use of such property; to the Committee on Interior and Insular Affairs.

H.R. 9165. A bill to amend title 18, United States Code, to prohibit the mailing of obscene matter to minors, and for other purposes; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 9166. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 9167. A bill to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program, and for other purposes; to the Committee on Government Operations.

By Mr. FULTON of Pennsylvania:

H.R. 9168. A bill to authorize the Federal Railroad Administrator to set certain standards for the comfort, safety, and convenience of railroad passengers; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.R. 9169. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. PERKINS, Mr. AYRES, Mr. QUIE, Mr. CAREY, Mr. DANIELS of New Jersey, Mr. DELLENBACK, Mr. DENT, Mr. ERLENBORN, Mr. ESCH, Mr. MEEDS, Mr. PUCINSKI, Mr. SCHERLE, and Mr. STEIGER of Wisconsin):

H.R. 9170. A bill to assist students who, to attend college, are relying on their own wage-earning capacity rather than depending on others; to the Committee on Education and Labor.

By Mr. GREEN of Pennsylvania:

H.R. 9171. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HALPERN (for himself, Mr. ADDABBO, Mr. DELANEY, and Mr. ROSENTHAL):

H.R. 9172. A bill to amend title 38 of the United States Code in order to establish in the Veterans' Administration a national cemetery system consisting of all cemeteries of the United States in which veterans of any war or conflict or of service in the Armed Forces are or may be buried, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HAWKINS:

H.R. 9173. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

By Mrs. HECKLER of Massachusetts:

H.R. 9174. A bill to amend the Maritime Academy Act of 1958 to require repayment of amounts paid for the training of merchant marine officers who do not serve in the merchant marine or Armed Forces; to the Committee on Merchant Marine and Fisheries.

By Mr. McCLORY:

H.R. 9175. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate transportation for certain additional persons on a space-available basis; to the Committee on Interstate and Foreign Commerce.

H.R. 9176. A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes; to the Committee on the Judiciary.

H.R. 9177. A bill to amend the definition of "period of war" for purposes of chapter II of title 38 of the United States Code; to the Committee on Veterans' Affairs.

H.R. 9178. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. McMILLAN (by request):

H.R. 9179. A bill to amend the act, entitled "An act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia," approved February 24, 1914; to the Committee on the District of Columbia.

H.R. 9180. A bill to amend the act, entitled: "An act to regulate the employment of minors in the District of Columbia," approved May 29, 1928; to the Committee on the District of Columbia.

H.R. 9181. A bill to regulate the practice of psychology in the District of Columbia; to the Committee on the District of Columbia.

By Mrs. MAY:

H.R. 9182. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. O'HARA:

H.R. 9183. A bill to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation; to the Committee on Ways and Means.

By Mr. O'NEILL of Massachusetts:

H.R. 9184. A bill to require that impact-resistant eyeglasses be issued under the medical program for members of the uniformed services on active duty; to the Committee on Armed Services.

H.R. 9185. A bill to prohibit the sale or importation of eyeglass frames or sunglasses made of cellulose nitrate or other flammable materials; to the Committee on Ways and Means.

By Mr. PIRNIE:

H.R. 9186. A bill to provide for an exclusion from gross income in the case of compensation for members of the crew of the U.S.S. *Pueblo;* to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 9187. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

H.R. 9188. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself and Mr. SCHWENGEL):

H.R. 9189. A bill to regulate speed of vessels on the Mississippi River; to the Committee on Merchant Marine and Fisheries.

H.R. 9190. A bill to authorize lowering of pools on the Mississippi River to prevent flooding; to the Committee on Public Works.

By Mr. RYAN:

H.R. 9191. A bill to provide Federal financial assistance to help cities and communities of the United States to develop and carry out intensive local programs to detect and treat incidents of lead-based paint poisoning; to the Committee on Interstate and Foreign Commerce.

H.R. 9192. A bill to provide Federal financial assistance to help cities and communities of the United States to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 9193. A bill prohibiting lithographing or engraving on envelopes sold by the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GREEN of Pennsylvania:

H.R. 9194. A bill to provide that office, industrial, or household appliances and equipment be conspicuously marked to show the foreign country of origin, and for other purposes; to the Committee on Ways and Means.

By Mr. MADDEN:
H.R. 9195. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.
By Mr. QUILLEN:
H.R. 9196. A bill to restrict imports of meat and meat products into the United States; to the Committee on Ways and Means.
By Mr. ADAIR:
H.J. Res. 560. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.
By Mr. BYRNE of Pennsylvania:
H.J. Res. 561. Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties; to the Committee on the Judiciary.
By Mr. LIPSCOMB:
H. J. Res. 562. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.
By Mr. OLSEN:
H.J. Res. 563. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.
By Mr. WATSON:
H.J. Res. 564. Joint resolution authorizing the President to proclaim the period May 11 through May 17, 1969, as "Help Your Police Fight Crime Week"; to the Committee on the Judiciary.
By Mr. WHALLEY:
H.J. Res. 565. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.
By Mr. FULTON of Pennsylvania:
H. Res. 326. Resolution expressing the sense of the House that certain social security and railroad retirement benefits shall not be made subject to Federal income taxes; to the Committee on Ways and Means.
By Mr. McMILLAN:
H. Res. 327. Resolution endorsing the efforts of the South Carolina Jaycees; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

72. By Mr. OLSEN: Resolution of the Senate of the State of Montana, asking the Montana congressional delegation to request the U.S. Department of Agriculture to review the marketing of Montana wheat and to reactivate the National Loan Rate Study Committee to evaluate changes which would provide equitable loan rates for Montana wheat; to the Committee on Agriculture.

73. Also, resolution of the Senate of the State of Montana, urging that the cars and rolling stock of all carriers serving Montana be immediately returned to the Montana area so said cars can be available to transport to market the products of Montana farms, forest products, and other industries; to the Committee on Interstate and Foreign Commerce.

74. Also, resolution by the House of Representatives of the State of Montana, urging Congress to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

75. Also, resolution of the Senate of the State of Montana, requesting Congress to name the body of water created by the Corps of Engineers dam on the Kootenai River near Libby, Mont., "Koocanusa Lake"; to the Committee on Public Works.

76. Also, resolution of the Senate of the State of Montana, urging that the Meat Import Act of 1964 be amended so that it will modify the harmful effects of excessive meat imports on domestic cattle prices; to the Committee on Ways and Means.

77. Also, resolution of the Senate of the State of Montana, urging elimination of the aid to families with dependent children freeze in the Social Security Act; to the Committee on Ways and Means.

78. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to the Consolidation of Federal Assistance Program Act; to the Committee on Government Operations.

79. Also, memorial of the Legislature of the State of Utah, relative to the proliferation of Federal power; to the Committee on Government Operations.

80. Also, memorial of the Legislature of the State of South Dakota, relative to the abolition of zones within the national freight classification system and the elimination of the practice of permitting motor carriers in adding arbitrary charges on less-than-truckload traffic to smaller communities in South Dakota; to the Committee on Interstate and Foreign Commerce.

81. Also, memorial of the Legislature of the State of North Dakota, relative to Federal participation in welfare payments to nonresidents within the State of North Dakota; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLANTON:
H.R. 9197. A bill for the relief of Dr. Antonio Matias Rubio; to the Committee on the Judiciary.
By Mr. BROWN of California:
H.R. 9198. A bill for the relief of Alireza Soltani; to the Committee on the Judiciary.
By Mr. BURTON of California:
H.R. 9199. A bill for the relief of Madhavbhai Chhitabhai Patel; to the Committee on the Judiciary.
By Mr. BYRNE of Pennsylvania:
H.R. 9200. A bill for the relief of Tadeusz Kasimierz Wojnar; to the Committee on the Judiciary.
By Mr. FALLON:
H.R. 9201. A bill for the relief of M. Concepcion Agito Abrahan; to the Committee on the Judiciary.
H.R. 9202. A bill for the relief of Teodoro R. Carangal and his wife, Rita L. Carangal; to the Committee on the Judiciary.
By Mr. GILBERT:
H.R. 9203. A bill for the relief of Wilford Leonard Harrison; to the Committee on the Judiciary.
By Mr. KOCH:
H.R. 9204. A bill for the relief of Overseas Barters, Inc.; to the Committee on the Judiciary.
By Mr. McMILLAN:
H.R. 9205. A bill for the relief of Kamal Sedky Basily; to the Committee on the Judiciary.
H.R. 9206. A bill for the relief of Markos N. M. Nomikos; to the Committee on the Judiciary.
By Mr. MacGREGOR:
H.R. 9207. A bill for the relief of Arturo M. Santos; to the Committee on the Judiciary.
By Mr. MARSH:
H.R. 9208. A bill to confer jurisdiction on the Court of Claims to entertain, hear, and enter judgment on the claim of Robert Alexander; to the Committee on the Judiciary.
By Mr. MIKVA:
H.R. 9209. A bill for the relief of Panagiotes Stathopoulos; to the Committee on the Judiciary.
By Mr. MURPHY of New York:
H.R. 9210. A bill for the relief of Elena I. Manzanera; to the Committee on the Judiciary.
By Mr. O'HARA:
H.R. 9211. A bill for the relief of Amprobe Instrument Division of Soss Manufacturing Co.; to the Committee on the Judiciary.
By Mr. PODELL:
H.R. 9212. A bill for the relief of Paolo Vitale; to the Committee on the Judiciary.
By Mr. TALCOTT:
H.R. 9213. A bill for the relief of Simeon Agapito Alejon; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EXECUTIVE REORGANIZATION AUTHORITY ESSENTIAL TO GOOD GOVERNMENT

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 18, 1969

Mr. FASCELL. Mr. Speaker, I rise today as cosponsor of the bill now being considered, S. 1058, a proposal to extend for 2 years the authority of the President to reorganize the departments and agencies of the Federal Government.

President Nixon has asked Congress for power to manage his own executive household. This power was first granted by the Congress in 1932 to President Hoover, and has been granted to each succeeding President since that time. I believe our new President should not be denied full authority and responsibility for executive management and to further streamline the Government.

As the House Members know, the Reorganization Act of 1949 gives the President authority to submit plans to Congress to modernize our Government. The act and this proposal, were recommended by the Hoover Commission, appointed to study means of improving Government efficiency.

Under this act, the President is required periodically to examine the functions of all executive agencies to determine what changes are necessary. The plans for the changes are then submitted to Congress.

Reorganization plans submitted to the Congress automatically become effective in 60 days unless vetoed by either the House or the Senate. Since 1949 Congress has vetoed 22 of the 83 reorganization plans submitted.

This system has given the President the latitude to put his own house in order while at the same time retaining for the Congress an effective means to exercise its will on proposed reorganization.

The authority expired on December 31, 1968. The Senate has already acted to