HOUSE OF REPRESENTATIVES—*Monday, March 24, 1969*

The House met at 12 o'clock noon.

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

Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap.—Galatians 6: 7.

Our Heavenly Father, grant unto us once again the assurance of Thy sustaining presence as we bow in this circle of prayer. Inspire us with a firmer trust in Thee and with a sympathetic outreach of good will toward all the children of men.

Give to each one of us the realization that Thy power is at work in the world moving in the direction of justice, peace, and love among all nations and in the hearts of all men. Thou art always with us—do Thou help us always to be with Thee.

Bless our Nation with Thy favor and as a people make us mindful of Thy presence and ever eager to do Thy will.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 20, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on March 19, 1969, the President approved and signed a bill of the House of the following title:

H.R. 497. An act to amend section 301 of the Manpower Development and Training Act of 1962, as amended.

LEGISLATIVE PROGRAM—CONSIDERATION OF HOUSE JOINT RESOLUTION MAKING APPROPRIATIONS FOR COMMODITY CREDIT CORPORATION

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday, March 25, for the House to consider a House joint resolution making appropriations for the Commodity Credit Corporation.

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

Mr. HALL. Mr. Speaker, reserving the right to object, I appreciate the gentleman from Texas notifying me in advance that this request might be made—and at some considerable trouble to the distinguished chairman of the Committee on Appropriations, I might add.

However, I have just had available in the last half hour the proposed committee print and the proposed committee report. As I understand it, this will be a supplemental appropriation, not for authorizing increased borrowing authority, and it will also mean reprograming—I am sorry, I do not mean "reprograming" in the ordinary sense of the word, but reprograming of our schedule so we may consider this in the program tomorrow.

Mr. MAHON. That is correct.

Mr. HALL. Mr. Speaker, as I understand it, the Commodity Credit Corporation is out of both borrowing authority and the funds in order to meet its commitments based on various authorizations we, as a legislative body, have granted it in the past, so they must have this supplemental appropriation which will make the 1969 deficit look worse and the 1970 projected budget perhaps look a little better, if we do not have additional requirements. This is, in fact, based on unexpected yields of principal crops of America and the lowered ceiling price and perhaps the imbalance of trade and the unusually heavy borrowing on the Commodity Credit Corporation toward the restoration of the ever-normal granary.

Mr. MAHON. One of the important factors is the nationwide dock strike, which has slowed down export shipments and created market uncertainties which have slowed down the demand. According to department officials, the permanent loss of markets will exceed $200 million. The effect on the domestic market is even more serious.

Mr. HALL. Mr. Speaker, I appreciate that additional information.

I believe it should be brought to the attention of the Congress that so long as we continue to vote subsidies for maybe those who need them least, and subsidize on the basis of bushels produced or purchased by the Commodity Credit Corporation and put in the ever-normal granary, so to speak, rather than on restoring the soil and giving the farmer an option to voluntarily withdraw his production, in this day of hydroponics and increased production of our God-given resource, the soil, then we will always be in this situation.

Certainly if we subsidize the producer and the worker and agribusiness as well as the consumer, the Commodity Credit Corporation will increase not only its output in loans but also will increase the interest it pays on its over $14.5 billion now borrowed in order to meet and defray these expenses.

And we are actually not getting at the root of the evil.

But I see no point at all in delaying the gentleman's unanimous-consent request to consider this measure, although I hope the Members will be notified, inasmuch as it was originally announced there would be no business on the floor either today or tomorrow.

Mr. Speaker, I withdraw my reservation of objection and I thank the gentleman.

Mr. MAHON. I thank the gentleman.

Mr. FINDLEY. Mr. Speaker, reserving the right to object, when the agriculture appropriation bill was up last year some of us made the forecast that the amount provided for restoration of the capital of the Commodity Credit Corporation was well short of what it should be and that we would quickly be in a crisis with the new year. Here it is March, and I guess the crisis has been put off somewhat.

My purpose in reserving the right to object is to ask the distinguished chairman of the Appropriations Committee if the printed hearings on the supplemental request are available so that they could be examined overnight in preparation for consideration of the measure tomorrow?

Mr. MAHON. The gentleman is correct. The hearings are available, and they are very concise and to the point, and unusually understandable. They are available now, across the corridor at the office of the Appropriations Committee.

Mr. FINDLEY. The hearings are in print and available to any Member at this time?

Mr. MAHON. The gentleman is correct.

Mr. FINDLEY. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON AMENDMENTS TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight tonight to file a report on the amendments to the Elementary and Secondary Education Act of 1965.

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

There was no objection.

TWENTY-FIVE CONGRESSMEN SPONSOR WATER POLLUTION DISASTER FUND BILL

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

Mr. VANIK. Mr. Speaker, I have introduced today, on behalf of myself and 24 other Members of this body, legislation to provide for the creation of a $100 million "Water Pollution Disaster Fund." Under this bill, the Department of the Interior would be authorized to make 90-percent grants to local governments and low-interest loans to industries for the construction of waste treatment plants, sewer lines, and other devices to halt pollution in areas judged in danger of becoming ecological disaster areas.

Without releasing polluters from their liabilities, the legislation would also provide for use of the funds in immediate cleanup of pollution accidents, such as the recent massive oil spill in the Santa Barbara Channel. Cleanup costs would then be recovered after determination of liability.

The present legislation being considered by the House and Senate Public

Works Committees continues the grant and contract program for local waste treatment systems. But these proposals do very little to meet the massive pollution problems of our great river basins, the Great Lakes, and the special problem of Lake Erie.

The Lake Erie problem is national in scope. It is interstate and international. It cannot be solved in a piecemeal pattern. It is beyond the capacity of local governments or the State governments which are in the lake basin.

In my own time, I have witnessed the deterioration of Lake Erie. This phenomenon of waste threatens the fresh water supplies of millions of people.

As we continue to pour pollutants into our Nation's waters, other waterways will face the same disaster. Lower Lake Michigan is in serious trouble. Lake Ontario will receive Lake Erie's waters, and it, too, will be destroyed.

A special fund should be established to attempt to deal with these potential disasters on a priority basis. The legislation we are introducing today attempts to do that. Admittedly, $100 million is an inadequate sum, but it is a start—and we must start, and start today.

The sponsors of this legislation are as follows, Mr. Speaker. It is my hope that other Members of this body will support this legislation and feel free to indicate their support by sponsoring this bill: The sponsors are Mr. VANIK, Mr. FEIGHAN, Mr. ADAMS, Mr. BINGHAM, Mr. BOLAND, Mr. DIGGS, Mr. DONOHUE, Mr. FARBSTEIN, Mr. GONZALEZ, Mrs. GRIFFITHS, Mr. HALPERN, Mr. HELSTOSKI, Mr. KLUCZYNSKI, Mr. MADDEN, Mr. MCCARTHY, Mr. MIKVA, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. PATTEN, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. REID of New York, Mr. ROSENTHAL, and Mr. STOKES.

A $3.6 BILLION TAX LOOPHOLE

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

Mr. PATMAN. Mr. Speaker, tax-exempt State and municipal bonds constitute one of the largest loopholes in the Nation's tattered tax structure. Like other tax-law failings, this one is utilized by those who are least in need of financial assistance; commercial banks, fire and casualty insurance companies, and individuals whose income is well over $25,000 a year. As a matter of fact, the average tax bracket for those purchasing these tax-exempt bonds is 48 percent. Purchases of State and local securities by commercial banks take on the appearance of being a thinly veiled farce when it is recognized that the banks could not exist without the financial support supplied by the Federal Reserve System.

Mr. Speaker, I do not question the need to help State and municipal governments to obtain funds for vitally needed public facilities and other projects affecting the welfare and future of our people. By the same token, I do not think that maintaining a tax loophole is either the best or the only way of providing assistance. An alternative to the present situation was presented in my statement to the House Ways and Means Committee now considering tax reform proposals.

Mr. Speaker, I include a part of that statement in the RECORD:

STATEMENT BY REPRESENTATIVE WRIGHT PATMAN TO THE HOUSE WAYS AND MEANS COMMITTEE ON TAX-EXEMPT BONDS

Mr. PATMAN. Mr. Speaker, less than two years ago former Secretary of the Treasury Henry Fowler, in a letter to me, estimated that the loss of revenue to the Federal Government through all outstanding tax exempt securities in just one year is about $3.6 billion. It goes without saying that since then this total has grown appreciably larger. As an example: almost $11 billion in new tax exempt municipal securities were issued in 1967. If the exemption status had been removed from these securities the Federal Government would have collected about $264 million in that year alone.

Most tax exempt securities are issued by municipal governments and most of these bonds are purchased by commercial banks and other large investors who diligently and successfully find ways of avoiding the payment of taxes. Eighty-two per cent of all municipal bonds are now being purchased by commercial banks. Last year it was 94 per cent. Most of the remainder are purchased by fire and casualty insurance companies and individuals whose income averages well over $25,000 per year. All of us are aware that substantial numbers of taxpayers in upper brackets completely escape payment of any Federal income taxes through various tax exemptions. As a matter of fact, the present situation regarding these securities alone makes it possible for investors with enough funds to purchase tax exempt bonds in such quantities that their entire income is exempt from Federal income taxes.

I do not mean to impugn the purposes for which these bonds are given tax exempt status or question the necessity of allowing municipal and state governments to have an advantage in the sale of securities. But as you know, Mr. Chairman, I feel the present method, which amounts to establishing and maintaining a tax loophole, is neither the only nor the best one open to municipal governments, particularly since this loophole is going to rapidly expand in the years ahead.

It is also indicated by the fact that commercial bank purchases of municipal tax exempt bonds amounted to an average of 67 per cent during the years 1963–1967, but that in 1967 alone commercial banks, as I mentioned earlier, purchased 82 per cent of all tax exempt municipal securities.

This prospect is dramatically indicated by the fact that bonds sold by state and local public bodies grew from $7.2 billion in 1960 to $14.3 billion in 1967.

Three months ago former Secretary of Health, Education, and Welfare, Wilbur Cohen, testified before the Economic Progress Subcommittee of the Joint Economic Committee and gave the following projections:

Between 1968 and 1972 the public schools of the nation are going to need 770,500 new classrooms just on the elementary and secondary levels.

Preschool programs will require 108,200 new classrooms.

Junior and Community Colleges need to expand their facilities by 83.2 million square feet.

Expenditures planned at nearly 1800 colleges and universities between 1965–1970 total $17 billion.

The National Association of Educational Broadcasters estimates that at least $310 billion in non Federal capital funding will be needed between 1971–1975.

The 1967 Hill-Burton State Plans show that $8 billion is needed to modernize hospitals. More than 100 new hospitals need to be constructed, primarily in suburban areas, to provide 75,000 beds.

Hill-Burton State Plans also disclose the requirement for 2,000 new long term care facilities with 149,000 beds. Capitalization requirements are estimated at $7.2 billion.

During the ten years from 1966–1975 more than $2 billion will be needed to expand and establish community health centers.

A non-Federal investment of $1.1 billion is needed for health research facilities over the same ten year period.

Capital needs to 1975 for medical, dental, nursing and other medical-health profession schools is placed at $6.5 billion.

These figures, although far short of representing total public facility investments that will have to be made by state and municipal governments in the near future, suggest the enormity of the task and the vast sums of money required. If the present situation remains unchanged, a major portion of these capital outlays will be made through the sale of tax exempt bonds. By the same token, if the present situation remains unchanged, the tax loophole provided by these securities will needlessly change from cavernous to crater-like dimensions.

The responsibility of making such capital investments in the welfare and future of our people is now being stymied by current high interest, tight money conditions. As a result, during the last six months, issuance of more than $550 million in tax exempt bond issues have been postponed either because legal interest rate ceilings on these securities were too low or because local government agencies refused to drastically reduce the value of these bonds by allowing interest rates to be increased. During this time the bond buyers index of local government bond yields went up as high as 5.19 per cent, the highest level since 1934. By comparison the index was at a level of 4.07 per cent during the preceding seven months.

Moreover, commercial banks, according to estimates made by Sidney Homer and Henry Kaufman, credit market analysts for Salomon Brothers and Hutzler, are expected to purchase only $4.4 billion in municipal bonds this year, little more than half the volume these institutions took up last year.

The daily reports on the bond market make up what amounts to a description of how the advantage designed to be given state and local government bonds through tax exemption and lower interest rates is being destroyed. I know this is looked on as a temporary situation and that the bond index is expected to return to a more favorable level. Nevertheless, I am convinced that the present cyclical difficulties in marketing these bonds and the tax loophole they create are both equally needless.

Mr. Chairman, I think the solution to both problems is provided in my bill, H.R. 2115, and a similar measure introduced in the upper chamber by Senator Proxmire. The legislation provides state and municipal governments with the alternative of either continuing the practice of issuing tax exempt bonds or removing the tax exempt status of these securities and replacing it with a Federal subsidy that would reduce by one-third the interest cost on these securities by the issuing government. Studies conducted over the past two years by the Economic Progress Subcommittee of the Joint Economic Committee show that the cost of subsidizing the interest rates on municipal securities would be substantially less than the tax revenue that would be collected by the Federal Government.

These studies show that not only are most municipal securities purchased by commercial banks, insurance companies and wealthy individuals, but that these investors have

an average tax bracket of 48 per cent, hardly the category that needs much help.

For the sake of illustration, I refer back to the $11 billion of tax exempt municipal bonds sold in 1967. Removal of their tax exempt status would have produced, as I mentioned earlier, about $264 million in Federal tax revenue, based on interest payments totaling $550 million. Under H.R. 2115, a subsidy of $183.3 million would have been extended to municipal governments to reduce debt payment cost—which is to say to reduce the real interest rate on the securities owed by municipal governments. This, in turn, would have allowed the Federal Government to collect $367 million in taxes from the interest income of the investors.

I wish to stress that passage of this legislation does not in any way prevent state and municipal governments from continuing to issue tax exempt securities. It would be left to them to choose between the two approaches to raise funds.

By the same token, it is unrealistic to assume that all municipal governments wishing to market securities will automatically take advantage of the provisions of H.R. 2115 once they become law. Studies conducted by the staff of the Joint Economic Committee show that the Treasury would receive a net gain in revenue under the plan if it was utilized for taxable obligations that amount to 16.3 per cent of state and local government borrowing. The study indicated that in all probably at least 22 per cent of all state and local bonds issued would be marketed on a guaranteed, taxable basis.

I think the advantages presented to state and municipal governments through this legislation are apparent. Securities could be marketed with higher interest rates which would make them more attractive to a much greater range of investors. Yet the provision of an interest subsidy could maintain actual debt payment costs at the present or even lower levels.

As you know, Mr. Chairman, the lack of uniform rating procedures applying to the issuance of municipal securities, constitutes a burden on all but the largest and best known of the nation's communities. The absence of overall coverage in rating has meant that the small municipal governments experience not only needless difficulty but higher debt retirement costs as well in marketing their securities. This problem is reflected by interest rates applied to state and municipal securities isued in 1967 which ranged from 4 to 6 per cent.

The legislation which I have introduced offers a solution to this problem because it would create a Municipal Bond Guarantee Corporation. The Corporation would be authorized to provide a comprehensive report detailing the municipal's economic and fiscal resources, including:

All the elements that make up a community's economy.

Examination of revenue trends, expenditures, tax levies, property valuations, Federal and State aids.

Establishment of appropriate economic, fiscal and financial ratios, averages and indices and comparisons of such measures with national and regional averages.

In effect those municipals which channel the marketing of their securities through the Municipal Bond Guarantee Corporation would receive the benefits of what amounts to a bond rating service and this in turn will make lower interest rates possible.

Mr. Chairman, I think H.R. 2115 constitutes the best possible approach to eliminating what amounts to one of the largest loopholes in the nation's tax structure while, at the same time, offering a way for municipal governments to maintain a vitally needed advantage in the sale of securities. I strongly urge you to incorporate the elements of the bill in the comprehensive legislative proposals you are developing to deal with the entire scope of needless revenue losses to the Federal Government.

NIXON ADMINISTRATION SHOULD STRENGTHEN ITS HOLDING COMPANY BILL

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

Mr. PATMAN. Mr. Speaker, today the Nixon administration sent to the Congress legislation on the one-bank holding company issue which is scheduled for hearings before the Banking and Currency Committee Tuesday, April 1.

Mr. Speaker, I urge the administration to strengthen its one-bank holding company bill by applying the standards of the 1956 Holding Company Act across the board to all bank holding companies.

Such an extension of the 1956 law would provide even-handed justice for all bank holding companies and avoid the opening of a Pandora's box of new loopholes. The rewriting of major provisions of the 1956 act poses grave dangers to the effective regulation of multibank as well as one-bank holding companies.

In the past few days I have discussed the legislation in detail in conferences with high administration officials.

These officials have assured me that they want to control the growth of the bank holding companies and I am hopeful that we will be able to convince them of the need for a stronger version of this legislation during the forthcoming hearings. It is essential that we have a holding company bill this session and I hope that we will have strong bipartisan support when this legislation is brought to the floor of the House.

Mr. Speaker, I am happy the Nixon administration has now formally joined in the fight for regulation and I am pleased that some of the administration's bill has been strengthened from the original drafts to recognize findings of the Banking and Currency Committee's report on one-bank holding companies published on February 11.

Despite this, the administration bill has crippling defects right at the nerve center of this entire legislative effort. I am appalled these were not corrected before the bill was sent forward to the Congress. I am particularly disturbed about these points:

First. The administration's rewriting of the 1956 Holding Company Act to broaden the areas of nonbanking activities in which a holding company may engage. The 1956 act limits the activities to those "closely related to banking." But the Nixon administration's proposal would broaden this to allow activities related to finance in nature and would eliminate the language "closely related to banking." This, for instance, would mean that a large bank could acquire a huge insurance operation with immunity.

Such a definition would greatly expand the scope of existing multibank holding companies and would only partially restrict the activities of the new one-bank holding companies.

The administration's language is extremely loose and administrative interpretations under this section could destroy the purpose of the legislation.

Second. The Nixon administration's decision to spread the enforcement jurisdiction over three agencies—the Federal Reserve, the FDIC, and the Comptroller of the Currency. The administration makes much of the point that its bill would require unanimous agreement by all three agencies on the broad guidelines governing the regulation of the bank holding companies. However, the acquisitions of new enterprises by the holding companies would be handled by the individual agencies and would not require unanimous approval of the three agencies. Thus each agency would be left free to interpret the "unanimous" guidelines as it saw fit.

This jurisdiction should be left to the Federal Reserve which has fairly administered the 1956 act. No evidence has been brought forward to support the claim that this authority should be removed from the Federal Reserve and spread piecemeal among the agencies.

On the other hand, there is very strong evidence that none of this jurisdiction should fall to the Comptroller of the Currency who has taken a consistent attitude that the national banks should be allowed to enter any business, anywhere, and at any time. The Comptroller has distorted many of the existing banking laws against the public interest and his treatment of the holding company regulation would be no different should Congress be foolish enough to give him authority in this area.

Mr. Speaker, I am also opposed to the insertion of a "grandfather" clause which leaves one-bank holding company acquisitions prior to June 30, 1968, untouched. The 1956 act required the multibank holding companies to divest themselves of their acquisitions without the protection of a "grandfather" clause. A study of these holding companies and their former subsidiaries shows that there has been no adverse economic impact from the divestitures.

Mr. Speaker, I hope the Nixon administration will give attention to other areas, particularly those involving antitrust and anticompetitive issues, as the hearings develop.

I have informed the administration officials personally that I will call any witnesses they desire and that I will work with them in any way possible. The important thing is that we get a good solid bill that will fully regulate these holding companies on an equitable basis.

CONGRESSMAN OLSEN SALUTES THE UNITED MINE WORKERS OF AMERICA AND THEIR PRESIDENT, TONY BOYLE

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

Mr. OLSEN. Mr. Speaker, on Tuesday, April 1, coal miners throughout the United States will lay down their tools to take a day off. This is in accordance

with their contracts with the coal operators. They will celebrate the 71st anniversary of the winning of the first 8-hour day by a labor organization in American industry.

It was on the 1st of April, 1898, that the United Mine Workers of America, then 8 years old, won by agreement with the coal operators of the Central Competitive Field of Western Pennsylvania, Ohio, Indiana, and Illinois, a shortened workday. The leader of this great American organization, the United Mine Workers of America, was, in those days, one Michael B. Ratchford.

There are several interesting matters that should be noted in connection with this celebration by the United Mine Workers of America.

First and foremost, perhaps, is the fact that this shortened workday, won nearly three-quarters of a century ago, was proposed by the coal miners' union primarily because it would bring greater health and safety to the coal miners. The men felt, and rightly so, that with a shorter workday they would be less fatigued and thus less apt to have accidents and illness in the coal mines that could kill or maim them.

Another interesting matter that should be called to the attention of my listeners is that Mr. Ratchford was the fourth president of this great union of coal miners which was established in Columbus, Ohio, on January 25, 1890. Every one of the men who have led the United Mine Workers of America has been an underground coal miner in his time. From John B. Rae, who led the union at its founding in 1890, to my fellow Montanan and personal friend, W. A. "Tony" Boyle, who is presently the international president of the United Mine Workers, they have all been men who have never forgotten the pit from which they were digged, as the saying goes.

The 91st Congress is currently considering legislation that is designed to bring better health and safety to the Nation's coal miners. I feel that it is appropriate on this occasion and in recognition of the 71st anniversary of the 8-hour day in the Nation's coal mines to relate some of my personal knowledge of these matters that are of vital concern to this Congress and to all Americans.

I quote from a recent editorial in the United Mine Workers Journal concerning the record of the union on coal mine safety matters:

This Union, since establishment in 1890, has had as its No. 1 objectivity the protection of lives and limbs of the men who mine the nation's coal. The United Mine Workers of America has never let down the guard for 78 years.

We have not, of course, achieved perfection. The fight for mine safety has been an uphill struggle all the way.

This Union was responsible for the establishment in 1911 of the United States Bureau of Mines. This Union was responsible, in 1941—30 years later, for finally getting the Congress of the United States to enact a Federal Coal Mine inspection law. This Union was responsible, in 1952, for finally getting the Congress to pass a Federal Coal Mine Safety Act with teeth in it. The law was, as finally passed, inadequate as we said at the time and as the then President Harry S. Truman said. But it was better than no law.

President W. A. Boyle was responsible, in 1966, for getting the Congress to tighten up the existing Federal law so that all coal mines could be inspected and Federal inspectors would have the authority to shut down any hazardous coal mines.

This Union was responsible, in 1946, after a bitter struggle with the coal industry and the Federal government, for establishing the UMWA Welfare and Retirement Fund which, for the first time in coal mining history in the United States, offered some relief to sick and injured coal miners and some compensation to their families when the men's lives were lost.

This Union was responsible for pushing through action on establishment of the Federal Coal Mine Safety Code when it became clear that the Federal law, as enacted by Congress, was not an adequate law. This Union was responsible for making that Code a part of its contract with the coal industry so that the code could be enforced by the Union shutting down unsafe coal mines where necessary and when state and Federal inspectors could not act because of inadequate laws.

This Union has been responsible for pushing model coal mine safety laws through reluctant and uninterested state legislatures.

This Union has safety committees, elected by the coal miners, in every coal mine under contract with the industry throughout the United States.

This Union was responsible for establishing under contract with the industry, the Joint Safety Committee.

This Union was responsible for pushing through Congress the Federal Coal Mine Safety Board of Review.

This Union has a full-time, expertly staffed Safety Division, now headed by Lewis Evans, an experienced coal mine safety man and former head of the Department of Mines and Mineral Industries of the Commonwealth of Pennsylvania.

Have we done enough?

Probably not.

We have not reached the point in our never-ending struggle, where it can be said that there is any such thing as a safe coal mine. There is not now and never has been a safe coal mine. Such matters are relative. Some mines are not as hazardous as others. But they are all dangerous.

We have not been able to get the Congress and the Budget Bureau to permit appropriation of sufficient funds to enable the Bureau of Mines to carry on its safety work with the maximum effectiveness.

We have not been able to prevail on all coal mining states to enact model coal mine safety laws.

But we have not given up and we never shall as long as there is a United Mine Workers of America.

Safety first is more than a motto in the coal mining industry. It is an essential goal of this Union now as it always has been.

We have no magic answer to the problem of coal mine safety. The only realistic solution to the continuing problem of hazards in coal mines is a vigilant never-ending fight by this Union and all elements involved in the coal industry for complete and realistic cooperation to save the lives and protect the bodies of the men who mine the nation's coal.

Let me say at this point, Mr. Speaker, that to my personal knowledge the record of the Nnited Mine Workers of America and its president, "Tony" Boyle is crystal clear on this matter of safety in the coal mines.

I am proud to be able to say that I was once a mining man. I was not a coal miner. But I worked in the hard rock mines of my native State of Montana. One of the mining men whom I met in those days was my good and long-time personal friend, "Tony" Boyle.

"Tony" is one of those coal miners about whom that great former leader of America's coal miners, John L. Lewis, said:

"The public does not know that a man who works in a coal mine is not afraid of anything except his God . . .

"He is not afraid of injunctions, or politicians, or threats, or denunciations, or verbal castigations, or slander . . .

"He does not fear death."

I have personal knowledge of the fact that "Tony" Boyle does not fear anything except his God.

"Tony" and I both worked in the hard rock mines of Montana. I went on in my career to become the attorney general of Montana and then to be elected to Congress. "Tony" went on in his career to work in Montana's coal mines and to be elected to every office in his local union, in his UMWA district organization, and in his international union, except that of international secretary-treasurer.

Mr. Speaker, "Tony" Boyle worked at every coal mining job that a man can work at. And every one of those jobs was an underground job.

"Tony" and I had our closest association when we labored together in the State Capital of Montana to bring about an up-to-date State coal mine safety law in 1949.

And I can recall when "Tony" earlier in his career was fighting the good fight in behalf of Montana's coal miners. He did not always win the tough labor-management and legislative battles. But he never gave up.

"Tony" Boyle started battling for safety legislation for coal miners in the 1930's and he has carried that fighting spirit with him to the Nation's Capital where he is still—and now again—engaged in a new battle to win for his members and all coal miners the safe and healthful conditions to which they are entitled.

I recall when the international union sent him back to Montana in 1949 to work for a new coal mine safety law for that State. "Tony" Boyle and his associates literally rewrote the entire coal mine safety law of Montana.

I was able to be of some assistance in my position as attorney general of the State. And I am proud of the small role that I played in bringing into effect in our State a model coal mine safety law. It was then the best coal mine safety law in existence in any of the 25 coal-mining States.

That law was known as a "model" State coal mine safety law. It was copied by other coal mining States. It was enacted before the Congress passed its first effective Federal Coal Mine Safety Act in 1952. That Montana law, enacted because of the dedicated leadership of "Tony" Boyle before the State legislature, could still serve today as an inspiration in the never-ending struggle to get better health and safety laws for coal miners.

So, Mr. Speaker, let me here today hail America's coal miners, among whom there is a bond and a fraternity and a sense of brotherhood that cannot well be understood by the public that does not work underground.

And let me pay my respects to my

friend, "Tony" Boyle, a dedicated representative of the Nation's coal miners who has devoted his entire adult life to fighting for his brother coal miners to win for them safer conditions and better health; to win for them the highest industrial wages paid in the world today, and to help them realize the best and most efficient welfare and retirement program in any industry in the Nation—or any other nation.

THE PRESIDENT'S STATEMENT ON CAMPUS DISORDERS

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

Mr. ROGERS of Florida. Mr. Speaker, the President's statement on campus disorders, and the letter written to college administrators by HEW Secretary Robert Finch, are at least a step in the right direction if not as firm as many of us had expected of the new administration.

The President has correctly stated that order on the campus is the primary responsibility of college administrators, and the local police authorities charged with enforcing State and local laws. The Secretary has appropriately informed administrators of the laws enacted by Congress requiring a cutoff of funds to any student convicted of participating in a disorder while receiving Federal educational aid.

My concern, however, is that the real revolutionaries are simply using the campus as a sanctuary for their terror activities. The pattern is well developed in other nations, and there is mounting evidence that it is spreading across America.

As an example, this morning's mail brought copies of a study outline for a revolutionary program taught by student extremists at Santa Barbara, Calif. The University Center of the University of California, Santa Barbara, was seized by a student mob on February 17. Activists then began new classes of their own in the building, one of which was on the tactics and practice of guerrilla warfare.

This class outline indicates that strategies and drills would be held so students could learn how:

First. To hold a building against police attack.

Second. Conduct hit-and-run missions.

Third. Defend yourself from police harassment.

Fourth. To sabotage military-industrial-police functions.

Fifth. To get community involved through terrorism.

There can be no question of the motive of this training program. The class information sheet, given to those attending the first session on March 7, stated:

> The purpose of this class is not to enlighten people into a revolutionary consciousness or to argue that our present government is capable of responding to the people: it is the purpose of the class to give the people who are already convinced that this government needs to be overthrown a method for overthrowing it!

The class study outline includes sabotage of "military-industry-police functions, and community terrorism." Clearly these activities are beyond the scope of legitimate campus activities aimed only at college reform. They are clearly violent revolutionary programs aimed, as the group itself proclaims, at the overthrow of the Government by force.

I am asking the Attorney General of the United States for action against this particular group at Santa Barbara, which itself proclaims is not just advocating, but actively pursuing the overthrow of the Government—a most serious violation of Federal law.

From the President's statement, I am not sure the administration has recognized the real threat, which goes beyond the borders of the college campuses. This Nation thrives on dissent, and grows strong through orderly change and progress. It cannot afford college sanctuaries which protect professional revolutionaries whose real purpose is to deprive us of our liberties.

THE SEAPOWER GAP

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

Mr. EDWARDS of Alabama. Mr. Speaker, last week there was a great deal of talk in Washington about President Nixon's plans for the Sentinel anti-ballistic-missile system. His program for the ABM seems realistic to me as the best course of action in the interest of our national security.

However, an even more vital need of our national security could, in the long run, be something entirely different. I refer to American seapower, including Navy, merchant marine, fishing capacity, and oceanographic exploration.

Unfortunately this whole matter of security on the sea receives far too little attention. Far too few Americans, in Washington and elsewhere, are aware of the threat to our national security which presents itself in the form of reduced American control on the seas of the world.

Last week, for example, two more American tuna boats were illegally seized by Peru at the very time our Government's special representative was arriving there to discuss problems between the two countries.

And the *Pueblo* case is a constant reminder that we allowed the U.S. Navy to be humiliated by North Korea, a fourth-rate naval power, when they boarded the ship on the high seas and we did nothing about it.

Our merchant marine is still another aspect of this problem. We all know that our country sells a lot of goods abroad and that we buy a lot from other countries. But how many realize that of all these goods flowing through American ports only 5 percent are carried in American ships?

This country not so long ago was the world's leading shipbuilder. Today we are 10th. In 1968 our total American ship production was only 2½ percent of Japan's.

In other words, Japan is building 40 times more ship tonnage than we are, barely 20 years after the war in which our sea strength was at a peak and Japan's was badly defeated.

And Russia is continuing to build seapower in all ways: merchant fleet on a long-range program, naval power extending to all oceans of the world, and expansion of fishing capacity and oceanographic exploration.

There is no question but that while the Russian merchant fleet is carrying a greater and greater share of the world's sea freight the Kremlin considers also that her merchant ships double as part of her navy.

With the help of her merchant navy Russia already has every ocean route under permanent surveillance. In the case of a worldwide emergency many of Russia's merchant and fishing ships could become a real threat to Western shipping.

Congress is not blind to this problem. Many of us have proposed that the Federal Maritime Administration be lifted out of its bureaucratic oblivion and be given independent status.

This move would give it the "clout" it needs as a means of bringing more Government weight to bear on the entire merchant marine program. It was approved by Congress last year, vetoed by former President Johnson, and now proposed again this year.

Also, the House Armed Services Committee has set up a new subcommittee on seapower. This group intends to consider the lag in shipbuilding and to try to come to grips with the whole sorry mess of our failing American seapower.

It is unfortunately true that the American public has generally forgotten about our national sea-going capability which somehow cannot compete for attention with other national needs.

This makes the task doubly hard for those of us in Congress who want to restore American sea-going respectability.

Mr. Speaker, it is almost impossible to exaggerate the importance of this issue. Whether we like it or not, world events are still likely to be determined on the basis of tactics and strategies of power.

And seapower, as surprising as this may be to many Americans, is still as vital as it ever was to the basic economic and military realities which determine power, or the lack of it.

Our considerations of national security must account for this concept of seapower.

UNITED STATES SHOULD WITHDRAW FROM VIETNAM

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

Mr. FINDLEY. Mr. Speaker, for a moment—one which will pass quickly—President Nixon has the best conceivable opportunity to decide in favor of withdrawal of U.S. troops from Vietnam.

If military policies, with or without escalation, inherited from President Johnson are continued much longer, they will become Nixon policies. Turning back

will become increasingly difficult as the Nixon team encounters the necessity of defending military action, and the conflict will soon become Nixon's war in substance as well as appearance with all the grim consequences this entails.

The justification for withdrawal is plain: The United States made a fundamental mistake in committing troops in the first place; the rational corrective action is to withdraw, rather than to continue to compound the original error.

It has been said, and I believe accurately, that in 1961 and again in 1964 the United States had unique opportunities to review options in Vietnam, because on those occasions a new President had just taken office.

In 1961 President Kennedy had occasion to review options and involvement, such as it was, in Vietnam. In 1964 President Johnson likewise had the opportunity to reconsider policies.

Now in 1969 President Nixon has the same opportunity, but it is an opportunity which will quickly pass.

This week U.S. deaths in Vietnam as the result of hostile action will surpass those of the Korean war. Vietnam has cost more lives from hostile action than any other foreign war excepting only the two World Wars. And if the present rate of battle deaths continues in Vietnam, the toll will surpass those killed in World War I before the end of the year.

Neither a satisfactory military nor negotiated end is in prospect.

A decisive military settlement, at a price the American people will support, is not attainable. It is time to look beyond a natural tendency to rationalize and admit that 8 years, 32,000 lives, 175,000 other casualties and over a hundred billion dollars are convincing.

Hanoi will concede nothing of importance at the negotiating table. The troops of Ho Chi Minh have survived nearly 20 years of persistent and determined opposition from modern military air, ground, and sea forces. More of them have died fighting than aggregate American losses in all our foreign wars. Nevertheless, their military position is today stronger than at many times in the past. From this position of strength and with a vivid memory of Fontainebleau and Geneva, where he believed himself sold out by the West, Ho is well situated to hold out indefinitely at Paris.

Peace negotiations in Paris have not reduced battle deaths for the United States. In fact almost a third of our troops killed in hostile action have died since the peace offensive began on March 31, 1968.

President Nixon can turn what appears to be an inevitable military and diplomatic disaster to the best advantage by moving swiftly to correct a colossal inherited error. The boldness, courage, and candor of the action will elevate him and the country he leads to a pinnacle of worldwide respect, honor, and gratitude America has not enjoyed for years.

By quickly putting this corrective action behind him, the President's administration will achieve the maximum opportunity to deal effectively with other pressing matters at home and abroad.

Critics of my proposal may say it degrades or belittles those who have fought bravely for their nation. Nothing could be further from my objective. Rather, in the name of those thousands of young men who have been killed and injured, I urge our new President to correct an inherited mistake before it engulfs still more thousands.

Great nations, like great men, must have the courage to admit error. In committing troops to the war in Vietnam, the United States erred. It was perhaps the most grievous error in our history. The admission of error is long overdue. So is its correction.

We were mistaken, because the assumptions on which we justified military action were faulty. The leading faulty assumptions were:

That we responded to the invitation of a sovereign government seeking help to repel an invasion by forces of another nation.

That we were committed to send troops by treaty obligations and agreement of past administrations.

That our policy of containing communism required our intervention against Ho Chi Minh.

That with a little more effort and national unity the war would soon be over.

These assumptions formed the basis for the war policies of President Johnson. If they are not soon rejected, they will inevitably become the basis for the war policies of President Nixon.

The war was ill-conceived from the start. It violated basic American traditions, principles, and our most cherished cultural heritage.[1] In broad terms we reduced ourselves to the law of the jungle, because we used our power outside the context of law and reason. We thus undertook the grave risk of corrupting the good we originally might wish to have achieved, as well as corrupting much of our Nation itself.[2]

I accept part of the responsibility myself. My service in Congress began almost exactly on the day the Department of Defense began to publish lists of Vietnam casualties. Too often, I was a passive bystander, serving, as was the case with many of my colleagues in the Congress, more in the role of a supply sergeant to military needs than in the primary role of decisionmaker on questions of war and military policy as prescribed by article I of the U.S. Constitution.

Although 2 years ago I began to challenge openly war policies and attempt through the amendment and other legislative processes to give force to my challenge, this work on my part began after Congress had permitted the executive branch to move decisively and substantially into a war footing in Vietnam.

In the recital of the dreary events which led us to our present unfortunate position, I therefore reserve to myself a measure of accountability.

The pressing question today is not so much what went wrong and why in the past—although that is important; rather, what can now be done to face and correct the error.

The most immediately responsive center of authority, of course, is the White House where President Nixon, as Commander in Chief can, if he will, begin withdrawal of our combat forces.

In order to provide what I believe to be a solid historical justification for withdrawal from Vietnam, I feel it is necessary to examine the assumptions that led us into Vietnam in the first place.

FALSE ASSUMPTION

Americans were led to believe, for example, that we entered Vietnam at the invitation of a sovereign government which requested our help in repelling an invasion by the armies of another nation. If this were true, our involvement could be explained, but it was not. Granted, the historical background in Southeast Asia is complicated; it is well worth our study. Unless we understand the errors that led us into Vietnam, we are unlikely ever to find our way out.

What is now called Vietnam was in modern times, up until 1954, part of the French colony of Indochina. The French colonial policies were far from enlightened. Colonial capitalism spread the negative effects of modern labor exploitation over a vast number of people. The guiding principle of French economic policy in Indochina was to put immediate profit ahead of any other concern. The controlling position in the economy's capitalist sector was always held by the French with a minor role by the Chinese. On top of this, the structure of the French administration in Indochina offered no channel through which popular discontent could be translated.[3] The effect of all this, still being felt today, is the absence of a strong, educated middle class and the other institutions necessary for nationbuilding.[4]

Another, more immediate effect of French colonial rule was the readiness of many peasants to listen to any party whose leaders were willing to make the plight of the poor and the landless their chief concern. As early as 1925 Ho Chi Minh understood that only active resistance with the support of the people could rid the country of the French. In that year, while still calling himself Le Thuy, he founded the Revolutionary League of the Youth in Vietnam. This was to become the nucleus of the future Communist Party of Indochina.[5]

All Vietnamese, whether monarchist, mandarinal, authoritarian, reformist, republican constitutionalist, or revolutionist wanted to be rid of an alien master.[6] Again, Ho Chi Minh was able to capitalize on the situation because he and his followers demonstrated that they were able to conduct the fight for independence with the greatest prospect of success, and thus became the accepted leaders of that fight.[7]

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[1] David Schoenbrun, "Vietnam, How We Got In, How To Get Out," 1968, p. 5.

[2] Marcus G. Raskin and Bernard B. Fall, "The Viet-Nam Reader," 1965, p. xv.

[3] Ellen J. Hammer, "The Struggle for Indochina 1940–1955," 1967, p. 79.

[4] Frank N. Trager, "Why Viet Nam?" 1966, p. 9.

[5] Joseph Buttinger, "Vietnam: A Political History," 1968, p. 160.

[6] *Op. cit.*, Trager, p. 60.

[7] *Op. cit.*, Buttinger, p. 178.

The Communists were superior to all other nationalist groups in two ways: They were trained in revolutionary activity, and they possessed a workable political strategy for mass action; that is, anticolonialism and nationalism. They related every issue, no matter how seemingly unimportant, to foreign rule. They spoke of the need for lower taxes, land redistribution, higher wages and better medical care for workers, and the right to organize unions. They succeeded in convincing the peasants and workers that those who wanted independence understood their problems and grievances. For the nationalist middle-class leaders, anticapitalism was an acceptable, if not welcome ideology.[8]

Thus by combining an appeal to the downtrodden, as well as to the nationalists, Ho Chi Minh was able to do what other nationalists had failed to do. By the outbreak of World War II he was the outstanding leader of the independence movement.[9] The thrust for independence was so great that even the majority of the 2 million Vietnamese Catholics made common cause with him. The four Vietnamese bishops appealed to the Pope to support Vietnamese independence under the rule of Ho Chi Minh's Vietminh government.[10]

When the Japanese conquered Indochina during World War II, Ho Chi Minh became the principal rallying agent for the underground factions. Both the United States and Nationalist China openly recognized Ho as the leader of the free Indochina movement during World War II. We supplied Ho's forces with arms and advisers. American officers operating with Ho's Vietminh went so far as to tell them the United States would support Vietnam's aspirations for independence once the war was ended.[11] Toward the end of the war, alarmed by the growing strength of the independence movement, Japan set up a puppet Vietnam Government under the Emperor of Annan, Bao Dai.[12]

On September 2, 1945, following the Japanese collapse, Ho Chi Minh proclaimed the independence of all of Vietnam. He read to a mass meeting in Hanoi:

> We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." And, as the crowd cheered with wild enthusiasm, he ended, "Vietnam has the right to be free and independent." [13]

There is little doubt that during World War II the United States favored the idea of eventual independence for the states of Indochina. Franklin D. Roosevelt repeatedly and openly had indicated his hopes for these states, but his death ended this phase of American policy.[14]

Vietnamese independence was not to come easily. The forces of Ho Chi Minh were to be thwarted for years to come. British occupation forces under Maj. Gen. Douglas Gracey proceeded first to rearm, and then to use defeated Japanese troops to throw representatives of the newly proclaimed independent Vietnam Government out of Saigon.[15] Commenting on this action, General Douglas MacArthur said:

> If there is anything that makes my blood boil, it is to see our Allies in Indochina and Java deploying Japanese troops to reconquer the little people we promised to liberate. It is the most ignoble kind of betrayal.[16]

In September of 1945, the British allowed the French coup d'etat, returning Vietnam to its colonial position under Paris rule.

Despite this "ignoble betrayal" Ho Chi Minh agreed in 1946 to negotiate, thereby setting himself up unknowingly to an arrangement under which his expectations for independence were subverted a second time by the West. As a result of the agreement eventually signed in March 1946, at Hanoi, France recognized the Republic of Vietnam as a "free state" within the French Union under Ho Chi Minh, with its capital at Hanoi. It should be emphasized at this point that this agreement included all of Vietnam, not just the north. At that time no political division had been made.

In return, Ho agreed to the stationing of French troops in Vietnam with the understanding that they would be withdrawn by 1951. The French agreed to permit a referendum as to whether all of Vietnam would become a unified independent state within the French Union. France abided by neither promise. Troops were not withdrawn, nor were elections held; Ho Chi Minh had been taken again by the West.[17]

And a bloody war began.

During the years immediately following World War II, the United States was content to let England and the Netherlands take the lead in establishing better relationships with their former colonies.[18]

Since France was absolutely vital to the success of NATO and was a permanent member of the United Nations, we found it inappropriate to nudge her on the matter of colonialism as we did with the Dutch in Java.[19] With great inconsistency and with complete lack of regard for the reality of the situation within Vietnam, the United States, under President Truman, supported the French effort to remain in its colonial territory.[20]

We did this because the French ostensibly redefined their war aims and secured their acceptance in Washington. These aims had now become a crusade against communism and the establishment of Vietnam as the barrier in Southeast Asia. From then on, France, whose leadership then was not as enlightened as it is now in the question of the third world, pursued colonialism of the worst sort, but presented itself as the sentinel of the free world.[21]

Perhaps an excuse can be made that the events in mainland China and Korea and domestic concern with communism warped our own judgment. In any case, we came to accept this new heroic French stance and have, to the tragedy of our Nation, never been able to shake it.

For the first time in our history except for brief ventures in the late 19th century, America, once a colony herself, alined herself with colonialism. Americans—engaged in a cold war with Russia—could not admit that Vietnam communism could possibly be more popular than a colonial policy we supported. We could not and still cannot admit that it is possible for communism to be a popular force anywhere.[22] The French realized this and took advantage of our blindness. Actually fighting alongside the French would have jeopardized our image in the world, so we confined our aid to equipment and supplies. We financed a good portion of the French military budget. Our total contribution to this colonial venture was at least $1¼ billion.[23]

Ironically, the colonialist French became inclined to abandon Indochina, whereas America, historically the anticolonialist power, did everything possible to keep them there.[24]

By 1954 the French sacrifice of its manhood and its treasury became unbearable. Their military situation was a catastrophe and the Laniel government fell. The humiliation at Dienbienphu was merely the coup de grace. When the French negotiator came to the Geneva conference table on the day he received news of the fall of Dienbienphu, all he was able to do was sit with tears in his eyes and deliver a eulogy to the thousands of young Frenchmen who had perished there. In all, the French suffered nearly 200,000 casualties and were defeated. Victory had not come easily to Ho Chi Minh. The Vietminh suffered well over one-half million casualties on the battlefield with another 350,000 civilians the victims of the fighting.

Again it appeared that his sacrifices had at least gained control of Vietnam. Again Ho went to the bargaining table where for a third time he believed himself sold out by the West—and ironically also by the Soviet Union, which had promised France to effect a compromise in return for French defeat of the proposed European Defense Community.

It should be noted that only two parties signed the Geneva accords, France, the colonial power, and the Vietminh. The leaders of the French-sponsored government in Saigon refused to sign. The accords provided for the withdrawal of foreign troops and for the temporary

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[8] *Op. cit.*, Buttinger, p. 178.
[9] *Op. cit.*, Schoenbrun, p. 14.
[10] *Op. cit.*, Hammer, p. 140.
[11] Robert Scigliano, "South Vietnam: Nation Under Stress," 1963, p. 191.
[12] Senate Republican Policy Committee, "The War in Vietnam," 1967, p. 6.
[13] *Op. cit.*, Trager, p. 69.
[14] *Ibid.*
[15] *Op. cit.*, Senate Republican Policy Committee, p. 6.
[16] *Ibid.*, p. 7.
[17] *Ibid.*, p. 10.
[18] *Op. cit.*, Trager, p. 12.
[19] *Op. cit.*, Senate Republican Policy Committee, p. 8.
[20] *Op. cit.*, Trager, p. 12.
[21] Jean Lacouture, "Vietnam: Between Two Truces," 1966, p. 9.
[22] *Op. cit.*, Schoenbrun, p. 31.
[23] Victor Bator, "Vietnam, A Diplomatic Tragedy," 1965, p. 182.
[24] *Ibid.*, p. 213.

partitioning of Vietnam along the 17th parallel until general elections could be held in July 1956. These were to be held under the supervision of the International Control Commission. According to the cessation of hostilities agreement, the Commission would bring about the unification of Vietnam. During the 300 days assigned to military regroupment and exchanges, civilians were able to exercise the right to move north and south as they chose.

The one passage taken from the final declaration of the Geneva accords is by far the most pertinent to this discussion. It reads:

> The military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary.

On these words the argument of those who claim that the Vietnam war involves the invasion of one nation by another crumbles. Separate entities of North and South Vietnam simply have no historical or diplomatic basis. The areas were intended as two temporary zones to aid in cease-fire efforts and nothing more. That the past U.S. administration completely ignored this fact in all pronouncements on Vietnam is inexcusable.

Ho Chi Minh and his lieutenants agreed to the temporary partitioning because above all they wanted to obtain peace, a final renunciation on the part of France of all colonial ambitions, and the departure of the French Army, and possibly even some form of economic cooperation with Paris and the West.[25]

In accepting the temporary partitioning, the Vietminh were agreeing to accept control of only about half of the territory of which revolutionary forces already controlled three-quarters. The West had set itself objectives of this kind at Geneva but had not dared hope to attain them.[26] Ho Chi Minh made these concessions in return for the general elections which he expected would be held and won by the Vietminh.[27] As it turned out the elections were never held because the Diem regime, the ruling faction in the southern zone, refused to hold them, knowing it would lose. Diem announced that he would consent to the election prescribed in the Geneva Accords only upon the unrealizable condition that the Communists abandon the government in the north.[28] The justification given at the time and repeated later by the Johnson administration was that with the Communists involved, free elections would be impossible. The fact is there was little if any reason for Ho Chi Minh to have felt it necessary to coerce the population or rig the election because, as the father of Vietnam liberation, he was easily the most popular figure throughout Vietnam.[29]

President Eisenhower noted in his book "Mandate for Change, the White House Years."

> Possibly 80 per cent of the population would have voted for Communist Ho Chi Minh as their leader.[30]

If a Vietminh majority was anticipated by everyone, even President Eisenhower, it should be manifest that Ho Chi Minh had a very serious interest in holding the 1956 elections and that he would do everything he could to bring it about. To say that the Vietminh had interest in permitting free elections is not to say that Communist governments in general would permit them or even that the Vietminh in the future would allow them—only that they probably would have allowed them in 1956 because they were confident of victory.[31]

Again, Ho Chi Minh appeared to have been denied what he had been promised. He eventually returned to the battlefield, but not until 1960 when he began large-scale assistance to a national liberation movement, already long established in the south.

To pave the way for eventual reunification of Vietnam and to supervise the military truce, the Geneva accords established the International Control Commission composed of representatives from Canada, India, and Poland. Over the next 14 years, the ICC was able to be one of the few objective reporters of what was happening in Vietnam. At first, its work proceeded normally and the objectives of the Geneva accords were fulfilled. Then, the Commission began to have trouble. It may surprise many Americans to know that it was South, not North Vietnam which was the principal source of trouble.

On July 20, 1955, a demonstration against the Geneva agreement and against the Commission occurred in Saigon. Papers, clothing, cars, and equipment of Commission members were seized by the demonstrators and destroyed. The Diem government did little to prevent this action. In April 1957, the ICC charged the South Vietnam Government with violations of the provisions on democratic freedoms and the introduction of fresh military personnel and equipment. South Vietnam remained silent and refused to permit of the deployment of the Commission's mobile teams. B. S. N. Murti, Indian Chairman of the Commission, wrote in "Vietnam Divided" that as a result the Commission felt South Vietnam had a "systematic plan to violate the provisions of article 14 of the Geneva Agreement."

This is not to say that North Vietnam was without fault. On several occasions the Commission made pointed reference to failure of cooperation from Hanoi. But, during this period, Hanoi's intransigence paled before that of Saigon.

FIGHTING FORCES FROM SOUTH

The fighting that soon began in the south was begun by troops from the southern zone, not northern. A number of southern revolutionaries had stayed in the southern zone after the Geneva partitioning. They buried their weapons and laid low for 2 years, expecting to win the elections 2 years hence and reunite Vietnam.[32] The southern underground workers expected to play a decisive role in the elections that never came off. Ho Chi Minh's followers in the south had largely refrained from any effort to retain a military hold on southern areas they had controlled for as long as 10 years.[33] But when Diem canceled the elections their only future was in subversion.

Thus the group whose existence the Johnson administration refused to recognize, the National Liberation Front, came to life. This group was branded by the Diem regime as the Vietcong, a name which stuck. Of this group it is estimated that 80 to 90 percent were southerners.[34] Even the most favorable American official statistics conceded that at the end of 1965 North Vietnamese components of the Vietcong amounted to 10 percent of the total enemy force, and as of 1966 the Vietcong were still recruiting at least 3,500 men a month inside South Vietnam.[35] Thus the Johnson administration's argument that the war in Vietnam was initiated by northerners going over the border into the south, even if one assumes a legitimate border existed, is absurd.

It should be noted that in this same year, 1965, President Johnson committed nearly 150,000 troops to the battle. The Johnson administration was inclined to explain away the high rate of Vietcong recruitment in the south by attributing it to terror tactics and intimidation. Yet it is interesting that if one follows through on the Pentagon's figures for the year 1966, for example, they show that 64,000 NLF troops somehow forced 173,000 more to join them. This is especially interesting in view of the fact that on the side of the Government of South Vietnam, 600,000 troops were unable to prevent the desertion of 93,000 men during the same period.[36] Some newspapers, including the Washington Post, put the figure at 116,000 deserters.

The Johnson administration also made the claim that much of the material support for the National Liberation Front came during the early 1960's from the north. Again, the Pentagon's own figures show the weakness of this argument. As far as weapons go, it would seem more were supplied to the Vietcong by the United States itself. During 1962–64 we lost a total of 27,400 weapons to the Vietcong. What is even more revealing are the weapons captured by our side. During one 18-month period 7,500 weapons were captured. Of these, 179, or 2.5 percent were Communist made.[37] Even this 2.5 percent is not conclusive proof of outside intervention. Communist weapons can be bought throughout the world, even in the Pentagon's backyard, Alexandria, Va.[38]

There can be no denying that troops from the north did eventually enter the

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[25] *Op. cit.*, Lacouture, p. 35.
[26] *Ibid.*, p. 10.
[27] Franklin B. Weinstein, "Vietnam's Unheld Elections," 1966, p. 17.
[28] *Op. cit.*, Bator, p. 138.
[29] *Op. cit.*, Weinstein, p. 47.
[30] *Op. cit.*, Senate Republican Policy Committee, p. 13.
[31] *Op. cit.*, Weinstein, p. 47.
[32] *Op. cit.*, Weinstein, p. 25.
[33] *Ibid.*, p. 45.
[34] *Op. cit.*, Lacouture, p. 196.
[35] Bernard B. Fall, "Viet-nam Witness 1953–66," 1966, p. 343.
[36] *Op. cit.*, Fall, p. 312.
[37] *Op. cit.*, Raskin, p. 157.
[38] *Ibid.*, p. 158.

fray on a large scale, but only after the United States had committed over 100,000 men and billions of dollars trying to prop up the Saigon government. For 7 years following the Geneva accords, Ho Chi Minh and his men were still kept in the small areas north of the 17th parallel, which did not produce enough rice for a population whose annual growth exceeded 3 percent, and therefore was dependent on the Communist powers, particularly China. For all these years they remained parked in a political subdivision which was politically and historically unjustified as well as economically disastrous for those in the north.[39]

During all this time the United States willingly adopted the French stance as guardian of the free world in Southeast Asia. Though our motives, based on a fear of communism, were certainly far better than the colonial French, the effects of our actions were by no means more desirable.

Because the United States was primarily concerned with security, it was willing to give in to the South Vietnamese Government on most other issues. Because it has viewed security largely in military terms, it has in the past misunderstood both the political nature of the Communist guerrilla war and the importance of political reform as a means of countering the Communist challenge.[40] No matter what the shortcomings of Diem's regime, as long as it seemed effective in combating communism, he remained a hero in the eyes of most Americans.[41] Under Diem, instead of confronting the totalitarian North with evidence of freedom, the South had slipped into an inefficient dictatorship.[42] Diem did not see that Vietnam's national revolution could be completed and the last vestiges of colonialism wiped out only through economic and social reforms.[43] He pursued his one goal, the eradication of communism, with tactics copied from or identical to the Communists.[44] For our part, we were obsessed with the containment of communism in any form and we overlooked the shortcomings of the 11 different governments we have supported in Vietnam during the past 15 years. Secretary McNamara once called Diem "one of the greatest leaders of our time," and Lyndon Johnson in 1961 likened Diem to Winston Churchill.[45] This is the same Diem whose government:

First. Tapped the telephones of U.S. officials.

Second. Allowed no freedom to the domestic press.

Third. Censored dispatches of American correspondents.

Fourth. Raided pagodas and killed or jailed all the monks and nuns in sight on numerous occasions.

Fifth. Outlawed dancing, beauty contests, cock fighting, and a number of other such institutions dear to the hearts of many Vietnamese.

Sixth. In 1963, banned sentimental songs in order to promote the war effort.

His government was characterized by abuse of power, nepotism, corruption, contempt for inferiors and disregard for the needs of the people.[46]

Inevitably the Diem regime fell to be replaced in succession by 10 other governments. To this day, neutralist parties are outlawed and newsprint is a government monopoly. Anticommunism alone is not enough. America's position must be expressed in what we support, not simply what we reject.

There is some question of whether in backing the succession of governments in Saigon against the National Liberation Front we were even on the side that was most popular with the people of South Vietnam.

Take for example the problem of land distribution. From the very beginning of the independence movement in Vietnam this was a major issue that drew the peasants to the side of the Vietminh. At the time the French left Vietnam in 1954, wealthy landlords and Chinese moneylenders who constituted 3 percent of the population owned about 50 percent of the Mekong Delta rice lands.[47] It would seem logical that any regime in the South, with any hope of popular support, would have had to make some efforts to redistribute the land. The succession of governments we have supported have failed to do so. Saigon's land reform program, so vital to the aspirations of peasants, has never been put in motion.

In secure areas, tenant farmers, which means 70 percent of all farmers in the delta, still are forced to pay up to 50 percent and more of their rice crops to absentee landlords who have absolutely no obligation in return. A law on the books since 1955 set the limit at 25 percent.[48] This is a sharp contrast to the period before 1954 when large areas in the south were controlled by the Vietminh, who put into effect a drastic land reform that really took the land away from the landlords and gave it to the peasants who tilled it. When Diem replaced the Vietminh in 1954, about 85 percent of the land that had been given to the landless peasants was forcibly taken back and given again to the landlords.[49] American aid has only functioned to accentuate the distinction between the well-off and the masses. The huge pouring into Vietnam of consumer goods which are for the most part available to the more prosperous in the urban areas has had the unfortunate effect of further alienating the peasants and making them easier targets for Communist ideology.[50]

Considering the popular reaction to our presence in Vietnam and our shoring up of a series of governments there, it must be remembered that it is fairly clear that most of the Vietnamese, North and South, want to avoid being dominated by any outside force, Communist or non-Communist. Most of them see Communist China, as well as the United States, as a threat to their independence. However, in Vietnam perhaps more than in any other developing country, Communists have succeeded in fusing communism and nationalism. The long and finally victorious struggle against the French was conducted essentially under Communist leadership by peasants who regarded their leaders more as patriots than as Communists.[51] This concept is one we must at long last reckon with when we oppose Communist efforts in Vietnam. The Communists have also succeeded in establishing themselves as proponents of reunification, with the southern government as the obstacle to reunification. It has been North Vietnam which has put forward all proposals for reunifying Vietnam and short of reunification, for establishing normal trade and other relations between the two zones.[52] By associating ourselves with the Saigon government, in the eyes of the peasants we run the grave risk of assuming the imperialist role formerly played by the French.

Certainly the Vietnam populace is far from enthusiastic about our cause. This is evidenced by the remarkable military success of the Vietcong against enormous obstacles. It seems unlikely that such success could have been achieved without fairly widespread popular support. It is certainly true that the guerrilla tactics of the Vietcong are a compensating factor in their battles with greater numbers of far better equipped troops. But, what is sometimes forgotten is that tactical advantage exists to this high degree only when guerrillas have the active support of the people in helping them to conceal themselves, in feeding them and supplying them with the intelligence they need in order to have the full advantage of surplus.[53] The contention of the Johnson administration that this is all achieved through intimidation seems greatly exaggerated. It only takes one government-oriented peasant to inform on the movements of the Vietcong, one peasant who escapes the "intimidation" and is able to supply intelligence to the government. That one individual has been notably lacking in much of South Vietnam.[54]

In line with the theme of Vietcong intimidation, much is made of the Vietcong brutality in their dealings with villagers. That members of the NLF forces have committed numerous atrocities cannot be denied. On the other hand, the sheer amount of violence inflicted on the peasants by the government and its American allies has been much greater than the amount inflicted on them by the Vietcong.[55]

There are two reasons for this. Even though there has been a real effort to minimize civilian casualties, the present process of using American firepower and mobility to break the back of guerrilla

[39] *Op. cit.*, Lacouture, p. 34.
[40] *Op. cit.*, Scigliano, p. 214.
[41] *Op Cit.*, Buttinger, p. 437.
[42] *Op Cit.*, Hammer, p. 351.
[43] *Op cit.*, Buttinger, p. 436.
[44] *Ibid*, p. 439.
[45] *Ibid.*, p. 464.
[46] *Ibid.*, p. 447.
[47] *Op. cit.*, Trager, p. 39.
[48] *Op cit.*, Senate Republican Policy Committee, p. 79.
[49] Ralph K. White, "Misperception and the Vietnam War," in "The Journal of Social Issues," July, 1966, p. 27.
[50] *Op. cit.*, Scigliano, p. 126.
[51] *Op. cit.*, White, p. 22.
[52] *Op. cit.*, Scigliano, p. 158.
[53] *Op. Cit.*, White, p. 30.
[54] *Ibid.*
[55] *Ibid.*, p. 26.

forces has caused a large amount of killing and maiming of villagers where the Vietcong are believed to be hiding.

The less familiar reason for the preponderance of violence being inflicted by our side is that in the conduct of counter-guerrilla operations, it is necessary to obtain intelligence as to the identity of the guerrilla fighters and where they are hiding. This has been interpreted by the South Vietnamese soldiers—though, thankfully, not by the American troops—as justifying a large-scale use of torture to obtain information not only from captured Vietcong prisoners themselves, but also from wives and relatives of men suspected of being in the Vietcong. One observer, Malcome Browne, is quite specific. He writes:

> There is a small American field generator used extensively in Vietnam for power pack radios. The 'ding-a-ling' method of interrogation involves a connection of electrodes from the generator to the temple of the subject or other parts of the body. The results are terrifying and painful, but subjects are not permanently damaged. Some of the forms of torture are more sinister in that they maim or disfigure. Many a news correspondent or U.S. Army military advisor has seen the hands whacked off prisoners with machetes." [56]

In summary, to claim we are in Vietnam to protect the South Vietnamese at their invitation is at best a gross oversimplification. It would appear even that a large portion of the population would have sufficient reason not to appreciate our efforts. Nevertheless, the Johnson invasion assumption lived on.

DIPLOMATIC DARWINISM

Many of the irregularities in the invasion assumption have been explained away or at least excused by another of the Johnson themes: that we were committed to sending troops to Vietnam by treaty obligations and past administrations' commitments. This has been called Diplomatic Darwinism. By this, President Johnson asserted that whatever he did was but a steady evolution from commitments made by earlier Presidents, particularly President Eisenhower.[57]

This gambit is erroneous for two reasons: first, it denies that a President has the ability to direct foreign policy; second, because the steps taken by the Johnson administration were simply not a logical continuation of the Eisenhower years.

President Johnson was in the habit of brandishing a letter written by Eisenhower to Diem in October 1954, as evidence of a sacred Eisenhower commitment. In fact, this well-thumbed document was not a commitment at all. In the letter, Eisenhower told Diem that he had instructed the American Ambassador to "examine with you in your capacity as Chief of Government how an intelligent program of American aid given directly to your government can serve to assist Vietnam in its present hour of trial, provided that your government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid is supplied."

Note the Eisenhower qualifications: he refers only to the "present hour of trial," not to any long-term program. He aims only to "serve to assist," a role remote from any direct responsibility; finally Eisenhower adds two severe qualifications that remove any thought of a commitment, in the words, "provided that" and in the conclusive qualification, "in the event such aid is supplied." In other words, it is clear that President Eisenhower was considering only a limited emergency service and only on condition that Diem responded with specific assurances.[58]

The Republican policy on Vietnam was quite specific during all of the Eisenhower administration. He did not once violate the basic position that if there was a solution in South Vietnam, it was to be political and not military insofar as the United States was concerned. The Republican policy can be summarized in five points:

First. No American armies in Asia; no land war in Asia.

Second. No commitment to aid colonialism or to suppress nationalism in Asia.

Third. In any event, no unilateral military intervention, a resort to force only under some international sanction, in particular, the U.N.

Fourth. Any multilateral commitment to force should be in a specific area, for a limited purpose in order to keep the conflict localized.

Fifth. Specifically in South Vietnam, the supplying of aid was to be money, supplies, arms—but not U.S. armies.

These fundamental precepts were not altered until 1961 when the Democratic administration took over.[59]

Secretary of State Dulles said at one point:

> If the United States sent its flag and its own military establishment, land, sea, or air, into the Indochina war, then the prestige of the United States would be engaged. We cannot afford thus to engage the prestige of the United States and suffer defeat, which would have worldwide repercussions.[60]

Unfortunately, in later years we did not follow this advice and our prestige has sustained a tragic blow.

President Eisenhower is reported to have remarked at one point on Indochina:

> The Free World must understand that our most effective role did not lie in furnishing ground troops.[61]

He has been proven correct. Eisenhower wrote later in his memoirs:

> I would never agree to send our ground troops without Congressional action.[62]

General Mathew B. Ridgway, the Army Chief of Staff during the Eisenhower administration, wrote in his memoirs:

> To that list of tragic accidents that fortunately never happened I would add the Indochina intervention.[63]

General Ridgway wrote too soon.

In 1961 President Kennedy had the same options President Eisenhower had in 1953. He could continue economic or military aid with the same emphasis on a political settlement; he could increase aid; cut in; or, phase it out.[64] Despite the fact that Kennedy said in 1956:

> A war in Indochina could well be more exhausting, less conclusive than any war we have ever known.[65]

He more than tripled the number of American troops in Vietnam during the first year of his administration. During the second year, American troop commitments in Vietnam reached a level 12 times the greatest number ever under the Eisenhower administration. Thus, under President Kennedy, Eisenhower's commitments and counsel were not the guide. Rather, he chose to escalate his predecessor's economic aid to military aid.[66]

Despite this, President Johnson was still not without options when he assumed office. When he became President he could deal with an altogether new government in Saigon. He was not obliged to deal with the Diem family. It had just been overthrown.

He chose to take the final, tragic third step in Vietnam. He chose to make it an American war. By the end of his years in office more than 500 times as many troops were in Vietnam as during the Eisenhower years.

The question is what step President Nixon will take. How will he commit himself and his country? Let us hope it is in the spirit of Eisenhower.

Another aspect of President Johnson's Diplomatic Darwinism is the claim that our intervention in Vietnam was necessitated by our obligations under the SEATO pact. This claim is as faulty as the rest. It is interesting to note that until late 1966 no one in a high position made any mention of SEATO as a commitment justifying intervention in Vietnam. By then so many years had gone by that practically everyone except a few Senators had forgotten what had happened and hardly anyone now reads or refers back to the treaty itself or the testimony in the Senate.[67]

The true fact is that the United States has had no obligation to South Vietnam or anyone else under the SEATO Treaty to use its own Armed Forces in the defense of South Vietnam.[68] This position is supported by these facts:

First. The specific events calling for direct action have not occurred. The two operative defense provisions of the SEATO Treaty appear in article IV. They are set in motion by two different kinds of events and call for two entirely different kinds of action by the parties. Paragraph I comes into play when there is "aggression by armed attack." The obligation on each party is to "meet the common danger in accordance with constitutional processes." Paragraph II applies

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[56] *Ibid.*, p. 27.
[57] *Op. cit.*, Schoenbrun, p. 8.
[58] *Ibid.*
[59] *Op. cit.*, Senate Republican Policy Committee, p. 29.
[60] *Op. cit.*, Bator, p. 221.
[61] *Ibid.*, p. 216.
[62] *Ibid.*, p. 220.
[63] *Op. cit.*, Senate Republican Policy Committee, p. 18.
[64] *Ibid.*, p. 30.
[65] *Op. cit.*, Trager, p. 112.
[66] *Op. cit.*, Schoenbrun, p. 5.
[67] *Op. cit.*, Schoenbrun, p. 45.
[68] *Op. cit.*, Raskin, p. 101.

when "the territory or the sovereignty or political independence of any—covered area—is threatened by any fact or situation which might endanger the peace of the area." In this event, the only obligation is that "the parties shall consult in order to agree on the measures which should be taken for the common defense." The Vietnam situation should be considered of course under the latter paragraph, but neither section would justify the action taken by Presidents Kennedy and Johnson.

Second. No measures have been agreed upon by the SEATO powers. Under paragraph II, a series of meetings of the pact members has occurred, but course of action has yet to be decided upon.

Third. Any Southeast Asia Treaty Organization obligation to defend South Vietnam is inoperative as long as the other signers fail to recognize such an obligation. The heart of international law is reciprocity. It must be remembered that our obligation under the treaty does not run to South Vietnam. South Vietnam is not a party, and indeed on its part agreed to nothing. The commitment of the treaty runs to the other signers. As long as the other signers acknowledge no obligation to us to send troops in the present circumstances, we have no such obligation to them.[69]

For further demonstration of the fallacy of the commitment assumption, one has only to examine Senate Committee hearings on the SEATO ratification. At one point, for example, Senator Green asked the Secretary of State whether the treaty obliged us to put down a revolutionary movement. Dulles, the virtual author of the pact, answered:

> No, if there is a revolutionary movement in Vietnam or in Thailand, we would consult together as to what to do about it. . . . That is an obligation for consultation. It is not an obligation for action.[70]

REQUIRED BY CONTAINMENT POLICY?

Was Ho Chi Minh simply the tool of international communism, and the war in Vietnam required by our policy of containing the spread of communism? There can be no denying that Ho has long been a committed Communist. He joined the French Communist Party in 1920.[71] Likewise, there can be no doubt that his organization, the Vietminh, from the very day of its formation, was an instrument of the Vietnamese Communist Party, but it was not identical with the party. It expressed the political aspiration, namely nationalism, of the Vietnamese as no one else did.[72] Furthermore, it cannot be denied that Ho has alined himself with the Communist bloc and accepted their aid. But again, it is another thing to show that he is doing this for the sake of international communism and not for the sake of the independence of Vietnam.[73] In other words, Ho Chi Minh is both a Communist and a nationalist. Tito of Yugoslavia and Ceausescu of Rumania have shown that this combination need not be incompatible.

Ho Chi Minh was studying Communist philsophy and was a party member when the Soviet Union was in its infant stage, when Communist China was 25 years from being a reality and the concept of Communist expansionism was yet to be considered in the East or West. In furthering his efforts to bring independence and a Communist system to Vietnam, to whom was Ho to look? To the West, which he believed had sold him out after World War II? Even the aid from the Communist bloc was limited. Chinese aid was made up of relatively limited supplies of arms and material. It was economic, including such items as machinery and tools, as well as military. With the substantial exception of coal, most of the mineral resources of North Vietnam during the war against the French were in the hands of the Vietminh, which nationalized them. Various materials were sent to China in at least partial payment for Chinese aid. Perhaps the most significant aspect of this aid was not the increase in strength that it brought to the Vietminh, but rather what it failed to bring. Most conspicuously lacking was Chinese help in building and supplying a Vietnamese air force, without which each Vietminh offensive was bound to end in a bath of blood.[74] At this point the Soviet Union was of even less assistance. Russia did not even recognize Ho's regime until 1950. Since there was no Red China during 1946–49, Ho's fight against the French imperial armies was a lonely one indeed.[75] It was during those years of nationalism and loneliness that Ho consolidated this grip on the patriotic elements of his country. Even today, at the height of a war against the most powerful nation in the world, Ho has not called upon the Chinese or Russians for troops. He receives rice and light arms from China, and some coolie work forces in the north, plus heavy arms, planes, and antiaircraft guns from Russia. But such material help is more than counterbalanced with what the Vietnamese in the north and the NLF in the south are doing by and for themselves.

The State Department and the Pentagon acknowledge that Ho is still independent today, which could never be said of the regime in Saigon, dependent today upon the United States as it was dependent upon France yesterday. Saigon is heavily dependent on U.S. troops, whereas there are no non-Vietnamese troops fighting for the NLF.[76] Ho Chi Minh has had one goal, the unification and communization of Vietnam without Chinese and Russian aid if possible, and with it if necessary.[77]

It is ironic that the United States in its fumbling efforts to check the spread of Chinese and Soviet influence has forced Ho to accept just such influence. The need for military equipment drove Ho toward a satellite relationship with China in the first place; more American escalation forced him further in that direction and to heavy dependence on Soviet arms.[78] If there is anything we should learn from Vietnam it is that the surest way to invite a strong and effective Communist involvement in situations of this nature is to involve ourselves heavily, particularly in a military way.[79] The struggle has grown to the point where it has been described as a fatal test of will between communism and freedom. That this has happened is most unfortunate. One of the few things uniting the 35 million Vietnamese is a strong common tradition of fighting outsiders.[80] The Chinese for thousands of years have been feared, envied and mistrusted by the Vietnamese.[81] The profound attachment of the Vietnamese to their independence from China cannot be better expressed than in the classic proclamation issued as early as the beginning of the 15th century by the Emperor Le Loi:

> Our people long ago established Vietnam with its own civilization. We have our own mountains and rivers, our own customs and traditions, and these are different from those of the foreign country to the north (China) . . . We have sometimes been weak, and sometimes powerful, but at no time have we suffered from a lack of heroes.[82]

The leaders in liberating Vietnam from the Chinese are to this day the heroes of Vietnamese history. It should be remembered that the heroes of tomorrow's efforts at preventing Chinese domination would not be alone. The Soviet Union is just as concerned with preventing the expansion of Chinese military power as we are.[83] She has declared herself the protector of the smaller "Socialist" states.[84] If we were to reconcile ourselves to the establishment of a Titoist government in all of Vietnam, the Soviet Union might successfully compete with China in claiming credit for it and surreptitiously cooperate in maintaining it.[85]

FUNDAMENTAL QUESTIONS

We must decide what is our true and proper objective in Vietnam. We must also determine whether we have a right, the responsibility, or even the ability to establish in Asia a form of government that is to our liking. Can the United States be an arbiter of basically internal disputes? There was a tendency in the Kennedy administration to believe that everything could be fixed in Vietnam if the right American was sent there to fix it.[86] To attempt to superimpose Western democratic institutions quickly on the ancient Vietnamese culture is pointless at best. There exists no truly democratic nation in all of Southeast Asia.[87] To a large extent our efforts to bring Western

[69] *Ibid.*, p. 105.
[70] *Op. cit.*, Schoenbrun, p. 44.
[71] *Op. cit.*, Hammer, p. 77.
[72] *Op. cit.*, Buttinger, p. 232.
[73] W. Macmahon Ball, "Nationalism and Communism in East Asia," 1952, p. 81.
[74] *Op. cit.*, Hammer, p. 253.
[75] *Op. cit.*, Schoenbrun, p. 17.
[76] *Op. cit.*, Schoenbrun, p. 18.
[77] *Op. cit.*, Hammer, p. 339.
[78] *Op. cit.*, Bator, p. 12.
[79] *Op. cit.*, Raskin, p. 16.
[80] *Op. cit.*, Senate Republican Policy Committee, p. 8.
[81] *Op. cit.*, Trager, p. 10.
[82] *Op. cit.*, Hammer, p. 324.
[83] *Op. cit.*, Raskin, p. 40.
[84] Frank Armbruster, *et al.*, "Can We Win in Vietnam?" 1968, p. 133.
[85] *Op. cit.*, Raskin, p. 40.
[86] *Op. cit.*, Senate Republican Policy Committee, p. 30.
[87] *Ibid.*, p. 28.

democracy to Vietnam are similar to the earlier French attempts to introduce their own form of administration, their own brand of civilization, their own laws and customs—all superior by definition and decree to the indigenous variety.[88] We have been operating under the assumption in Vietnam that our benediction could somehow transform synthetic governments into real ones.[89] Some Americans seem to feel that the happiness and progress of other peoples depends on the degree to which their manners, morals, and political systems conform to the American mold.[90] The result has been that American presence in this alien environment has often been devastating, disintegrating, and explosive. Vietnamese family institutions, once a cornerstone of society, are threatened. Ten-year-old boys who shine shoes and wash cars for Americans are able to make three times what their fathers do at traditional work.[91]

All this has been justified in the name of containing communism. One wonders, though, whether our actions in Vietnam are really consistent with the intentions of the containment doctrine as advanced by Presidents Truman and Eisenhower.

The cause of preventing Soviet and Chinese aggression against neighboring countries is a noble one. That of attempting to eliminate completely Communist influence or preventing countries from adopting, through internal processes, violent or nonviolent, a Communist form of government is something else. The United States can no more contain Chinese influence in Asia by arming South Vietnam and Thailand than China can contain American influence in the Western Hemisphere by arming Nicaragua and Costa Rica.[92] Furthermore, an obsession with monolithic communism should not blind us to the possibility of communism in Asia adapting itself to nationalism. The establishment of a Communist government in Asia should not be immediately construed as all Southeast Asia falling to the Communists. The "fall" of one piece, one bastion, or one country does not mean the destruction of all other countries in the area. To see this, we need remember only the spectacular recovery of Western Europe and Japan, the new vigor of the Philippines, or the recent self-assertion of the European satellites, not to mention the conflicts between Russia and China, and China and India.[93] This is not to say that the Communist powers are above aggression. Russia demonstrated its capabilities in this regard in Czechoslovakia last fall. No doubt we must commit ourselves to contain naked acts of expansionism and aggression. But, containment need not require placing ourselves militarily in opposition to all wars of "national liberation," Communist or otherwise. As in 1848, this is the age of revolution. It is the task of statesmanship to refrain from opposing what cannot be opposed with a chance of success.[94] To do so is to permanently aline ourselves with the status quo.

Rather, we must analyze each situation separately and dispassionately in order to decide on a correct and feasible course of action consistent with our national interest. Our tendency of late has been to view every international situation in the same way, with disregard for distinctive differences. The past administration failed to make any note of the vast "gray areas" of international diplomacy. For example, one got the distinct impression that cooperating with the North Vietnamese was "appeasement" and we were reminded of the lesson learned from Chamberlain at Munich. Is Ho Chi Minh really comparable to Adoph Hitler? [95]

In like manner there was an implication that our involvement in Vietnam was just an extension of what we did in Korea. The two situations are simply not comparable. Such a comparison ignores that in Korea:

First. A distinct conventional invasion occurred, with troops crossing frontiers.

Second. We were fighting under a U.N. flag.

Third. Chinese troops subsequently engaged in the fighting.

Fourth. We had a stated and specific goal; that is, restoring the territorial in that in Korea:

Fifth. The North Korean invaders were not, by the wildest stretch of imagination, seen in the South as the standard bearers of Korean nationalism.

Our involvements in Greece and Turkey under President Truman are also claimed to be precedents for our involvement in Vietnam. This ignores the fact that Greece was an independent nation with clearly established and defined borders, and an internationally recognized government. It was being attacked by Greek Communists who were based and financed from abroad. There was no popular internal revolution in progress, no fight by the Greek people for freedom from foreign domination. The Greek Government requested help. Britain responded. Then the United States responded with money, arms, and advisers, but no American troops.

Turkey too was also a long-established nation with a recognized government whose border was threatened by the Soviet Union. The government requested help and we responded with money, arms, and training advisers.[96] If Greece and Turkey set a precedent for anything, it is for a policy we failed in Vietnam to follow, that is, contributing material aid, but not troops, to offset the Communist bloc contribution.

It is late but not too late to bring reason to our Vietnam policy. There is no reason that the South Vietnamese troops, who substantially outnumber the Communists, cannot if they have sufficient spirit, fight their own battle aided by our material support as the Turks and Greeks did before them. In numbers and equipment, the South can outmatch Ho's forces. The unknown quantity is will.

Let us not forget the incident of January 2, 1963, when a South Vietnamese force of 2,500 men equipped with automatic weapons and armored amphibious personnel carriers and supported by bombers and helicopters failed to defeat a group of 200 guerrillas, who, after inflicting heavy casualties on the Saigon forces and shooting down five helicopters, managed to escape almost intact.[97]

Those who associate our presence in Vietnam with our efforts to stop the spread of international communism and honor our alliances should note how our actions in Southeast Asia during the past decade have had the very opposite effect:

First. The peoples of the nonalined nations have watched as we used our incredible might to attempt to crush what in many ways can be seen as a popular revolution. Our contribution may become the best ally of communism.[98] Like it or not, our actions speak louder than our good intentions.

Second. Rather than strengthen our alliances, our Vietnam involvement has been a major element in their deterioration. It has been a significant irritant in our relations with France, not to mention various countries in SEATO such as Pakistan who deplore our actions in Vietnam. None of our NATO allies fight at our side.

Third. It has weakened us militarily to a point where we are less able to meet our commitments in the world. One wonders whether we could have responded adequately in Czechoslovakia when the Russians invaded had we wanted to. Our inability to respond to the seizing of the *Pueblo* was a clear indication of the depletion of our Armed Forces.

If our allies come to doubt our commitments, it will be not because we withdrew from Vietnam, but rather because our strength—moral as well as military—was sapped and dissipated in a mistaken, hopeless venture there.

VICTORY ALWAYS JUST AHEAD

To a large extent we continued in our Vietnam blunder because of another assumption advanced by the Johnson administration; namely, that if national unity prevailed, a determined effort by the United States would end the war in short order. As early as 1950, we were told that with $146 million in U.S. aid, the Vietminh could be defeated in 6 months.[99] So far the war has cost over $80 billion, but the optimistic predictions have never ceased.

In May of 1962, Secretary of Defense Robert McNamara stated:

> Progress in the last eight to ten weeks has been great. . . . Nothing but progress and hopeful indications of further progress in the future. . . . There is no plan for introducing combat forces in South Vietnam.

In January of 1963, he said:

> The major part of the U.S. military task can be completed by the end of 1965, although there may be continuing requirement for a limited number of U.S. training personnel.

In March of 1964, he stated:

> The situation can be significantly improved in the coming months.

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[88] *Op. cit.*, Trager, p. 35.
[89] *Op. cit.*, Armbruster, p. 153.
[90] *Op. cit.*, Ball, p. 192.
[91] New York Times, May 6, 1968, p. 1.
[92] *Op. cit.*, Raskin, p. 38.
[93] *Op. cit.*, Bator, p. 59.
[94] *Op. cit.*, Raskin, p. 42.
[95] *Op. cit.*, Armbruster, p. 149.
[96] *Op. cit.*, Senate Republican Policy Committee, p. 12.
[97] *Op. cit.*, Butlinger, p. 461.
[98] *Op. cit.*, Raskin, p. 276.
[99] *Op. cit.*, Hammer, p. 273.

Even as late as November of 1967, U.S. military officials were claiming that the "fighting efficiency" of the Vietcong and North Vietnamese troops had progressively declined in the last 6 months. Furthermore, they claimed to have 600 documents that attested to the fact that the Communist morale was "sinking fast."

Ten weeks later the celebrated Tet offensive of 1968 occurred, costing the lives of hundreds of American troops, striking a crippling blow to our prestige and returning nearly 2 million persons to contested or Vietcong controlled areas.

Since 1962, the record of the skeptics and pessimists has been excellent. Skepticism was continually met by the Johnson administration with inferences that to question policies was to undercut our Nation in its hour of need. Too often the absolute obligation to support our fighting men was confused with an obligation to support the mistaken policies which committed these men to a tragic and unnecessary war. President Johnson stated at one point that he was surprised that "any person would feel toward his country in a way that is not consistent with the national interest." [100]

To depend unquestioningly on those who "have access to the privileged facts and who are doing the best they can" is folly. Criticism and skepticism in both foreign and domestic policies is a necessary ingredient of a healthy democracy.

There is a psychological process that works to distort the perceptions and judgments of public officials when others outside of Government discover a mistake has been made. As one long-time commentator wrote:

> The advocates of a wrong policy have been in charge and are deeply committed to their error. When things go wrong, they redouble their efforts, which inevitably makes things twice as bad.[101]

There is no task for a political leader more difficult—or more important than to admit when he has sent his constituents' sons into battle mistakenly or that a war he has launched or supported cannot be won.[102]

Outside criticism, the sort that Johnson would have preferred to muffle, is a necessity. It should be remembered, too, that such outside criticism has not been confined to the "left," as many people believe. General Shoup, former Marine Commandant and Congressional Medal of Honor winner; General Ridgway, former Army Chief of Staff; Lieutenant General Gavin; Brigadier General Hester, veteran of MacArthur's command in the Pacific; Rear Admiral True, hero of Midway; General Griffith, a hero of Guadalcanal and a series of other retired high-ranking officers have spoken out against our Vietnam policies. Their judgment and that of numerous other public-spirited Americans from all walks of life should not be ignored.

President Nixon should take the step to withdraw American troops before it becomes his war, before he, too, is unable to listen to the critics.

Some will criticize what I am advocating. They will point to the new, optimistic statements on the course of the war. I direct their attention to the optimistic statements of the past 9 years. There has been a persistent tendency to substitute wish for reality. We could well be guilty of it again.[103]

After all, U.S. headquarters announced recently that the first 2 weeks of the current Communist offensive have taken a higher toll in American dead and wounded than the first 2 weeks of the Tet offensive in 1968. This does not sound like progress. Even if we overlook this and accept the new wave of optimism, the lesson should not be "now that we are on the edge of victory, don't throw it away." What the allies have managed to do, if these new estimates are accurate, is avoid defeat.

What better time, when we are strong, to take the forthright action which the Vietnam situation demands. Unlike the French negotiator who came to the bargaining table with tears in his eyes, we would be acting with our head up, ready to correct a wrong. If we wait until there is a major reverse in the fighting, the option will no longer be ours.

PARIS UNPROMISING

Others will ask, why not wait and see what we can gain through negotiations? This has its price, a grim one. Each added month of waiting for a breakthrough at Paris likely means another 1,000 Americans killed, 5,000 injured, and expenditure of $2 billion or more.

It also means another month of decisions in support of military action by the Nixon administration, bringing that much closer the point of no return when it becomes Nixon's war.

Does waiting really bring opportunity? Not enough, in my view, to justify its price. Why should Hanoi concede anything of substance? Just having launched an extensive attack, with major forces near Saigon, its military position can hardly be considered desperate.

The Vietcong have survived many years and many battles and many formidable forces. They remain strong. From this position of strength and with the memory of previous disappointments after negotiations, Ho Chi Minh's representatives doubtless will persist in an uncompromising line.

If, on the other hand, we are the ones to compromise and paper over a sell-out, ultimately the facts will come to light. Instead of being saved, our face will be red. In those circumstances, we will be accused of forcing a political settlement on an unwilling ally. Surely, it would be more honorable to withdraw and leave the field of battle to the forces we have trained and equipped, than to bargain away their destiny in Paris.

Critics of withdrawal also will speak of national honor. Can honor be preserved dishonorably—by perpetuating military action based on false assumptions?

So far we have dropped about 250 pounds of explosives for every person living in North and South Vietnam—25 tons for every square mile of territory. Will more bombs, more firepower advance the honor of the cause? French honor and prestige certainly did not suffer—they were greatly enhanced—by President de Gaulle's courageous action liquidating the Algerian war.

So far our efforts to save face have actually lost face, and much more than just face. In addition to lives lost and scarred and money spent, our Nation has suffered alienation and bitterness at home and abroad. We have experienced monetary crisis, high interest rates, inflation. Our presence in Vietnam for 1 more month—or 1 more year—will not help these problems. On the other hand, withdrawal will measurably help to remedy each of these problems.

The execution of a decision to withdraw will take time. It can take any of several forms. In this statement I make no attempt to evaluate, or even list the alternative forms for withdrawal.

The most important and urgent thing, it seems to me, is not the form but the fundamental decision to withdraw. It is essential that President Nixon make the fundamental decision in favor of withdrawal, and do it quickly, before this miserable quagmire becomes Nixon's war.

Today it is possible for him to correct President Johnson's mistake. Tomorrow it will be next to impossible for him to correct his own.

Correcting a mistake of this magnitude is a responsibility unparalleled in American history. It is also an opportunity without parallel.

Faced squarely, explained with the candor that President Nixon has already demonstrated so admirably, the correction of the error symbolized in the word Vietnam would exalt the name America. It would show, as never before, rare qualities of honesty, realism, and commonsense on the part of the militarily most mighty nation in all history.

But time is running out.

"PEACE PROTESTERS" BREAK INTO OFFICES OF DOW CHEMICAL CO.

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

Mr. BRAY. Mr. Speaker, yesterday's incident in Washington where a group of "peace protesters" broke into the offices of Dow Chemical Co. and did a great deal of damage has raised questions in some quarters.

Aside from the fact that the object of their wrath is totally wrong—Dow's sales of napalm, which has gained it the title of war profiteer among the New Left, accounts for only one-quarter of 1 percent of its total sales, and all of its entire Government business is less than 5 percent of total business—it has come to the attention of some that it seems there was very quick TV coverage of the whole affair.

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[100] Arnold S. Kaufman, "The Radical Liberal," 1968, p. 33.

[101] *Ibid*, p. 39.

[102] *Op. cit.*, Schoenbrun, p. 27.

[103] *Op. cit.*, Armbruster, p. 151.

Was there a tipoff in advance by these people to the news media that they were going to stage their demonstration—which demonstration has resulted in charges of breaking and entering?

And if someone was tipped off, why was it not passed on to the police?

MAIL FROM CONSTITUENTS REFLECTS CONCERN ABOUT WAR IN VIETNAM

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

Mr. SCOTT. Mr. Speaker, my mail continues to reflect concern about the war in Vietnam. Constituents want us to either take offensive action to win the war or withdraw our troops.

In recent days, it does appear that our troops are taking the offensive and the Nixon administration apparently does intend to remedy the situation. I commend the administration's efforts and venture to hope that we will go a step further and destroy the source of supplies in the north if we are to continue in this war.

It just does not make sense to have our young men in the south shot at by the enemy in a no-win war.

A typical letter follows for the information of the membership and the administration:

ALEXANDRIA, VA.,
March 7, 1969.

Congressman WILLIAM L. SCOTT,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SCOTT: I am writing to you in hopes that I can express to you my feelings on the situation of the Viet Nam War. I wrote to you about a year ago on the same subject and received an appreciated letter in return, but the war in Viet Nam isn't getting any better as far as an end in sight, or less killing of American men, or better still, no killing of American men, in Viet Nam.

I believe that we must stop sitting around in Paris, (all we are doing in Paris is running up a staggering expence account for the U.S. taxpayers to pay off) and not only in Paris but right here in Washington, D.C., where the whole, or maybe I should say, the majority of the orders are dictated to our military force that is doing all the dirty work for our government officials now in office. It must be clear to the U.S. Government by now, that we cannot talk sense with the North Viet Nam Government. How many more Americans must die before we give our ground troops full air support and whatever else we can give them so that it is a complete victory for our fighting forces with fewer lives on our part, or get out of Viet Nam completely.

Four hundred and fifty three American men lost their lives in the Viet Nam War last week, isn't that shocking? I know that is shocking.

It has been just over a year since President L. B. Johnson stopped the bombing of North Viet Nam. How can parents of these men who have already lost, and will continue to lose their lives, believe that their son has justly given his life for the cause of freedom, or whatever these men are told they are fighting for. How can the American government wait around so long while our young men are being slaughtered day after day, week after week, and year after year.

We, the American people, are doing amazing things in this world today in space, science, medicine and many other fields, but we can't come to some general agreement on Viet Nam such as, fight with all we can give our men to fight with, or get out. We should know by now that we cannot talk with the North Viet Nam government.

I am not a military tactician, Congressman Scott, and I am not a hippie or just another war demonstrator that one would find in the streets or around Howard University or any university in this country. I am just a serious-minded tax-paying citizen in this country.

In closing, I am in hopes that you, Congressman Scott are and will continue to do all you can to help bring this Viet Nam War to a close in the near future.

Thank you for your time.

Sincerely,

ARNOLD P. MACDONALD.

REPRESENTATIVE DUNCAN INTRODUCES BILL TO EXTEND AND MAKE PERMANENT LABELING OF CIGARETTES

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

Mr. DUNCAN. Mr. Speaker, today I am introducing a bill to extend and make permanent the labeling of cigarettes.

There are several reasons why I think we should adopt this legislation. First, it seems that the tobacco industry is being attacked by some Federal officials in view of the proposed ban on radio and television advertising of cigarettes. I am not and do not wish to debate the health issues here, but merely want to point out that I am against discrimination against one industry.

Furthermore, if we let the Federal Trade Commission and the Federal Communications Commission completely police and dictate to an industry, somewhere along the line the principles of representative government are trampled. The people elect their Representatives and Senators to legislate for them.

As my colleagues will recall, in 1965 the FTC announced that it would require warnings on all cigarette packages and advertising that the use of cigarettes can cause cancer and other diseases.

Congress questioned the authority of the FTC to do this and after conducting its own hearings voted to require only a warning on cigarette packages that smoking may be harmful to health.

Now the FCC has decided that it too can issue an order banning all advertising of tobacco on radio and television, another example of a Federal agency stepping out of its jurisdiction. The banning of advertising of a fully legal manufactured product amounts to censorship, and I think the Congress must take action to prevent this infringement of the right of free speech.

Nothing in the Communications Act grants to the FCC the right or power to prohibit cigarette commercials. Indeed the language of section 326 specifically prohibits the Commission from censorship of any radio or television transmission of a licensee or to interfere with the right of free speech by means of radio communication.

If Congress were to allow these agencies, and others who would follow, to establish such restrictions, the tobacco industry would be greatly crippled.

Congress is the source of power for the commissions; it set up the commissions to do a specific job; they should not be able to take jurisdiction over areas never delegated to them.

The tobacco industry is a great contributor to our economy nationwide and certainly in my congressional district. Most of the tobacco growers in my district are allotted small plots, but tobacco is often their best and major cash crop and the market pays off at the end of the year when a small farmer is faced with the additional seasonal debts and when other crops are long gone.

I urge my colleagues to support the Public Health Cigarette Smoking Act of 1969 so that on July 1, 1969, when the present law expires we can be assured of continuity for the tobacco industry.

JAG AND SUBMARINE OFFICER PAY LEGISLATION

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

Mr. PIRNIE. Mr. Speaker, I noted with great interest that last week the Secretary of the Navy forwarded to the Congress a request for legislation to provide special pay to naval officers qualified in submarines. It is designed to increase the retention rate of naval officer specialists who perform highly technical tasks on our nuclear submarines. It is needed, according to the Navy, because the retention rate of these officers is less than 50 percent. In his letter transmitting this legislation, Secretary Chafee said:

> Although historically the retention of nuclear submarine officers has been greater than 75%, the number of resignations now in hand indicates the retention rate will plummet to less than 40% in the immediate future.

Certainly, this is a serious situation and I want to take this opportunity to applaud the Navy for its forthright approach to the problem. I plan to support the legislation which the chairman of the House Armed Services Committee has introduced to improve the situation. I urge all my colleagues to do likewise.

Besides highlighting a major problem with which the Navy is currently faced relative to submarines, Secretary Chafee's letter also served to underline another problem in which I have long been interested; namely, the retention of career military lawyers. While the submariners situation is serious, I think most will agree that the retention problems of the Judge Advocate General sections of the uniformed services is likewise, at best, critical. Although the retention rate of submariners is expected, according to the Navy, "to plummet to less than 40 percent in the immediate future," the JAG retention rate for all the uniformed services is at a disaster level. For example, since 1960, the Navy has retained only 12 percent of its uniformed lawyers and last year that rate plummeted to 7.5 percent. As late as October of last year, the Navy had only 38 regular lieutenants out of some 630 lawyers on active duty and, it has been projected that in the absence of immediate remedial relief, by 1972, 75 percent of all the uniformed lawyers in the Navy will have less than 5 years of military experience.

It should be noted that the other services are in essentially the same fix. The Army's retention rate is about 12½ percent and the Air Force is currently retaining 19 percent of its lawyers. In light of these figures, I am sure all the services would be encouraged if their retention percentages for JAG's were equal to the 40 percent figure now predicted for submariners. Surely we can no longer ignore the gravity of the lawyer retention rate in the services any more than we can refuse to provide the necessary incentive to retain qualified nuclear submarine officers.

On January 23, I introduced H.R. 4296, which will offer an approach to insure a higher retention rate for uniformed lawyers. It would authorize professional pay and a continuation bonus—similar in concept to the one advocated for submarine officers—to uniformed lawyers. I am pleased to advise that the measure has received wide and favorable response both from JAG lawyers throughout the world and from those in the civilian sector who are interested in the problem. In addition, the following Members of the House have joined in cosponsorship of the measure: Representatives WOLFF, PATTEN, RAILSBACK, GONZALEZ, SCHWENGEL, POLLOCK, WHALEN, ERLENBORN, MCKNEALLY, and TIERNAN. I appreciate their support and encouragement as well as the indication of interest from other Members who have taken appropriate action to assist in this effort.

The measure I have proposed is important for a number of reasons, but one must be stressed. Simply stated, unless some realistic, meaningful incentive is adopted to retain military lawyers, our servicemen will be denied the competent legal services they not only require but deserve. In considering this statement, we must all keep in mind that during the last Congress we passed the Military Justice Act of 1968, which extends to service personnel the right-to-counsel guarantees which the Supreme Court, in recent years, has granted criminal defendants in civilian courts. The Army, Navy, Air Force, and Marines estimate that collectively an additional 700 military lawyers will be needed to fulfill the mandates of this new law, which becomes effective in August of this year. In light of this, we must act now to provide the services with the means to comply with this requirement. My bill seeks to be that means.

H.R. 4296 is an embodiment of the recommendations made by a Department of Defense study group which conducted an indepth investigation of lawyer retention problems last year. This study concluded that professional pay, coupled with a continuation bonus, was the most sound approach to the problem.

It should be pointed out that neither of these benefits is new or untried. At the present time, doctors, dentists, and veterinarians receive professional pay and doctors are offered a continuation bonus. More specifically, two types of career incentives are authorized for enlisted personnel. The first is "proficiency pay" which was designed to provide a differential pay incentive for retention in the service of enlisted personnel with military specialties which require relatively long and costly training and, without which, the supply of qualified career personnel would be inadequate to meet service needs. This is very similar to the professional pay concept embodied in H.R. 4296. In fiscal year 1970 the Department of Defense expects that 223,800 enlisted personnel will qualify for this type of benefit at a total DOD cost of $151.38 million. While the amounts of this pay vary from a low of $30 per month to a high of $150, it should be noted that some 484 specialties and skills are included.

The second type of incentive pay utilized to retain enlisted personnel is the variable enlistment bonus which is similar to the continuation bonus in H.R. 4296 and the special pay incentive proposed by the Navy in behalf of submarine officers. Some 121,000 enlisted persons will take advantage of this bonus during the current fiscal year.

Therefore, it is fair to conclude that the means proposed in my bill are both proven and meaningful and no one can argue further study of the methods is required. In light of the submariners proposal, it is clear that the Department of Defense has once and for all abandoned the notion that officers—unlike enlisted men—should not be specially compensated for special skills in those vital areas where retention is a grave problem. The time has come for us to consider these problems not as separate and unrelated to one another, but as different spokes on the same wheel. I am, therefore, hopeful that the Department of Defense will favorably comment on my proposal as it has on the submarine pay bill in order that the House Armed Services Committee on which I serve can deal with the pressing problems both present.

I would like to include at this point in the RECORD a resolution endorsing H.R. 4296, which was passed last Saturday by the Judge Advocates Association. I think it accurately summarizes the position regarding retention of uniformed lawyers:

RESOLUTION IN SUPPORT OF H.R. 4296, INTRODUCED BY CONGRESSMAN ALEXANDER PIRNIE OF NEW YORK TO PROVIDE FOR THE PROCUREMENT AND RETENTION OF JUDGE ADVOCATES AND LAW SPECIALISTS OFFICERS FOR THE ARMED SERVICES

Whereas, our Armed Services and servicemen require the availability of high caliber legal advice and representation for their multitudinous activities and important work;

Whereas, new statutory authorizations and limitations, sociological pressures of modern American life—military and civilian, and Court decisions have placed tremendous burdens on uniformed lawyers;

Whereas, the Armed Forces are unable to compete for the best lawyers on a career basis in the limited market and, in fact, the market is draining the best lawyers away from the Armed Forces and career retention is a mere fraction of what it should be;

Whereas, important Armed Services legal work which deserves experienced well-rounded lawyers is being done by new graduates to the profession on obligated service tours, and this situation will be substantially accentuated when the Military Justice Act of 1968 takes effect this August;

Whereas, the Armed Forces need career incentives to capitalize on the investment in training it is giving and must give its young lawyers; and

Whereas, H.R. 4296 provides modest special pays and also bonuses at critical periods in a uniformed lawyer's career to encourage his continued retention on active duty;

Be it therefore resolved, that the Judge Advocates Association, at a regular meeting of its Board of Directors in Washington, D.C., March 22, 1969, gives its support and urges the early adoption into law of H.R. 4296 to ameliorate the present critical situation involving the uniformed lawyers.

Capt. HUGH H. HOWELL, Jr., N.S.N.R.,
President, Judge Advocates Association.

THE GOLDEN ANNIVERSARY OF THE AMERICAN LEGION

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

Mr. MIZE. Mr. Speaker, 50 years ago this month, the first meeting of the American Legion was held in the American Club 4 Rue Gabriel, Paris. It was 4 months and 4 days after the Armistice of November 11, 1918. Those attending were officers and enlisted men on active duty overseas; they met to form a veterans' organization for the purpose of protecting the rights and interests of those that had borne the brunt of battle.

We know today, 50 years and several wars later, that they set in motion those forces which have since performed important and distinguished public service. The American Legion has fostered patriotism, high ideals and morality, and justice for our Nation's veterans. It has served as a testament to the virtues of the American system—its continuing existence and strength attest to the fundamental truth that Americans will not forget the widow and the orphan. America will never forget the sacrifices of its veterans, nor will she ever forsake the principles for which they gallantly fought.

KANSAS HAS MADE IMPORTANT LEGION CONTRIBUTIONS

Mr. Speaker, I am particularly proud to note the Legion golden anniversary—an anniversary of a bond between the Legion and just causes—for my State of Kansas has provided many great Legion leaders. The late Ralph T. O'Neil served as national commander during the 1930–31 term, the Honorable Harry W. Colmery was national commander in 1936–37, and Mary H. Koger was national Auxiliary President, 1962–63.

Harry Colmery is revered in Legion circles for his contribution to the Legion's fight to pass the GI bill of rights. He was named to a special committee in November of 1943 to mount the major push for legislation to assist veterans of World War II. He will always be remembered as the one who wrote in longhand the initial draft of the first GI bill of rights. The enactment of the major provisions of that proposal stands as a monument to the members of the special committee, and especially to Harry Colmery, for their efforts in securing recognition from a grateful nation.

My distinguished colleague from Kansas, the Honorable KEITH SEBELIUS, was our State commander in 1955–56. His contributions to the Legion during his

command, and the contributions of our two national commanders during their terms of office, reflect widespread support and affection for the principles of the Legion throughout Kansas.

Mr. Speaker, during these times of noisy protest in America, during these times of confusion over national priorities and national goals, I should think the preamble to the constitution of the American Legion would be a safe port in the storm for Americans who want to find appropriate words of guidance. The preamble follows:

FOR GOD AND COUNTRY WE ASSOCIATE OURSELVES TOGETHER FOR THE FOLLOWING PURPOSES

To uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars; to inculcate a sense of individual obligation to the community, state and nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

Mr. Speaker, I was honored last Saturday as a special guest at a birthday celebration sponsored by the Capitol Post No. 1, Topeka, Kans. On that occasion I was reminded again of the inspiring words of the preamble. I shall continue to commend them to the attention of young people in search of a way of life.

The principles of the Legion have served the past nobly; they will serve the Nation, through its trials, equally well in the future. As the Legion starts its second half-century, it can depend on Kansas and its legionnaires and its auxiliary for the same dedication and devotion and the same unstinting leadership.

TIME FOR CONGRESS TO CALL HALT TO FEDERAL "SNOOPING"

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

Mr. SKUBITZ. Mr. Speaker, I think that it is about time that the Members of Congress call a halt to Federal "snooping." I have no objection to Government requests for information which is in the best interest of our country. I do object to any effort on the part of Federal agencies treating law-abiding citizens as criminals if they fail or refuse to provide information which is personal in nature and has no relationship to the national interest.

I have received scores of letters from the Fifth District of Kansas protesting against the type of questions which are allegedly to be asked by the Census Bureau. I have not seen the questionnaire. However, I do think that because of the alarm that has been expressed the Congress should look into the matter. I am, therefore, joining a number of my colleagues in introducing legislation to limit the categories of questions to be answered under penalty of law. Let the Census Bureau appear before a congressional committee and prove its case.

OIL SEED AND OIL PRODUCTS THREATENED BY RECOMMENDATION OF COMMISSION OF EUROPEAN COMMUNITY

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

Mr. SKUBITZ. Mr. Speaker, last year our trade in the oil seed and oil products totaled $500 million. That market is being threatened by the recent recommendation of the Commission on European Community to place a tax of $60 per metric ton on vegetable oils and $30 per metric ton on meals.

Should the membership of the European Common Market accept this recommendation the result would do irreparable damage to those who grow soybeans. To my city breathren, I suggest they ponder over the effect such action will have upon our balance of payments.

I think that the President, through the Department of Agriculture, should protest vigorously any such action on the part of the European Common Market. I think the executive department should make our position loud and clear that any such action by them will result in retaliatory action on our part.

I am today joining my colleague Congressman CHESTER MIZE, by introducing a concurrent resolution expressing the sense of Congress to be that the proposed consumption tax of the European Economic Community on oil products would be disastrous to our economy and such action should be treated accordingly. I urge my colleagues to file similar resolutions. The Department of Agriculture should know of our support.

TUESDAY'S PROGRAM FOR CONSIDERATION OF ADDITIONAL FUNDS FOR COMMODITY CREDIT CORPORATION

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

Mr. MAHON. Mr. Speaker, it has been agreed that tomorrow the House will consider House Joint Resolution 584 involving additional funds for the Commodity Credit Corporation.

The report on the bill and the hearings on the bill are available.

Under my earlier unanimous-consent request I will extend my remarks in order to give Members a brief capsule of what is involved in the resolution together with certain excerpts of information in order that such information may be readily available early tomorrow.

Mr. Speaker, as per unanimous consent which has been granted today, the House will have before it tomorrow House Joint Resolution 584, making additional appropriations for the Commodity Credit Corporation.

The Commodity Credit Corporation is authorized to borrow funds from the Treasury to meet its obligations in an amount not to exceed $14.5 billion. The Corporation has reached the limit of its authorized spending authority, or will reach such limit within the next few days.

The Commodity Credit Corporation has stocks on hand to which it has title, together with stocks held as collateral for loans, totaling in excess of $5 billion. The disposition of these stocks of agricultural commodities has been drastically restricted by the dock strike and resulting market uncertainties. It is estimated that the probable permanent losses in export sales by the Corporation will be in excess of $200 million by reason of the dock strike alone. Of course, the effect on domestic markets is even greater.

There are other factors involved in the problem which make it necessary for Congress at this time to provide additional borrowing authority for the Commodity Credit Corporation. These factors were explored in a hearing conducted by the Subcommittee on Agricultural Appropriations under its able chairman, the gentleman from Mississippi (Mr. WHITTEN). As heretofore stated these hearings are now available to Members. The major factors as summarized in the committee report are as follows:

1. INCREASED CROP PRODUCTION

Production of feed grains, wheat and soybeans has increased substantially above the levels projected in the 1969 and 1970 budgets. The following figures indicate the magnitude of these increases and their demand on the Corporation's funds:

	Production increase	Additional investment (millions)
Feed grains	1.1 million tons	$481
Wheat	60 million bushels	387
Soybeans	30 million bushels	375

2. DECREASE IN LOAN REPAYMENTS

The dock strike and other market uncertainties have encouraged farmers to leave their commodities under loan longer than usual. As a result, loan repayments have fallen far below normal. Through last January 31, loan repayments were only 37 percent of the year's total as compared to 47 percent a year earlier. The following table indicates the situation for the major commodities:

Item	Repayments—Fiscal year 1968			Repayments—Fiscal year 1969		
	Through January (millions)	Total (millions)	Percent	Through January (millions)	Total estimate (millions)	Percent
Feed grains	$113	$211	53	$102	$285	36
Wheat	53	144	37	68	192	35
Soybeans	112	266	42	106	324	33
All commodities	477	1,021	47	465	1,246	37

3. OTHER FACTORS

Cotton production is about 2.1 billion bales less than originally projected. However, the absence of an expectation of an increase in market prices has reduced domestic and export demands. This has resulted in Commodity Credit Corporation loans on an extra 2.3 million bales with an additional investment of $215 million by the Commodity Credit Corporation.

With larger crops requiring an additional 258.8 million bushel capacity, farmers are making greater use of storage facility loans with additional Commodity Credit Corporation loans of $98 million. Other increased program investments are: tobacco, $110 million; rice, $48 million; oils, $20 million; and interest expense, $62 million. These are partially offset by $167 million less for dairy products.

Further, the recent decision to continue a 50-percent advance payment to participants in the feed grain program, found to be necessary to support this year's farming operations, rather than the 25-percent payment contemplated in the original 1970 budget, will add $168 million to Commodity Credit Corporation expenditures during the present fiscal year. This will be offset by a comparable reduction in fiscal year 1970.

Mr. Speaker, following is the text of a statement submitted to the Committee on Appropriations by Assistance Secretary Clarence Palmby last week in regard to this problem:

GENERAL STATEMENT OF THE ASSISTANT SECRETARY OF AGRICULTURE, CLARENCE D. PALMBY

Mr. Chairman and members of the committee, I appear before you today to request a supplemental appropriation of $1 billion to enable the Commodity Credit Corporation to continue operations during the rest of fiscal year 1969. Projections now indicate that the Corporation's borrowing power will be exhausted shortly and it will be forced to cease operations. The law does not permit borrowings to exceed $14.5 billion and we are just about at that point. First, I would like to discuss briefly the general situation.

I am advised that at the time the 1969 and 1970 budgets were prepared, it appeared that there would be sufficient funds to finance CCC operations under the then existing assumptions. Most of these operations are for programs that are mandatory by law and are uncontrollable.

Since initial preparation of the estimates, economic conditions regarding supplies, exports, and domestic use of major commodities (cotton, feed grains, wheat, and soybeans) have changed drastically; greater production and lower market prices have resulted in more loans made than expected and in lower anticipated loan repayments. Also, the dock strike has aggravated the situation by causing uncertainty in the market and has slackened the demand for agricultural commodities.

About 1½ billion bushels of the 1968 crops of feed grains, wheat and soybeans are being placed under loan. Because of the conditions mentioned above, this is about 600 million more than was estimated in the 1969 budget. Without price support, this 1½ billion bushels would have been thrown on the market, and would have resulted in catastrophic prices. The resulting drop in farm income would have adversely affected not only the farmer, but his community and the entire Nation. The holding of this large quantity off the market during and immediately following harvesttime through the price support program materially assisted in the orderly marketing of these large crops. It gives farmers the opportunity to obtain the money so desperately needed to operate the farm without having to throw their entire production on the market at disastrous prices. The increased prices received by farmers is adding to farm income. A large proportion of the expenditures will be recovered in future years by farmers redeeming the loan when supplies are needed to meet domestic and export requirements.

The conditions discussed have caused significant program increases totaling $1,686 million from the 1969 budget. Of this total, $973 million occurred prior to development of the 1970 budget and $713 million additional since that time.

Now, I will mention specific details on individual major commodities and programs which account for the increased program needs since preparation of the 1969 budget. These apply principally to the 1968 crops for which most financing occurs in fiscal year 1969.

For feed grains, there was an increase in production of 1.1 million tons (from 167 to 168.1 million tons) while exports are now projected at 3.1 million tons lower (from 24.6 to 21.5 million tons). The estimated season average price for corn has been reduced from $1.17 to $1.05 per bushel, a drop of 12 cents per bushel. This combination of factors resulted in an estimated increase in CCC loans made of 7.4 million tons and lower repayments of 2.7 million tons, causing increased funding needs of about $481 million.

In the case of wheat, production was 60 million bushels more than anticipated (from 1,510 to 1,570 million bushels) while exports are now expected to fall about 190 million bushels below earlier expectations (from 790 to about 600 million bushels). Moreover, this has been only partially offset by an estimated increase in domestic use (mostly feed) of 64 million bushels (now projected at 750 million bushels compared to an earlier estimate of 686 million bushels). The season average price originally estimated at $1.40 per bushel now is expected to be 18 cents less, or $1.22 per bushel (excluding the value of certificates). These factors have resulted in an increase of 190 million bushels in loans made (from 250 million bushels to an estimated 440 million bushels), 10 million bushels lower repayments (from 170 to 160 million bushels), and over 40 million bushels less sales (from 75.5 to 32.3 million bushels). Total increased funds are estimated at $387 million.

Cotton estimated domestic use and exports, earlier projected at 13.3 million bales are now expected to total about 11.4 million bales, a drop of 1.9 million bales. This is offset by the 2.1 million bales smaller crop (from 13 to 10.9 million bales). However, due to absence of expectation of an increase in market prices, the trade has reduced their stocks below expectations. This is evidenced by CCC loans made on 2.3 million more bales (from 2 to 4.3 million bales) with estimated increased funds of $215 million.

In the case of soybeans, production increased 30 million bushels (from 1,050 million bushels first estimated to 1,080 million bushels now expected). Estimated domestic use and exports are 59 million bushels lower than originally expected (from 990 to 931 million bushels). Season average price is estimated at 3 cents less (from $2.45 to $2.42 per bushel). These factors indicate revised CCC loans made of 90 million bushels (from 250 to 340 million bushels) coupled with 60 million bushels lower repayments (from 190 to 130 million bushels). Estimated increased funds for this commodity would be $375 million.

With the larger crops than earlier projected, farmers are taking greater advantage of the storage facility loan program than was previously estimated. Current estimates indicate that net storage facility loans will be $98 million greater than shown in the 1969 budget with increased bushel capacity of 259 million (from 41 to 300 million).

Other programs account for the rest of the increased funds; mainly tobacco up $110 million; rice $48 million more; oils up $20 million, and interest expense $62 million higher. These are offset partly by $167 million less dairy expenditures. In view of the critical problem on CCC borrowing authority, steps have been taken to use about $111 million of available section 32 funds to purchase CCC-owned commodities, principally dairy products, rather than using CCC funds, for donation of these products under section 416.

Another major factor contributing to the current situation is the timing of receipts from loan repayments. Marketing conditions currently would indicate that loan repayments on 1968 crops will be less during the 1969 fiscal year than earlier estimates. While many may still occur, they are likely to be shifted into the next fiscal year. In view of the uncertainty of the market demands, farmers have also been encouraged to reseal eligible commodities and to hold them off the market until prices become more firm. Therefore, actual repayments are far below expectations.

Feed grain repayments last year were made on about 53 percent of the year's total by January 31. This year, through January, only 36 percent has been collected (based on preliminary data). In the case of wheat, 37 percent of last year's repayments came in by January 31 compared with 35 percent this year. Through January 31, 1968, 42 percent of the total year's soybeans repayments were received, while this year so far it is down to 33 percent.

On all commodities, repayments last year through January 31, 1968, totaled $477 million or 47 percent of the year's total of $1,021 million. However, through January 31, 1969, based on preliminary data, the $465 million collected amounted to only 37 percent of the projected total of $1,246 million. This means that by June 30, this year, about $781 million of collections must be received. We hope this will happen, but our current estimates, based on the market outlook for the remainder of this fiscal year, do not support such results. This is one main reason why it is felt a $1 billion supplemental is needed in case some of these projections fail to materialize or differ from the assumptions made.

As you know, the decision was made to continue, for 1969, the practice followed in recent years making available a 50 percent advance payment to participants in the feed grain program. This was done because it was felt the Government had a moral obligation to honor this implied commitment. Initial announcement of the 1969 feed grain program on December 26, 1968, did not indicate any change in the way advance payments were to be made to farmers. The budget submitted to the Congress on January 15, 1969, stated that the advance payment rate was being reduced from 50 to 25 percent in 1969, and that no advance payments would be made for the 1970 program.

A great many feed grain producers have been cooperating with this Federal Government program for crop diversion over the years. We feel farmers are entitled to proper and sufficient notice about any change in the ground rules on such payments. Many of them had already begun to sign up for the program. As you know, Mr. Chairman, these payments are charged to current CCC borrowing authority and will total an estimated $336 million. This is $168 million more than was anticipated when the 1970 Budget was submitted. Therefore, by making advance payments for the 1969 program at 50 percent, it will reduce expenditures in the 1970 budget by a corresponding amount. We plan to later appraise the need for advance payments on the 1970 program.

Last fall, the Congress was advised of the situation concerning additional CCC expenditures after the September crop reports. Favorable growing weather caused an overrun in anticipated prduction. This, coupled with lower market prices, indicated more CCC loans for farmers, fewer loans repaid and smaller sales. As a result, in the Supplemental Appropriation Act of 1969, CCC was given an exemption of $907 million from the overall ceiling established under the Revenue and Expenditure Control Act of 1968. While relieving the spending ceiling, this in no way gave the corporation any increase in its borrowing authority.

Thank you, gentlemen. My colleagues and I will be glad to answer any questions you may have and furnish any additional information you may desire.

This supplemental request was forwarded to Congress by the Director of the Bureau of the Budget on February 20. The committee has delayed its consideration, hoping that a way could be found to avoid action on the request. However, it has now become clear that these additional funds for the Commodity Credit Corporation must be provided prior to the Easter recess of the House.

Other supplemental items for many agencies and departments of the Government are being processed by the committee. It is expected that Congress will be able to take action on these items soon after the Easter recess. But the urgency of this item dictates the necessity of bringing in this resolution encompassing only the requirements of the Commodity Credit Corporation at this time.

ANNUAL REPORT OF FEDERAL ACTIVITY UNDER AUTHORITY OF THE FEDERAL DISASTER ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–89)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed:

To the Congress of the United States:

I hereby transmit the annual report of federal activity under authority of the Federal Disaster Act (Public Law 875, 81st Congress, as amended). Such a report is required by Section 8 of that law.

Funds which have been used to support these activities are specifically appropriated to the President for purposes of disaster relief.

RICHARD NIXON.

THE WHITE HOUSE, *March 24, 1969.*

BANK HOLDING COMPANY ACT OF 1969

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

Mr. WIDNALL. Mr. Speaker, today I am introducing H.R. 9385.

Thirteen years ago, when President Dwight Eisenhower signed the Holding Company Act of 1956, he noted that the legislation did not go far enough, and that further attention of the Congress would be necessary to control evils which could result from the exemptions in that act.

The time has come for Congress to remove the exemptions.

The 1956 act provided for the regulation of all holding companies owning 25 percent or more of the stock of two or more banks. This means that a one-bank holding company is immune from the act, particularly the central provision which, in keeping with American tradition, prohibits the mixing of banking and commerce within one corporate structure.

For a decade, the 1956 act worked satisfactorily. Although the 117 one-bank holding companies in existence when the act was passed were joined by more than 400 new ones, most of them were small.

By 1968, however, President Eisenhower's warning of 12 years before was proven to have been accurate; the situation had become a clear and present threat to the American economic structure.

By the end of last year, a surge of formations had brought the number of one-bank holding companies to approximately 800. Much more significant is the fact that these 800 companies controlled nearly a fourth of all bank deposits in the Nation.

Clearly the situation has changed markedly in just the past year.

The trend is unmistakable.

Corporate conglomerates have expressed an increasing interest in acquiring banks, and some of the bank-dominated one-bank holding companies have expressed interest in diversifying into nonfinancial lines. If such acquisitions are permitted to continue, and if, as seems eminently reasonable, there is a growing number of mergers between large banks and large nonfinancial companies, the ultimate outcome seems clear:

Within a few years, unless this trend is halted, we could witness a fundamental restructuring of our economy, from one in which economic and financial power is widely dispersed, into a structure dominated by some 50 or 75 huge centers of economic and financial power. Each would consist of a corporate conglomerate controlling a multibillion-dollar bank or a multibillion-dollar bank controlling a large nonfinancial company.

Historically, the principles that maintain the separation between financial power and industrial-commercial power were laid down in the Banking Act of 1933 and bolstered by the Bank Holding Company Act of 1956. To rebuild that wall the proposed Bank Holding Company Act of 1969 aims mainly at amending the earlier legislation to extend Federal regulation of bank holding companies to those companies which control only one bank.

The legislation is timely: the mixing of banking and commerce must be prohibited. H.R. 9385 insists that the definition of permissible bank related activities take into account anticompetitive effects, and in this connection the banking agencies would have to apply anticompetitive and banking standards similar to those contained in the Bank Merger Act of 1960, as amended in 1966.

I strongly believe in this legislation. President Nixon has given his strong endorsement. I urge that this Congress act promptly and effectively. This legislation is in the best interests of our economy and our Nation.

Following my remarks is an analysis of H.R. 9385, Bank Holding Company Act of 1969, and then followed by comparative type showing changes in existing law made by proposed bill:

H.R. 9385: ANALYSIS BANK HOLDING COMPANY ACT OF 1969

The first section would designate the Act as the Bank Holding Company Act of 1969.

Section 2 is divided into eight subparagraphs, all of which would amend the Bank Holding Company Act of 1956. The amendments are as follows: Paragraph (1) would amend section 2 containing definitions. It would redefine "bank holding company" to include any company which owns or controls one bank, and to include any company which in fact has power to control the management of any bank; it would provide a definition of "appropriate banking agency"; finally, it would make clear that the Act is not intended to have extraterritorial application.

Paragraph (2) would provide that any company which wishes to become a bank holding company may do so with the approval of the Comptroller of the Currency if it seeks to acquire a national bank, with the approval of the Federal Deposit Insurance Corporation if it seeks to acquire a nonmember insured bank, and with the approval of the Federal Reserve Board for any other bank acquisition. It would also require retroactive approval for any acquisition of one bank by any company (other than a bank holding company) made after March 1, 1969, and before the date of enactment.

Paragraph (3) would amend the Act to permit any company which under the Act would become a one-bank holding company to continue to engage in any businesses or activities in which it was engaged on June 30, 1968.

Paragraph (4) would amend section 4(c) in several respects. It would make a technical amendment to insure that bank holding companies would have to get the same type of approval as national banks for the acquisition of corporate shares that national banks are permitted to acquire. It would require federal approval for the acquisition after December 31, 1968, of the shares of any bank organized in a foreign country and engaged in the banking business outside the United States. It would permit one-bank holding companies to keep other companies which they owned on June 30, 1968, so long as those companies did not engage in new businesses. It would provide that foreign subsidiaries of bank holding companies could retain and acquire shares in other foreign corporations which do not operate in the United States. It would permit a one-bank holding company to retain or acquire shares in any company until June 30, 1971, provided that it disposes of its banks no later than that date. This period of time could be extended by the appropriate banking agency for an additional three years, but no extension could be for more than one year at a time.

Paragraph (4) would also permit bank holding companies to retain or acquire shares in other companies engaged exclusively in activities that have been determined by unanimous agreement of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board to be financial or related to finance in nature or of a fiduciary or insurance nature, and to be in the public interest when offered by a bank holding company. (This would not include engaging in the securities business.)

The retention or acquisition of shares under this authority would have to be approved by the appropriate banking agency, which would be the Comptroller of the Currency in the case of a bank holding company having primarily national banks, the Federal Deposit Insurance Corporation in the case of a bank holding company having primarily nonmember insured banks, and by the Federal Reserve in all other cases. The approval authority would have to be exercised under guidelines established by unanimous agreement of the three bank supervisory agencies. In the establishment of the guidelines con-

sideration would have to be given to potential anticompetitive effects, and the guidelines could include limits based on size either of companies or banks involved or of communities involved. Also, in considering applications the banking agencies would have to apply anticompetitive and banking standards similar to those contained in the Bank Merger Act of 1960 as amended in 1966.

Paragraph (5) would make technical changes in the sections of the Bank Holding Company Act dealing with administration. All bank holding companies, including one-bank holding companies, would have to register with the Federal Reserve Board, but the Comptroller of the Currency and the Federal Deposit Insurance Corporation would each have access to necessary information, and each would be authorized to issue regulations and orders, to require reports under oath and to make examinations.

Paragraph (6) would extend criminal penalties contained in the Bank Holding Company Act of 1956, to violations of any regulation or order issued by any of the three bank supervisory agencies.

Paragraph (7) would provide for judicial review of any order issued by any of the three agencies.

Paragraph (8) would require that the Attorney General be notified of any application for the acquisition by a bank holding company of shares in any company other than a bank; and would require that each application approved be described in the agency's annual report.

Section 3 of the bill would prohibit tie-in arrangements which would condition the furnishing of any service on the obtaining of any other service. The district courts would have jurisdiction to restrain violations of this provision and suit for that purpose could be brought by the Attorney General.

H.R. 9385: COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL—THE BANK HOLDING COMPANY ACT OF 1956, AS AMENDED (70 STAT. 133; 12 U.S.C. 1841 ET. SEQ.)

(Changes in existing law proposed to be made by the bill are shown as follows: existing law proposed to be omitted is enclosed in black brackets and new matter is italicized:)

DEFINITIONS

SEC. 2. (a) "Bank holding company" means any company (1) that directly or indirectly owns, controls, or holds with power to vote 25 per centum or more of the voting shares of [each of two or more banks] *any bank* or of a company that is or becomes a bank holding company by virtue of this Act, or (2) that controls in any manner the election of a majority of the directors of [each of two or more banks] *any bank, or (3) that has the power directly or indirectly to direct or cause the direction of the management or policies of any bank;* and, for the purposes of this Act, any successor to any such company shall be deemed to be a bank holding company from the date as of which such predecessor company became a bank holding company. Notwithstanding the foregoing, (A) no bank and no company owning or controlling voting shares of a bank shall be a bank holding company by virtue of such bank's ownership or control of shares in a fiduciary capacity[,] except *where such shares are held under a trust that constitutes a company as defined in subsection (b) of this section, or* as provided in paragraphs (2) and (3) of subsection (g) of this section, (B) no company shall be a bank holding company by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis, and (C) no company formed for the sole purpose of participating in a proxy solicitation shall be a bank holding company by virtue of its control of voting rights of shares acquired in the course of such solicitation.

(b) "Company" means any corporation, *partnership,* business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust, but shall not include [(1)] any corporation the majority of the shares of which are owned by the United States or by any State[, or (2) any partnership].

(c) "Bank" means any institution that accepts deposits that the depositor has a legal right to withdraw on demand, but shall not include any organization operating under section 25 or section 25(a) of the Federal Reserve Act, or any organization that does not do business within the United States. "District bank" means any bank organized or operating under the Code of Law for the District of Columbia.

(d) "Subsidiary", with respect to a specified bank holding company, means (1) any company 25 per centum or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by such bank holding company, or is held by it with power to vote; [or] (2) any company the election of a majority of whose directors is controlled in any manner by such bank holding company; *or (3) any company, whose management or policies such bank holding company has the power directly or indirectly to cause the direction of or direct.*

"Total banking assets held by its subsidiary banks" as used in subsection (h) of this section shall include assets held by the bank holding company if it is a bank.

(e) The term "successor" shall include any company which acquires directly or indirectly from a bank holding company shares of any bank, when and if the relationship between such company and the bank holding company is such that the transaction effects no substantial change in the control of the bank or beneficial ownership of such shares of such bank. The board may, by regulation, further define the term "successor" to the extent necessary to prevent evasion of the purposes of this Act.

(f) "Board" means the Board of Governors of the Federal Reserve System.

(g) For the purposes of this Act—

(1) shares owned or controlled by any subsidiary of a bank holding company shall be deemed to be indirectly owned or controlled by such bank holding company;

(2) shares held or controlled directly or indirectly by trustees for the benefit of (A) a company, (B) the shareholders or members of a company, or (C) the employees (whether exclusively or not) of a company, shall be deemed to be controlled by such company; and

(3) shares transferred after January 1, 1966, by any bank holding company (or by any company which, but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor unless the Board, after opportunity for hearing, determines that the transferor is not in fact capable of controlling the transferee.

(h) "Appropriate banking agency" means (1) The Comptroller of the Currency with respect to any bank holding company of which the total banking assets held by its subsidiary banks which are national banks or district banks exceed the total banking assets held by its subsidiary banks which are State-chartered members of the Federal Reserve System and exceed the total banking assets held by its subsidiary banks which are not members of the Federal Reserve System; (2) The Federal Deposit Insurance Corporation with respect to any bank holding company of which the total banking assets held by its subsidiary banks which are State-chartered nonmembers of the Federal Reserve System but whose deposits are insured by the Federal Deposit Insurance Corporation, exceed the total banking assets held by its subsidiary banks which are State-chartered members of the Federal Reserve System; (3) The Board with respect to any bank holding company not included under paragraphs (1) or (2) hereof.

[(h)] (i) The application of this Act and of section 23A of the Federal Reserve Act (12 U.S.C. 371), as amended, shall not be affected by the fact that a transaction takes place wholly or partly outside the United States or that a company is organized or operates outside the United States: *Provided, however,* That the prohibitions of section 4 of this Act shall not apply to shares of any company organized under the laws of a foreign country that does not do any business within the United States, if such shares are held or acquired by a bank holding company that is principally engaged in [the banking] business outside the United States.

ACQUISITION OF BANK SHARES OR ASSETS

SEC. 3. (a) [It] *A company which is not a bank holding company may, with the approval of the Comptroller of the Currency, become a bank holding company with respect to a national bank, or with the approval of the Federal Deposit Insurance Corporation, become a bank holding company with respect to a state bank whose deposits are insured by the Federal Deposit Insurance Corporation but which is not a member of the Federal Reserve System. Except as provided in the preceding sentence it* shall be unlawful, except with the prior approval of the Board, (1) for any action to be taken that causes any company to become a bank holding company; (2) for any action to be taken that causes a bank to become a subsidiary of a bank holding company; (3) for any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 per centum of the voting shares of such bank; (4) for any bank holding company or subsidiary thereof, other than a bank, to acquire all or substantially all of the assets of a bank; or (5) for any bank holding company to merge or consolidate with any other bank holding company. *It shall be unlawful after June 30, 1971, for any company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act of 1969, to retain direct or indirect ownership or control of any bank or bank holding company acquired after March 1, 1969, and prior to the date of enactment of such Act, or of 25 per centum or more of the voting shares of any bank or bank holding company any part of which was acquired after March 1, 1969, and prior to the date of enactment of the Bank Holding Company Act of 1969, unless such retention is approved in the manner prescribed in the two preceding sentences.* Notwithstanding the foregoing this prohibition shall not apply to (A) shares acquired by a bank, (i) in good faith in a fiduciary capacity, except where such shares are held under a trust that constitutes a company as defined in section 2(b) and except as provided in paragraphs (2) and (3) of section 2(g), or (ii) in the regular course of securing or collecting a debt previously contracted in good faith, but any shares required after the date of enactment of this Act in securing or collecting any such previously contracted debt shall be disposed of within a period of two years from the date on which they were acquired; or (B) additional shares acquired by a bank holding company

in a bank in which such bank holding company owned or controlled a majority of the voting shares prior to such acquisition.

(b) Upon receiving from a company any application for approval under this section, the Board shall give notice to the Comptroller of the Currency, if the applicant company or any bank the voting shares or assets of which are sought to be acquired is a national banking association or a District bank, or to the appropriate supervisory authority of the interested State, if the applicant company or any bank the voting shares or assets of which are sought to be acquired is a State bank, and shall allow thirty days within which the views and recommendations of the Comptroller of the Currency or the State supervisory authority, as the case may be, may be submitted. If the Comptroller of the Currency or the State supervisory authority so notified by the Board disapproves the application in writing within said thirty days, the Board shall forthwith give written notice of that fact to the applicant. Within three days after giving such notice to the applicant, the Board shall notify in writing the applicant and the disapproving authority of the date for commencement of a hearing by it on such application. Any such hearing shall be commenced not less than ten nor more than thirty days after the Board has given written notice to the applicant of the action of the disapproving authority. The length of any such hearing shall be determined by the Board, but it shall afford all interested parties a reasonable opportunity to testify at such hearing. At the conclusion thereof, the Board shall by order grant or deny the application on the basis of the record made at such hearing.

(c) [The Board shall not approve] *Neither the Comptroller of the Currency, the Federal Deposit Insurance Corporation, nor the Board shall approve—*

(1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

In every case, [the Board shall take] *there shall be taken* into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

(d) Notwithstanding any other provision of this section, no application shall be approved under this section which will permit any bank holding company or any subsidiary thereof to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of any additional bank located outside of the State in which the operations of such bank holding company's banking subsidiaries were principally conducted on the effective date of this amendment or the date on which such company became a bank holding company, whichever is later, unless the acquisition of such shares or assets of a State bank by an out-of-State bank holding company is specifically authorized by the statute laws of the State in which such bank is located, by language to that effect and not merely by implication. For the purposes of this section, the State in which the operations of a bank holding company's subsidiaries are principally conducted is that State in which total deposits of all such banking subsidiaries are largest.

INTERESTS IN NONBANKING ORGANIZATIONS

SEC. 4. (a) Except as otherwise provided in this Act, no bank holding company shall—

(1) after the date of enactment of this Act acquire direct or indirect ownership or control of any voting shares of any company which is not a bank, or

(2) after two years from the date as of which it becomes a bank holding company, or, in the case of any company that has been continuously affiliated since May 15, 1955, with a company which was registered under the Investment Company Act of 1940, prior to May 15, 1955, in such a manner as to constitute an affiliated company within the meaning of that Act, after December 31, 1978, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or a bank holding company or engage in any [business other than that of banking or of managing or controlling banks or of furnishing services to or performing services for any bank of which it owns or controls 25 per centum or more of the voting shares] *businesses or activities other than (i) those of banking or of managing or controlling banks or of furnishing services to or performing services for any bank with respect to which it is a bank holding company, (ii) those specified under clause (8) of subsection (c) of this section subject to all the conditions specified therein, or (iii) those in which it was lawfully engaged on June 30, 1968, and in which it has been continuously engaged since that date.*

The [Board] *appropriate banking agency* is authorized, upon application by a bank holding company, to extend the period referred to in paragraph (2) above from time to time as to such bank holding company for not more than one year at a time, if, in its judgment, such an extension would not be detrimental to the public interest, but no such extensions shall in the aggregate exceed three years.

(b) After two years from the date of enactment of this Act, no certificate evidencing shares of any bank holding company shall bear any statement purporting to represent shares of any other company except a bank or bank holding company, nor shall the ownership, sale, or transfer of shares of any bank holding company be conditional in any manner whatsoever upon the ownership, sale, or transfer of shares of any other company except a bank or bank holding company.

(c) The prohibitions in this section shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and such prohibitions shall not, with respect to any other bank holding company, apply to—

(1) shares of any company engaged or to be engaged solely in one or more of the following activities: (A) holding or operating properties used wholly or substantially by any banking subsidiary of such bank holding company in the operations of such banking subsidiary or acquired for such future use; or (B) conducting a safe deposit business; or (C) furnishing services to or performing services for such bank holding company or its banking subsidiaries; or (D) liquidating assets acquired from such bank holding company or its banking subsidiaries or acquired from any other source prior to May 9, 1956, or the date on which such company became a bank holding company, whichever is later;

(2) shares acquired by a bank in satisfaction of a debt previously contracted in good faith, but such bank shall dispose of such shares within a period of two years from the date on which they were acquired, except that the Board is authorized upon application by such bank holding company to extend such period of two years from time to time as to such holding company for not more than one year at a time if, in its judgment, such an extension would not be detrimental to the public interest, but no such extensions shall extend beyond a date five years after the date on which such shares were acquired;

(3) shares acquired by such bank holding company from any of its subsidiaries which subsidiary has been requested to dispose of such shares by any Federal or State authority having statutory power to examine such subsidiary, but such bank holding company shall dispose of such shares within a period of two years from the date on which they were acquired;

(4) shares held or acquired by a bank in good faith in a fiduciary capacity, except where such shares are held under a trust that constitutes a company as defined in section 2(b) and except as provided in paragraphs (2) and (3) of section 2(g);

[(5) shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes;]

(5) shares acquired and held in the manner, kinds and amounts specifically permissible for national banks under provisions of Federal statute law and regulations issued pursuant thereto;

(6) shares of any company which do not include more than 5 per centum of the outstanding voting shares of such company;

(7) shares of an investment company which is not a bank holding company and which is not engaged in any business other than investing in securities, which securities do not include more than 5 per centum of the outstanding voting shares of any company;

[(8) shares of any company all the activities of which are or are to be of a financial, fiduciary, or insurance nature and which the Board after due notice and hearing, and on the basis of the record made at such hearing, by order has determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of this section to apply in order to carry out the purposes of this Act;]

(8) shares retained or acquired with the approval of the appropriate banking agency in any company (other than a company engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes or other securities) engaged exclusively in activities that have been determined by unanimous agreement of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board (1) to be financial or related to finance in nature or of a fiduciary or insurance nature, and (2) to be in the public interest when offered by a bank holding company or its subsidiaries.

No retention nor acquisition may be approved under this clause except pursuant to and in accordance with guidelines established by unanimous agreement of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board. In establishing such guidelines consideration shall be given to any potential anti-competitive effects of a bank holding company engaging in any proposed type of activity, and limitations on permissible activities may be established on the basis of any relevant factors, including size of bank holding company or its subsidiary banks, the size of any company to be acquired or retained, and the size of communities in which such activities should be permitted.

The appropriate banking agency shall not approve—

(a) any retention or acquisition under this clause which would result in a monopoly, or which would be in furtherance of any com-

bination or conspiracy to monopolize any part of trade or commerce in any part of the United States, or

(b) any retention or acquisition under this clause whose effect in any line of commerce in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade.

In every case, the appropriate banking agency shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

[(9) shares of any company which is or is to be organized under the laws of a foreign country and which is or is to be engaged principally in the banking business outside the United States; or]

(9) shares lawfully acquired and owned on December 31, 1968, any company organized under the laws of a foreign country and which is engaged principally in banking or other financial operations outside the United States;

(10) shares lawfully acquired and owned prior to May 9, 1956, by a bank which is a bank holding company, or by any of its wholly owned subsidiaries[.];

(11) shares lawfully acquired and owned on June 30, 1968, by any company (or subsidiary thereof) which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act of 1969, so long as the company issuing such shares is not engaging and does not engage in any business or activities other than those in which it or the bank holding company (or its subsidiaries) was lawfully engaged on June 30, 1968;

(12) shares lawfully acquired and owned by a subsidiary of a bank holding company if both the subsidiary and the company issuing, the shares are organized under the laws of a foreign country and do not operate in the United States; or

(13) shares retained or acquired by any company which becomes a bank holding company as a result of the enactment of the Bank Holding Company Act of 1969, but which ceases to be a bank holding company no later than June 30, 1971, or such other date not later than June 30, 1974, as may be fixed by the appropriate banking agency in the manner prescribed in subsection (a) of this section.

(d) With respect to shares which were not subject to the prohibitions of this section as originally enacted by reason of any exemption with respect thereto but which were made subject to such prohibitions by the subsequent repeal of such exemption, no bank holding company shall retain direct or indirect ownership or control of such shares after five years from the date of the repeal of such exemption, except as provided in paragraph (2) of subsection (a). Any bank holding company subject to such five-year limitation on the retention of nonbanking assets shall endeavor to divest itself of such shares promptly and such bank holding company shall report its progress in such divestiture to the Board two years after repeal of the exemption applicable to it and annually thereafter.

ADMINISTRATION

SEC. 5. (a) Within one hundred and eighty days after the date of enactment of this Act, or within one hundred and eighty days after becoming a bank holding company, whichever is later, each bank holding company shall register with the Board on forms prescribed by the Board, which shall include such information with respect to the financial condition and operations, management, and intercompany relationships of the bank holding company and its subsidiaries, and related matters, as the Board may deem necessary or appropriate to carry out the purposes of this Act. The Board may, in its discretion, extend the time within which a bank holding company shall register and file the requisite information. *Information received by the Board pursuant to this subsection shall be made available to the Comptroller of the Currency and the Federal Deposit Insurance Corporation to the extent necessary to enable them to properly perform the functions assigned to them under this Act.*

(b) The Board is authorized to issue such regulations and orders as may be necessary to enable it to administer and carry out the purposes of this Act and prevent evasions thereof. *The Comptroller of the Currency and the Federal Deposit Insurance Corporation are each authorized to issue such regulations and orders as may be necessary to enable them to properly perform the functions assigned to them under this Act.*

(c) The Board from time to time may require reports under oath to keep it informed as to whether the provisions of this Act and such regulations and orders issued thereunder have been complied with; and the Board may make examinations of each bank holding company and each subsidiary thereof, the cost of which shall be assessed against, and paid by, such holding company. The Board shall, as far as possible, use the reports of examinations made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the appropriate State bank supervisory authority for the purposes of this section. *The authority granted herein to the Board is hereby granted also to the Comptroller of the Currency and the Federal Deposit Insurance Corporation to the extent necessary to enable them to properly perform the functions assigned to them under this Act.*

(d) Before the expiration of two years following the date of enactment of this Act, and each year thereafter in the Board's annual report to the Congress, the Board shall report to the Congress the results of the administration of this Act, stating what, if any, substantial difficulties have been encountered in carrying out the purposes of this Act, and any recommendations as to changes in the law which in the opinion of the Board would be desirable.

RESERVATION OF RIGHTS TO STATES

SEC. 7. The enactment by the Congress of the Bank Holding Company Act of 1956 shall not be construed as preventing any State from exercising such powers and jurisdiction which it now has or may hereafter have with respect to banks, bank holding companies, and subsidiaries thereof.

PENALTIES

SEC. 8. Any company which willfully violates any provision of this Act, or any regulation or order issued [by the Board] pursuant thereto, shall upon conviction be fined not more than $1,000 for each day during which the violation continues. Any individual who willfully participates in a violation of any provision of this Act shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both. Every officer, director, agent, and employee of a bank holding company shall be subject to the same penalties for false entries in any book, report, or statement of such bank holding company as are applicable to officers, directors, agents, and employees of member banks for false entries in any books, reports, or statements of member banks under section 1005 of title 18, United States Code.

JUDICIAL REVIEW

SEC. 9. Any party aggrieved by an order [of the Board] *issued* under this Act may obtain a review of such order in the United States Court of Appeals within any circuit wherein such party has its principal place of business, or in the Court of Appeals in the District of Columbia, by filing in the court, within thirty days after the entry of the [Board's] order, a petition praying that the order [of the Board] be set aside. A copy of such petition shall be forthwith transmitted to the [Board] *agency issuing the order* by the clerk of the court, and thereupon the [Board] *agency* shall file in the court the record made before [the Board] *it*, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have the jurisdiction to affirm, set aside, or modify the order [of the Board] and to require the [Board] *agency issuing such order* to take such action with regard to the matter under review as the court deems proper. The findings of the [Board] *agency* as to the facts, if supported by substantial evidence, shall be conclusive.

* * * * *

SAVING PROVISION

SEC. 11. (a) Nothing herein contained shall be interpreted or construed as approving any act, action, or conduct which is or has been or may be in violation of existing law, nor shall anything herein contained constitute a defense to any action, suit, or proceeding pending or hereafter instituted on account of any prohibited antitrust or monopolistic act, action, or conduct, except as specifically provided in this section.

(b) The Board shall immediately notify the Attorney General of any approval by it pursuant to this Act of a proposed acquisition, merger, [or] consolidation *or other* transaction, *by which a bank holding company acquires a bank (hereinafter referred to as a "bank acquisition")*, and such [transaction] *a bank acquisition* may not be consummated before the thirtieth calendar day after the date of approval by the Board. Any action brought under the antitrust laws arising out of an [acquisition, merger, or consolidation transaction] *bank acquisition* shall be commenced within such thirty-day period. The commencement of such an action shall stay the effectiveness of the Board's approval unless the court shall otherwise specifically order. In any such action, the court shall review de novo the issues presented. In any judicial proceeding attacking any [acquisition, merger, or consolidation transaction] *bank acquisition* approved pursuant to this Act on the ground that such transaction alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), the standards applied by the court shall be identical with those that the Board is directed to apply under section 3 of this Act. Upon the consummation of an [acquisition, merger, or consolidation transaction] *bank acquisition* in compliance with this Act and after the termination of any antitrust litigation commenced within the period prescribed in this section, or upon the termination of such period if no such litigation is commenced therein, the transaction may not thereafter be attacked in any judicial proceedings on the ground that it alone and of itself constituted a violation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2), but nothing in this Act shall exempt any bank holding company involved in such a transaction from complying with the antitrust laws after the consummation of such transaction.

(c) In any action brought under the antitrust laws arising out of any acquisition, merger, or consolidation transaction approved by the Board pursuant to this Act, the Board and any State banking supervisory agency having jurisdiction within the State involved, may appear as a party of its own motion and as of right, and be represented by its counsel.

(d) Any acquisition, merger, or consolidation of the kind described in section 3(a) of this Act which was consummated at any time prior or subsequent to May 9, 1956, and as to which no litigation was initiated by the Attorney General prior to the date of enactment of this amendment, shall be conclusively presumed not to have been in vio-

lation of any antitrust laws other than section 2 of the Act of July 2, 1890 (section 2 of the Sherman Antitrust Act, 15 U.S.C. 2).

(e) Any court having pending before it on or after the date of enactment of this amendment any litigation initiated under the antitrust laws by the Attorney General with respect to any acquisition, merger, or consolidation of the kind described in section 3(a) of this Act shall apply the substantive rule of law set forth in section 3 of this Act.

(f) For the purposes of this section, the term "antitrust laws" means the Act of July 2, 1890 (the Sherman Antitrust Act, 15 U.S.C. 1–7), the Act of October 15, 1914 (the Clayton Act, 15 U.S.C. 12–27), and any other Acts in pari materia.

(g) The appropriate banking agency shall notify the Attorney General of any application received by it under section 4(c)(8) of this Act.

(h) Each appropriate banking agency shall include in its annual report to the Congress a description and a statement of the reasons for approval of each transaction approved by it under section 4(c)(8) of this Act during the period covered by the report.

SEPARABILITY OF PROVISIONS

SEC. 12. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

NEW LAW—BANK HOLDING COMPANY ACT OF 1969

Sec. 3. (a) No bank holding company or subsidiary of a bank holding company may in any manner extend credit, lease or sell property of any kind, or furnish any service, or fix or vary the consideration for any of the foregoing, on the condition, agreement, or understanding.

(A) that the customer shall obtain some other credit, property, or service from the bank holding company or subsidiary of the bank holding company; or

(B) that the customer shall not obtain credit, property, or services from a competitor of the bank holding company or subsidiary of the bank holding company.

(b) The district courts of the United States have jurisdiction to prevent and restrain violations of subsection (a) of this section, and it is the duty of the United States attorneys, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. The proceedings may be by way of a petition setting forth the case and praying that the violation be enjoined or otherwise prohibited. When the parties complained of have been duly notified of the petition, the court shall proceed, as soon as may be, to the hearing and determination of the case. While the petition is pending, and before final decree, the court may at any time make such temporary restraining order or prohibition as it deems just in the premises. Whenever it appears to the court that the ends of justice require that other parties be brought before it, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

(c) In any action brought by or on behalf of the United States under subsection (a) of this section, subpoenas for witnesses may run into any district, but no writ of subpoena may issued for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown.

(d) Any person who is injured in his business or property by reason of anything forbidden in subsection (a) of this section may sue therefor in any district court of the United States in which the defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

(e) Any person, firm, corporation, or association may sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by violation of subsection (a) of this section, under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

(f) Any action to enforce any cause of action under this section shall be forever barred unless commenced within four years after the cause of action accrued.

UNDERSEA HABITAT READY FOR OCCUPANCY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. SHIPLEY) is recognized for 10 minutes.

Mr. SHIPLEY. Mr. Speaker, Tektite I officials announced recently that the undersea habitat which will be home and laboratory for four aquanaut-scientists for 60 continuous days, has been put in place on the ocean floor and is ready for occupancy; the announcement was made after the aquanauts completed a few hours "live in" in the habitat as a prelude to their long undersea stay. Emplacement was made at a depth of 45 feet in the waters of Great Lameshur Bay off the coast of the Virgin Islands National Park on St. John Island.

Tektite I is the first "scientist-in-the-sea" program in which four scientists will conduct marine research while living on the ocean bottom for 2 months. This is the longest undersea stay ever attempted by a group of aquanauts, and will be the longest known saturation dive. The program, under the technical management of the Office of Naval Research, is a joint Government-industry effort by the Navy, the National Aeronautics and Space Administration, the Department of the Interior, and the General Electric Co.

The habitat, designed, built, and furnished to the program by GE's missile and space division, Valley Forge, Pa., was placed on the bottom by a Navy Seabee detachment out of Little Creek, Va. The Seabees used a specially designed pontoon barge which is flooded to lower the habitat to the sea floor. They also constructed a semipermanent base camp near the site for the support operation.

The habitat consists of two vertical cylinders mounted on a base and connected in the center by a tube 4½ feet in diameter. Each cylinder is about 18 feet high and 12½ feet in diameter and contains two compartments, one above the other. On top of one cylinder is a 5-foot high cupola for observation purposes.

The dual objective of the Tektite program is to conduct extensive marine science experiments on the ocean floor and to study and observe individual and group behavior of a small crew engaged in a mission of long duration while confined to a relatively hazardous environment.

The four aquanaut-scientists, all from the Department of the Interior, will be in virtual isolation during their stay. Food for the 60-day mission has been stored in the habitat. There will be no visits to the habitat made by topside personnel. Air, water, power, and communications will be furnished by umbilicals from the topside command and support barge. The scientists will be monitored constantly by closed-circuit television, both inside—four cameras—and outside—two cameras—the habitat, and open microphones inside the habitat.

Three of the men are from Interior's Bureau of Commercial Fisheries. They are Richard A. Waller, 34, oceanographer and team leader; Conrad V. W. Mahnken, 31, oceanographer; and John G. Van Derwalker, 32, fishery biologist. The fourth man, Dr. H. Edward Clifton, 34, is a geologist with Interior's Geological Survey.

The aquanaut-scientists will study the distribution, feeding habits, daily migrations, reproduction patterns, growth, survival, and other important factors in the life cycle of many marine organisms. Such observations are extremely difficult to make from the surface and long-term, continuous observation has not been possible before. This information will be useful in harvesting the food supply of the sea without overexploiting it. One of the organisms to be studied is the spiny lobster, the source of what is commonly known as "lobster tails" and a different species from the Northern or Maine lobster.

In addition, there will be continuous observation of the geological structure of the sea bottom in Lameshur Bay. Analysis of sediments, studies of reef formation and destruction, reworking of the sediments by marine organisms, and similar studies will provide clues for eventually locating and recovering mineral resources from the sea.

The behavioral studies are designed to gather a multitude of data ranging from the amount of food consumed by the aquanauts to subtle changes in their moods at different times. In addition to television observation, behavioral data will be obtained by recording their brain waves while they sleep as well as analyzing work performed. These data will be useful in the selection and training of crews for future long-term, undersea, and space missions.

POSTAL WORKERS LABOR-MANAGEMENT ACT OF 1969

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, today I am introducing a bill which will give to all postal employees a fair chance for proper representation and improved employee-management relations.

This bill expresses a similar goal to legislation previously introduced by my

distinguished colleague (Mr. DULSKI) and I would like to join him in seeking favorable action from Congress.

President Kennedy issued an Executive order on January 18, 1962, recognizing Federal employee unions for purposes of representation of worker grievances and other labor-management concerns. Since this time, although the goals of this Executive order were accepted as being eminently reasonable and worthwhile, Congress has failed to insure the permanent establishment of the policy embodied in the President's statement by enacting legislation. The time has come to establish labor-management relations on a legislative, statutory basis.

In brief, Mr. Speaker, the bill would require the Post Office Department to grant recognition to employee unions submitting a membership list of over 50 percent of the total number of employees within the unit. It states the rights of these unions to bargain, sets up a code of fair labor practices, and provides for an independent Postal Labor-Management Relations Panel with power to make rules, to investigate and to afford relief in labor-management disputes.

Participation of postal employees, through labor organizations, with management in decisions which affect them is not merely in furtherance of our democratic ideals, but contributes significantly to the effective conduct of the business of the Post Office Department.

I urge the Congress to give early acceptance to this legislation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN (at the request of Mr. PETTIS), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. SHIPLEY (at the request of Mr. ALBERT), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PETTIS) and to include extraneous matter:)

Mr. GUBSER.
Mr. WYATT in five instances.
Mr. ASHBROOK.
Mr. BERRY.
Mr. EDWARDS of Alabama.
Mr. QUILLEN in four instances.
Mr. WATSON in two instances.
Mr. CRAMER in two instances.
Mr. HOSMER in two instances.
Mr. PELLY.
Mr. MILLER of Ohio.
Mr. MIZE.
Mr. BRAY in two instances.
Mr. SCHERLE in two instances.
Mrs. REID of Illinois.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. JONES of Alabama in two instances.
Mr. FALLON.
Mr. KASTENMEIER.
Mr. ANNUNZIO in two instances.
Mr. BARING.
Mr. REES in two instances.
Mr. VANIK in two instances.
Mr. GARMATZ.
Mr. RARICK in four instances.
Mr. FLOOD in two instances.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, March 25, 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:

606. A communication from the Comptroller General of the United States, transmitting a report on the audit of the Federal Crop Insurance Corporation, fiscal year 1968, Department of Agriculture (H. Doc. No. 91–90); to the Committee on Government Operations and ordered to be printed.

607. A communication from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for "Salaries and expenses," Agricultural Research Service, 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 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.

608. A communication from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Veterans' Administration for "Compensation and pensions," for the fiscal year 1969, has been apportioned on a basis which indicates the necessity for a further supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

609. A communication from the Deputy Secretary of Defense, transmitting a report that various appropriations were exempted by the President from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, pursuant to the provisions of section 512 of the Department of Defense Appropriation Act, 1969; to the Committee on Appropriations.

610. A communication from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1 through December 31, 1968, pursuant to the provisions of section 519 of Public Law 90–580; to the Committee on Appropriations.

611. A communication from the Secretary of the Army, transmitting the semiannual report of the Department of the Army on contracts for military construction awarded without formal advertisement, for the period July 1 through December 31, 1968, pursuant to the provisions of section 804 of Public Law 90–408; to the Committee on Armed Services.

612. A communication from the Comptroller General of the United States, transmitting a report on the opportunity for savings by increasing transfers of excess property among Federal agencies; to the Committee on Government Operations.

613. A communication from the Comptroller General of the United States, transmitting a report on the donation of surplus mercury for educational and public health purposes, Department of Health, Education, and Welfare; to the Committee on Government Operations.

614. A communication from the Acting Comptroller General of the United States, transmitting a report on the followup review of per diem payments to prospective crew members of ships under construction in New Orleans, La., Department of the Navy; to the Committee on Government Operations.

615. A communication from the Acting Comptroller General of the United States, transmitting a report on the policies and procedures for recommending emergency area designations by the Farmers Home Administration, Department of Agriculture; to the Committee on Government Operations.

616. A communication from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize payment of travel expenses of applicants invited by an agency to visit it in connection with possible employment; to the Committee on Government Operations.

617. A communication from the Chairman, Federal Communications Commission, transmitting the 34th annual report of the Commission for fiscal year 1968; to the Committee on Interstate and Foreign Commerce.

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. MAHON: Committee on Appropriations. House Joint Resolution 584. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes (Rept. No. 91–112). Referred to the Committee on the Whole House on the State of the Union.

Mr. DAWSON: Committee on Government Operations. Permit for landfill in Hunting Creek: A debacle in conservation (Rept. No. 91–113). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 514. A bill to extend programs of assistance for elementary and secondary education, and for other purposes; with amendment (Rept. No. 91–114). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 9355. A bill to amend title 10 of the United States Code so as to provide for the awarding of a "Supreme Sacrifice Medal" to relatives of members of the Armed Forces killed in Vietnam; to the Committee on Armed Services.

By Mr. BROYHILL of Virginia:

H.R. 9356. A bill to provide increased annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

H.R. 9357. 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.

H.R. 9358. A bill to amend the Internal Revenue Code of 1954 to increase the credit against tax for retirement income; to the Committee on Ways and Means.

By Mrs. CHISHOLM:

H.R. 9359. A bill to amend the act entitled "An act to provide for the establishment of the Frederick Douglas home as a part of the park system in the National Capital, and for other purposes," approved September 5, 1962; to the Committee on Interior and Insular Affairs.

By Mr. DIGGS:

H.R. 9360. 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. DUNCAN:

H.R. 9361. A bill to extend public health protection with respect to cigarette smoking and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 9362. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. FISHER:

H.R. 9363. 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. FLOOD:

H.R. 9364. A bill to amend title 38, United States Code, to provide for the payment of pensions to veterans of World War I; to the Committee on Veterans' Affairs.

By Mr. FOREMAN:

H.R. 9365. A bill to provide specific and additional penalties for the use or carrying of firearms in the commission of crimes; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 9366. A bill to change the limitation on the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes; to the Committee on House Administration.

By Mr. HALPERN:

H.R. 9367. A bill to provide for improved employee-management relations in the postal services, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KING:

H.R. 9368. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. McKNEALLY:

H.R. 9369. A bill to provide for the issuance of a commemorative postage stamp in honor of Gen. Douglas MacArthur; to the Committee on Post Office and Civil Service.

By Mr. MONAGAN:

H.R. 9370. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 9371. 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. REID of Illinois:

H.R. 9372. 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.

H.R. 9373. A bill to require mailing list brokers to register with the Postmaster General, and suppliers and buyers of mailing lists to furnish information to the Postmaster General with respect to their identity and transactions involving the sale or exchange of mailing lists, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H.R. 9374. A bill to amend the Railroad Retirement Act of 1937 to provide a 20-percent, across-the-board increase in annuities and pensions thereunder (with a minimum retirement annuity of $80 a month), to provide for subsequent automatic increases in such annuities and pensions based on rises in the cost of living, and to finance the cost of these changes out of the general revenues; to the Committee on Interstate and Foreign Commerce.

H.R. 9375. A bill to amend title II of the Social Security Act to provide a 20-percent, across-the-board increase in benefits thereunder (with a minimum primary benefit of $80 a month), to provide for subsequent automatic increases in such benefits based on rises in the cost of living, and to finance the cost of these changes out of the general revenues; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 9376. 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. ROBISON:

H.R. 9377. 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. ROGERS of Florida:

H.R. 9378. A bill to prohibit the dissemination through interstate commerce or the mails of material harmful to persons under the age of 18 years, and to restrict the exhibition of movies or other presentations harmful to such persons; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 9379. 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. SCHEUER:

H.R. 9380. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; to the Committee on Education and Labor.

By Mr. SKUBITZ:

H.R. 9381. 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. VANIK (for himself, Mr. FEIGHAN, Mr. ADAMS, Mr. BINGHAM, Mr. BOLAND, Mr. DIGGS, Mr. DONOHUE, Mr. FARBSTEIN, Mr. GONZALEZ, Mrs. GRIFFITHS, Mr. HALPERN, Mr. HELSTOSKI, Mr. KLUCZYNSKI, Mr. MADDEN, Mr. McCARTHY, Mr. MIKVA, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. PATTEN, Mr. PODELL, Mr. PRICE of Illinois, Mr. REES, Mr. REID of New York, Mr. ROSENTHAL, and Mr. STOKES):

H.R. 9382. A bill to establish a pollution disaster fund, and for other purposes; to the Committee on Public Works.

By Mr. WATSON:

H.R. 9383. A bill to provide that daylight saving time shall end on the first Sunday following the first Monday of September of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 9384. 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. WIDNALL:

H.R. 9385. A bill to broaden the definition of bank holding companies, and for other purposes; to the Committee on Banking and Currency.

By Mr. MAHON:

H.J. Res. 584. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes; to the Committee on Appropriations.

By Mr. ADAIR:

H.J. Res. 585. Joint resolution designating February as "American History Month"; to the Committee on the Judiciary.

By Mr. BARING:

H.J. Res. 586. 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. KING:

H.J. Res. 587. 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. SKUBITZ (for himself and Mr. SHRIVER):

H. Con. Res. 180. Concurrent resolution expressing the profound concern of the Congress to the proposed consumption taxes of the European Economic Community on oilseed products; to the Committee on Ways and Means.

By Mr. WATSON:

H. Con. Res. 181. Concurrent resolution urging the United States to continue opposition to admission of Red China to the United Nations; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

84. By the SPEAKER: Memorial of the House of Representatives of the State of Washington, relative to equal rights for the membership of the Colville Indian Reservation; to the Committee on Interior and Insular Affairs.

85. Also, memorial of the Legislature of the State of Nevada, relative to Federal interference with State administration of welfare programs; 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. ADAIR:

H.R. 9386. A bill for the relief of Lt. Col. Lyle G. Frost, U.S. Air Force; to the Committee on the Judiciary.

By Mr. BROWN of California:

H.R. 9387. A bill for the relief of Rodolfo Perez Camarena; to the Commitee on the Judiciary.

By Mr. BURTON of California.

H.R. 9388. A bill for the relief of Emanuel Ambeliotis; to the Committee on the Judiciary.

H.R. 9389. A bill for the relief of Maria Athanassiou; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 9390. A bill to confer jurisdiction on the U.S. Court of Claims to hear, determine, and render judgment on the claim of Olin G. Smith against the United States; to the Committee on the Judiciary.

By Mr. ECKHARDT:

H.R. 9391. A bill for the relief of Mrs. Maria Socorro Bolick de Maddux; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H.R. 9392. A bill for the relief of Dr. Elmo Moscoso Gayoso and his wife, Dr. Ofelia Gon-

zales Loot Gayoso; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 9393. A bill for the relief of Seth J. Edwards, Jr.; to the Committee on the Judiciary.

H.R. 9394. A bill for the relief of Dr. Shuhsien Liu; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 9395. A bill for the relief of Joao de Avila; to the Committee on the Judiciary.

H.R. 9396. A bill for the relief of Mr. and Mrs. Onofrio Milazzo and their children, Angela and Antonio; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 9397. A bill for the relief of Margarida Aldora Correia dos Reis; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 9398. A bill for the relief of Dr. Guillermo Del Castillo, Jr., and his wife, Mercedes Del Castillo; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 9399. A bill for the relief of Ivy May Budhai; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 9400. A bill for the relief of Rogelio Antonio Anglin; to the Committee on the Judiciary.

H.R. 9401. A bill for the relief of Arrindell Oswald Thompson; to the Committee on the Judiciary.

By Mr. ROGERS of Florida (by request):

H.R. 9402. A bill for the relief of Lt. Col. Robert W. Stewart, Jr., U.S. Air Force; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 9403. A bill for the relief of Genoveffa Siano Ruocco; to the Committee on the Judiciary.

SENATE—*Monday, March 24, 1969*

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

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

Almighty God, infinite, eternal, and unchangeable, who hast brought us to the beginning of another week, we thank Thee for the changing beauty of the world about us and for the silent spaces of the soul within us. We thank Thee for those things which eye hath not seen, nor ear heard, which belong to the pure in heart who know Thee. Help us, O Lord, to meet Thee not only in the moment of prayer, but in the call of duty and the toil of the day. Confer upon each Member of this House a full measure of Thy spirit—a wise mind, a just conscience and a loving heart. Keep us loyal to every hallowed memory of the past and open to every high vision of the future.

O Thou, who has made and preserved us a nation, grant that our strength may be in righteousness and justice, and fit us to be the servant people of all mankind.

In Thy holy name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 20, 1969, be dispensed with.

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

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of March 20, 1969, the Secretary of the Senate, on March 20, 1969, received a message in writing from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nomination received on March 20, 1969, see the end of proceedings of today, March 24, 1969.)

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON ACTIVITIES IN 1968 UNDER THE FEDERAL DISASTER ACT—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I hereby transmit the annual report of federal activity under authority of the Federal Disaster Act (Public Law 875, 81st Congress, as amended). Such a report is required by Section 8 of that law.

Funds which have been used to support these activities are specifically appropriated to the President for purposes of disaster relief.

RICHARD NIXON.

THE WHITE HOUSE, *March 24, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, was read twice by its title and referred to the Committee on Agriculture and Forestry.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of morning business, I be recognized for a period not to exceed 20 minutes.

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

Mr. MANSFIELD. And that immediately upon the conclusion of my remarks, the distinguished Senator from Tennessee (Mr. BAKER) be recognized for 1 hour.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

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